

**Senate Standing Committee on Environment and Communications**  
**Legislation Committee**  
Answers to questions on notice  
**Environment portfolio**

**Question No:** 187  
**Hearing:** Supplementary Budget Estimates  
**Outcome:** Outcome 1.5  
**Programme:** Environment Standards Division (ESD)  
**Topic:** Adani Approval Process  
**Hansard Page:** 22  
**Question Date:** 13 November 2015  
**Question Type:** Spoken

**Senator Canavan asked:**

On notice, could I get the original set of questions you asked Adani. I do not need the responses. I am not asking for anything confidential, just the questions you asked Adani. And for comparative purposes, could I have the questions you would have asked Rio Tinto in the case of South of Embley mine, and BHP in the case of Olympic Dam. I may put some others on notice as well.

**Response:**

**Adani Mining Pty Ltd – Carmichael Coal and Rail Infrastructure Project**

1. Correspondence dated 5 August 2015 requested the following information relating to the environmental history of Adani Mining Pty Ltd:

To inform the Minister's decision, I would like to invite you to provide the Department with up-to-date information in relation to:

- the environmental history of Adani Mining Pty Ltd (Adani Mining), and of its executive officers; and
- the environmental history of Adani Mining's parent body or parent bodies; that is; any body or bodies of which Adani Mining is a subsidiary (see above); and
- the environmental history of the executive officers of Adani Mining's parent body or parent bodies.

This includes any information in relation to overseas environmental matters.

2. Further correspondence dated 24 August 2015 requested the following information relating to the environmental history of Adani Mining Pty Ltd:

At a minimum, Adani Mining should provide information about the environmental history of Adani Mining, Adani Global Pte, Adani Global and Adani Enterprises, including:

- records of proceedings or inquiries involving the entity regarding its compliance with environmental laws, or with environmental approvals and permits;
- details of environmental approvals and permits, including conditions, and evidence regarding the entity's level of compliance with those laws, approvals and permits;
- details of the entity's significant environmental policies and plans, being corporate level plans rather than plans at the project or location level;

- details of audits relating to environmental matters or environmental compliance, that are carried out under law or an environmental approval, and that are provided to a regulatory body. The Department should be advised of all relevant audits, but it is only necessary to provide detailed information about an audit if it gave rise to an adverse finding; and
- any other matters Adani Mining considers relevant to its environmental history or the history of its parent bodies.

This includes information about environmental history both within Australia and overseas.

Adani Mining should provide information which covers the period of the relevant company's incorporation or a period of 10 years (where the company has been incorporated for longer than 10 years). Where the information relates to a period shorter than 10 years, please ensure that this is clearly stated.

If any relevant company does not engage in or undertake activities that involve environmental impacts or require environmental approvals (for example, an entity that engages in purely financial activities or a holding company), it is sufficient to advise that it has no relevant environmental history.

#### *Executive officers of Adani Mining and parent bodies of Adani Mining*

Section 493 of the EPBC Act provides that an executive officer of a body is a person, by whatever title used and whether or not a director of that body, who is concerned in, or takes part in, the management of the body.

Whether a person is an executive officer of a relevant body depends on the internal organisation of that entity. However, for these purposes, the Department believes that the following persons would be executive officers:

- in relation to Adani Mining:
  - the directors and chief executive officer of Adani Mining; and
  - other persons who have authority to make decisions and formulate policies that affect the business, particularly in relation to environmental policies and compliance; and
- in relation to a parent body:
  - the directors and the chief executive officer (or equivalent); and
  - other persons who have authority to make decisions and formulate policies that affect the business, particularly in relation to environmental policies and compliance, but only to the extent that that person has the ability to impact environmental matters in respect of operations taking place within Australia.

It is not necessary to supply information about the environmental history of persons who merely carry into effect business policies or decisions.

### *Information about environmental history of executive officers*

At a minimum, the information Adani Mining provides about the environmental history of an executive officer should include:

- the nature of the executive officer's role and the extent of his or her experience, particularly in relation to environmental matters;
- whether or not the person has been the subject of any civil or criminal penalties or compliance-related findings, for breaches of, or non-compliance with, environmental laws;
- whether or not the person has been an executive officer of a body during a time when that body was the subject of any civil and criminal penalties or compliance-related findings, for breaches of or non-compliance with environmental laws, and an explanation of the person's role or responsibility in relation to the conduct that lead to those penalties or findings;
- information about his or her roles both in Australia and in other countries;
- information about both the executive officer's history with the relevant entity and with other entities, whether or not those entities are related to the Adani Group; and
- any other matters which Adani Mining considers to be relevant to the executive officer's history in relation to environmental matters.

The information can be confined to an executive officer's environmental history over the last 10 years.

Further, the Department does not require information about matters that took place when the officer in question was not an executive officer (whether of Adani Mining, its parent bodies, or any other entity).

### **BHP Billiton Olympic Dam Corporation Pty Ltd – Olympic Dam Expansion Project**

Details of any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against:

- (a) the person proposing to take the action; and
- (b) for an action for which an EIS has applied for a permit, the person making the application.

If the person proposing to take the action is a corporation — details of the corporation's environmental policy and planning framework.

### **RTA Weipa Pty Ltd & Rio Tinto Aluminium Ltd - South of Embley Bauxite Mine and Port Development Project**

Provide details of any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources against:

- a) the person proposing to take the action; and

- b) for an action for which a person has applied for a permit, the person making the application.

If the person proposing to take the action is a corporation, provide details of the corporation's environmental policy and planning framework.

Information relating to the persons environmental record may also include any accreditations (for example ISO 14001), environmental awards, and other recognition for environmental performance.