

THIS AND THE FOLLOWING.....1.....PAGES IS THE
ANNEXURE MARKED " V " REFERRED TO IN THE
AFFIDAVIT OF ROBERT IAN HEDLEY
SWORN THIS..... DAY OF.....
20...12 BEFORE ME.....
JUSTICE OF THE PEACE/SOLICITOR

From: Turner, Andrew (RTCA) [<mailto:Andrew.Turner2@riotinto.com>]
Sent: Tuesday, 25 September 2012 4:17 PM
To: Ian Hedley; Halfpenny, Cam (RTCA)
Cc: julia.pope@planning.nsw.gov.au; Scott.Brooks@planning.nsw.gov.au; [REDACTED]
julia.green@edonsw.org.au
Subject: RE: A answer needed on your on going polution of the Hunter Valley

Hi Ian

Ian, you have highlighted in your email that you would have liked to visit the shopfront or call to discuss your concerns and I agree it would be best if we met with you in person. I will be away on leave for the remainder of the week and will return on Thursday 4 October. I would like to propose that I call you on my return and we organise a time to get together. If you have any concerns with this please give me a call on 0467 709 432 or send me an email.

Regards
Andrew

Andrew Turner
Specialist Community Relations – External Relations

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From: Ian Hedley [<mailto:ian.hedley@hedweld.com.au>]
Sent: Wednesday, 19 September 2012 2:30 AM
To: Turner, Andrew (RTCA); Halfpenny, Cam (RTCA)
Cc: julia.pope@planning.nsw.gov.au; Scott.Brooks@planning.nsw.gov.au; Pamela DeBoer;
julia.green@edonsw.org.au
Subject: RE: A answer needed on your on going polution of the Hunter Valley

Andrew

I am not sure what has prompted you to send this late reply to an email I had addressed to Cam Halfpenny. I had addressed my email to Mr Halfpenny as one business manager to another voicing my concerns for the safety and health of my employees and that of the people that are being adversely affected by extreme dust events that emanate from the MTW mine site.

Having said that, I will play your silly game. Unfortunately, as I am overseas on business, I cannot visit your shop front. Due to the time zone difference, it is impractical to phone.

Therefore could you please take the time to respond to the following questions.

THIS AND THE FOLLOWING.....PAGE IS THE
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JUSTICE OF THE PEACE/SOLICITOR

From: Ian Hedley [mailto:ian.hedley@hedweld.com.au]
Sent: Wednesday, 26 September 2012 4:25 PM
To: Turner, Andrew (RTCA); Halfpenny, Cam (RTCA)
Cc: julia.pope@planning.nsw.gov.au; Scott.Brooks@planning.nsw.gov.au; Pamela DeBoer;
julia.green@edonsw.org.au
Subject: RE: A answer needed on your on going polution of the Hunter Valley

Andrew

That late and meaningless reply to my email is exactly what I have come to expect from you and Cam Halfpenny. If you cannot or will not respond by email, as this is now a NSW WorkCover matter, could you please refer this correspondence on to the appropriate Rio Tinto department for consideration.

In addition, as I wish to make a formal complaint in regards to the conduct and procrastination of MTW management in relationship to OH&S, please provide the contact details to whom I should address at Rio Tinto.

This issue is not something that can be delayed until my return from overseas, the fact remains, there are genuine NSW Government departmental health warnings, that cannot be ignored. I require an urgent reply.

Regards,
Ian Hedley
Managing Director



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SWORN THIS.....DAY OF.....

20.12 BEFORE ME.....

JUSTICE OF THE PEACE/SOLICITOR

From: Bowcock, Jennifer (RTCA) [<mailto:Jennifer.Bowcock@riotinto.com>]

Sent: Thursday, 27 September 2012 5:52 PM

To: Ian Hedley

Subject: FW: A answer needed on your on going polution of the Hunter Valley

Dear Ian,

We have attempted to answer your specific queries below, and the offer to meet and discuss these further when you return from overseas remains. However, we do not propose to continue with the back and forth on this issue via email as it does not appear to be productive to either party. As we have discussed previously, dust and air quality during windy conditions is a regional issue and the Upper Hunter region can be affected by cumulative impacts from a range of sources. MTW works closely with the relevant government departments to monitor, pre-empt and manage its operations during changing weather conditions. If you have further concerns about community health issues and possible actions that individuals should take, these should be directed to the relevant government agencies and departments.

Should you have a specific incident to report regarding MTW's operations, then for urgent feedback please contact our complaints hotline on 1800 656 892 as soon as possible. This allows the most rapid response and also ensures that your complaints are formally recorded with the Department of Planning and Infrastructure.

- 1) The situation exists, that despite the fact that the hotline is notified as you suggest, the mine fails to take any action to address the situation. The EPA consequently issue a health warning in relation to dust pollution reaching levels that are so high that they are above Australian standards and dangerous to community health.

Question; What action should residence and workers in the hazardous air quality areas take to ensure that they are not going to suffer short or long term health related conditions?

Answer: This is a question best answered by the Department as it is a community health concern that you raise.

- 2) Rio Tinto does not appear to address the issue of dust levels regularly reaching levels that the EPA monitor and reported as dangerous to human health.

Question; What action will Mt Thorley Warkworth take to address the serious threat to Hunter Valley residence as a result of the excessive dust pollution from their mine site?

Answer: As you are aware, MTW has an Environmental Protection Licence and Consent to undertake certain activities, the undertaking of these activities is to be in accordance with the conditions of these two instruments. Should MTW breach any of these conditions the Department of Planning and Infrastructure and the Office of Environment and Heritage are empowered to take appropriate enforcement action against MTW.

- 3) Please take a look at the YouTube video <http://youtu.be/HqMmZPeAddw>

Question: Does Mt Thorley Warkworth consider that these levels of dust pollution are acceptable?

Answer: As per our answer in 2, MTW makes every effort to operate in accordance with the conditions of its EPL and Consent, if there is a breach of these conditions, as it would appear you are alleging then DoPI or OEH are empowered to take appropriate enforcement action.

From: Ian Hedley
Sent: Friday, 28 September 2012 9:35 AM
To: 'Bowcock, Jennifer (RTCA)'
Cc: Halfpenny, Cam (RTCA) (Cam.Halfpenny@riotinto.com); Turner, Andrew (RTCA) (Andrew.Turner2@riotinto.com); 'Gary Davey'; Julia Pope (julia.pope@planning.nsw.gov.au); 'Scott Brooks' (Scott.Brooks@planning.nsw.gov.au); Julia Green (julia.green@edonsw.org.au); 'Pamela DeBoer'
Subject: RE: A answer needed on your on going polution of the Hunter Valley

Dear Jennifer

Thank you for your reply. I do not believe that your reply addressed my concerns as your answers were very non-committal and vague. I too agree that the back and forth of emails is not productive for either party. I would however suggest that straight answers to straight questions would resolve this issue. Perhaps if you could provide straight and factual answers to the below concerns I have detailed in red, then there will be no further need to correspond on this matter.

Cam Halfpenny has made the statement on many occasions, that MTW needs to and can do better in relation to environmental effects on neighbouring residence. This has not happened, and in fact the poor management practises of the MTW mine operation has seen continuing a high number of hazardous air quality warnings and increased levels of noise and dust pollution.

As I have made statements in relation to other parties on this email, to be open and transparent, I have included them on this out going email.

I look forward to your genuine reply.

Regards,
Ian Hedley
Managing Director



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the conditions of these two instruments. Should MTW breach any of these conditions the Department of Planning and Infrastructure and the Office of Environment and Heritage are empowered to take appropriate enforcement action against MTW.

(IH) I have already voiced my concerns to the EPA (see attached correspondence) I will also be taking this matter up with MP, Mr George Souris on my return. In the meantime and while I await responses, could you please provide a straight answer to the very simple question. What action will MTW take to address the serious threat to Hunter Valley residence as a result of the excessive dust pollution from their mine site?

- 3) (IH) Please take a look at the YouTube video <http://youtu.be/HqMmZPeAddw>
Question: Does Mt Thorley Warkworth consider that these levels of dust pollution are acceptable?

(JB) Answer: As per our answer in 2, MTW makes every effort to operate in accordance with the conditions of its EPL and Consent, if there is a breach of these conditions, as it would appear you are alleging then DoPI or OEH are empowered to take appropriate enforcement action.

(IH) I don't believe I am alleging anything. I am simply stating fact. The fact is that there is video evidence of dust pollution coming directly from the MTW property, and confirmed by health warnings from EPA dust monitoring that details hazardous air quality on that day. Could you please read my question again, and at the very least, provide a simple yes or no answer.

- 4) (IH) On the 13th September, 2012 dust levels in Mt Thorley Warkworth industrial area reached a level that my management staff considered sending the Hedweld employees home for fear of health risks due to excessive dust from Mt Thorley Warkworth mine.
Question: Will Rio Tinto guarantee that the Hedweld employees are not at risk of health related problems when the EPA have warned of hazardous air quality?

(JB) Answer: Any actions to be taken by Hedweld regarding its employees as a result of an EPA warning are a question for Hedweld management.

(IH) I do not consider your answer is appropriate, as MTW are creating a health hazard to my employees by failing to prevent unsafe levels of dust from leaving their mine site. Again please read my question again and respond on behalf of Rio Tinto. And again a simple yes or no answer will be sufficient.

The offer to meet and discuss when you return from overseas still stands. Cam Halfpenny and Andrew Turner are both on leave until the end of next week so it would be appropriate to meet after the 8th October. I await your advice. If at such a meeting, you are going to answer my question with the same meaningless answers you have given in your email reply, then I hardly think a meeting will be advantageous to either party. I will be overseas for an extended period, and as this is a very serious health and safety matter, I believe that a satisfactory resolution needs to be reached as soon as possible. I personally do not believe that it is my responsibility to contact all of the Government Departments to ensure that Rio Tinto, Coal and Allied, MTW are not putting my employees and families health at risk due to poor air quality. I have already made contact with, NSW Planning, NSW Health, EPA, a NSW Member of Parliament, NSW Work Cover, and the list goes on. To date, each Department has claimed no Departmental responsibility and instead suggested that my concerns should (exactly the same as you have) be addressed to the Department. My question is, which Department?