

Dodging clean up costs

Six tricks coal mining companies play

**REHABILITATE : TO RESTORE TO A GOOD CONDITION...
REGENERATE, OR ALTER TO AN IMPROVED FORM
– MACQUARIE DICTIONARY**

About Environmental Justice Australia

Environmental Justice Australia (formerly the Environment Defenders Office, Victoria) is a not-for-profit public interest legal practice. Funded by donations and independent of government and corporate funding, our legal team combines a passion for justice with technical expertise and a practical understanding of the legal system to protect the environment.

We act as advisers and legal representatives to the environment movement, pursuing court cases to protect our shared environment. We work with community-based environment groups, regional and state environmental organisations, and larger environmental NGOs. We provide strategic and legal support to their campaigns to address climate change, protect nature and defend the rights of communities to a healthy environment.

While we seek to give the community a powerful voice in court, we also recognise that court cases alone will not be enough. That's why we campaign to improve our legal system. We defend existing, hard-won environmental protections from attack. We also pursue new and innovative solutions to fill the gaps and fix the failures in our legal system to clear a path for a more just and sustainable world.

About the Climate & Finance Program

Environmental Justice Australia's **Climate & Finance Program** investigates strategic and legal avenues for stakeholders to ensure companies and financiers take into account their climate impacts. We also help people understand the impact of climate change policies on business as the world transitions to renewable energy.

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Introduction

This report looks at six methods that coal companies operating in Australia currently use to avoid, minimise or delay their rehabilitation obligations in New South Wales and Queensland. The existing legal framework and it seems, those overseeing it, allow public and private companies to game the system by avoiding their rehabilitation responsibilities. The result is unnecessary, and in some cases extreme, costs that are borne by the taxpayer when proper rehabilitation is performed.

As demand for coal falters and prices fall, mine closure looms, and the prospect of rehabilitation becomes a reality for most coal miners. Established, well-resourced coal companies are rapidly exiting their coal positions¹ and there is a trend for inexperienced, newly created companies to buy marginally profitable mines, all of which will require rehabilitation.² The case studies in this report, all within the last two years, illustrate the methods companies successfully employ to avoid, minimise or indefinitely postpone rehabilitation obligations. We include two additional case studies about banks and minnows purchasing unprofitable mines. One shows how ANZ bank nudged an ASX-listed coal company towards insolvency and then transferred its obligations to pay for financial assurance to a major shareholder of the company. The other case study details how a start-up company avoided scrutiny of its technical and financial capabilities when it took over a coal mine in Queensland.

Despite the dictionary definition of ‘rehabilitation’, rehabilitation does not necessarily require restoring a mine to its former state or to a condition of health or useful and constructive activity.³ In some instances, the site simply needs to be ‘safe’.⁴ Voids may not need to be refilled and prime agricultural land or state forest may not need to be restored to its former glory – and in many cases excessive disturbance caused by mining makes this impossible.

Before mining operations commence, coal companies typically commit to a ‘rehabilitation management plan’ in order to comply with the licences it needs to operate. A promise to rehabilitate will also go to a miner’s social licence. However, proper rehabilitation can be expensive. There is tension between companies acting in the best interests of their shareholders⁵ and committing to an expensive, but adequate, clean up.

In New South Wales and Queensland, where most of Australia’s coal mines are located, rehabilitation costs are secured by bank guarantees. This system provides benefit to both coal miners and the state. Miners do not pay any money to the government but organise a bank to provide a guarantee. The guarantees are often secured by the mine itself and serviced by a yearly fee.⁶ This frees up capital for mining operations. In turn, governments receive a very solid third party guarantee for rehabilitation costs in case the mining company is unable to meet its obligations. Unfortunately in many instances bank guarantees are insufficient and there is a risk that tax payers will foot the bill to rehabilitate land if a company goes bankrupt.⁷ Alternatively, sites may never be rehabilitated.

Other issues arise. For example, companies strive to minimise rehabilitation costs as well as keep those costs off their balance sheets. Doing so enables the companies to keep operating in times of financial distress despite looming rehabilitation liabilities.

- 1 For example, Anglo American coal in its 24 July 2015 results presentation said it was ‘clearly under pressure’ (p2) and would be ‘eliminating’ projects in order to reduce its 55 predominantly coal mining assets to 40 within the next year (p3). Presentation available at: <http://www.angloamerican.com/~media/Files/A/Anglo-American-PLC-V2/presentations/2015pres/2015-interim-results-conference-call-transcript.pdf>. In its 16 February 2016 presentation Anglo said it expects to dispose of \$3 billion to \$4 billion in assets by the end of 2016, a large proportion of which was Australian coal assets (p14). Conditional sales agreements were in place for Dartbrook and Callide mines (p52). Available at: <http://www.angloamerican.com/~media/Files/A/Anglo-American-PLC-V2/presentations/2016pres/2015-preliminary-results-presentation-v2.pdf>. Anglo stated it would decrease its assets to 16, paving the way for a complete exit from coal: <http://www.smh.com.au/business/mining-and-resources/anglo-american-paves-way-for-australian-coal-exit-20160216-gmvm3l.html>
- 2 Example 1: the conditional agreement for Sekitan Resources Pty Ltd, a company registered on 6 May 2015, agreeing to purchase Peabody’s Wilkie Creek coal mine (in care maintenance) on 15 July 2015 for \$10 million. Example 2: the conditional purchase of the Callide Coal mine from Anglo American, possibly for around \$750,000, by Batchfire Resources Pty Ltd, a company registered 29 July 2015, announced on 20 January 2016.
- 3 Despite, for example, the word ‘rehabilitation’ appearing 110 times in the *Environment Protection Act 1994 (Qld)* and not being defined (word count includes statute contents and headings). In accordance with principles of statutory interpretation the word ‘rehabilitation’ should take on its ‘ordinary and natural’ meaning: *Amalgamated Society of Engineers v Adelaide Steamship* (1920) 28 CLR 129 at 161-2 Higgins J. The ‘ordinary and natural’ meaning can be found by consulting dictionaries: *State Chamber of Commerce and Industry v Commonwealth* (1987) 163 CLR 329; *ACCC v Lux* [2004] FCA 926.
- 4 A recent example in NSW is Anglo American’s Drayton Mine Operations Plan that proposes voids to be left as permanent sinks for groundwater which will become saline over time.
- 5 *Corporations Act 2001* (Cth) s 180.
- 6 Department of Natural Resources and Mines, Queensland, 2014, ‘Reform of Queensland’s financial assurance system, Discussion Paper’, p7.
- 7 For example, see Queensland Audit Office, *Environmental regulation of the resources and waste industries*, Report 15 :2013-2014, p3: “As the financial assurance is often insufficient to cover the estimated cost of rehabilitation, the state is left with an increasing legacy of sites that are not rehabilitated”. Available at: www.qao.qld.gov.au/files/file/Reports%20and%20publications/Reports%20to%20Parliament%202013-14/RtP15Environmentalregulationoftheresourcesandwasteindustries.pdf; discounts of 30% are available on financial assurance in Queensland and GST is not included in the financial assurance amount: Guideline ESR/2015/1758 ‘Financial assurance under the Environmental Protection Act 1994’, pp23, 26 <https://www.ehp.qld.gov.au/assets/documents/regulation/era-gl-financial-assurance-ep-act.pdf>

Six ways to avoid rehab

#1 CARE AND MAINTENANCE

This is the term for putting a coal mine in mothballs. It's on the spectrum somewhere between digging and closing down. At least one private law firm acknowledges that it is 'not surprising' that companies are placing mines into care and maintenance in the current economic climate.⁸ When a mine is in care and maintenance, its operator ostensibly waits for the saleable price of its product to increase so the mine can start producing again. As such, the mine does not need to be rehabilitated and future costs stay off the balance sheet. In Queensland, the term 'care and maintenance' is not defined in legislation.⁹ A mine could be in care and maintenance in perpetuity, or until the mining company goes bankrupt.¹⁰

The Queensland Audit Office (2014) recognised that government responsibility for mines in care and maintenance is unclear which has led to inter-departmental disputes.¹¹ The company controls whether the site is in 'care and maintenance' and those sites appear to be handled by the Department of Natural Resources and Mines. Environmentally speaking, the only requirement is to comply with 'care and maintenance' provisions. Thus, it appears difficult for the government push mines from 'care and maintenance' into rehabilitation.¹² As at July 2013 in Queensland some 104 mines were in care and maintenance.¹³ In contrast, approximately 60 large-scale coal mines were in operation¹⁴ and between 15,000 and 17,000 mines of all types had been 'abandoned' in Queensland.¹⁵ There are approximately 50,000 abandoned mines in Australia.¹⁶

8 Gilbert + Tobin Lawyers, *Issues to consider when taking a decision to put a mine on 'care and maintenance'*, December 2014, p2: 'In these times of falling commodity prices, constrained debt and equity markets and high visibility cost reduction strategies, it is not surprising that a number of mining companies are considering placing their mining projects on care and maintenance. Available at: http://www.gtlaw.com.au/sites/default/files/32940881_2_Gilbert-Tobin-Mining-Care-and-Maintenance-December-2014.pdf

9 Queensland Audit Office, *Environmental regulation of the resources and waste industries*, Report 15 :2013-2014, (QAO (2014)) p3. Available at: www.qao.qld.gov.au/files/file/Reports%20and%20publications/Reports%20to%20Parliament%202013-14/RtP15Environmentalregulationoftheresourcesandwasteindustries.pdf

10 QAO (2014), p42 citing an example of a mine in care and maintenance since 1998.

11 QAO (2014), p3: 'There is no clear definition of care and maintenance sites and there are a lack of protocols between EHP [Queensland Department of Environment and Heritage Protection] and NRM [Queensland Department of Natural Resources and Mines] about the management of these sites. This results in sites remaining in care and maintenance while the departments dispute over the administrative and regulatory responsibility for the site.'

12 Public Briefing - Examination of the Environmental Protection (Chain of Responsibility) Amendment Bill 2016, 18 March 2016, Agriculture and Environment Committee, Queensland, the tension between EHP and NRM is clear. At page 6: 'There is care and maintenance but, generally speaking, that is the operation of the company itself. I will need to be a bit cautious here because I am straying into areas that are handled often by the Department of Natural Resources and Mines as well because they manage what is called the Abandoned Mines Program. I need to distinguish from that. With respect to care and maintenance, if a site is in care and maintenance and is being taken care of and is being maintained then really this bill is where environmental obligations are not being maintained or are not being care for.' Available here: <http://www.parliament.qld.gov.au/documents/committees/AEC/2016/10-EnviroProtCoRAB2016/10-trms-pb18Mar2016.pdf>

13 QAO (2014) p3.

14 Data taken from www.australianminesatlas.gov.au

15 QAO (2014), p1; Department of Natural Resources and Mines, Queensland, 2014, 'Reform of Queensland's financial assurance system, Discussion Paper', p5. The number of mines successfully rehabilitated is unknown.

16 <https://theconversation.com/what-should-we-do-with-australias-50-000-abandoned-mines-18197>



Mothballed: Vague laws mean mines in 'care and maintenance' do not need to be rehabilitated

#2 EXTRACT UNTIL CASH RESERVES RUN DRY

In February 2016 Goldman Sachs recognised that if a mine is running at a loss and expects to keep doing so, instead of ceasing operations, getting a start on rehabilitation and paying out workers' entitlements, there is a financial advantage to the company to keep operating the mine until the company's cash reserves run out.¹⁷ Of course, while the mine is operational, there is always the hope that the mining cycle will rebound. That seems unlikely in the current circumstances as many analysts recognise coal is in structural decline.¹⁸ If governments do not have sufficient financial assurance for the total rehabilitation costs, the site may never be rehabilitated or the taxpayer will foot the bill.¹⁹ With respect to climate change coal-producing, loss-making mines keep coal markets oversupplied and prices low, encouraging more short-term coal use instead of cleaner alternatives.²⁰



Economics can favour keeping coal mines operational until the money runs out – creating a rehabilitation cost risk for taxpayers when the company goes bankrupt

¹⁷ Jeffrey Currie, *Why miners have it worse than oil producers*, Goldman Sachs, February 2016. Quotes available from www.bloomberg.com/news/articles/2016-02-01/goldman-here-s-why-miners-have-it-worse-than-oil-producers

¹⁸ For example, Citi believes thermal coal is in structural decline: J Conroy, 'Citi says thermal coal in 'structural decline'', 29 May 2015, Business Spectator, available at <http://www.businessspectator.com.au/news/2015/5/29/energy-markets/citi-says-thermal-coal-structural-decline>

¹⁹ QAO (2014), p4: 'The financial assurance held by the state [Qld] has historically been insufficient to cover the estimated rehabilitation costs ... The amount of financial assurance requested is not always the amount calculated as necessary for rehabilitation, meaning sites remain with insufficient financial assurance. This leaves the state exposed, should the environmental authority holder go into administration. Where financial assurance held by EHP and NRM is insufficient to cover the costs of rehabilitation, the departments are reluctant to take appropriate action to revoke permits and claim financial assurance. This risks future environmental damage, which could result in rehabilitation and management costs to the state.'

²⁰ Jeffrey Currie, *Why miners have it worse than oil producers*, Goldman Sachs, February 2016. Quotes available from www.bloomberg.com/news/articles/2016-02-01/goldman-here-s-why-miners-have-it-worse-than-oil-producers

#3 DON'T REHABILITATE

In 2015, the New South Wales state government conceded it would cost \$2 billion to fill in just one single void at Rio Tinto's Mount Thorley coal mine. Since the amount was so high, a spokesman said, 'it would not be reasonable to impose a condition that requires Rio Tinto to completely or even partially backfill the final void'.²¹ The void was four times the size of Sydney's Centennial Park. Nevertheless, a Rio Tinto spokesperson reportedly said '[t]he final void will be largely hidden from view due to the surrounding landscape and extensive rehabilitation works planned after mining'.²² From this statement it is clear that Rio Tinto's understanding of 'rehabilitation' falls well short of restoring a site to its former state.



Avoiding filling a void: Coal mining companies can get out of refilling the voids left by mining - leaving a hole in the landscape
Image courtesy of Dean Sewell

²¹ <http://www.theherald.com.au/story/2932508/hunters-mining-moonscape-10000-hectares-of-holes/>

²² A spokesperson for Rio said about Mt Thorley, 'The final void will be largely hidden from view due to the surrounding landscape and extensive rehabilitation works planned after mining.' See footnote above.

#4 SELL TO AN UNKNOWN MINNOW

The dual threat of rehabilitation liabilities going way beyond financial assurance and banks calling on assets securing the guarantee might make holding on to mining operations too financially risky for parent companies. Unfortunately for coal miners, there are a number of coal mines on the market in Australia (and around the world) so sales prices are depressed. A recent example of a fire sale occurred following global trading giant Sumitomo Corporation's 2011 purchase of 50% of the Isaac Plains mine in Queensland for \$430 million. In the middle of 2015, the mine was sold for \$1 to Stanmore Coal.²³ Likewise the once-global mining giant Anglo American Plc in December 2015 sold for A\$25m the Dartbrook 'mine' (actually a non-rehabilitated ex-mining site in care and maintenance for a decade) in the Hunter Valley to an ASX-listed minnow called Australian Pacific Coal (market capitalisation of A\$13m at the time), which was then headed up by the now bankrupt Nathan Tinkler.²⁴

CASE STUDY: MINNOWS AVOIDING SCRUTINY

Batchfire Resources Pty Ltd, a company registered on 29 July 2015,²⁵ entered into a 'share sale agreement' with Anglo American Coal to purchase the Callide mine in Queensland in early 2016.²⁶ Batchfire is associated with failed coal ventures abroad and raised only \$750,000 to proceed with the transaction.²⁷ The 'share sale agreement' is where the shares in the operating company, Anglo Coal's subsidiary, are sold to Batchfire. This means the ABN of the company operating the Callide mine does not change, and Batchfire was able to avoid scrutiny by the minister of the company's 'financial and technical capabilities' required to run a coal mine in Queensland.²⁸ This appears to be a loophole as any transfer of mining licences to a different company, or an application for a new licence, would be subject to governmental scrutiny. Furthermore, since the corporate identity of the environmental authority did not change, there was no requirement for DEHP in Queensland to review whether Batchfire had an appropriate environmental history for it to be an eligible 'suitable operator' that could run the mine.²⁹

23 <http://www.smh.com.au/business/mining-and-resources/aussie-coal-mine-isaac-plains-snapped-up-for-bargain-basement-price-just-1-20150730-ginsy8.html>

24 <http://www.couriermail.com.au/business/boganaire-nathan-tinkler-has-signed-a-deal-to-buy-nsw-coal-mine/news-story/bb2f91456243401eb944372aaedb059f>

25 Organisation and business name search performed on www.asic.gov.au

26 <http://www.angloamerican.com/media/press-releases/2016/20-01-2016>

27 J Robertson, 'Startup's purchase of Queensland coalmine avoids environmental scrutiny', *The Guardian*, 12 February 2016. Available at: <http://www.theguardian.com/environment/2016/feb/12/startups-purchase-of-queensland-coalmine-avoids-environmental-scrutiny>

28 *Mineral Resources Act 1989* (Qld) ss 318AAR, 18AAX.

29 *Environment Protection Act 1994* (Qld) s 318F.



Fire sale: The \$600 million coal mine at Isaac Plains was sold for \$1 in 2014 – the original owner is no longer liable for rehabilitation costs beyond bank guarantees

#5 EXPAND

If an existing mine expands instead of closing, companies can put off provisioning for rehabilitation costs on to their balance sheets. For example, when the expansion of Drayton mine in New South Wales was refused, Anglo American made the step of provisioning US\$224 million in its financial accounts to pay for shutting down the mine.³⁰ Not only does expanding a mine buy time to avoid rehabilitation and other closing costs crystallising on balance sheets, it also makes the mine a more attractive prospect for potential buyers.

Objections to mine expansions on the basis of rehabilitation and the future financial success of the proponent face difficulties. A recent example comes from Queensland concerning the expansion of the Baralaba coal mine. A neighbouring farmer objected on these grounds, but the amount of financial assurance for the expansion was at the time unknown. The legislative process for objections in Queensland means objections are dealt with before the amount of financial assurance is proposed by the company and then assessed by DEHP, the Department of Environment and Heritage Protection. There is no specific right of objection to the level of financial assurance finally set. Arguments were put by an objector that coal markets were in structural decline and the mine would not be profitable. The company, Cockatoo Coal, responded that the market would improve and the mine would return to profitability.³¹ During the case the company was placed into administration. Further evidence was provided by staff previously employed by Cockatoo that the administrators could return the mine to profit. The court, reviewing the evidence before it, agreed with the position that things would improve.³² Within two months of the court's decision the administrators placed the mine into care and maintenance³³ and provisioned for rehabilitation costs.³⁴ The proposed expansion never occurred because of the dire outlook for coal, but the expansion plans still received judicial approval. Despite the downturn in coal prices, a number of mines are seeking to expand operations. Amongst them is the Callide mine in Queensland that was recently sold by Anglo Coal Plc to a minnow with minimal assets, and the Wilpinjong mine in New South Wales which is owned by Peabody Energy Inc, a US coal giant on the verge of bankruptcy.

³⁰ Anglo American, 2014 Annual Report, pp 124, 125. Available at: http://www.angloamerican.com.au/~/_media/Files/A/Anglo-American-PLC-V2/report-builder-2014/annual-report/aa-ar14-interactive-final.pdf

³¹ *Baralaba Coal Pty Ltd & Anor (administrators appointed) v Paul Stephenson and Chief Executive, Department of Environment and Heritage Protection* [2015] QLC 49 (15 December 2015). The Court considered evidence by Mr Kane, CEO of Cockatoo Coal for eight months, that 'there would be a high international demand for coal in the foreseeable future' [30], and coal markets were not in structural decline, and a small rise in coal prices would make the tenement profitable [41]. The Court was 'satisfied, on the evidence provided, that the proposed project is financially and economically viable' [50].

³² *Baralaba Coal Pty Ltd & Anor (administrators appointed) v Paul Stephenson and Chief Executive, Department of Environment and Heritage Protection* [2015] QLC 49 (15 December 2015) at [38]: 'In evidence, Mr Kane expressed the view that while the applicant companies are currently in administration, he expects that a successful financial restructure will be able to be put in place in about three months.' The Court was 'satisfied, on the evidence provided, that the proposed project is financially and economically viable' [50].

³³ Cockatoo Coal, ASX release, 8 February 2016.

³⁴ Cockatoo Coal Administrators report, 22 February 2016, pp101,108.

CASE STUDY: BANKS TRANSFERRING LIABILITIES OF GUARANTEES

ANZ bank threatened to pull its financing facility from Cockatoo Coal in 2015. Cockatoo operated the Baralaba mine in Queensland which was seeking to expand. ANZ's facility included \$34.5 million in bank guarantees for rehabilitation. The guarantees were not secured by cash³⁵ but presumably by other assets, possibly the mine itself. Cockatoo acknowledged ANZ's review of its financing facility could impact its solvency.³⁶ ANZ appears to have successfully withdrawn from its responsibilities under the bank guarantee, and in the end, Cockatoo's 41% shareholder took over responsibility for financing the company.³⁷ Unfortunately for the shareholder, Cockatoo entered into administration and the shareholder, whose shares are essentially worthless, is ultimately responsible for any draw downs on the bank guarantee.³⁸ The 22 February 2016 report by Cockatoo's administrators confirmed provisions of \$7,256,373 and \$4,547,401 were raised for the Baralaba mine, now in care and maintenance.³⁹



Endless expansion: The Wilpinjong mine in NSW continues to expand to avoid reaching the point of 'closure' at which it might have to be rehabilitated

³⁵ Cockatoo Coal, ASX release, 19 December 2013 .

³⁶ Cockatoo Coal, 2015 Annual Report, p38.

³⁷ Cockatoo Coal, ASX release, 13 January 2016.

³⁸ Cockatoo Coal, ASX release, 16 November 2015.

³⁹ Administrators report, 22 February 2016, pp101, 108.

#6 INAPPROPRIATE DISCOUNTS

The government of Queensland applies discounts to the amount of financial assurance held by way of bank guarantees. The financial assurance amount asked by the government will probably be less than actual costs of rehabilitation.⁴⁰ On top of that mining companies can receive discounts of up to 30% on the calculated financial assurance amount.

Discounts can be granted in relation to the ‘financial standing’ of a company.⁴¹ The requirement is that the miner must be ‘solvent and not in external administration’.⁴² Companies on the brink of bankruptcy are still seeking this discount. Peabody Energy Inc, the world’s largest private-sector coal mining company,⁴³ is the 100% owner of the Millennium coal mine in Queensland.⁴⁴ Bloomberg reported on 21 January 2016 that Peabody was the coal miner ‘on everybody’s list as [the] next bankruptcy victim’.⁴⁵ On 25 February 2016, the Millennium mine’s compliance statement said ‘[a] 10% discount for the financial stability of the company ... has been applied for’.⁴⁶ Peabody did the same for the Burton mine. The total known discount for Peabody’s ‘financial stability’ is approximately \$10 million. According to documents obtained by EJA the total discounts for three Peabody mines in Queensland is \$24 million.⁴⁷

Another example is Adani’s proposed Carmichael mine. Despite the public backlash, analysts stating the project is a stranded asset,⁴⁸ economists saying it is not viable,⁴⁹ the Queensland Treasury department’s recognition of financial risk,⁵⁰ the refusal of international banks to back it⁵¹ and the \$20 billion required to finance it,⁵² the company could still apply for a discount on the basis of ‘financial stability’ since the threshold is so low.⁵³

40 Footnote 7.

41 Footnote 29, Table 2, p31.

42 Ibid, Table 1, p30.

43 <http://www.peabodyenergy.com/>

44 Peabody Energy Inc, Form 10-K, 16 March 2016, p40. Available here: <http://www.peabodyenergy.com/content/162/sec-filings>

45 J X Klein and T Loh, The Coal Miner ‘On Everybody’s List’ as Next Bankruptcy Victim, Bloomberg, 21 January 2016, <http://www.bloomberg.com/news/articles/2016-01-21/the-coal-miner-on-everybody-s-list-as-next-bankruptcy-victim>

46 Compliance Statement, Millennium Mine Plan of Operations, 1 January 2016 to 31 December 2016, obtained from DEHP, Queensland.

47 Current operations Plans for Burton, Millennium, and Middlemount mines.

48 <http://reneweconomy.com.au/2015/adani-mega-coal-mine-proposal-an-economic-basket-case-qld-treasury-63312>

49 <http://www.abc.net.au/news/2016-04-04/massive-new-coal-mine-galilee-basin-not-economically-feasible/7297710>

50 <http://www.smh.com.au/business/mining-and-resources/adanis-carmichael-mine-is-unbankable-says-queensland-treasury-20150630-gi1i37.html>

51 <http://www.abc.net.au/news/2015-08-05/cba-terminates-adviser-role-for-adani-carmichael-coal-mine/6675722>

52 <http://www.abc.net.au/news/2016-04-03/mining-leases-approved-carmichael-mine-qld-galilee-basin-adani/7295188>

53 Footnote 31.



Peabody, the owner of Millennium Mine, faces bankruptcy but applied for a discount on its financial assurance due to the 'financial stability' of the company