

Hon Murray Watt MP
Minister for the Environment and Water
c/- Department of Climate Change, Energy, the Environment and Water

By email: Minister.watt@dcceew.gov.au

CC: environment.compliance@dcceew.gov.au

22 October 2025

Dear Minister Watt,

RE: Compliance actions in relation to Vitrinite's Vulcan South Coal Mine

Environmental Advocacy in Central Queensland (EnvA) writes to express our serious concerns regarding ongoing illegal clearing at the Vulcan Coal Complex, and the inadequate compliance outcomes to date. We are deeply frustrated that these outcomes fail to change the behaviour of Vitrinite Pty Ltd and risk undermining confidence in Australia's environmental laws.

Vitrinite is a repeat offender with a record of disregard for environmental protection and approval conditions.

Environmental Advocacy in Central Queensland (**EnvA**) is an association deeply concerned about the social and environmental risks associated with coal mining, coal seam gas and the associated accelerated climate change.

EnvA believes that opening new and expanding coal and gas projects:

- is contrary to meeting Australia's emission targets and Queensland's emission targets,
- is likely to result in irreparable damage to our local landscape and result in stranded assets,
- will put our local community at further risk of extreme weather such as increasing the intensity and frequency of storms, floods, droughts and bushfires,
- will damage our significant coastal resources including our beaches and the Great Barrier Reef through storm surge and increased coral bleaching events, and
- will further degrade wildlife habitats of state and national significance through both habitat loss and climate change.

Background

Vitrinite (also trading as Queensland Coking Coal Pty Ltd and QLD Coal Aust No.1 PTY Ltd) has referred various components of its Vulcan Coal Mine Complex project through four separate applications under the *Environment Protection and Biodiversity Conservation Act 1999* (**EPBC Act**).

Below is a summary of these projects and the breaches that have occurred under the *Queensland Environmental Protection Act 1994* (**EP Act**) and/or the EPBC Act as background to our concerns.



Vulcan Bulk Sample Project (EPBC 2019/8504)

The previous federal government's Environment Minister determined that this was not a controlled action.

The project was undertaken under Environmental Authority (EA) number EPPR00561313.

Vulcan Complex Mine (EPBC 2020/8676)

This Project was approved by the previous government's Environment Minister with conditions and offset requirements in 2022.

This project was approved by the Queensland government and is operating under EA0002912.¹

This was the Proponent's first coal mine and their first demonstration that their claims of "commitment to effectively manage the impacts of their operations on the environment" and "exploration and mining activities operate in compliance with environmental authorities" are pure greenwashing and disinformation.²

In January 2024, an Environmental Protection Order (**EPO**)³ was issued by the Queensland Government due to numerous contaminated water releases from the Vulcan Complex mine between November 2022 and March 2023.

Vitrinite blamed heavy rainfall and staffing challenges – but the reality was that they had not constructed all the infrastructure required as part of its Environmental Authority conditions 18 months after the original EA was granted.

On Vitrinite's request, the original EPO was repealed and replaced with a supplementary EPO⁴ to allow the Proponent additional time to meet their construction, monitoring and third-party assessment requirements.

The release of contaminated water from sediment dams was resolved with no penalty for the contravention of the conditions of Vitrinite's EA despite the impacts on the environment.

Further to this, Vitrinite's 2023 EPBC Annual Compliance Report⁵ identified non-compliance with EPBC conditions. The report identified that land was cleared outside of the approved project area. The clearing occurred within the proposed Matilda Pit and Ancillary Infrastructure project area which was, and still is, under EPBC assessment and had not been approved. The compliance report also identified the failure to secure offset areas within the timeframe required by the conditions of approval and failure to report non-compliance within the approved timeframes. The 33ha area cleared contained habitat for the koala, greater glider and squatter pigeon.⁶

The clearing outside of the approved project area was resolved through an amendment to the Proponent's EPBC approval to encompass the illegally cleared area, the requirement for additional offsets, a revised offset management plan and an increased payment equivalent to the value of \$110,000 (increased from \$35,000) to a koala conservation program specified to by the Minister.⁷

¹ [Queensland Government \(9 July 2024\) Environmental Authority EA0002912](#)

² [Vitrinite webpage - Environment](#)

³ [Environmental Protection Order \(22/01/2024\). STAT-E-100527732](#)

⁴ [Environmental Protection Order \(22/03/2024\). STAT-E-100618168](#)

⁵ [Vitrinite \(28/03/2023\) EPBC Annual Compliance Report – 2020/8676](#)

⁶ [DCCEEW \(10/11/2023\) Compliance assessment report CR-23-002913. Page 753](#)

⁷ [DCCEEW \(22/07/2024\) Vulcan Complex Project \(EPBC 2020/8676\) Variation to Conditions](#)

Vulcan Coal Mine – Matilda Pit and Ancillary Infrastructure (EPBC 2022/09361)

This has been determined to be a controlled action to be assessed on Preliminary Documentation.

A decision on this project has not yet been made and is still under assessment, despite the application having been lodged in September 2022.

Vulcan North Bulk Sample Project (not referred for EPBC assessment)

The Proponent was granted EA EPPR03277115⁸ for the purpose of a mining activity causing significant disturbance to investigate the potential development of a mineral resource by large bulk sampling in March 2024.

This project was situated within the proposed Vulcan South Coal Mine project area (EPBC 2023/09708) which was under assessment when the project was commenced. The bulk sampling project was not identified in the Vulcan South Coal Mine referral and was not referred for assessment under the EPBC Act.

We only became aware of this component of the Vulcan Complex when the Department of Environment, Tourism Science and Innovation (**DETSI**) issued a Directions Notice⁹ to the Proponent on 17 June 2024. The Directions Notice broadly provides that the Proponent has conducted unauthorised clearing on EPC 1233 and is required to remedy the breach. Since the approval of the Vulcan South Coal Mine, this Direction Notice was modified to reflect the post-clearing approval¹⁰ and again to provide Vitrinite with an extension on timeframes¹¹. Vitrinite is now only required to rehabilitate 0.22ha of the approximately 2.11ha of illegal clearing.

EnvA reported this clearing of approximately 67ha of threatened species habitat and potential breach of the EPBC Act to the then Minister for the Environment and Water on 8 August 2024.¹² We followed up on this letter with an email confirming our concerns and providing satellite imagery showing the extent of the clearing and requesting confirmation that the Department of Climate Change, Energy, the Environment and Water (**DCCEEW**) was investigating the potential breach.¹³

Despite our requests and clear evidence of the clearing of threatened species habitats without EPBC Act approval, operations continued at the Bulk Sample Project. This was detected through drone footage taken on 15 October 2024. EnvA again wrote to the Minister with additional evidence and to also point out that the clearing was occurring in an area which was identified in the Vulcan South Coal Mine proposal as an area to be excluded to avoid koala and greater glider habitat and sought the Minister to use her powers under Section 475 of the EPBC Act to seek an urgent injunction from the Federal Court to halt works at the Vulcan South coal mine until the investigation had been finalised¹⁴.

It has now been over 14 months since this matter was reported to DCCEEW, and the investigation remains ongoing – an extremely disappointing compliance outcome for our endangered species.

⁸ [Queensland Government \(22 March 2024\) Environmental authority EPPR03277115](#)

⁹ [Queensland Government \(17 June 2024\) Direction Notice](#)

¹⁰ [Queensland Government \(9 May 2025\) Direction Notice](#)

¹¹ [Queensland Government \(15 August 2025\) Direction Notice](#)

¹² [EnvA correspondence to the Minister for the Environment and Water \(8 August 2024\)](#)

¹³ [EnvA correspondence to the Minister for the Environment and Water \(28 August 2024\)](#)

¹⁴ [EnvA correspondence to the Minister for the Environment and Water \(23 October 2024\)](#)

Vulcan South Coal Mine (EPBC 2023/09708)

On 5 April 2024, DETSI granted P-EA-100265081¹⁵ for the Vulcan South Coal Mine.

Despite Vitrinite's poor environmental record and an ongoing criminal investigation in relation to this component of the Vulcan Complex, DCCEEW provided approval for the Vulcan South Coal Mine on 9 January 2025¹⁶. We note that paragraph 322 of the recommendation report¹⁷ states, "The department acknowledges the concerns relating to the alleged clearing, raised through public comments following publication of the PER, but the department recommends that you do not consider this matter part of the proponent's environmental history as it involves an ongoing investigation".

It is extremely disappointing that an approval was granted for Vulcan South based on their application when it was apparent that there would be significant impacts on threatened species¹⁸ and that clearing had already been undertaken outside the approved disturbance footprint and in the avoidance areas set aside for koala and greater glider habitat, and hence Vitrinite has already breached the conditions of the approval.

Vitrinite's prior illegal clearing in the project area for the Vulcan North Bulk Sample project continues.

The Queensland Government issued an Environmental Enforcement Order¹⁹ in September 2025 in relation to 3.85ha of clearing outside of the maximum disturbance area.

DCCEEW was notified of this unauthorised clearing on 9 April 2025 and responded with issuing an infringement notice to the value of \$19,800 on 11 September 2025 for contravening conditions 1 and 11 of the EPBC Act approval. The non-compliance related to clearing 3.7 hectares outside the approved project area and not meeting the requirements of maintaining habitat for matters of national environmental significance in an avoidance area.²⁰

EnvA notes that this is the maximum penalty afforded under section 142B of the EPBC Act, but it is a pathetic fine which will not change Vitrinite's behaviours – just the cost of doing business. Vitrinite has a long record of environmental breaches and take all these minor penalties in their stride as they are granted extensions to timeframes and retrospective amendments to their approvals without any significant penalties for the destruction of endangered ecological communities and wildlife species.

EnvA's questions for your response

- Why are you reluctant to use your powers under s475 of the EPBC Act to request an injunction to halt mining works that are subject to a criminal investigation? No other offenders can continue to re-offend while an investigation is underway and prosecution is a potential outcome.

¹⁵ [Queensland Government \(5 April 2024\) Environmental authority P-EA-100265081 Vulcan South Coal Mine](#)

¹⁶ [DCCEEW \(9 January 2025\) Notification of approval decision](#)

¹⁷ [DCCEEW Recommendation Report. Vulcan South Coal Mine \(EPBC 2023/09708\)](#)

¹⁸ [EnvA submission on the draft Public Environment Report for the Vulcan South Coal Mine \(EPBC 2023/09708\)](#)

¹⁹ [Queensland Government \(19 September 2025\) Environmental Enforcement Order \(STAT-E-100880830\)](#)

²⁰ [DCCEEW Infringement notices webpage](#)

- What is the status of the investigation into the potential illegal clearing under the EPBC Act for the Vulcan Bulk Sample Project? It was notified over 14 months ago and the only responses we have received is that it “is under investigation”.
- Why was an infringement notice used instead of civil or criminal penalties for the illegal clearing at the Vulcan South Coal Mine? Vitrinite is already under criminal investigation, and hence it seems like a cop-out to issue a pathetic “cost of doing business” fine to finalise the matter at the expense of threatened species.

We note that the enforcement action undertaken by the LNP government in relation to the Vulcan Complex Mine resulted in changes to offset requirements and additional funding for a koala conservation program⁷ – a much stronger compliance response than that occurred for the Vulcan South Infringement Notice²⁰.

- Has Vitrinite been provided a direction to transfer \$110,00 funds to a koala conservation program specified by the Minister as required in the variation to conditions for the Vulcan Complex Project?⁷

EnvA’s recommendations

We urge you to:

- Prioritise and finalise the criminal investigation into the Vulcan North Bulk Sample Project to demonstrate that Australia’s environmental laws have substance and a deterrent value.
- Increase penalty units under section 142B of the EPBC Act (in the upcoming legislative amendments) to ensure penalties reflect the seriousness of environmental harm.
- Consider Vitrinite’s repeated breaches when assessing its suitability to operate another greenfield coal mine. Callan Coking Coal Bulk Sample Project (EPBC 2025/10122) is the first step in the development of the mine and is currently under EPBC Act assessment.

In conclusion, we urge your office to take meaningful compliance action against Vitrinite and to reform weak penalty provisions that currently allow repeat offenders to operate with impunity. We request a response to our questions and recommendations at your earliest convenience.

Thank you for your attention to this matter.

Kind regards,



Dr Coral Rowston
Director
Environmental Advocacy in Central Queensland Inc.