

Fw: Alcoa Confidential - Draft National Interest Exemption [SEC=OFFICIAL]

Friday, 6 March 2026 3:16 PM

Subject	Fw: Alcoa Confidential - Draft National Interest Exemption [SEC=OFFICIAL]
From	Dani YANNOPOULOS
To	Danny MCQUILLEN
Sent	Monday, 1 December 2025 8:34 AM
Attachments	 25.11.28 Draft sub...  Environme ntal Prote...  Ministerial Approval ...  25.11.28 Draft cov...

As per my message we should continue discussions on the EU and extend it to 2025 but note their link to a NIE so we should work alongside Declan's group on this to ensure our actions are connected but also move forward in a timely manner.

Thanks
Dani

From: Mike KAISER

Sent: Friday, November 28, 2025 8:35:46 PM

To: Rachel PARRY ; Shane GADDES ; Declan O'CONNOR-COX ; Dani YANNOPOULOS

Subject: Fw: Alcoa Confidential - Draft National Interest Exemption [SEC=OFFICIAL]

OFFICIAL

OFFICIAL

From: s. 47F(1)

Sent: Friday, November 28, 2025 8:26:21 PM

To: Mike KAISER

Subject: Alcoa Confidential - Draft National Interest Exemption

Commercial in confidence

Dear Mike

Thank you for your time today.

As we discussed, I have attached a draft cover letter to the Minister requesting a National Interest Exemption. I have also attached a draft submission document that sets out the reasons for Alcoa's request in more detail and that may also assist the Department in preparing its reasons for decision. I have also attached copies of the very strict State approval conditions that we currently operate under. In summary, our proposal is that any National Interest Exemption granted by the Minister is:

- Subject to Alcoa complying with these State approval conditions;
- Limited to 800 ha per annum; and
- Time bound to 31 December 2029 – we have proposed this date as this allows for Alcoa to receive its approvals (currently undergoing a bi-lateral assessment with the State EPA and DCCEEW which we aim to secure in late 2026), construct infrastructure (approx. 2-2.5 years) and commence mining at the proposed Myara North and Holyoake mining areas which we target commencement of in late 2028/2029.

Given the critical nature of this issue, we look forward to concluding this matter early next week. We also propose to extend the draft Enforceable Undertaking to cover the period ending 2025 so we are eager to also discuss the scope of the projects and value.

Kind regards

s. 47F(1)

Released by the National EPA under the FOI Act 1982

Submission in support of application for exemption under section 158 of the EPBC Act

1 Legislation

Section 158 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**) provides:

158 Exemptions from Part 3 and this Chapter

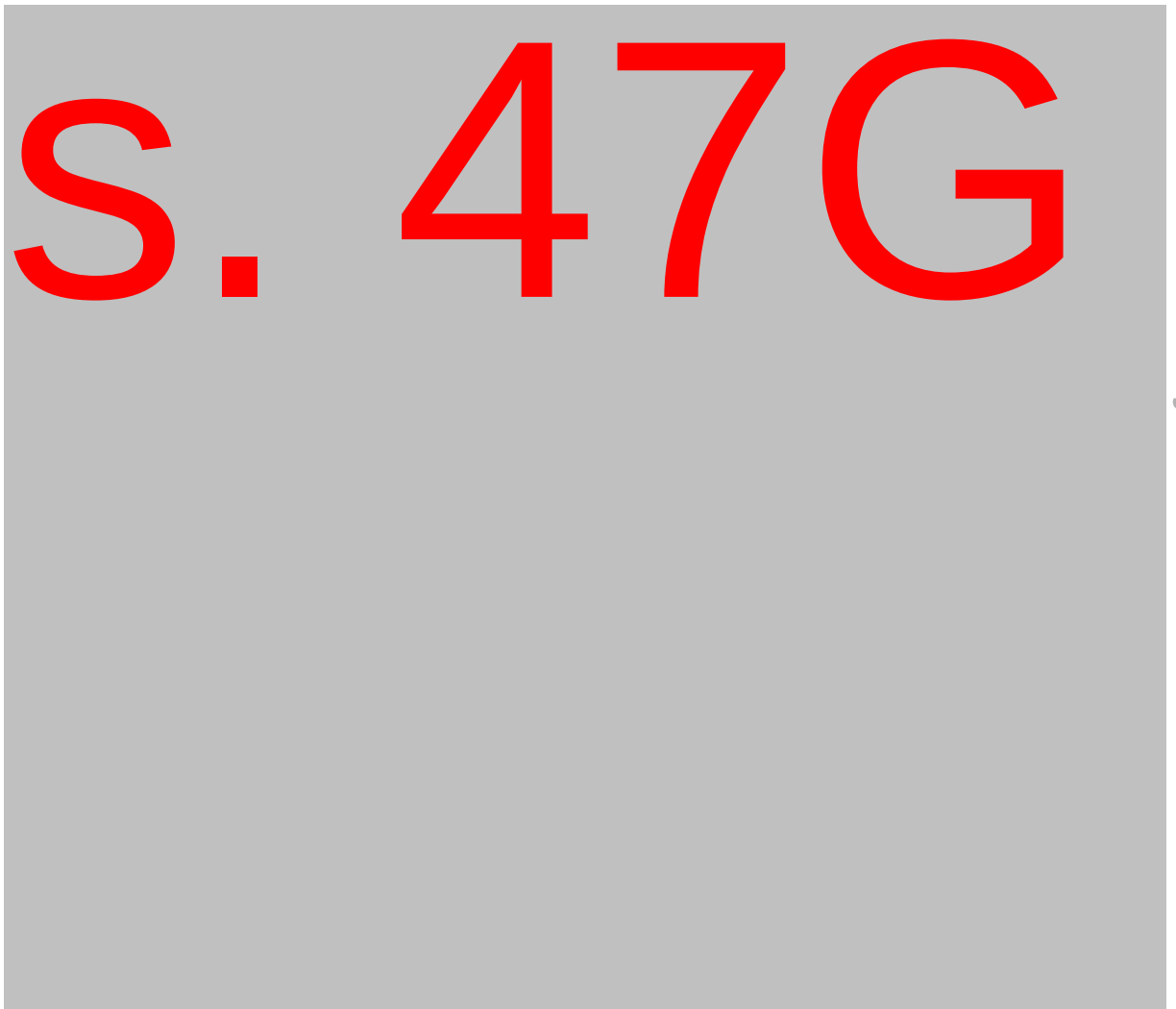
- (1) A person proposing to take a controlled action, or the designated proponent of an action, may apply in writing to the Minister for an exemption from a specified provision of Part 3 or of this Chapter.
- (2) The Minister must decide within 20 business days of receiving the application whether or not to grant the exemption.
- (3) The Minister may, by written notice, exempt a specified person from the application of a specified provision of Part 3 or of this Chapter in relation to a specified action.
- (4) The Minister may do so only if he or she is satisfied that it is in the national interest that the provision does not apply in relation to the person or the action.
- (5) In determining the national interest, the Minister may consider Australia's defence or security or a national emergency. This does not limit the matters the Minister may consider.
- (6) A provision specified in the notice does not apply in relation to the specified person or action on or after the day specified in the notice. The Minister must not specify a day earlier than the day the notice is made.
- (7) Within 10 business days after making the notice, the Minister must:
 - (a) publish a copy of the notice and his or her reasons for granting the exemption in accordance with the regulations; and
 - (b) give a copy of the notice to the person specified in the notice.

2 Background

S. 47G

S. 47G

Released by the National EPA under the FOI Act 1982



3 Amendments to the EPBC Act

- 17 A package of 7 bills to implement the recommendations of the 2020 Independent Review of the EPBC Act were introduced to parliament on 30 October 2025. This included the Environment Protection Reform Bill 2025 (Cth) (**EPR Bill**). The EPR Bill was agreed to by the House of Representatives on 6 November 2025.
- 18 Given the long history of operations at Huntly and Willowdale mining operations, AoA continued the conduct of those operations following commencement of the EPBC Act on the basis that either section 43A or section 43B applied. On 24 November 2025, the EPR Bill was introduced to the Senate. On 27 November 2025, amendments were proposed by the Australian Greens to support the passage of a package of reforms to the EPBC Act.
- 19 Item 12 of the Schedule of the amendments made by the Senate to the EPR Bill in respect to AG (3) [sheet 3566] amends section 43B of the EPBC Act as follows:
- (2B) *Subsection (1) also does not apply to an action if:*
- (a) *the action consists of, or involves, clearing vegetation from land; and*

(b) *at the time the action is taken, the land has not been cleared of vegetation for a period of at least 15 years; and*

(c) *the action is not a forestry operation.*

20 This amendment was agreed, and the EPR Bill then passed, by the Senate on 27 November 2025. The House of Representatives agreed to the Senate amendments on 28 November 2025. The EPR Bill has now passed both houses of parliament and has received Royal Assent.

21 This means any clearing of vegetation that has not been cleared in the prior 15 years in the course of a lawful continuation of use of land will now require Part 9 approval if it has, will have or is likely to have, a significant impact on a matter protected by Part 3 of the EPBC Act.

4 Exemption being sought

22 Pursuant to section 158(1) of the EPBC, AoA is applying for an exemption from all of the provisions of Part 3 and all of Parts 7 through 9 of Chapter 4 of the EPBC Act in relation to the following action, to the extent the action is a controlled action for the purposes of section 67:

(a) ~~The taking of limited clearing on ML1SA which has not been cleared of vegetation for a period of at least 15 years.~~

(b) Limited clearing on ML1SA means clearing:

(1) Associated with AoA's operations at the Huntly and Willowdale mining operations;

~~(2) of no more than 800 hectares per annum;~~

~~(3)~~(2) undertaken in accordance with AoA's Mining Management Program as annually approved by the Western Australian Minister for State Development, including any associated Ministerial approval conditions, and the *Environmental Protection (Darling Range Bauxite Mining Proposals) Exemption Order 2023*; and

~~(4)~~(3) undertaken from the date the exemption takes effect until 31 December 202~~7~~9.

23 AoA respectfully requests the Minister grant an exemption under section 158(3) of the of the EPBC Act.

5 National interest reasons in support of grant of an exemption

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Alcoa draft NIE v4

Friday, 6 March 2026 9:49 AM

Subject	Alcoa draft NIE v4
From	Dani YANNOPOULOS
To	Kylie CALHOUN; Kate GOWLAND; Lam NGUYEN; Danny MCQUILLEN
Cc	Rachel PARRY; Shane GADDES
Sent	Wednesday, 17 December 2025 12:33 PM
Attachments	 251208 Draft sub...

Hi all,

Just received the latest version of the draft NIE from Alcoa – timeframes flagged to be discussed today. As the content/reasons for the NIE remain the same appreciate if we can please move quickly on any work that can be done prior to receiving this formally – ie documenting of risks and engaging legal services as discussed yesterday. For those not in the meeting at 2pm I'll pull together a debrief meeting and write some notes up and send around.

Thanks

Dani

From: s. 47F(1)

Sent: Wednesday, 17 December 2025 12:19 PM

To: Dani YANNOPOULOS

Subject: RE: next steps [SEC=OFFICIAL]

OFFICIAL

Hi Dani

s. 22(1)(a)(ii)

I've attached the draft NIE putting the 800 hectares back in and square-bracketing the time period that I'm sure that we will discuss today.

s. 22(1)(a)(ii)

Regards

s. 47F(1)

f a valid mailing list and no longer want to receive a message such as this one, advise the sender by return e-mail accordingly. This notice should not be deleted or altered -----

Submission in support of application for exemption under section 158 of the EPBC Act

1 Legislation

Section 158 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**) provides:

158 Exemptions from Part 3 and this Chapter

- (1) A person proposing to take a controlled action, or the designated proponent of an action, may apply in writing to the Minister for an exemption from a specified provision of Part 3 or of this Chapter.
- (2) The Minister must decide within 20 business days of receiving the application whether or not to grant the exemption.
- (3) The Minister may, by written notice, exempt a specified person from the application of a specified provision of Part 3 or of this Chapter in relation to a specified action.
- (4) The Minister may do so only if he or she is satisfied that it is in the national interest that the provision does not apply in relation to the person or the action.
- (5) In determining the national interest, the Minister may consider Australia's defence or security or a national emergency. This does not limit the matters the Minister may consider.
- (6) A provision specified in the notice does not apply in relation to the specified person or action on or after the day specified in the notice. The Minister must not specify a day earlier than the day the notice is made.
- (7) Within 10 business days after making the notice, the Minister must:
 - (a) publish a copy of the notice and his or her reasons for granting the exemption in accordance with the regulations; and
 - (b) give a copy of the notice to the person specified in the notice.

2 Background

S. 47G

S. 47G

Released by the National EPA under the FOI Act 1982

S. 47G

3 Amendments to the EPBC Act

- 17 A package of 7 bills to implement the recommendations of the 2020 Independent Review of the EPBC Act were introduced to parliament on 30 October 2025. This included the Environment Protection Reform Bill 2025 (Cth) (**EPR Bill**). The EPR Bill was agreed to by the House of Representatives on 6 November 2025.
- 18 Given the long history of operations at Huntly and Willowdale mining operations, AoA continued the conduct of those operations following commencement of the EPBC Act on the basis that either section 43A or section 43B applied. On 24 November 2025, the EPR Bill was introduced to the Senate. On 27 November 2025, amendments were proposed by the Australian Greens to support the passage of a package of reforms to the EPBC Act.
- 19 Item 12 of the Schedule of the amendments made by the Senate to the EPR Bill in respect to AG (3) [sheet 3566] amends section 43B of the EPBC Act as follows:
- (2B) Subsection (1) also does not apply to an action if:*
- (a) *the action consists of, or involves, clearing vegetation from land; and*

4 Exemption being sought

- (b) *at the time the action is taken, the land has not been cleared of vegetation for a period of at least 15 years; and*
- (c) *the action is not a forestry operation.*
- 20 This amendment was agreed, and the EPR Bill then passed, by the Senate on 27 November 2025. The House of Representatives agreed to the Senate amendments on 28 November 2025. The EPR Bill has now passed both houses of parliament and has received Royal Assent.
- 21 This means any clearing of vegetation that has not been cleared in the prior 15 years in the course of a lawful continuation of use of land will now require Part 9 approval if it has, will have or is likely to have, a significant impact on a matter protected by Part 3 of the EPBC Act.

4 Exemption being sought

- 22 Pursuant to section 158(1) of the EPBC, AoA is applying for an exemption from all of the provisions of Part 3 and all of Parts 7 through 9 of Chapter 4 of the EPBC Act in relation to the following action, to the extent the action is a controlled action for the purposes of section 67:
- (a) ~~The taking of limited clearing on ML1SA which has not been cleared of vegetation for a period of at least 15 years.~~
- (b) Limited clearing on ML1SA means clearing:
- (1) Associated with AoA's operations at the Huntly and Willowdale mining operations;
 - (2) of no more than 800 hectares per annum;
 - (3) undertaken in accordance with AoA's Mining Management Program as annually approved by the Western Australian Minister for State Development, including any associated Ministerial approval conditions, and the *Environmental Protection (Darling Range Bauxite Mining Proposals) Exemption Order 2023*; and
 - (4) undertaken from the date the exemption takes effect until 31 December 2027.
- 23 AoA respectfully requests the Minister grant an exemption under section 158(3) of the EPBC Act.

Formatted: Highlight

5 National interest reasons in support of grant of an exemption

S. 47G

5 National interest reasons in support of grant of an exemption

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5 National interest reasons in support of grant of an exemption

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S. 47G

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Fw: Alcoa Confidential - Draft National Interest Exemption [SEC=OFFICIAL]

Friday, 6 March 2026 11:55 AM

Subject	Fw: Alcoa Confidential - Draft National Interest Exemption [SEC=OFFICIAL]
From	Mike KAISER
To	Rachel PARRY; Shane GADDES; Declan O'CONNOR-COX; Dani YANNOPOULOS
Sent	Friday, 28 November 2025 8:35 PM
Attachments	 25.11.28 Draft sub...  Environme ntal Prote...  Ministerial Approval ...  25.11.28 Draft cov...

OFFICIAL

OFFICIAL

From: s. 47F(1) @Alcoa.com>
Sent: Friday, November 28, 2025 8:26:21 PM
To: Mike KAISER <mike.kaiser@dcceew.gov.au>
Subject: Alcoa Confidential - Draft National Interest Exemption

Commercial in confidence

Dear Mike

Thank you for your time today.

Released by the National EPA under the FOI Act 1982

As we discussed, I have attached a draft cover letter to the Minister requesting a National Interest Exemption. I have also attached a draft submission document that sets out the reasons for Alcoa's request in more detail and that may also assist the Department in preparing its reasons for decision. I have also attached copies of the very strict State approval conditions that we currently operate under. In summary, our proposal is that any National Interest Exemption granted by the Minister is:

- Subject to Alcoa complying with these State approval conditions;
- Limited to 800 ha per annum; and
- Time bound to 31 December 2029 – we have proposed this date as this allows for Alcoa to receive its approvals (currently undergoing a bi-lateral assessment with the State EPA and DCCEEW which we aim to secure in late 2026), construct infrastructure (approx. 2-2.5 years) and commence mining at the proposed Myara North and Holyoake mining areas which we target commencement of in late 2028/2029.

Given the critical nature of this issue, we look forward to concluding this matter early next week. We also propose to extend the draft Enforceable Undertaking to cover the period ending 2025 so we are eager to also discuss the scope of the projects and value.

Kind regards

s. 47F(1)



Alcoa of Australia Limited
ACN 004 879 298

Corporate Office
PO Box 7439
Cloisters Square WA 6850
Australia

28 November 2025

Commercial in confidence

Senator the Hon Murray Watt
Minister for the Environment and Water
PO Box 6100
Senate, Parliament House
Canberra ACT 2600

Dear Minister Watt

Application for section 158 exemption from Part 3 of the EPBC Act

I write seeking your urgent attention to Alcoa of Australia's (**AoA**) application for an exemption under section 158 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**) in respect of limited clearing associated with our Western Australian mining operations.

On 27 and 28 November 2025, amendments to the EPBC Act were passed that fundamentally alter the operation section 43B, being the lawful continuation of land use grandfathering provision. The amendments have excluded the clearing of vegetation of land that has not been cleared for a period of at least 15 years from the operation of this provision. Section 43B is not exclusively applicable to agricultural land, as has been suggested in commentary regarding the amendment, and has direct consequences for the ongoing conduct of AoA's operations.

AoA had no prior notice of the proposed amendment to section 43B of the EPBC Act and understands that the change is intended to take effect from the date the proposed amendments receive Royal Assent. Accordingly, AoA has been unable to assess its immediate clearing activities against Part 3, or take steps to seek Part 9 approval (if required). An exemption under section 158 of the EPBC Act is the only available avenue to ensure business continuity.

Pursuant to section 158(1) of the EPBC, AoA is applying for an exemption from all of the provisions of Part 3 and all of Parts 7 through 9 of Chapter 4 of the EPBC Act in relation to the following action, to the extent the action is a controlled action for the purposes of section 67:

- (a) The taking of **limited clearing on ML1SA** which has not been cleared of vegetation for a period of at least 15 years.
- (b) **Limited clearing on ML1SA** means clearing:
 - (1) Associated with AoA's operations at the Huntly mine and Willowdale mine (to the extent not within the scope of a prior authorisation for the purposes of section 43A of the EPBC Act);
 - (2) of no more than 800 hectares per annum;
 - (3) undertaken in accordance with AoA's Mining Management Program (**MMP**) as annually approved by the Minister for State Development, including any associated Ministerial approval conditions, and the *Environmental Protection (Darling Range Bauxite Mining Proposals) Exemption Order 2023*; and
 - (4) undertaken from the date the exemption takes effect until 31 December 2029.

We have requested that the exemption is valid until to 31 December 2029 as this allows for Alcoa to receive its approvals, construct infrastructure and commence mining at the proposed Myara North and Holyoake mining areas.

Attached to this letter is a submission in support of AoA's application for a section 158 exemption. It sets out in further detail the unique and exception circumstances that have arisen, and why grant of an exemption is clearly in the national interest.

I respectfully request that you grant an exemption under section 158(3) of the EPBC Act on or before Royal Assent to the amendments described above. If you require any further information in support of this application, please contact [s. 47F\(1\)](#) @alcoa.com.

Yours sincerely

[s. 47F\(1\)](#)

President Alcoa Australia

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Submission in support of application for exemption under section 158 of the EPBC Act

1 Legislation

Section 158 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**) provides:

158 Exemptions from Part 3 and this Chapter

- (1) A person proposing to take a controlled action, or the designated proponent of an action, may apply in writing to the Minister for an exemption from a specified provision of Part 3 or of this Chapter.
- (2) The Minister must decide within 20 business days of receiving the application whether or not to grant the exemption.
- (3) The Minister may, by written notice, exempt a specified person from the application of a specified provision of Part 3 or of this Chapter in relation to a specified action.
- (4) The Minister may do so only if he or she is satisfied that it is in the national interest that the provision does not apply in relation to the person or the action.
- (5) In determining the national interest, the Minister may consider Australia's defence or security or a national emergency. This does not limit the matters the Minister may consider.
- (6) A provision specified in the notice does not apply in relation to the specified person or action on or after the day specified in the notice. The Minister must not specify a day earlier than the day the notice is made.
- (7) Within 10 business days after making the notice, the Minister must:
 - (a) publish a copy of the notice and his or her reasons for granting the exemption in accordance with the regulations; and
 - (b) give a copy of the notice to the person specified in the notice.

2 Background

S. 47G



3 Amendment to section 43B of the EPBC Act

- 8 A package of 7 bills to implement the recommendations of the 2020
Independent Review of the EPBC Act were introduced to parliament on 30
October 2025. This included the Environment Protection Reform Bill 2025 (Cth)
(**EPR Bill**). The EPR Bill was agreed to by the House of Representatives on
6 November 2025.
- 9 AoA's operations at Huntly mine and Willowdale mine (to the extent not within
the scope of a prior authorisation for the purposes of section 43A of the EPBC
Act) are a lawful continuation of use of the land comprising ML1SA prior to the
commencement of the EPBC Act on 16 July 2000.
- 10 On 24 November 2025, the EPR Bill was introduced to the Senate. On
27 November 2025, amendments were proposed by the Australian Greens to
support the passage of a package of reforms to the EPBC Act.
- 11 Item 12 of the Schedule of the amendments made by the Senate to the EPR Bill
in respect to AG (3) [sheet 3566] amends section 43B of the EPBC Act as
follows:

(2B) Subsection (1) also does not apply to an action if:

- (a) the action consists of, or involves, clearing vegetation from land; and*
- (b) at the time the action is taken, the land has not been cleared of vegetation for a period of at least 15 years; and*
- (c) the action is not a forestry operation.*

- 12 This amendment was agreed, and the EPR Bill then passed, by the Senate on 27 November 2025. The House of Representatives agreed to the Senate amendments on 28 November 2025. The EPR Bill has now passed both houses of parliament and is awaiting Royal Assent.
- 13 This means any clearing of vegetation that has not been cleared in the prior 15 years in the course of a lawful continuation of use of land will now require Part 9 approval if it has, will have or is likely to have, a significant impact on a matter protected by Part 3 of the EPBC Act.

4 Exemption being sought

- 14 Clearing of vegetation is an integral part of the mining operations undertaken by AoA on ML1SA. It is not possible for AoA to maintain ongoing supply of bauxite to its refineries at Pinjarra and Wagerup without clearing in advance of mining. In turn, this will impact the future production of alumina and gallium (in due course).
- 15 Without an exemption being granted under section 158 of the EPBC Act, AoA will be placed the position of being unable to continue conduct (ie clearing) that may be otherwise than in accordance with the EPBC Act.
- 16 AoA had no prior notice of the amendment to section 43B, which was proposed and then passed within hours. It has therefore had no opportunity to either assess its immediate clearing activities against Part 3.
- 17 AoA seeks to operate in accordance with all applicable laws, including the EPBC Act. The amendments to section 43B in the EPR Bill prejudice its ability to do so. AoA is therefore requesting a temporary exemption under section 158 of the EPBC Act in respect of clearing associated with its operations on ML1SA that is required to ensure business continuity, to the extent such clearing is a controlled action.
- 18 Pursuant to section 158(1) of the EPBC, AoA is applying for an exemption from all of the provisions of Part 3 and all of Parts 7 through 9 of Chapter 4 of the EPBC Act in relation to the following action, to the extent the action is a controlled action for the purposes of section 67:
- (a) The taking of limited clearing on ML1SA which has not been cleared of vegetation for a period of at least 15 years.
 - (b) Limited clearing on ML1SA means clearing:
 - (1) Associated with AoA's operations at the Huntly mine and Willowdale mine (to the extent not within the scope of a prior authorisation for the purposes of section 43A of the EPBC Act);
 - (2) of no more than 800 hectares per annum;

- (3) undertaken in accordance with AoA's Mining Management Program (**MMP**) as annually approved by the Western Australian Minister for State Development, including any associated Ministerial approval conditions, and the *Environmental Protection (Darling Range Bauxite Mining Proposals) Exemption Order 2023*; and
- (4) undertaken from the date the exemption takes effect until 31 December 2029.

19 AoA respectfully requests the Minister grant an exemption under section 158(3) of the of the EPBC Act on or before Royal Assent to the amendments described in section 3 above.

S. 47G

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FW: next steps [SEC=OFFICIAL]

Friday, 6 March 2026 3:38 PM

s. 22(1)(a)(ii)

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s. 22(1)(a)(ii)

OFFICIAL

From: Dani YANNOPOULOS <Dani.Yannopoulos@dcceew.gov.au>

Sent: Monday, December 22, 2025 7:24 AM

To: s. 47F(1) @alcoa.com>

Subject: EXT: RE: next steps [SEC=OFFICIAL]

OFFICIAL

Great to hear the workshop is locked in.

I suggest waiting to see how the workshop goes. I think we all came away with a clear understanding of what we need to achieve for both parties and I'm hopeful that the workshop can resolve any issues and we will have all the details agreed for s. 22(1)(a)(ii), NIE s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

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s. 22(1)(a)(ii)

Released by the National EPA under the FOI Act 1982

Trust this assists with your decision makers. I am around until Wednesday if you have any further questions or concerns otherwise will no doubt talk in the new year. I am back on 5th January.

Kind Regards
Dani

OFFICIAL

From: s. 47F(1) @alcoa.com>
Sent: Friday, 19 December 2025 5:10 PM
To: Dani YANNOPOULOS <Dani.Yannopoulos@dcceew.gov.au>
Subject: RE: next steps [SEC=OFFICIAL]

OFFICIAL

Hi Dani
We've locked in the workshop for 7 and 8 Jan. Should we set up a call with the bigger group (you, Mike K etc) for the 9th to check in where we are at?
Many thanks

s. 47F(1)

OFFICIAL

From: Dani YANNOPOULOS <Dani.Yannopoulos@dcceew.gov.au>
Sent: Thursday, December 18, 2025 9:40 AM
To: s. 47F(1) @alcoa.com>
Subject: EXT: RE: next steps [SEC=OFFICIAL]

OFFICIAL

Thanks ^{s. 47F(1)}

Your action list below aligns with mine. I've passed on the information you have provided to my team and will come back to you. I suspect this will need to be incorporated into the NIE application as it would form part of your reason for requesting a certain timeframe - but I'll come back to you to confirm this along with responses to our other actions.

Kind Regards

Dani

OFFICIAL

From: ^{s. 47F(1)} @alcoa.com>
Sent: Wednesday, 17 December 2025 11:56 PM
To: Dani YANNOPOULOS <Dani.Yannopoulos@dcceew.gov.au>
Subject: RE: next steps [SEC=OFFICIAL]

OFFICIAL

Commercial in confidence

Hi Dani

Thanks to both you and the broader DCCEEW team for taking the time again today to work through this issue.

As discussed, please find our 'counterfactual' setting out why 12-month NIE is difficult to reconcile with our ore-bank. Please let me know if you have any questions with this.

Also, I've got the following on our to-do list:

- Kylie to provide an information request list setting out the referral information that she requires to start the referral discussion.
- Set the date/location for a referral workshop. We're happy to travel to Sydney (or any other nominated location) and suggest 5 and 6 January 2026.
- You were to consider your required commitment for Huntly 2024-25 and send more detail through to us.
- ^{s. 22(1)(a)(ii)}

Can you please share this with your broader team and let me know if I've missed anything. I'll connect with you tomorrow.

Kind regards

^{s. 47F(1)}

OFFICIAL

From: Dani YANNOPOULOS <Dani.Yannopoulos@dcceew.gov.au>
Sent: Wednesday, December 17, 2025 9:35 AM
To: ^{s. 47F(1)} @alcoa.com>
Subject: EXT: RE: next steps [SEC=OFFICIAL]

OFFICIAL

^{s. 22(1)(a)(ii)}

Kind Regards

Dani

OFFICIAL

From: ^{s. 47F(1)} @alcoa.com>
Sent: Wednesday, 17 December 2025 12:19 PM
To: Dani YANNOPOULOS <Dani.Yannopoulos@dcceew.gov.au>
Subject: RE: next steps [SEC=OFFICIAL]

OFFICIAL

Hi Dani

s. 22(1)(a)(ii)

Regards

s. 47F(1)

OFFICIAL

From: Dani YANNOPOULOS <Dani.Yannopoulos@dcceew.gov.au>

Sent: Friday, December 12, 2025 12:59 PM

To: s. 47F(1) <@alcoa.com>

Subject: EXT: RE: next steps [SEC=OFFICIAL]

OFFICIAL

Thanks s. 47F(1), I've asked s. 22(1)(a)(ii) to consider all available options.

Kind Regards

Dani

OFFICIAL

From: s. 47F(1) <@alcoa.com>

Sent: Friday, 12 December 2025 3:22 PM

To: Dani YANNOPOULOS <Dani.Yannopoulos@dcceew.gov.au>

Subject: RE: next steps [SEC=OFFICIAL]

OFFICIAL

Hi Dani

Attaching the clearing shape files and an update NIE submission deleting the 800ha as we discussed yesterday.

s. 22(1)(a)(ii)

Please let me know if you need more.

Regards

s. 47F(1)

OFFICIAL

From: s. 47F(1) <@alcoa.com>

Sent: Wednesday, December 10, 2025 9:45 PM

To: Dani YANNOPOULOS <Dani.Yannopoulos@dcceew.gov.au>

Subject: RE: next steps [SEC=OFFICIAL]

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Released by the National EPA under the FOI Act 1982

From: Dani YANNOPOULOS <Dani.Yannopoulos@dcceew.gov.au>

Sent: Wednesday, December 10, 2025 1:44 PM

To: s. 47F(1) <[s.47F\(1\)@alcoa.com](mailto:s.47F(1)@alcoa.com)>

Subject: EXT: RE: next steps [SEC=OFFICIAL]

OFFICIAL

Thanks s. 47F(1)

I've got the team looking at this and will come back to you tomorrow. Appreciate the additional information.

Kind Regards

Dani

OFFICIAL

From: s. 47F(1) <[s.47F\(1\)@alcoa.com](mailto:s.47F(1)@alcoa.com)>

Sent: Wednesday, 10 December 2025 3:11 PM

To: Dani YANNOPOULOS <Dani.Yannopoulos@dcceew.gov.au>

Subject: RE: next steps [SEC=OFFICIAL]

OFFICIAL

Thanks Dani

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Kind regards

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OFFICIAL

From: Dani YANNOPOULOS <Dani.Yannopoulos@dcceew.gov.au>

Sent: Tuesday, December 09, 2025 2:25 PM

To: S. 47F(1) <@alcoa.com>

Subject: EXT: RE: next steps [SEC=OFFICIAL]

OFFICIAL

Hi S. 47F(1)

Thanks for the documents you sent through. The team has reviewed, and our quick assessment is:

S. 22(1)(a)(ii)

S. 47C(1)

S. 22(1)(a)(ii)

• s. 22(1)(a)(ii)

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Dani

OFFICIAL

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Subject: RE: next steps [SEC=OFFICIAL]

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Subject: RE: next steps [SEC=OFFICIAL]

OFFICIAL

Commercial and in confidence

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s. 22(1)(a)(ii)

4. Submission in support of s158 exemption; and

s. 22(1)(a)(ii)

A couple of things to note:

s. 22(1)(a)(ii)

I'll give you a call tomorrow to see if you have any questions.

Regards

s. 47F(1)

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From: Dani YANNOPOULOS <Dani.Yannopoulos@dcceew.gov.au>

Sent: Friday, December 05, 2025 1:15 PM

To: s. 47F(1) <[REDACTED]@alcoa.com>

Subject: EXT: next steps [SEC=OFFICIAL]

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s. 22(1)(a)(ii)

1. National Interest Exemption application

The Minister can only exempt a person from contravening the relevant provisions of the EPBC Act if they are satisfied that it is in the national interest that those provisions do not apply. This means that it is the disapplication of the EPBC Act that must be in the national interest, and not the activity itself. While Alcoa does make some reference to this test in your submissions, we suggest that you more clearly frame the application around this test and more clearly demonstrate why being exempt from the relevant provisions of the EPBC Act would be in the national interest.

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Kind Regards

Dani

Dani Yannopoulos

Environmental Permitting and Compliance Division
Department of Climate Change, Energy, the Environment and Water
P s. 47F(1) | E dani.yannopoulos@dcceew.gov.au



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Archived: Monday, 20 April 2026 11:21:34 AM

From: s. 22(1)(a)(ii)

Sent: Fri, 12 Dec 2025 03:32:23

To: s. 22(1)(a)(ii)

Cc: s. 22(1)(a)(ii)

Subject: RE: next steps [SEC=OFFICIAL]

Importance: Normal

Sensitivity: None

OFFICIAL

Thanks s. 22(1)(a)(ii)

I have just spoken with Kylie and understand that we have been tasked with drafting the Statement of Reasons and brief to accompany the NIE. We will look to pick this up in the new year as I also understand that we have time, noting the progress of the NIE will be premised on the resolution/satisfaction of the EUs.

I am sure we will be in touch in the New Year!

Take care

s. 22(1)(a)(ii)

OFFICIAL

From: s. 22(1)(a)(ii) @dcceew.gov.au>

Sent: Thursday, 11 December 2025 6:13 PM

To: s. 22(1)(a)(ii) @dcceew.gov.au>; s. 22(1)(a)(ii) @dcceew.gov.au>

Cc: s. 22(1)(a)(ii) @dcceew.gov.au>

Subject: RE: next steps [SEC=OFFICIAL]

OFFICIAL

Hi s. 22(1)(a)(ii)

Thanks very much for your earlier discussion it was very helpful.

As discussed we've attached a link to the register of previous NIE and their statements of reasons [EPBC Act exemptions and exemptions register - DCCEEW](#)

Of course please reach out if you require any assistance in relation to this.

Kind regards, s. 22(1)(a)(ii)

s. 22(1)(a)(ii) (she/her)

Principal Legal Officer

Legal Division | Environment Advising and Dispute Resolution Branch | Environment Regulation Advising
Ngunnawal Country, John Gorton Building, King Edward Terrace, Parkes ACT 2600 Australia
GPO Box 3090 ACT 2601
Department of Climate Change, Energy, the Environment and Water
P s. 22(1)(a)(ii) | M s. 22(1)(a)(ii) | E s. 22(1)(a)(ii)@dcceew.gov.au



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Monday - Thursday (working from home Mondays and Wednesdays)

OFFICIAL

From: s. 22(1)(a)(ii)@dcceew.gov.au>
Sent: Thursday, 11 December 2025 9:49 AM
To: s. 22(1)(a)(ii)@dcceew.gov.au>; s. 22(1)(a)(ii)@dcceew.gov.au>
Cc: s. 22(1)(a)(ii)@dcceew.gov.au>
Subject: FW: next steps [SEC=OFFICIAL]

OFFICIAL

OFFICIAL

From: s. 22(1)(a)(ii)
Sent: Thursday, 11 December 2025 9:01 AM
To: Dani YANNOPOULOS <Dani.Yannopoulos@dcceew.gov.au>; Declan O'CONNOR-COX <Declan.O'Connor-Cox@dcceew.gov.au>; Lam NGUYEN <Lam.Nguyen@dcceew.gov.au>; Danny MCQUILLEN <Danny.MCQUILLEN@dcceew.gov.au>; Kylie CALHOUN <Kylie.Calhoun@dcceew.gov.au>
Subject: RE: next steps [SEC=OFFICIAL]

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

From: Dani YANNOPOULOS <Dani.Yannopoulos@dcceew.gov.au>

Sent: Wednesday, 10 December 2025 3:40 PM

To: Declan O'CONNOR-COX <Declan.O'Connor-Cox@dcceew.gov.au>; Lam NGUYEN <Lam.Nguyen@dcceew.gov.au>; Danny MCQUILLEN <Danny.MCQUILLEN@dcceew.gov.au>; s. 22(1)(a)(ii) <[s.22\(1\)\(a\)\(ii\)@dcceew.gov.au](mailto:s.22(1)(a)(ii)@dcceew.gov.au)>; Kylie CALHOUN <Kylie.Calhoun@dcceew.gov.au>

Subject: FW: next steps [SEC=OFFICIAL]

OFFICIAL

Hi all,
I haven't read yet but appreciate if you can review asap.
Thanks
Dani

OFFICIAL

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Document 19

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Submission in support of application for exemption under section 158 of the EPBC Act

1 Legislation

Section 158 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**) provides:

158 Exemptions from Part 3 and this Chapter

- (1) A person proposing to take a controlled action, or the designated proponent of an action, may apply in writing to the Minister for an exemption from a specified provision of Part 3 or of this Chapter.
- (2) The Minister must decide within 20 business days of receiving the application whether or not to grant the exemption.
- (3) The Minister may, by written notice, exempt a specified person from the application of a specified provision of Part 3 or of this Chapter in relation to a specified action.
- (4) The Minister may do so only if he or she is satisfied that it is in the national interest that the provision does not apply in relation to the person or the action.
- (5) In determining the national interest, the Minister may consider Australia's defence or security or a national emergency. This does not limit the matters the Minister may consider.
- (6) A provision specified in the notice does not apply in relation to the specified person or action on or after the day specified in the notice. The Minister must not specify a day earlier than the day the notice is made.
- (7) Within 10 business days after making the notice, the Minister must:
 - (a) publish a copy of the notice and his or her reasons for granting the exemption in accordance with the regulations; and
 - (b) give a copy of the notice to the person specified in the notice.

2 Background

S. 47G

S. 47G

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S. 47G

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3 Amendments to the EPBC Act

- 17 A package of 7 bills to implement the recommendations of the 2020 Independent Review of the EPBC Act were introduced to parliament on 30 October 2025. This included the Environment Protection Reform Bill 2025 (Cth) (**EPR Bill**). The EPR Bill was agreed to by the House of Representatives on 6 November 2025.
- 18 Given the long history of operations at Huntly and Willowdale mining operations, AoA continued the conduct of those operations following commencement of the EPBC Act on the basis that either section 43A or section 43B applied. On 24 November 2025, the EPR Bill was introduced to the Senate. On 27 November 2025, amendments were proposed by the Australian Greens to support the passage of a package of reforms to the EPBC Act.
- 19 Item 12 of the Schedule of the amendments made by the Senate to the EPR Bill in respect to AG (3) [sheet 3566] amends section 43B of the EPBC Act as follows:
- (2B) *Subsection (1) also does not apply to an action if:*
- (a) *the action consists of, or involves, clearing vegetation from land; and*

(b) *at the time the action is taken, the land has not been cleared of vegetation for a period of at least 15 years; and*

(c) *the action is not a forestry operation.*

20 This amendment was agreed, and the EPR Bill then passed, by the Senate on 27 November 2025. The House of Representatives agreed to the Senate amendments on 28 November 2025. The EPR Bill has now passed both houses of parliament and has received Royal Assent.

21 This means any clearing of vegetation that has not been cleared in the prior 15 years in the course of a lawful continuation of use of land will now require Part 9 approval if it has, will have or is likely to have, a significant impact on a matter protected by Part 3 of the EPBC Act.

4 Exemption being sought

22 Pursuant to section 158(1) of the EPBC, AoA is applying for an exemption from all of the provisions of Part 3 and all of Parts 7 through 9 of Chapter 4 of the EPBC Act in relation to the following action, to the extent the action is a controlled action for the purposes of section 67:

(a) ~~The taking of limited clearing on ML1SA which has not been cleared of vegetation for a period of at least 15 years.~~

(b) Limited clearing on ML1SA means clearing:

- (1) Associated with AoA's operations at the Huntly and Willowdale mining operations;
- (2) of no more than 800 hectares per annum;
- (3) undertaken in accordance with AoA's Mining Management Program as annually approved by the Western Australian Minister for State Development, including any associated Ministerial approval conditions, and the *Environmental Protection (Darling Range Bauxite Mining Proposals) Exemption Order 2023*; and
- (4) undertaken from the date the exemption takes effect until 31 December 2027⁹.

23 AoA respectfully requests the Minister grant an exemption under section 158(3) of the EPBC Act.

5 National interest reasons in support of grant of an exemption

S. 47G

S. 47G

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