

ENFORCEABLE UNDERTAKING

Environment Protection and Biodiversity Conservation Act 1999 – section 486DA

Undertaking to the Minister for the Environment

1. Person giving undertaking

The person giving the undertaking is **Alcoa of Australia Limited** (ABN 93 004 879 298) (**Alcoa**), the registered office of which is Level 2, 235 St Georges Terrace, Perth 6000 WA.

2. Background

2.1 Between 1 January 2019 and 31 December 2023, Alcoa cleared approximately 1,777 hectares of land identified at map 1, comprising of known habitat for species listed under the *Environment Protection and Biodiversity Conservation Act 1999* (**EPBC Act**), at the Huntly Bauxite Mine, near Pinjarra, Western Australia, within the mining lease ML 15A, as part of pre-mining operations (the **action**).

The listed species include:

- a. Baudin's Black-cockatoo, Long-billed Black-cockatoo (*Zanda baudinii*) (listed as endangered as *Calyptorhynchus baudinii*) listed as endangered
- b. Carnaby's Black-cockatoo, Short-billed Black-cockatoo (*Zanda latirostris*) (listed as endangered as *Calyptorhynchus latirostris*) listed as endangered
- c. Forest Red-tailed Black-cockatoo, Karrak (*Calyptorhynchus banksii naso*) listed as vulnerable
- d. Woylie (*Bettongia penicillata ogilbyi*) listed as endangered
- e. Chuditch, Western Quoll (*Dasyurus geoffroii*) listed as vulnerable
- f. Numbat (*Myrmecobius fasciatus*) listed as endangered
- g. Quokka (*Setonix brachyurus*) listed as vulnerable

2.2 A delegate of the Minister considers that the action taken by Alcoa has contravened a civil penalty provision of Part 3 of the EPBC Act, as section 18 applies, and the action has had, or is likely to have had, a significant impact on listed endangered and vulnerable species contrary to subsections 18(3) and 18(4).

2.3 The delegate has concluded that none of the circumstances of the action give rise to exemption under section 19 of the EPBC Act.

3. The undertaking

Without conceding that it has breached the EPBC Act or any other Act, but acknowledging that the action resulted in the loss of habitat for protected species, Alcoa undertakes, for the purpose of section 486DA of the EPBC Act, to implement the following measures:

- 3.1. Within six (6) months of the date of signing this Enforceable Undertaking, provision of no less than \$5 million AUD to the Australian Wildlife Conservancy for the purpose of carrying out conservation programs for the impacted protected matters identified in clause 2. Notification must be provided to the department within 7 business days of payment, including proof of transfer.
- 3.2. Within six (6) months of the date of signing this Enforceable Undertaking, provision of no less than \$6 million AUD to the Western Australian Department of Biodiversity, Conservation and

Attractions' Western Shield Program for the purpose of undertaking invasive flora and fauna control in South-West of Western Australia. Notification must be provided to the department within 7 business days of payment, including proof of transfer.

- 3.3. Within six (6) months of the date of signing this Enforceable Undertaking, provision of no less than \$4 million AUD to the University of Western Australia for the purpose of undertaking research into novel methods and new technologies for controlling invasive fauna and protecting impacted protected matters in the Northern Jarrah Forest. Notification must be provided to the department within 7 business days of payment, including proof of transfer and specific research plans with deliverables.
- 3.4. If, six (6) months from the date of signing this Enforceable Undertaking, provision of a payment of a specified amount as provided in clauses 3.1, 3.2, and/or 3.3 has not occurred because the recipient identified in those paragraphs has declined to accept that payment:
- a. Alcoa must notify the department of that fact within 7 days; and
 - b. Within 90 days after receiving a notification under clause 3.4(a), the Minister or the Minister's delegate may nominate an alternative recipient for the specified amount and, if agreed by Alcoa, Alcoa must make payment to that recipient within 28 days of receiving written notice of that nomination; and
 - c. If no alternative recipient is nominated under clause 3.4(b) at the end of the 90 days, Alcoa must pay the specified amount to the Commonwealth within 28 days of the 90-day period elapsing; or
 - d. If an alternative recipient is nominated under clause 3.4(b) but that recipient declines to accept the payment, Alcoa must pay the specified amount to the Commonwealth within 28 days of the recipient declining to accept the payment.

4. Reporting

- 4.1. Alcoa will provide the department with periodic reports addressing:
- a. the status of discharge of the financial commitments made by Alcoa pursuant to clause 3 of this undertaking; and
 - b. any other steps taken by Alcoa to implement this undertaking.
- 4.2. The reports referred to in clause 4.1 will be provided annually, commencing 12 months from the date of acceptance of the undertaking, until a period of five years has elapsed or until the Minister or the Minister's delegate notifies Alcoa in writing of the Minister or delegate's satisfaction that this undertaking has been fully complied with (whichever occurs earlier).

5. Acknowledgement

- 5.1. The delegate acknowledges and agrees that, on the basis that Alcoa complies with this undertaking, the Minister will not take steps to pursue further enforcement action against Alcoa in relation to Alcoa's conduct described in clause 2 of this undertaking.
- 5.2. Alcoa confirms that each measure contained in this undertaking is new and is in addition to any other projects or programs that are currently being implemented, or are required to be implemented, by the State of Western Australia or other regulatory bodies.

5.3. Alcoa acknowledges that the Minister may make this undertaking available for public inspection including on a public register.

Signed by Alcoa of Australia Limited (ABN 93 004 879 298)



Signature of director



Name of director (print)



Signature of director/secretary



Name of director/secretary (print)

Accepted by the Deputy Secretary of the Department of Climate Change, Energy, the Environment and Water, a delegate of the Minister, under s486DA of the EPBC Act.

on this 18th day of February 2026



Signature of Murray Watt, Minister for the
Environment & Water

Map 1: 2019-2023 clearing: Huntly Bauxite Mine, near Pinjarra, WA within the mining lease ML 15A

