

# s22

**From:** Gregory Manning

**Sent:** Wednesday, 17 April 2019 4:47 PM

**To:** s22 <[redacted]@environment.gov.au>

**Cc:** Finn Pratt <[redacted]@environment.gov.au>; Dean Knudson <[redacted]@environment.gov.au>; James Tregurtha <[redacted]@environment.gov.au>; James Barker <[redacted]@environment.gov.au>; Margaret Tregurtha <[redacted]@environment.gov.au>; s22 <[redacted]>

**Subject:** Yeelirrie and s22 <[redacted]> Talking Points [SEC=OFFICIAL]

Hi s22 <[redacted]>

I understand you are awaiting some talking points in relation to Yeelirrie and s22 <[redacted]>. See below and let me know if you would like anything else.

Regards

Greg.

# s22

Yeelirrie (in relation to timeframes for publication of the decision)

- *I have been advised that my Department will publish the decision notice in accordance with normal practice and the requirements of the EPBC Act and regulations.*

s22

**From:** s22  
**Sent:** Wednesday, 17 April 2019 10:10 PM  
**To:** Gregory Manning; James Tregurtha  
**Cc:** Dean Knudson; James Chisholm  
**Subject:** RE: FOR REVIEW: Transport of UOC - Yeelirrie Uranium Project, WA [SEC=OFFICIAL]

Greg,

Are you able to simplify? Who regulates transport? Why did we assess at all?

Could you confirm that our assessment covered all transport within WA, or only to Kalgoorlie?

Thanks, s22

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**From:** Gregory Manning  
**Sent:** Wednesday, 17 April 2019 9:04 PM  
**To:** s22 ; James Tregurtha  
**Cc:** Dean Knudson ; James Chisholm  
**Subject:** Fwd: FOR REVIEW: Transport of UOC - Yeelirrie Uranium Project, WA [SEC=OFFICIAL]

Hi s22

As requested, below is a summary based upon the assessment of the transport of uranium oxide concentrate for the Yeelirrie uranium project that my staff have put together for me this evening. I have not had a chance to go over it with them and would like to note that until I have a chance to do so it should not be taken as definitive. I also don't think it answers all of your questions, at least not fully. I will follow up on this as early as possible tomorrow.

Greg.

- In Western Australia the current regulatory framework for the management of radioactive substances is the Radiation Safety Act (RSA) 1975 with three subsidiary regulations; Radiation Safety (General) Regulations 1983, Radiation Safety (Qualifications) Regulations 1980, and Radiation Safety (Transport of Radioactive Substances) Regulations 2002. The Radiological Council is an independent statutory authority appointed under the RSA to assist the Minister for Health to protect public health and to maintain safe practices in the use of radiation.
- The action is to mine up to 7,500 tonnes of uranium oxide concentrate (UOC) per year over 22 years, to be transported by road for export through the Port of Adelaide (section 8 of the Legal Considerations).
- Potential impacts to human health via an increase in exposure to radiation along the transport route was identified as a key environmental factor in the WA EPA's assessment (section 36 and sections 100 – 107 of the Legal Considerations).

- Radiation doses from radionuclides that may be inhaled or ingested were assessed via air quality modelling and calculation of ingestion and addressed in the Public Environment Review (section 9.6 of the PER).
- The Radiological Council advised that the transport assessment (undertaken by Cameco Australia) and the outcomes are acceptable and that the transport of UOC would be regulated under the *Radiation Safety Act 1975* and its regulations, in particular the Radiation Safety (Transport of Radioactive Substances) Regulations 2002. A Transport Radiation Management Plan (known as a ‘Radiation Protection Programme’) would also be developed which would include an Emergency Response Assistance Plan (page 47 of WA Assessment Report).
- The WA EPA concluded that radiation exposure to members of the public (including along the transport route) would be well within regulatory dose limits and radiation could be adequately regulated. The EPA notes that the Radiological Council would regulate the transport of UOC under the *Radiation Safety Act 1975* and its regulations, in particular the Radiation Safety (Transport of Radioactive Substances) Regulations 2002 (page 47 of the WA Assessment Report).
- Based on the Radiological Council assessment and the conclusions of the WA EPA, there was no need for further assessment by the Department (sections 100 – 107 of the Legal Considerations).

s22

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**From:** Gregory Manning  
**Sent:** Thursday, 11 April 2019 11:26 AM  
**To:** s22  
**Cc:** s22 ; James Tregurtha; s22 ; s22  
**Subject:** RE: Ministerial brief -Final Decision [SEC=OFFICIAL]  
**Attachments:** Yeelirrie Talking Points.docx

s22

Amendments and comments on the talking points. Happy to discuss further.

Greg.

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**From:** s22  
**Sent:** Thursday, 11 April 2019 8:29 AM  
**To:** Gregory Manning <s22@environment.gov.au>  
**Cc:** s22@environment.gov.au; James Tregurtha <s22@environment.gov.au>; s22@environment.gov.au  
**Subject:** FW: Ministerial brief -Final Decision [SEC=OFFICIAL]

Good Morning Greg,

Talking points as discussed.

Cheers, s22.

s22

**Acting Adviser | Office of the Hon Melissa Price MP  
Minister for the Environment**

**a:** Parliament House, Canberra, ACT 2600

**t:** (02) s22 | **m:** s22 | **e:** s22@environment.gov.au

**MINISTERIAL BRIEF - Yeelirrie Uranium Project**

**Talking points**

- I have approved the Yeelirrie uranium project, subject to 32 strict conditions to avoid and mitigate potential environmental impacts.
- With these conditions in place, I am satisfied that the risks to the environment will be appropriately managed – particularly when balanced against the social and economic benefits of the action.
- My approval follows a rigorous and comprehensive assessment process that included departmental officials visiting the Yeelirrie site.
- I made the proposed decision to approve this project with conditions on March 5. A consultation period was then undertaken, in accordance with the EPBC Act, where the proponent and relevant Ministers were invited to comment on the decision and conditions.
- Because it is a uranium mine, this project is a 'nuclear action' for the purposes of the EPBC Act. ~~which~~ This triggers a 'whole of environment' assessment ~~under the EPBC Act.~~
- ~~A whole of environment assessment means that~~ Most assessments under the EPBC Act consider impacts on matters of national significance, such as threatened species, but nuclear actions require a much more detailed broader assessment that considers all environmental impacts are taken into account, not just impacts to listed matters of national environmental significance.
- ~~This project received Western Australian State Government approval in January 2017.~~
- The conditions that I have imposed align with the Western Australian approval conditions where possible, and additional conditions have been included to further protect matters under national environmental law.
- Those conditions include:
  - Protections for the endangered *Atriplex yeelirrie*. Cameco must avoid any impacts on the Eastern Atriplex Yeelirrie population, and ~~to~~ undertake ~~a~~ detailed scientific studies on the Western Atriplex population to demonstrate that a viable population can be established outside the development envelope prior to clearing;
  - A requirement that Cameco develop and implement a comprehensive groundwater management program that will adaptively ~~reduce~~ manage impacts on subterranean fauna species. The groundwater management plan must be reviewed by scientific experts and submitted for Ministerial approval. It is required to be reviewed every three years;
  - Cameco Australia must submit evidence the project will not lead to the extinction of subterranean fauna species isolated to an area to the north-west of the development, which must be approved by the Minister for the Environment;
  - To ensure the project does not lead to adverse impacts on the Night Parrot, Cameco must engage a suitably qualified expert to undertake a Night parrot survey before the

**Commented [GM1]:** It should be noted that the condition set that the Minister has chosen accepts a high risk that impacts, particularly to sub-terranean fauna will not be avoided or mitigated.

**Commented [GM2]:** Note this may raise questions about the impacts to other subterranean fauna species.

project commences. If evidence of the Night Parrot is recorded during the survey, a management plan must be submitted for Ministerial approval.

- In addition, I have imposed conditions that requires Cameco Australia to submit an annual compliance report and ensure independent audits of compliance are conducted every year
- ~~The government supports sustainable development subject to strict environmental protections.~~
- The project will deliver significant economic benefits in Western Australia and in particular to the Northern Goldfields region.
- The mine is expected to generate between \$77 million and \$145 million a year of economic activity with a further \$226 million to \$424 million in economic activity for Western Australia.
- It is anticipated the project will employ between 739 – 1,338 people over the 2.5 years of construction, and generate between 230 and 410 jobs during the fifteen years of mining.
- Through delivery of this project, Cameco Australia will be assisting and supporting Aboriginal people in the area by improving education opportunities, sporting pathways, health, and employment prospects.
- It is also likely to have flow-on social and economic benefits through increased use of roads and rail networks between Perth, Esperance, Kalgoorlie and Geraldton, right through to the Port of Adelaide.

## Background

- The action includes the mining and processing of uranium ore, sourcing and use of water and electricity, upgrades to roads, workforce accommodation facilities and transport of uranium oxide concentrate by road from the mine to Kalgoorlie.
- The operators then intend to export by way of road transport to Adelaide.
- The West Australian EPA has assessed the above proposal and has not required further conditions on the transport aspects.
- It was assessed under an accredited assessment with the Western Australian Environmental Protection Authority (WA EPA).
  - The WA EPA released an assessment report in August 2016 and recommended the proposal not be approved due to impacts on subterranean fauna.
- The former Western Australian Environment Minister approved the project on 20 January 2017 on social and economic grounds.

- The Environmental Defenders Office (on behalf of the Conservation Council of Western Australia and Tjiwarl Native Title group) challenged the state approval decision in the Western Australian Supreme Court. On 8 February 2018 the Court dismissed this challenge.
- The Conservation Council of Western Australia and Tjiwarl Native Title group lodged an appeal against the WA Supreme Court's decision. That decision has yet to be heard.
- A maximum of 7,500 tonnes per annum of uranium oxide concentrate will be produced. The expected life of the mine is 15 years.
- Cameco Australia went into care and maintenance on 20 December 2017. This is consistent with Cameco's decision to temporarily close the McArthur and Key Lake uranium operations overseas due to a prolonged weakness in the uranium market.

**Timeline:**

- **21 May 2009** – BHP Billiton Yeelirrie Development Company Pty Ltd (BHP Billiton) referred the proposed action to the Department.
- **19 June 2009** - proposed action was determined by a delegate to be a controlled action due to likely significant impacts on listed threatened species and communities (ss 18 and 18A), listed migratory species (ss 20 and 20A), and, as the action is a nuclear action, the environment (ss 21 and 22A). An assessment approach decision was not made at that time.
- **2 January 2013** – Cameco Australia Pty Ltd and BHP Billiton notified the Department of a change to the person proposing to take the action. On 21 January 2013, a delegate published the change of proponent notice.
- **12 November 2014** - original proposal referred to the WA EPA (assessment 1788) was terminated by the proponent and a new referral was submitted (assessment 2032) and assessed by the WA EPA through a public environmental review (PER) under the EP Act.
- **17 November 2014** - proponent submitted a variation request to the Department to increase the annual rate of mining and production of uranium ore concentrate. On 5 December 2014, a delegate decided to accept the varied proposal.
- New WA bilateral agreement made in 2015, as a result the proposed action was no longer able to be assessed under a bilateral agreement, and required an assessment approach decision under section 87 of the EPBC Act.
- **12 March 2015** - a delegate decided that the proposed action would be assessed by an accredited assessment process, being PER under the EP Act. A correction notice was issued on 17 March 2015.
- **21 September 2015** – the public comment period on the PER commenced for a period of 12 weeks, ending on 14 December 2015.
- **3 August 2016** – the WA EPA released an assessment report and recommendations.



- **2 September 2016** – a delegate requested further information from the proponent under section 132 of the EPBC Act.
- **2 September 2016** – a delegate extended the statutory timeframe for making a decision on whether or not to approve the proposed action by 40 days. The statutory timeframe for a final decision was 3 April 2017.
- **2 September 2016** – the Department requested further information from the WA EPA.
- **December 2016** – the WA Appeals Convenor upheld the WA EPA’s decision and recommended that the appeals be dismissed.
- **14 December 2016** – the WA Minister allowed the appeals in part, in respect of flora and vegetation and the public availability of plans and dismissed the other grounds of appeal.
- **16 January 2017** - WA Minister approved the proposed action, subject to conditions, by issuing Ministerial Statement 1053 under section 45 of the EP Act.
- **20 June 2017** – the WA Minister for Mines and Petroleum announced a ban on future uranium mining in WA. The ban does not apply to the four already State approved uranium projects (including the proposed action), namely, Toro Energy’s Wiluna Project, Vimy Resources’ Mulga Rock project, and Cameco’s Kintyre and Yeelirrie projects.
- **4 July 2017** - the Environmental Defenders Office commenced proceedings in the Supreme Court of WA for a judicial review of the decision made by the former WA Environment Minister.
- **8 March 2018** - the Conservation Council of WA lodged an appeal against the WA Supreme Court’s decision. That decision was heard on 5 March 2019. A decision will be made at a later date.
- **5 March 2019** – the Minister made the proposed decision to approve the project with conditions and invited the proponent and relevant Ministers to comment on the proposed decision and conditions
- **April 5 2019** – Brief referred to Minister for the Environment

**Economic benefits**

- The mine is expected to generate between \$77 million and \$145 million a year of economic activity with a further \$226 million to \$424 million in economic activity for Western Australia.
- It is anticipated the project will employ between 739 – 1,338 people over the 2.5 years of construction, and generate between
- This is an area of critically low employment
- Minister is required to take into account social and economic impacts

**Key Issues/sensitivities:**

- Uranium Mine

- West Australian Government has banned Uranium mining other than for four existing mines of which this is considered one
- Tjiwara Native Title
  - Indigenous groups strongly opposed to the mine.
  - Through the Environmental Defender's Office, and with the Australian Conservation Foundation, they have challenged the WA State approval in the Supreme court (unsuccessfully) and run an Appeal through the Supreme Court
- Appeal
  - The Supreme Court is considering its judgement in relation to the appeal of an earlier Supreme Court decision that found in favour of the WA Government
  - This does not preclude the Minister
- Environmental management
  - The proposal intersects the Priority 1 priority ecological community (PEC) no 49 which is considered to have unique assemblages of invertebrates in the groundwater calcretes
  - Stygofauna are minute subterranean fauna that live in water
  - Troglodfauna are minute subterranean fauna that live in dry formations
  - Twelve minute, subterranean fauna species have not been identified in any other area and therefore may risk extinction
  - It may well be that they exist in other areas but they have not been detected despite attempts to find them
  - Atriplex Yeelirrie is a plant species now listed under the EPBC Act but which was not listed at the time of the referral decision. Therefore the project needs to be considered in the light of it not being listed. Because the project is assessed for its impacts on the whole environment Atriplex Yeelirrie is subject to protection.
  - Of the two populations on the site, one must be undisturbed and the company needs to demonstrate a further viable population can be established to off-set impacts to the other.

***If asked about the social and economic benefits of the project:***

- As a result of this approval the project will deliver significant economic benefits in Western Australia and in particular to the Northern Goldfields region.
- The mine is expected to generate between \$77 million and \$145 million a year of economic activity with a further \$226 million to \$424 million in economic activity for Western Australia.
- It is anticipated the project will employ between 739 – 1,338 people over the 2.5 years of construction, and generate between 230 and 410 jobs during the fifteen years of mining.
- Through delivery of this project, Cameco Australia will be assisting and supporting Aboriginal people in the area by improving education opportunities, sporting pathways, health, and employment prospects.

- It is also likely to have flow-on social and economic benefits through increased use of roads and rail networks between Perth, Esperance, Kalgoorlie and Geraldton, right through to the Port of Adelaide.

***If asked about the plant species *Atriplex yeelirrie****

- Departmental officers undertook a site visit in November 2017 to gather information on the likelihood of mitigating impacts on the environment, including *Atriplex yeelirrie*.
- To manage impacts on *Atriplex yeelirrie*, I have imposed conditions that require Cameco to avoid any impacts on the Eastern *Atriplex yeelirrie* population, and to provide evidence that a detailed study of the Western *Atriplex yeelirrie* population has been undertaken to ensure we understand Western *Atriplex yeelirrie*'s reproductive and ecological attributes and demonstrate that a viable population can be established outside the development envelope.
- Cameco Australia must not clear the Western *Atriplex yeelirrie* population until this evidence has been provided and approved by the Environment Minister.

***If asked about subterranean fauna species***

- The subterranean fauna species have been considered in the assessment of the whole of environment. They are not listed threatened species under national environment law.
- Departmental officers undertook a site visit in November 2017 to gather information on the likelihood of mitigating impacts on the environment, including subterranean fauna species.
- To avoid and mitigate impacts on subterranean fauna species, I have imposed a number of conditions that requires Cameco Australia to develop and implement a comprehensive groundwater management program that will adaptively manage impacts on subterranean fauna species.
- The groundwater management program must be reviewed by a suitably qualified subterranean fauna ecologist and suitably qualified hydrogeologist and submitted for Ministerial approval. It is required to be reviewed every three years.
- In addition, I have imposed a condition that requires Cameco Australia to submit evidence that the project will not lead to the extinction of subterranean fauna species isolated to an area to the north-west of the development. Cameco Australia must not commence clearing of this area until the evidence has been approved by the Environment Minister.

***If asked about impacts on the Night parrot***

- To ensure the project does not lead to adverse impacts on the Night Parrot, I have imposed a condition that requires Cameco Australia to engage a suitably qualified expert to undertake a Night parrot survey prior to commencement of the project.
- The survey must be undertaken in accordance with the Night Parrot Recovery Team survey guidelines.

- Should a Night parrot or evidence of one be recorded during the survey, the approval holder must submit a Night parrot management plan for Ministerial approval.

***If asked about consultation with the Indigenous community***

- In accordance with the EPBC Act, I have taken into consideration the social and cultural aspects of the proposed action, including indigenous people and communities.
- I understand that Cameco Australia has been consulting with the indigenous people of the Leonora and Wiluna regions since 2013 in relation to the project.
- To avoid any impacts on Aboriginal heritage sites, I have reinforced the state approval condition that requires the preparation and implementation of an Aboriginal Heritage Management Plan.

***If asked about the appeal pending in relation to the Supreme Court challenge to this project***

- It is not appropriate that I make any statement about the appeal against the WA Supreme Court's decision, as that is a matter for WA. The appeal does not prevent me from deciding whether to approve this action under national environmental law.

***If asked about the proponent's environmental history***

- The Department has assessed the proponent's environmental history including both the parent company and its executive officers, both within Australia and overseas.
- The Department found no adverse environmental history relating to environmental matters by the proponent, Cameco Australia Pty Ltd, Cameco Corporation or associated directors.
- In addition, I have imposed conditions that requires Cameco Australia to submit an annual compliance report and ensure independent audits of compliance are conducted every year.

s22

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**From:** s22  
**Sent:** Tuesday, 9 April 2019 4:51 PM  
**To:** s22  
**Cc:** DLO Price; Dean Knudson; James Tregurtha; Gregory Manning; s22  
**Subject:** FW: FOR REVIEW: Yeelirrie uranium mine - Talking Points [SEC=OFFICIAL]  
**Attachments:** 2009-4906 - Final Decision - Talking Points - April 2019.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi s22

Please see attached for talking points (in case they're needed), should the Minister make the final decision on the proposed Yeelirrie uranium mine. As you know, the final decision package was delivered to the MO on Friday afternoon for a decision.

Please let me know if you need anything in the mean time

Regards

s22

s22

Director, Major Projects West  
Environment Standards Division  
Ph. 02 s22  
Mob. s22  
s22 [@environment.gov.au](mailto:s22@environment.gov.au)

## MINISTERIAL TALKING POINTS

### Yeelirrie Uranium Project

- I have approved the Yeelirrie uranium project, subject to 32 strict conditions to avoid and mitigate potential environmental impacts.
- My approval follows a rigorous and comprehensive assessment process that included departmental officials visiting the Yeelirrie site.
- The conditions that I have imposed align with the Western Australian approval conditions where possible, and additional conditions have been included to further protect matters under national environmental law.

#### ***If asked about the social and economic benefits of the project:***

- As a result of this approval the project will deliver significant economic benefits in Western Australia and in particular to the Northern Goldfields region.
- The mine is expected to generate between \$77 million and \$145 million a year of economic activity with a further \$226 million to \$424 million in economic activity for Western Australia.
- It is anticipated the project will employ between 739 – 1,338 people over the 2.5 years of construction, and generate between 230 and 410 jobs during the fifteen years of mining.
- Through delivery of this project, Cameco Australia will be assisting and supporting Aboriginal people in the area by improving education opportunities, sporting pathways, health, and employment prospects.
- It is also likely to have flow-on social and economic benefits through increased use of roads and rail networks between Perth, Esperance, Kalgoorlie and Geraldton, right through to the Port of Adelaide.

#### ***If asked about the plant species *Atriplex yeelirrie****

- Departmental officers undertook a site visit in November 2017 to gather information on the likelihood of mitigating impacts on the environment, including *Atriplex yeelirrie*.
- To manage impacts on *Atriplex yeelirrie*, I have imposed conditions that require Cameco to avoid any impacts on the Eastern *Atriplex yeelirrie* population, and to provide evidence that a detailed study of the Western *Atriplex yeelirrie* population has been undertaken to ensure we understand Western *Atriplex yeelirrie*'s reproductive and ecological attributes and demonstrate that a viable population can be established outside the development envelope.
- Cameco Australia must not clear the Western *Atriplex yeelirrie* population until this evidence has been provided and approved by the Environment Minister.

***If asked about subterranean fauna species***

- The subterranean fauna species have been considered in the assessment of the whole of environment. They are not listed threatened species under national environment law.
- Departmental officers undertook a site visit in November 2017 to gather information on the likelihood of mitigating impacts on the environment, including subterranean fauna species.
- To avoid and mitigate impacts on subterranean fauna species, I have imposed a number of conditions that requires Cameco Australia to develop and implement a comprehensive groundwater management program that will adaptively manage impacts on subterranean fauna species.
- The groundwater management program must be reviewed by a suitably qualified subterranean fauna ecologist and suitably qualified hydrogeologist and submitted for Ministerial approval. It is required to be reviewed every three years.
- In addition, I have imposed a condition that requires Cameco Australia to submit evidence that the project will not lead to the extinction of subterranean fauna species isolated to an area to the north-west of the development. Cameco Australia must not commence clearing of this area until the evidence has been approved by the Environment Minister.

***If asked about impacts on the Night parrot***

- To ensure the project does not lead to adverse impacts on the Night Parrot, I have imposed a condition that requires Cameco Australia to engage a suitably qualified expert to undertake a Night parrot survey prior to commencement of the project.
- The survey must be undertaken in accordance with the Night Parrot Recovery Team survey guidelines.
- Should a Night parrot or evidence of one be recorded during the survey, the approval holder must submit a Night parrot management plan for Ministerial approval.

***If asked about consultation with the Indigenous community***

- In accordance with the EPBC Act, I have taken into consideration the social and cultural aspects of the proposed action, including indigenous people and communities.
- I understand that Cameco Australia has been consulting with the indigenous people of the Leonora and Wiluna regions since 2013 in relation to the project.
- To avoid any impacts on Aboriginal heritage sites, I have reinforced the state approval condition that requires the preparation and implementation of an Aboriginal Heritage Management Plan.

***If asked about the appeal pending in relation to the Supreme Court challenge to this project***

- It is not appropriate that I make any statement about the appeal against the WA Supreme Court's decision, as that is a matter for WA. The appeal does not prevent me from deciding whether to approve this action under national environmental law.

### ***If asked about the proponent's environmental history***

- The Department has assessed the proponent's environmental history including both the parent company and its executive officers, both within Australia and overseas.
- The Department found no adverse environmental history relating to environmental matters by the proponent, Cameco Australia Pty Ltd, Cameco Corporation or associated directors.
- In addition, I have imposed conditions that requires Cameco Australia to submit an annual compliance report and ensure independent audits of compliance are conducted every year.

### **Background**

- The action includes the mining and processing of uranium ore, sourcing and use of water and electricity, upgrades to roads, workforce accommodation facilities and transport of uranium oxide concentrate by road from the mine to port of Adelaide, South Australia.
- It was assessed under an accredited assessment with the Western Australian Environmental Protection Authority (WA EPA).
  - The WA EPA released an assessment report in August 2016 and recommended the proposal not be approved due to impacts on subterranean fauna.
- The former Western Australian Environment Minister approved the project on 20 January 2017 on social and economic grounds.
- The Environmental Defenders Office (on behalf of the Conservation Council of Western Australia and Tjiwarl Native Title group) challenged the state approval decision in the Western Australian Supreme Court. On 8 February 2018 the Court dismissed this challenge.
- The Conservation Council of Western Australia and Tjiwarl Native Title group lodged an appeal against the WA Supreme Court's decision. That decision has yet to be heard.
- This is a nuclear action, which triggers a whole of environment assessment under the EPBC Act.
- A maximum of 7,500 tonnes per annum of uranium oxide concentrate will be produced. The expected life of the mine is 15 years.
- Cameco Australia went into care and maintenance on 20 December 2017. This is consistent with Cameco's decision to temporarily close the McArthur and Key Lake uranium operations overseas due to a prolonged weakness in the uranium market.



s22

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**From:** s22  
**Sent:** Tuesday, 2 April 2019 9:32 AM  
**To:** DLO Price  
**Cc:** Dean Knudson; James Tregurtha; Gregory Manning; s22 ; s22  
**Subject:** FW: Yeelirrie [SEC=OFFICIAL]  
**Attachments:** QB19-000080.docx

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Thanks s22 r – s22 's edits are fine though I just made a couple of further edits (tracked) for consistency with edits she made.

Thanks

s22

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**From:** s22  
**Sent:** Tuesday, 2 April 2019 9:18 AM  
**To:** s22  
**Cc:** DLO Price ; QTB Officer ;s22  
**Subject:** Yeelirrie [SEC=OFFICIAL]  
**Importance:** High

Hi s22

As discussed with s22 I'm sending this QTB to you for a quick check. s22 has asked that you review and that the QTB does not include reference to the proposed decision.

You may call me if you need to discuss. I am doing this via email rather than PDMS as we are not expecting you to make substantial revisions – just check the edits are OK.

I need a response ASAP.

Kind regards,

s22

**Departmental Liaison Officer | Office of the Hon Melissa Price MP  
Minister for the Environment**

Ph: 02 s22 | Mob: s22

E-mail s22 [environment.gov.au](mailto:s22@environment.gov.au) or [dloPrice@environment.gov.au](mailto:dloPrice@environment.gov.au)

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## YEELIRRIE URANIUM MINE, WESTERN AUSTRALIA

**ISSUE:** The proposed Yeelirrie uranium mine in Western Australia is ~~currently~~ undergoing assessment under the EPBC Act. The proposal has the potential to lead to the extinction of subterranean fauna species and the clearance of one of the two remaining populations of the plant species *Atriplex yeelirrie*.

### KEY POINTS:

- ~~My Department has assessed the proposal and a decision on whether or not to approve the project will be made shortly.~~
- ~~Following consideration of the package I will provide tThe proponent, and Commonwealth and State Ministers with administrative responsibilities relating to the action, have been given have been given the opportunity to comment on the proposed decision and any conditions, before making a final decision.~~
- ~~I will take into account the comments received when making a final decision.~~
- ~~The proposal has already undergone extensive opportunities for public comment through the WA EPA assessment and appeals processes.~~
- The project is undergoing thorough assessment in accordance with the EPBC Act. The assessment includes consideration of impacts on the environment.
- The proposal was assessed through an accredited assessment with the Western Australian Environmental Protection Authority (WA EPA). ~~In August 2016,~~
- Through the assessment process there have been extensive opportunities for public comment.
- ~~The Minister has~~ I have not yet made a final decision on whether or not to approve the mine. My decision will consider a thorough analysis of the mine's impacts as well as comments provided throughout the assessment process.

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Contact Officer: Greg Manning  
Phone: s22 [REDACTED]  
QB19-000080

Last updated:  
24-27 March 2019

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**SUPPLEMENTARY TALKING POINTS:**

***If asked about the Commonwealth's consideration of the WA Supreme Court appeal during the assessment of the Yeelirrie project:***

- On 10 April 2018, former Minister Frydenberg's Office advised the proponent, Cameco, that my Department would await the outcome of the WA Supreme Court appeal before finalising their proposed decision brief.
- On 22 May 2018, Cameco wrote to my Department setting out their reasons why they should proceed with issuing a proposed decision.
- My Department considered, and accepted, Cameco's argument that it is not necessary to delay finalising the assessment. Cameco were advised of this decision on 27 June 2018.
- [The legal challenge relates to the Western Australian Government decision and does not impact on any EPBC Act decision.](#)

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### BACKGROUND [NOT FOR USE]:

- The proposed action involves the mining and processing of uranium ore, and construction of associated infrastructure at the Yeelirrie deposit, located 70 km south-west of Wiluna, Western Australia.
- Departmental officers undertook a visit to the proposed Yeelirrie site in November 2017 to gather information on the likelihood of mitigating impacts on the plant species *Atriplex yeelirrie* and subterranean fauna species.
- Although subterranean fauna are not listed under the EPBC Act, the impact of the action on this matter has to be considered in the assessment of the whole of the 'environment', noting the action is considered a nuclear action under the EPBC Act.
- Cameco Australia went into care and maintenance on 20 December 2017. This is consistent with Cameco's decision to temporarily close the McArthur and Key Lake uranium operations overseas due to a prolonged weakness in the uranium market.
- The proposal was assessed through an accredited assessment with the Western Australian Environmental Protection Authority (WA EPA). In August 2016, the WA EPA released an assessment report and recommended the project not be approved due to impacts on subterranean fauna.
- On 20 January 2017, the former Western Australian Environment Minister approved the project on social and economic grounds.
- The Environmental Defenders Office (on behalf of the Conservation Council of WA and Tjiwarl Native Title group) unsuccessfully challenged the State approval decision in the WA Supreme Court. An appeal [hearing](#) against the WA Supreme Court decision ~~is was~~ [held on 5 March 2019. The outcome will be determined at a later date. currently pending.](#)

For Official Use Only

s22

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**From:** s22  
**Sent:** Wednesday, 7 November 2018 10:39 AM  
**To:** s22 Media  
**Cc:** s22 James Tregurtha; Gregory Manning  
**Subject:** RE: yeelirrie questions [SEC=UNCLASSIFIED]

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi s22

The Australian Government is committed to ensuring a comprehensive assessment of the impacts of the Yeelirrie Uranium Mine on matters of national environmental significance.

The assessment has taken time for reasons including the need to ensure my Department has all necessary information before finalising the assessment.

The Department has not put the assessment of the Yeelirrie project on hold. The assessment is nearing completion and my Department is keeping Cameco Australia informed on its status and timing.

As always, happy to discuss.

s22  
Media Manager  
Communications and Engagement Branch  
Department of the Environment and Energy  
GPO Box 787, CANBERRA ACT 2601  
T 02 s22 M s22  
s22 [@environment.gov.au](mailto:s22@environment.gov.au)



The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.

---

**From:** s22  
**Sent:** Tuesday, 6 November 2018 5:29 PM  
**To:** Media ; s22  
**Cc:** s22 ; James Tregurtha ; Gregory Manning  
**Subject:** FW: yeelirrie questions [SEC=UNCLASSIFIED]

Hi s22 ,

Can we have some words that reflect our current position please?

s22  
**Media Adviser | Office of the Hon Melissa Price MP**  
**Minister for the Environment**

**a:** Parliament House, Canberra, ACT 2600

**t:** (02) s22 (Sitting weeks only) | **m:** s22 | **e:** s22 [@environment.gov.au](mailto:s22@environment.gov.au)

# s22

s22

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**From:** s22  
**Sent:** Friday, 26 April 2019 12:47 PM  
**To:** s22  
**Cc:** s22 ; s22 ; Gregory Manning; s22 James Tregurtha  
**Subject:** Requested documentation: Yeelirrie Approval Decision [SEC=OFFICIAL]  
**Attachments:** 2009-4906 Final Decision - Approval Notice - Signed.pdf; MS18-001074 \_ Proposed Decision brief- Signed.pdf; MS19-000243\_Final Decision Brief - Signed.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi s22

Please find attached the following documents:

1. MS18-001074 – Proposed Decision brief
2. MS19-000243 – Final Decision Brief
3. Minister’s Final Approval Decision notice (with conditions)

The attachments to the brief have not been provided, so please let me know if you require any of these also

Cheers

s22

s22

A/g Director – Major Projects West Section  
Department of the Environment and Energy

s22 [@environment.gov.au](mailto:s22@environment.gov.au) | GPO BOX 787 Canberra ACT 2600 | Phone 02 s22

---

**From:** s22  
**Sent:** Friday, 26 April 2019 12:28 PM  
**To:** s22  
**Subject:** Fwd: Yeelirrie Approval Decision [SEC=OFFICIAL]

Begin forwarded message:

**From:** s22 [@environment.gov.au](mailto:s22@environment.gov.au)>  
**Date:** 26 April 2019 at 12:20:08 pm AEST  
**To:** s22 [@environment.gov.au](mailto:s22@environment.gov.au)>, s22  
s22 [@environment.gov.au](mailto:s22@environment.gov.au)>  
**Subject:** RE: Yeelirrie Approval Decisio

n [SEC=OFFICIAL]

And these please

MS19-000243  
MS18-001074

s22

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**From:** s22  
**Sent:** Friday, 26 April 2019 12:11 PM  
**To:** s22 <[redacted]@environment.gov.au>; s22 <[redacted]@environment.gov.au>  
**Subject:** FW: Yeelirrie Approval Decision [SEC=OFFICIAL]

Hi – can I please have a copy of the brief?

s22

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**From:** Dean Knudson  
**Sent:** Friday, 26 April 2019 12:07 PM  
**To:** s22 <[redacted]@environment.gov.au>  
**Cc:** James Tregurtha <[redacted]@environment.gov.au>; Finn Pratt <[redacted]@environment.gov.au>  
**Subject:** FW: Yeelirrie Approval Decision [SEC=OFFICIAL]

s22

Can you send a copy of this brief to Finn and I?

Thanks.

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**From:** James Tregurtha  
**Sent:** Thursday, 25 April 2019 9:01 PM  
**To:** s22 <[redacted]@environment.gov.au>; s22 <[redacted]@environment.gov.au>  
**Cc:** s22 <[redacted]@environment.gov.au>; Finn Pratt <[redacted]@environment.gov.au>; Dean Knudson <[redacted]@environment.gov.au>; Gregory Manning <[redacted]@environment.gov.au>; s22 <[redacted]@environment.gov.au>; s22 <[redacted]@environment.gov.au>; James Chisholm <[redacted]@environment.gov.au>  
**Subject:** Yeelirrie Approval Decision [SEC=OFFICIAL]

Hi s22 and s22,

As per the request from the Minister's Office earlier this evening I can confirm that paragraph 7 of the final decision brief provided to the Minister for the Yeelirrie Uranium Mine (EPBC 2009/4906) reads as follows:

“The appeal was heard in the WA Supreme Court on 5 March 2019 and an outcome will be determined at a later date. You are not prevented from deciding whether to approve the taking of the action for EPBC Act purposes because the WA appeal has not yet been finalised.”

Regards  
James

**James Tregurtha**  
First Assistant Secretary - Environment Standards Division  
**Department of the Environment and Energy**



Tel: s22 | Mob: s22

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The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.

s22

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**From:** s22  
**Sent:** Thursday, 20 December 2018 4:27 PM  
**To:** s22  
**Cc:** Dean Knudson; EA.DeanKnudson; s22; James Tregurtha; Gregory Manning; s22; s22; s22; Parliamentary  
**Subject:** The Department has forwarded the Yeelirrie proposed decision package to the Minister's Office [DLM=For-Official-Use-Only]

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi s22,  
Just a heads-up, and as per your ph conversation with Greg Manning late on Tuesday, the Department has finalised the Yeelirrie uranium mine proposed decision package and a complete hard copy has been delivered to the Minister's Office.

An electronic copy has also been forwarded to Parliamentary in PDMS.

Happy to discuss if you have any questions in the interim

Thanks

s22  
A/g Assistant Secretary, Assessments (WA, SA, NT) and Post Approvals

Ph. s22  
Mob. s22  
s22 [@environment.gov.au](mailto:s22@environment.gov.au)

s22

**From:** s22  
**Sent:** Monday, 1 April 2019 10:43 AM  
**To:** s22  
**Cc:** DLO Price; Dean Knudson; James Tregurtha; Gregory Manning; s22 ;  
**Subject:** s22  
2009-4906 - Yeelirrie uranium mine, WA - Assessment timeline [SEC=OFFICIAL]

Hi s22 ,

Following on from our conversation late on Friday afternoon, please see below for the Yeelirrie assessment timeline you requested. Happy to discuss further.

Greg and I'll will be in touch sometime today/tomorrow to discuss next steps and timing with the final decision brief for the Minister.

Regards

s22

s22  
Director, Major Projects West  
Environment Standards Division  
Ph. 02 s22  
s22 [@environment.gov.au](mailto:s22@environment.gov.au)

### **Assessment history**

- **21 May 2009** – BHP Billiton Yeelirrie Development Company Pty Ltd (BHP Billiton) referred the proposed action to the Department.
- **19 June 2009** - proposed action was determined by a delegate to be a controlled action due to likely significant impacts on listed threatened species and communities (ss 18 and 18A), listed migratory species (ss 20 and 20A), and, as the action is a nuclear action, the environment (ss 21 and 22A). An assessment approach decision was not made at that time.
- **2 January 2013** – Cameco Australia Pty Ltd and BHP Billiton notified the Department of a change to the person proposing to take the action. On 21 January 2013, a delegate published the change of proponent notice.
- **12 November 2014** - original proposal referred to the WA EPA (assessment 1788) was terminated by the proponent and a new referral was submitted (assessment 2032) and assessed by the WA EPA through a public environmental review (PER) under the EP Act.
- **17 November 2014** - proponent submitted a variation request to the Department to increase the annual rate of mining and production of uranium ore concentrate. On 5 December 2014, a delegate decided to accept the varied proposal.
- New WA bilateral agreement made in 2015, as a result the proposed action was no longer able to be assessed under a bilateral agreement, and required an assessment approach decision under section 87 of the EPBC Act.
- **12 March 2015** - a delegate decided that the proposed action would be assessed by an accredited assessment process, being PER under the EP Act. A correction notice was issued on 17 March 2015.

- **21 September 2015** – the public comment period on the PER commenced for a period of 12 weeks, ending on 14 December 2015.
- **3 August 2016** – the WA EPA released an assessment report and recommendations.
- **2 September 2016** – a delegate requested further information from the proponent under section 132 of the EPBC Act.
- **2 September 2016** – a delegate extended the statutory timeframe for making a decision on whether or not to approve the proposed action by 40 days. The statutory timeframe for a final decision was 3 April 2017.
- **2 September 2016** – the Department requested further information from the WA EPA.
- **December 2016** – the WA Appeals Convenor upheld the WA EPA’s decision and recommended that the appeals be dismissed.
- **14 December 2016** – the WA Minister allowed the appeals in part, in respect of flora and vegetation and the public availability of plans and dismissed the other grounds of appeal.
- **16 January 2017** - WA Minister approved the proposed action, subject to conditions, by issuing Ministerial Statement 1053 under section 45 of the EP Act.
- **20 June 2017** – the WA Minister for Mines and Petroleum announced a ban on future uranium mining in WA. The ban does not apply to the four already State approved uranium projects (including the proposed action), namely, Toro Energy’s Wiluna Project, Vimy Resources’ Mulga Rock project, and Cameco’s Kintyre and Yeelirrie projects.
- **4 July 2017** - the Environmental Defenders Office commenced proceedings in the Supreme Court of WA for a judicial review of the decision made by the former WA Environment Minister.
- **8 March 2018** - the Conservation Council of WA lodged an appeal against the WA Supreme Court’s decision. That decision was heard on 5 March 2019. A decision will be made at a later date.
- **5 March 2019** – the Minister made the proposed decision to approve the project with conditions and invited the proponent and relevant Ministers to comment on the proposed decision and conditions

s22

**From:** Media  
**Sent:** Tuesday, 9 April 2019 5:26 PM  
**To:** s22 ; s22  
**Cc:** Media  
**Subject:** FW: FOR REVIEW: Yeelirrie uranium mine - Talking Points [SEC=OFFICIAL]  
**Attachments:** 2009-4906 - Final Decision - Talking Points - April 2019.docx

Hi s22 and s22

Please find attached.

Cheers

s22

**Media Team**

Communications and Engagement Branch  
Department of the Environment and Energy  
GPO Box 787, CANBERRA ACT 2601



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**From:** s22  
**Sent:** Tuesday, 9 April 2019 4:51 PM  
**To:** s22 ; s22 @environment.gov.au>  
**Cc:** DLO Price <DLOPrice@environment.gov.au>; Dean Knudson s22 @environment.gov.au>; James Tregurtha s22 @environment.gov.au>; Gregory Manning s22 @environment.gov.au>; s22 environment.gov.au>; s22 environment.gov.au>; s22 @environment.gov.au>  
**Subject:** FW: FOR REVIEW: Yeelirrie uranium mine - Talking Points [SEC=OFFICIAL]

Hi s22

Please see attached for talking points (in case they're needed), should the Minister make the final decision on the proposed Yeelirrie uranium mine. As you know, the final decision package was delivered to the MO on Friday afternoon for a decision.

Please let me know if you need anything in the mean time

Regards

s22

s22  
Director, Major Projects West  
Environment Standards Division  
Ph. 02 s22  
Mob. s22  
s22 @environment.gov.au

s22

---

**From:** Media  
**Sent:** Friday, 19 October 2018 1:36 PM  
**To:** s22 ; s22 ; s22  
**Cc:** Media  
**Subject:** RE: Yeelirrie approvals process [SEC=UNCLASSIFIED]

Hi s22

Apologies for the delay. Please see our below. Will you respond to the journalist?

**Proposed response:**

The Australian Government is committed to ensuring a comprehensive assessment of the impacts of the Yeelirrie Uranium Mine on matters of national environmental significance.

The assessment has taken time for reasons including the need to ensure the department has all necessary information and because of the legal challenge to the former state Minister's approval decision. My Department advised that it was prudent to wait for the result of the WA Supreme Court proceedings before finalising the assessment.

It is common for the Commonwealth to confirm a state approval decision before making a decision under national environment law. This ensures that we know the state decision is valid and we can avoid overlapping with any state approval conditions.

The assessment is nearing completion and my Department is keeping Cameco Australia informed on its status and timing.

Thanks,

s22

**Media Team**

Communications and Engagement Branch  
Department of the Environment and Energy  
GPO Box 787, CANBERRA ACT 2601  
T: 02 6275 9880



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**From:** s22  
**Sent:** Monday, 15 October 2018 3:42 PM  
**To:** Media  
**Subject:** RE: Yeelirrie approvals process [SEC=UNCLASSIFIED]

That's fine

s22

**Media Adviser | Office of the Hon Melissa Price MP**  
**Minister for the Environment**

**a:** Parliament House, Canberra, ACT 2600

**t:** (02) s22 (Sitting weeks only) | **m:** s22 | **e:** s22 @environment.gov.au

---

**From:** Media

**Sent:** Monday, 15 October 2018 3:41 PM

**To:** s22

**Cc:** s22 Media <[Media@environment.gov.au](mailto:Media@environment.gov.au)>

**Subject:** RE: Yeelirrie approvals process [SEC=UNCLASSIFIED]

Hi s22 ,

Is it possible to delay this response until Wednesday? There are sensitivities around it and the branch head of the relevant line area is currently travelling.

Thanks,

**Media Team**

Communications and Engagement Branch  
Department of the Environment and Energy  
GPO Box 787, CANBERRA ACT 2601  
T: 02 6275 9880



---

**From:** s22

**Sent:** Monday, 15 October 2018 2:41 PM

**To:** Media <[Media@environment.gov.au](mailto:Media@environment.gov.au)>

**Cc:** s22 @environment.gov.au

**Subject:** FW: Yeelirrie approvals process [SEC=UNCLASSIFIED]

Hi all,

See query below – can we have an update on Yeelirrie please? No deadline for this but would like to go back to the reporter this week – let's aim for COB tomorrow.

s22

**Media Adviser | Office of the Hon Melissa Price MP  
Minister for the Environment**

**a:** Parliament House, Canberra, ACT 2600

**t:** (02) s22 (Sitting weeks only) | **m:** s22 | **e:** s22 @environment.gov.au

s22

PDR: MB19-000355

**FACT BRIEF - YEELIRRIE ABORIGINAL HERITAGE MATTERS**

Minister for the Environment

**REQUEST**

1. Are you able to confirm that Aboriginal Heritage matters were considered during the assessment by the WA EPA (resulting in condition around Aboriginal Heritage Management Plan)?
2. Are there any nationally listed Aboriginal sites anywhere in the area or are Indigenous matters for his referral state based?
3. You may not be able to respond to this one but generally assuming Indigenous interactions with developments ordinarily matter for proponent and state?

**Brief requested by:** s22**Date requested:** 26/04/2019**Date due:** 26/04/2019**Purpose:** <purpose of the brief to be inserted by DLO or PSS>**RESPONSE****Key Points**

1. Are you able to confirm that Aboriginal Heritage matters were considered during the assessment by the WA EPA (resulting in condition around Aboriginal Heritage Management Plan)?
  - The Assessment Report was prepared by the Western Australian Environmental Protection Authority (WA EPA) under an accredited assessment process.
  - The Assessment Report did consider impacts to Aboriginal Heritage matters. The WA EPA concluded that if the proposed action is approved, impacts on heritage could be managed by attaching a condition requiring the preparation and implementation of an Aboriginal Heritage Management Plan to minimise impacts as far as practicable to Aboriginal Heritage (WA approval condition 14).
2. Are there any nationally listed Aboriginal sites anywhere in the area or are Indigenous matters for this referral state based?
  - There are no nationally-listed Aboriginal heritage sites within the project area. However, impacts to Indigenous heritage, including sites registered and unregistered under State legislation, were considered as part of the assessment of impacts to the 'environment' under the EPBC Act as the action is a nuclear action under sections 21 and 22A of the EPBC Act.



3. You may not be able to respond to this one but generally assuming Indigenous interactions with developments ordinarily matter for proponent and state?

- It is responsibility of proponents to manage engagement with Traditional Owners in relation to a proposed development.

<b>Contact officer:</b>	s22 [redacted], Director, Major Projects West Ph. 02 s22 [redacted]	<b>Clearance officer:</b>	s22 [redacted] A/g Assistant Secretary Assessment (WA, SA, NT) and Post Approvals Ph 02 s22 [redacted]
		<b>Date:</b> 26/4/2019	