

RGM-5

DEPARTMENT OF
STATE DEVELOPMENT
BUSINESS AND
INNOVATION



SECTION 110 NOTICE
Mineral Resources (Sustainable Development) Act 1990

Earth Resources Regulation Victoria

Inspector				Year			Notice Number			
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Tenement No:

Alcoa Anglesea coal mine

District:

S W

Code:

0 1

This notice is issued under Section 110 of the *Mineral Resources (Sustainable Development) Act 1990* ("the Act").

Issued by Inspector: (An inspector appointed under the Act.)

Name:

G A McLaughlan

Signature:

Service method:

Delivered personally (X) By post () By facsimile () By email () Left at the worksite ()

Date notice served:

07/10/2013

Notice served on:

Company / person name & address, or the current / former holder of the specified authority.

Alcoa Australia

Camp Road, Anglesea

Address of service:

Alcoa Anglesea coal mine, Camp Road, Anglesea

The act or omission:

Which is likely to result in a risk to public safety, the environment, land, property or infrastructure.

OR

The contravention or non-compliance:

The act / omission is,

Failure to comply with the requirements of the conditions attached to the mine's endorsed work plan because;

- the company has not in compliance with Condition 34 Ground Control Management, developed and submitted a revised ground control management plan; and has not in compliance with Condition 35 Land Management Plan - developed and submitted a revised land management plan.

NOTE

Cross out any text which is not applicable.

Directions:

The measures to be taken to remedy the risk or contravention.

I hereby direct that the holder of the authority / former licensee / former holder of an extractive work authority must, develop and submit to the Department revisions of both the Ground Control Management Plan and the Land Management Plan associated with the Alcoa Anglesea coal mine endorsed work plan.

Compliance with this notice is required by;

30 November 2013

Offence and action that may be taken

The holder of an authority must comply with a section 110 notice. Failure to comply with a section 110 notice is an offence under the Act. In the case of a corporation, the penalty is 2500 Penalty Units, with a default penalty of 300 Penalty Units. In any other case, the penalty is 500 Penalty Units, with a default penalty of 60 Penalty Units.

If a holder of an authority fails to comply with a section 110 notice the court may, in addition to imposing any penalty, make an order that the holder must comply with the notice or take specified action to comply with the notice, or any other order that it considers appropriate.

The Minister for Energy and Resources may apply to the Supreme Court for an injunction compelling the holder of an authority to comply with a section 110 notice, or restraining the holder of an authority from contravening the notice.

Appeal

Subject to limitations set out in sections 110(5A) and 110AA(4) of the Act, a person whose interests are affected by the decision to serve this notice may apply to the Victorian Civil and Administrative Tribunal (VCAT) for a review of the decision.

The address of VCAT is 55 King Street, Melbourne 3000. Ph: 9268 9700.

Any review application must be received within **28** days after the later of -

- (a) the day on which the notice or notice of a variation is served; or
- (b) a statement of reasons is given under the *Victorian Civil and Administrative Tribunal Act 1998*.

NOTE: Compliance with this notice still requires the holder of the authority to comply with all other relevant legal obligations.