

Archived: Tuesday, 15 September 2020 4:08:36 PM

From: s22

Sent: Tue, 25 Feb 2020 08:39:58

To: s22

Cc: s22

Subject: RE: Backpacket [DLM=For-Official-Use-Only]

Sensitivity: Normal

Thanks s22

Looks update worthy that's for sure.

I'm away (sick) today but have a chat to s22 .

Cheers

\f0For Official Use Only

From: s22

Sent: Tuesday, 25 February 2020 8:38 AM

To: s22

Subject: Backpacket [DLM=For-Official-Use-Only]

Hi s22

Potential update for the coal quality BPB if we can still change them (article att) –

Coal forgery claim rocks sector

The Australian, Business News, Perry Williams, Page 17, 25/02/2020

Allegations that coal samples were faked before being exported to Asian buyers have rocked the industry, with Australia's biggest laboratory opening an investigation after claims its employees altered records to boost the quality of coal being shipped offshore. The lab testing giant ALS said it had appointed external advisers to conduct a forensic probe of the coal samples process after discovering an unspecified number of analysis certificates had been changed "without proper justification".

Cheers,

s22

Senior Policy Officer, Major Commodities

Resources Division

s22

From: s22
Sent: Monday, 2 March 2020 12:10 PM
To: s22
Subject: FW: Coalminer's 'fake analysis' probe never queried lab [DLM=For-Official-Use-Only]
Attachments: Coal miners fake analysis probe never queried lab.pdf
Security Classification: For Official Use Only

[Terracom Resources](#)

s22 drafted some points last week in the link above. We'll continue updating.
Thanks

For Official Use Only

From: s22
Sent: Monday, 2 March 2020 11:58 AM
To: s22
Subject: FW: Coalminer's 'fake analysis' probe never queried lab [DLM=For-Official-Use-Only]

Not sure who was keeping an eye on this one.

For Official Use Only

From: s22
Sent: Monday, 2 March 2020 11:48 AM
To: s22 <@industry.gov.au>
Cc: s22 <@industry.gov.au>
Subject: Coalminer's 'fake analysis' probe never queried lab [DLM=For-Official-Use-Only]

Might need to keep a watching brief on this one

For Official Use Only

s22

From: s22
Sent: Tuesday, 3 March 2020 9:08 AM
To: s22
Cc: s22
Subject: RE: Coalminer's 'fake analysis' probe never queried lab [DLM=For-Official-Use-Only]

Security Classification:
For Official Use Only

Thanks all, w/s22 for clearance.

For Official Use Only

From: s22
Sent: Tuesday, 3 March 2020 8:42 AM
To: s22
Cc: s22
Subject: RE: Coalminer's 'fake analysis' probe never queried lab [DLM=For-Official-Use-Only]

Folks – The PDMS version has been updated if you would like to review. I believe its sitting with s22 .

s22

For Official Use Only

From: s22
Sent: Monday, 2 March 2020 4:58 PM
To: s22 <s22@industry.gov.au>; s22 <s22@industry.gov.au>
Subject: RE: Coalminer's 'fake analysis' probe never queried lab [DLM=For-Official-Use-Only]

Cool – make sure I'm in early tomorrow to have a look.

Thanks mate.

s22

For Official Use Only

From: s22
Sent: Monday, 2 March 2020 4:54 PM
To: s22 <s22@industry.gov.au>
Cc: Js22 <Js22@industry.gov.au>
Subject: FW: Coalminer's 'fake analysis' probe never queried lab [DLM=For-Official-Use-Only]

FYI – I'm going to throw some material in the front of your omnibus coal brief to cover off on this issue. Happy to run it by you if desired.

Cheers

s22

For Official Use Only

From: s22
Sent: Monday, 2 March 2020 4:33 PM
To: s22 <s22@industry.gov.au>
Cc: QTBs <QTBs@industry.gov.au>; s22 <s22@industry.gov.au>; s22 <s22@industry.gov.au>

Released under the FOI ACT - DISER

s22 @industry.gov.au>

Subject: RE: Coalminer's 'fake analysis' probe never queried lab [DLM=For-Official-Use-Only]

Hi s22

Spoken with s22 – he has asked for this to please be included QB20-000095 (up the front). I understand the Minister is aware of it.

QTBs – please return for updated, due 10am tomorrow

s22 | Departmental Liaison Officer
Office of the Hon Keith Pitt MP
Minister for Resources, Water and Northern Australia

s22
Suite M1 45 Parliament House, CANBERRA ACT 2600

For Official Use Only

From: s22

Sent: Monday, 2 March 2020 3:11 PM

To: s22 @industry.gov.au>

Cc: QTBs <QTBs@industry.gov.au>; s22 @industry.gov.au>; s22

s22 @industry.gov.au>

Subject: FW: Coalminer's 'fake analysis' probe never queried lab [DLM=For-Official-Use-Only]

Hi s22

s22 has suggested that we pull together a QTB on this emerging issue. In short, s47C

Can you please move things through the process from your end?

Happy to chat.

Cheers

s22

s22
A/g Manager – Market Intelligence
Resources Strategy Branch | Resources Division

Department of Industry, Innovation and Science
10 Binara Street
Canberra ACT 2600
s22

ABN 74 599 608 295

For Official Use Only

From: s22

Sent: Monday, 2 March 2020 11:53 AM

To: s22 <[@industry.gov.au](mailto:s22@industry.gov.au)>

Subject: FW: Coalminer's 'fake analysis' probe never queried lab [DLM=For-Official-Use-Only]

Hi s22

Can you get one of your guys to watch this closely and prepare a QTB that we can put up tomorrow please? It should be short and flat.

Ta

s22

For Official Use Only

From: s22

Sent: Monday, 2 March 2020 11:48 AM

To: s22 <[@industry.gov.au](mailto:s22@industry.gov.au)>

Cc: s22 <[@industry.gov.au](mailto:s22@industry.gov.au)>

Subject: Coalminer's 'fake analysis' probe never queried lab [DLM=For-Official-Use-Only]

Might need to keep a watching brief on this one

For Official Use Only

s22

From: s22
Sent: Wednesday, 15 April 2020 3:45 PM
To: s22
Subject: RE: Coal testing - today's media [SEC=UNCLASSIFIED]

Security Classification: UNCLASSIFIED

I knew there was something on it ! phew at least we are not starting from scratch. And s22 mentioned a QTB...maybe the coal projects one that encompasses all the random issues.

UNCLASSIFIED

From: s22
Sent: Wednesday, 15 April 2020 3:41 PM
To: s22
Subject: FW: Coal testing - today's media [SEC=UNCLASSIFIED]

From s22 back in the day

UNCLASSIFIED

From: s22
Sent: Tuesday, 25 February 2020 10:49 AM
To: s22 @industry.gov.au>; s22 @industry.gov.au>; s22 @industry.gov.au>; s22 @industry.gov.au>; s22 @industry.gov.au>; s22 @industry.gov.au>; s22 @industry.gov.au>
Subject: Coal testing - today's media [SEC=UNCLASSIFIED]

To be aware – potential sensitivities in our North Asian markets. s22 has pulled together some points in the link below.

Fraud, bribery claims rock coal mining

Australian Financial Review, General News, Liam Walsh, Page 1, 25/02/2020

Allegations of fake analysis of coal samples have erupted in Australia's mining and testing industries, ensnaring a leading laboratory business and a small miner whose board boasts former Leighton boss Wal King and Labor political powerbroker Jim Soorley. Brisbane-based laboratory giant ALS said yesterday it was investigating matters involving a small number of clients and suspended four staff at its coal testing unit.

UNCLASSIFIED

From: Js22
Sent: Tuesday, 25 February 2020 9:54 AM
To: s22 @industry.gov.au>
Subject: Terracom and coal [SEC=UNCLASSIFIED]

Hi s22 ,

See bullet points at link:

[Terracom Resources](#)

s22

s22

From: s22
Sent: Thursday, 16 April 2020 9:08 AM
To: s22
Subject: RE: Coal testing - today's media [DLM=For-Official-Use-Only]

Security Classification:
For Official Use Only

[Coal Quality Testing - ASL and Terracom Resources](#)

Thanks s22 – I renamed the link to ‘coal quality testing’ and accepted all your track changes. I’ll add the journo questions in there now.

For Official Use Only

From: s22
Sent: Wednesday, 15 April 2020 6:18 PM
To: s22
Subject: RE: Coal testing - today's media [DLM=For-Official-Use-Only]

Hi s22

Added relevant information to below link on dochub.

[Terracom Resources](#)

Added the old QTB points at the bottom. Will incorporate tomorrow morning.

s22

For Official Use Only

s22

From: s22
Sent: Thursday, 16 April 2020 12:43 PM
To: s22
Subject: Fwd: Financial Review query - coal analysis [SEC=UNCLASSIFIED]
Attachments: Coal Quality Testing - ALS and Terracom Resources.docx

UNCLASSIFIED

Hi s22 - is the highlighted bit on being referred to NSW police right? There was nothing in company asx reports yesterday

UNCLASSIFIED

From: "s22" <s22@industry.gov.au>
Date: Thursday, 16 April 2020 at 11:52:59 am
To: "s22" <s22@industry.gov.au>
Subject: FW: Financial Review query - coal analysis [SEC=UNCLASSIFIED]

s22

I'll give you a call shortly to discuss response to this

UNCLASSIFIED

From: MediaTeam
Sent: Thursday, 16 April 2020 11:44 AM
To: s22
Cc: MediaTeam ; s22
Subject: FW: Financial Review query - coal analysis [SEC=UNCLASSIFIED]
Hi s22

Please see response from line area to the AFR's query.

It's fairly flat and generic but it's a sensitive issue and this is the most detail the department can provide at this stage (key dot point highlighted).

And some background is attached (FYI).


Let me know if you need anything else.

- The Australian Government supports the sustainable development of Australia's resources to ensure our trading partners continue to have access to affordable and reliable energy.
- Australia's high quality coal means we are best placed to meet the future demand of new coal-fired power plants within our region.
- The Government is committed to maintaining Australia's reputation as a reliable and competitive supplier of high quality metallurgical and thermal coal.
- The amendment of ALS coal certificates without justification is in the process of being referred to the NSW police. It would be inappropriate to comment at this time.
- The coal industry was one of Australia's largest export earners in 2018-19, valued at \$70 billion.
- It also pays more than \$6 billion annually in royalties, and accounts for over 54,000 direct jobs. The majority of these jobs are in regional areas in Queensland and New South Wales.
- Overseas business interests continue to showcase Australia as an attractive destination for further investment reflecting political and institutional stability.

Thanks

s22

Communications Branch
Department of Industry, Science, Energy and Resources
s22

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

UNCLASSIFIED

From: s22
Sent: Wednesday, 15 April 2020 3:11 PM
To: MediaTeam <MediaTeam@industry.gov.au>
Cc: s22 @industry.gov.au
Subject: FW: Financial Review query - coal analysis [SEC=UNCLASSIFIED]

Afternoon,
Will need some assistance drafting response to below query from the AFR. Want to get a response back by midday tomorrow.

Thanks

Matt

From: Liam Walsh [<mailto:liam.walsh@ufr.com.au>]
Sent: Tuesday, 14 April 2020 1:33 PM
To: Dunstan, Matt <Matt.Dunstan@industry.gov.au>
Subject: Financial Review query - coal analysis

Hi Matt -

Thanks for taking my call before. As discussed, I was looking at a larger piece in regards to coal analysis. It follows ALS, one of the testing sector's leading companies, recently telling the sharemarket that between 45% and 50% of certificates of coal sample results had been manually adjusted without proper justification since 2007.

<https://www.asx.com.au/asxpdf/20200402/pdf/44gmy022q0p5gf.pdf>

The unit that conducts the tests handles about 39,000 samples a year and about 3000 certificates for export. I am confirming if this is thermal and coking coal, or just thermal.

<https://www.asx.com.au/asxpdf/20200224/pdf/44fcn18zpfpc1g.pdf>

So could the minister please respond to the following:

- 1 Why should/shouldn't buyers of Australian coal have faith in the product they are buying, given this level of alteration?
- 2 Is the minister surprised about this having occurred, or has the government long suspected it had occurred?
- 3 What does this say about Australia's coal mining industry for it to have occurred? (As in, at such a high rate of changes, it is hard to believe that no one in the mining industry was aware of this.)
- 4 What is the government doing about this issue?

Thanks for any help, Liam

--

Liam Walsh

Reporter

The Australian Financial Review

liam.walsh@ufr.com.au

+61 7 3835 7503

Mail: Attn: Liam Walsh, AFR, Level 7/140 Ann St, Brisbane, Qld, 4001

Twitter: @liamiwalsh

LinkedIn: <https://www.linkedin.com/in/liam-walsh-04b969b7/>

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s22

From: s22
Sent: Monday, 20 April 2020 5:05 PM
To: s22
Subject: s33 domestic lab testing issues [DLM=For-Official-Use-Only]

Sure s22. And apologies – I haven't much engaged with this issue to date.

My only free time tomorrow is really:

- 12.00 – 2.00 pm or
- After 4.30 pm.

Cheers. s22

s22

For Official Use Only

From: s22
Sent: Monday, 20 April 2020 5:03 PM
To: s22
Subject: s33 domestic lab testing issues [DLM=For-Official-Use-Only]

Hi s22 do you have some time tomorrow for a quick chat about this and approach at future WTO TBT meetings? Just need some advice. Thanks

For Official Use Only

From: s22
Sent: Monday, 20 April 2020 9:18 AM
To: s22 Trade Policy Section <TariffTradePolicy@industry.gov.au>; s22 @industry.gov.au>; s22 @industry.gov.au>
Cc: s22 @industry.gov.au>; s22 @industry.gov.au>; s22 @industry.gov.au>; s22 @industry.gov.au>
Subject: RE: s33 domestic lab testing issues [DLM=For-Official-Use-Only]

We've been tracking since Feb: [Coal Quality Testing - ALS and Terracom Resources](#)

For Official Use Only

From: Trade Policy Section
Sent: Friday, 17 April 2020 3:51 PM
To: s22 @industry.gov.au>; s22 @industry.gov.au>
Cc: s22 @industry.gov.au>; s22 @industry.gov.au>; s22 @industry.gov.au>; s22 @industry.gov.au>; Trade Policy Section <TariffTradePolicy@industry.gov.au>
Subject: FW: s33 domestic lab testing issues [DLM=For-Official-Use-Only]

Hi s22

Drawing your attention to the below. Likely there be some fall out from this.

s22 – Cc'ing you FYI. Per s22 question below, is there anyone from Post it may be worth alerting ?

Cheers

s22

s22

Trade Policy Section
Strategic Policy Division
Department of Industry, Innovation and Science

s22

industry.gov.au

For Official Use Only

From: s22

Sen s22 Friday, 17 April 2020 1:36 PM

To: s22 @industry.gov.au>; s22

@industry.gov.au>; s22

s22 @industry.gov.au>

Cc: Trade Policy Section <TariffTradePolicy@industry.gov.au>; s22

@industry.gov.au>

Subject: s33 domestic lab testing issues [DLM=For-Official-Use-Only]

Hi All

s22 from NATA called to flag a China coal TBT related issue. NATA has just been made aware that a large testing lab that they accredit seems to have been falsifying test reports on the quality and value of coal being

s33

. The matter is now being

picked up by the police for fraud. The articles are here:

<https://www.canberratimes.com.au/story/6716116/newcastle-lab-at-centre-of-international-fake-coal-analysis-scandal/?cs=14231>

<https://www.newcastleherald.com.au/story/6717048/tampering-with-lab-results-an-open-secret-in-the-hunter-valley-coal-industry/>

NATA have only just started making their own investigations about what this will mean for accreditation of the lab involved and TBT related concerns. They will keep us updated. s22 absence you may want to share with our coal team and possibly other TBT contact points (s33).

s22

Regards

s22

Assistant Manager Trade Facilitation
Trade and International
Strategic Policy Division

Department of Industry, Science, Energy and Resources

Industry House, Level 12
10 Binara Street, Canberra City, ACT 2601
GPO Box 9839, Canberra ACT 2601

s22

Internet: www.industry.gov.au

s22

For Official Use Only

From: s22

Sent: Friday, 14 February 2020 4:08 PM

To: s22

Cc: s22 Trade Facilitation ; s22

Subject: FW: Request for input for STCs, bilaterals and briefings for WTO TBT Committee meetings (24 to 27 February) [DLM=For-Official-Use-Only]

Hi s22

My name is s22 and I've recently started working with s22 in the Trade Facilitation section. I hope this email finds you well.

DFAT is preparing for the WTO Technical Barriers to Trade (TBT) Committee meeting (24-27 February).

s33

Many thanks, and very happy to discuss further.

Regards,
s22

For Official Use Only

From: s22 [mailto:s22@dfat.gov.au]
Sent: Friday, 14 February 2020 3:33 PM
To: s22
Cc: Trade Facilitation ; s22
Subject: RE: Request for input for STCs, bilaterals and briefings for WTO TBT Committee meetings (24 to 27 February) [DLM=For-Official-Use-Only]

For-Official-Use-Only

Hi s22

I hope this finds you well. Please see attached for the revised STC coal points, for your review, noting the deadline is COB Monday – any input from you by mid-afternoon on Monday would be great, and also happy to discuss over the phone.

Kind regards,

s22
Policy Officer | China Economic and Trade Section
China Economic and Engagement Branch | North Asia Division
s22

[Web](#) | [Twitter](#) | [YouTube](#) | [Flickr](#)

From: s22 [mailto:s22@industry.gov.au]
Sent: Friday, 14 February 2020 10:50 AM
To: s22 [mailto:s22@dfat.gov.au]
Cc: Trade Facilitation <TradeFacilitation@industry.gov.au>; s22 [mailto:s22@industry.gov.au]; s22 [mailto:s22@dfat.gov.au]; s22 [mailto:s22@dfat.gov.au]; s22 [mailto:s22@dfat.gov.au]; s22 [mailto:s22@dfat.gov.au]
Subject: RE: Request for input for STCs, bilaterals and briefings for WTO TBT Committee meetings (24 to 27 February) [DLM=For-Official-Use-Only]

Hi s22

Many thanks for your email. That sounds like a great approach.

We look forward to being in touch on both briefs.

Regards,
s22

For Official Use Only

From: s22 [mailto:s22@dfat.gov.au]
Sent: Friday, 14 February 2020 10:05 AM

Released under the FOI ACT - DISER

To: s22 @industry.gov.au>
Cc: Trade Facilitation <TradeFacilitation@industry.gov.au>; s22 @industry.gov.au>;
s22 @industry.gov.au>; s22 @dfat.gov.au>; s22 @dfat.gov.au>;
<s22 dfat.gov.au>; s22 @dfat.gov.au>
Subject: RE: Request for input for STCs, bilaterals and briefings for WTO TBT Committee meetings (24 to 27 February) [DLM=For-Official-Use-Only]

For-Official-Use-Only

Hi s22

Thanks for getting in touch. s22 s47C

s22

Regards.
s22

s22
China Economic and Trade
China Economic and Engagement Branch
North Asia Division
Department of Foreign Affairs and Trade

Ts22

From: s22 @industry.gov.au>
Sent: Thursday, 13 February 2020 3:18 PM
To: s2222 @dfat.gov.au>
Cc: s22 @dfat.gov.au>; Trade Facilitation <TradeFacilitation@industry.gov.au>;
s22 @dfat.gov.au>
Subject: FW: Request for input for STCs, bilaterals and briefings for WTO TBT Committee meetings (24 to 27 February) [DLM=For-Official-Use-Only]

Hi s22

My name is s22 and I've recently started working with s22 in the Trade Facilitation section at Department of Industry, Science, Energy and Resources. I hope this email finds you well.

I'm writing regarding the February WTO TBT Committee - specifically on briefing for Australia's Specific Trade Concern 'China - Interim Measures for Quality Management of Commercial Coal.'

I understand from the below email that your team and DIIS (now DISER) are responsible for this brief.

Specifically, I wanted to confirm who will make the first set of edits to the standing briefing from the Nov 2019 WTO TBT Committee meeting. We are happy to review if you've already done this, or conversely can provide you with any requested edits from our side.

s22

s22

Many thanks s22 and look forward to being in touch.

Regards,

s22


s22

Senior Policy Officer | Trade Facilitation Section
Trade and International Branch | Strategic Policy Division

Department of Industry, Science, Energy and Resources | www.industry.gov.au

s22

[@industry.gov.au](https://www.industry.gov.au)

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s22

!

Thanks very much in advance for the above. The WTO will release an annotated agenda once STCs have been submitted; further briefing required upon release of the agenda – we will advise asap on this.

Of course happy to discuss any of the above or below – particularly if you think an issue is no longer relevant or if it has not been allocated appropriated.

Note s22 is offline until mid-March, and I'll be helping out in the MO for the next two weeks – so if you have any questions, comments or concerns that you wish to discuss between now and 10 February, please give s22 a call on s22 .

Specific Trade Concern	Notification Symbol	Brief Description of Measure	Proposed/Final Measure	Member(s) Raising	Line Area Responsible
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s22

Specific Trade Concern	Notification Symbol	Brief Description of Measure	Proposed/Final Measure	Member(s) Raising	Line Area Responsible
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s22

China - Interim Measures for Quality Management of Commercial Coal (ID 477)	G/TBT/N/CHN/1057		Final Measure	Australia	CET/DIIS
---	----------------------------------	--	---------------	-----------	----------

s22

Interim measures for quality management of commercial coal

Handling note

Australia to make intervention and speak to this item in the same vein as the last meeting.

s22

s22

s22

s22

s47C

s22

s22

From: s22
Sent: Wednesday, 22 April 2020 3:32 PM
To: s22 t
Subject: FW: FOR ACTION - s33 domestic lab testing issues [SEC=PROTECTED]

Security Classification:
PROTECTED

Hi s22

Apologies- I am working offline this afternoon and possibly tomorrow. My Manager s22 is liaising with s22 to discuss this issue. Please feel free to contact s22 directly via email or Skype, as he will be attending the meeting on Friday.

Kind regards
s22

From: s22
Sent: Wednesday, 22 April 2020 2:34 PM
To: s22
Subject: RE: FOR ACTION - s33 domestic lab testing issues [SEC=PROTECTED]

Hi s22

Would appreciate it if we could chat a little this afternoon.

Thanks
s22

s22
Assistant Manager
Major Commodities
Onshore Minerals and Energy Branch | Resources Division
s22 [@industry.gov.au](mailto:s22@industry.gov.au)

Department of Industry, Science, Energy and Resources | www.industry.gov.au

PROTECTED

From: s22
Sent: Wednesday, 22 April 2020 9:58 AM
To: s22 [@industry.gov.au](mailto:s22@industry.gov.au)>
Cc: s22 [@industry.gov.au](mailto:s22@industry.gov.au)>
Subject: RE: FOR ACTION - s33 domestic lab testing issues [SEC=PROTECTED]

Thanks s22

I will send an invitation shortly including s22 And thank you also for the points for DFAT. Just to confirm are you happy to send those to me? I'll be happy to forward them to DFAT if that suits.

Kind regards
s22

From: s22
Sent: Wednesday, 22 April 2020 9:52 AM
To: s22 <s22@industry.gov.au>
Cc: s22 <s22@industry.gov.au>
Subject: RE: FOR ACTION - s33 domestic lab testing issues [SEC=PROTECTED]

Thanks s22, no preference. s22 would also like to participate in the discussion. Can you please include my colleague s22 too?
We'll share some points with DFAT by COB today or early tomorrow. Thanks

PROTECTED

From: s22
Sent: Wednesday, 22 April 2020 9:38 AM
To: s22 <s22@industry.gov.au>
Subject: RE: FOR ACTION - s33 domestic lab testing issues [SEC=PROTECTED]

Hi s22

Thank you for the phone call yesterday. Confirming that DFAT and myself would be available to discuss the China Coal TBT issue on Friday at 11am or 1pm. Do you have a preference for time? Attendees from DFAT are:

- s22 Office Trade Negotiations (TBT)
- s22 Office Trade Negotiations
- s22 China Economic and Trade team


Also DFAT is keen for us to share some talking points we may have on this issue today if possible. Would you please have any material available we could share with DFAT?

Many thanks
s22

s22
Assistant Manager | Trade Facilitation Section
Trade and International Branch | Strategic Policy Division

Department of Industry, Innovation and Science | www.industry.gov.au
s22

industry.gov.au

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From: s22
Sent: Tuesday, 21 April 2020 9:50 AM
To: s22 <s22@industry.gov.au>
Cc: s22 <s22@industry.gov.au>
Subject: FW: FOR ACTION - s33 domestic lab testing issues [SEC=PROTECTED]

Hi s22

As discussed this is our contact at NATA. I will be in touch for a potential discussion with DFAT on this matter, to be scheduled towards the end of the week.

Kind regards

s22

Manager, Government Relations
National Association of Testing Authorities, Australia (NATA)
Level 1, 2-6 Railway Parade
Camberwell Victoria 3124



s22

From: Trade Facilitation
Sent: Monday, 20 April 2020 4:15 PM
To: Resources Coordination <resourcescoordination@industry.gov.au>
Cc: s22 <s22@industry.gov.au>; s22 <s22@industry.gov.au>; s22 <s22@industry.gov.au>; s22 <s22@industry.gov.au>
Subject: FOR ACTION - s33 domestic lab testing issues [SEC=PROTECTED]

Hi colleagues

I am forwarding this request from DFAT below as part of the coal issue recently reported in the media (see my previous email below). Please note as a result of this development, s47C

Please feel free to liaise with the Trade Facilitation team to discuss approach and next steps and we'll be happy to channel media related information to DFAT.

Kind regards

s22


s22

Assistant Manager
Trade Facilitation Section
Trade and International Branch
Strategic Policy Division

s22 <s22@industry.gov.au>

Department of Industry, Science, Energy and Resources | www.industry.gov.au

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PROTECTED

From: s22 <s22@dfat.gov.au>
Sent: Monday, 20 April 2020 3:22 PM
To: Trade Facilitation <TradeFacilitation@industry.gov.au>; s22 <s22@industry.gov.au>
Cc: s22 <s22@industry.gov.au>; s22 <s22@industry.gov.au>; s22 <s22@dfat.gov.au>; s22 <s22@dfat.gov.au>
s22 <s22@industry.gov.au>; s22 <s22@dfat.gov.au>; s22 <s22@dfat.gov.au>; s22 <s22@dfat.gov.au>

s22 @dfat.gov.au>; s22 @dfat.gov.au>; s22
s22 @dfat.gov.au>; s22 @dfat.gov.au>
Subject: RE: s33 domestic lab testing issues [SEC=PROTECTED]

Hi s22

Thanks for sending this through. We'd be grateful if the coal team at DISER could share any Media talking points or other material regarding this issue with OTN and the China Economic and Trade team s22

s47C

I'd be happy to discuss this further with Trade Facilitation and the coal team - im on s22 .

Regards,

s22

From: Trade Facilitation <TradeFacilitation@industry.gov.au>
Sent: Monday, 20 April 2020 2:10 PM
To: tbt enquiry <tbt.enquiry@dfat.gov.au>; s22 @dfat.gov.au>; Non-Tariff Barriers
<NTB@dfat.gov.au>; s22 @dfat.gov.au>; s22 @dfat.gov.au>;
s22 @dfat.gov.au>
Cc: Trade Facilitation <TradeFacilitation@industry.gov.au>; s22 @industry.gov.au>;
s22 @industry.gov.au>
Subject: FW: s33 domestic lab testing issues [SEC=PROTECTED]

Dear colleagues

We wanted to inform you that a colleague from the [National Association of Testing Authorities](#) (NATA) has contacted us to flag an issue concerning testing coal for China exports. NATA has just been made aware that a large testing lab that they accredit seems to have been falsifying test reports on the quality and value of coal being s33

The matter is now

being picked up by the police for fraud. The articles are here:

<https://www.canberratimes.com.au/story/6716116/newcastle-lab-at-centre-of-international-fake-coal-analysis-scandal/?cs=14231>

<https://www.newcastleherald.com.au/story/6717048/tampering-with-lab-results-an-open-secret-in-the-hunter-valley-coal-industry/>

s47C

Please do not hesitate to contact me if you have any questions at this stage.

Kind regards


s22

s22

Assistant Manager
Trade Facilitation Section
Trade and International Branch
Strategic Policy Division

s22 @industry.gov.au

Supporting economic growth and job creation for all Australians

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

For Official Use Only
PROTECTED

s22

From: s22
Sent: Thursday, 23 April 2020 2:56 PM
To: s22
Subject: RE: News article access [SEC=UNCLASSIFIED]

Security Classification: UNCLASSIFIED

Only reference:

s47C

UNCLASSIFIED

From: MediaTeam
Sent: Thursday, 23 April 2020 2:54 PM
To: s22
Cc: s22 MediaTeam
Subject: RE: News article access [SEC=UNCLASSIFIED]

Hi s22

Article text is below.

April 9 2020

Insiders reveal that Hunter lab staff joked about going to jail if caught faking coal analysis results

PRESSURING labs to alter test results is an "open secret" in the Hunter Valley coal industry and has been going on for decades.

Industry insiders who spoke to the *Newcastle Herald* this week said the process, designed to increase coal company profits, was operating "just below the surface" and many people were aware of it.

A former Newcastle-based senior lab manager said there used to be "a lot of discussion about people going to jail" if they were ever caught "fiddling with the numbers".

He reported the issue twice to the Independent Commission Against Corruption (ICAC), but said the watchdog did not investigate.

"It is so entrenched in the industry and it's been that way for a very long time, it's almost like normal practice for some people," he said.

"They are basically choosing a set of numbers that suits them and if you don't agree to play ball, you don't get the next contract.

"It's as simple as that."

The *Newcastle Herald* reported on Wednesday that the [Mayfield ALS lab was at the centre of an international fake coal testing scandal](#) after a forensic audit revealed up to half of all Australian coal certificates issued by the global testing giant had been "manually amended without justification".

The ALS coal superintending unit is headquartered in Newcastle and does the lion's share of coal sampling for Hunter mines.

The unit processes more than 39,000 samples for shipping analysis each year, which equates to about 3000 certificates.

Four senior staff, including three from Newcastle, have left ALS since the scandal broke.

A Newcastle lab worker said he was "not at all surprised" by the high rate of tampering at ALS labs in Newcastle, Mackay, Gladstone and Emerald, dating back to at least 2007.

"What the coal companies want, the coal companies get," he said.

"It no doubt needs some further investigation to reveal the true extent of the problem.

"No doubt this would be making a few people in the industry pretty nervous."

The issue came to light earlier this year when the *Australian Financial Review* reported allegations in an unfair dismissal case that Australian miner TerraCom had worked with ALS to falsely upgrade the quality of its coal in export documentation.

TerraCom has strenuously denied the allegations from its former commercial general manager Justin Williams who alleges he was dismissed from his role after rejecting demands to make ALS change its analysis results.

Rival laboratory company SGS was also named in the court proceedings. Mr Williams alleged SGS helped falsify the test result on another TerraCom shipment of coal last year. Both companies deny the allegations.

A retired Hunter coal manager said it was "about time" the coal testing report was made public.

"None of this will be surprising to a lot of people in the industry," he said.

"I'm not talking about huge variations at the lab, we're talking about small variations in key elements that can make a very big difference in the price of the coal. It's all about money and nothing else."

ALS has reported the fake testing scheme at its labs to NSW Police.

The former senior lab manager, who was previously a National Association of Testing Authorities (NATA) technical assessor and signatory, said small decreases in moisture and sulphur content could make coal appear to be much better quality than it is.

He said significant variations in different labs' test results were "glossed over" and "lost in the noise".

The first time he became aware staff were changing test results was when one of his lab managers called him to a meeting and explained it.

"They called me in and told me they were fiddling the numbers, they said everyone was doing it, and it was just the done thing," he said.

"Straight away I told them it wasn't on and they needed to stop, I wanted no part of it."

He said it was "that blatant" in some cases that mine staff would call and request numbers be changed.

"Due to the volume of coal we are talking about enormous dollars here," he said.

He recalls a Chinese client, who owned several power stations, wanting his Hunter coal tested at a certain Newcastle lab.

"He needed to make sure the test results were accurate because he'd had problems before."

Regards

s22

Media Officer

Media & Speechwriting

Communications

Corporate and Digital Division

Department of Industry, Science, Energy and Resources

s22

[@industry.gov.au](mailto:s22@industry.gov.au)

Internet: www.industry.gov.au

ABN 74 599 608 295

Supporting economic growth and job creation for all Australians

UNCLASSIFIED

From: s22

Sent: Thursday, 23 April 2020 2:50 PM

To: MediaTeam <MediaTeam@industry.gov.au>

Cc: s22 <s22@industry.gov.au>

Subject: RE: News article access [SEC=UNCLASSIFIED]

Hi guys,

Sorry, I cannot access this report.

Thanks
s22

UNCLASSIFIED

From: MediaTeam
Sent: Monday, 20 April 2020 10:22 AM
To: s22 <s22@industry.gov.au>
Cc: MediaTeam <MediaTeam@industry.gov.au>
Subject: RE: News article access [SEC=UNCLASSIFIED]

Hi s22

You should be able to access this link to the article.

<http://online.isentialink.com/newcastleherald.com.au/2020/04/09/a89efbf1-c4d4-4732-ba9f-af7e2c05eb16.html>

Let me know if you cannot.

Regards

s22
Media Team
Department of Industry, Science, Energy and Resources

s22
Email: mediateam@industry.gov.au
Internet: www.industry.gov.au

Supporting economic growth and job creation for all Australians

UNCLASSIFIED

From: s22
Sent: Monday, 20 April 2020 9:41 AM
To: MediaTeam <MediaTeam@industry.gov.au>
Subject: News article access [SEC=UNCLASSIFIED]

Hi Media Team,

Is it possible to get a copy of the following article?

<https://www.newcastleherald.com.au/story/6717048/tampering-with-lab-results-an-open-secret-in-the-hunter-valley-coal-industry/>

Thanks
s22

s22
Assistant Manager
Coal and Low Emissions Section
Onshore Minerals and Energy Branch | Resources Division
s22 <s22@industry.gov.au>

Department of Industry Innovation and Science | www.industry.gov.au

s22

From: s22
Sent: Friday, 24 April 2020 11:40 AM
To: s22
Subject: RE: Re late additions to agenda: China coal TBT issue [SEC=PROTECTED]

Security Classification:
PROTECTED

No I spoke to s22 at the manager's meeting to double check.

PROTECTED

From: s22
Sent: Friday, 24 April 2020 11:27 AM
To: s22
Subject: RE: Re late additions to agenda: China coal TBT issue [SEC=PROTECTED]

Are you basing that on our conversation? I hope I recalled it correctly.

PROTECTED

From: s22
Sent: Friday, 24 April 2020 11:13 AM
To: s22 <s22@industry.gov.au>
Subject: FW: Re late additions to agenda: China coal TBT issue [SEC=PROTECTED]

I've let s22 know s22 views re: not having it in the agenda this time around in light of covid-19 etc. He's happy with that.

PROTECTED

From: s22
Sent: Friday, 24 April 2020 10:27 AM
To: s22 <s22@industry.gov.au>; s22 <s22@industry.gov.au>
Subject: Re late additions to agenda: China coal TBT issue [SEC=PROTECTED]

Cool. Thanks s22 .

PROTECTED

From: s22
Sent: Friday, 24 April 2020 10:17 AM
To: s22 <s22@industry.gov.au>
Subject: RE: China coal TBT issue [SEC=PROTECTED]

Hi s

If that helps ahead of meeting today, see attach WTO TBT timeframe. STCs can be added as a late addition as you said below.

Phase 2: Written Procedure

13 May
Written
Procedure
At
10 a.m.
Geneva
time*

eAgenda reopens for joining STCs at 10 a.m. Geneva time*

- Members can join or withdraw from STCs listed in the AdA.
- In addition, Members can raise additional STCs not listed in AdA (following established procedure: [G/TBT/43](#)). Any such requests must be submitted to the Secretariat by email to:
s22 <s22@wto.org>

From: s22
Sent: Thursday, 23 April 2020 8:19 PM
To: 's22' <s22@dfat.gov.au>; s22 <s22@industry.gov.au>; s22 <s22@dfat.gov.au>; s22 <s22@industry.gov.au>; s22 <s22@dfat.gov.au>; s22 <s22@industry.gov.au>; s22 <s22@dfat.gov.au>
Subject: RE: China coal TBT issue [SEC=PROTECTED]

Hi s22
Thanks for that info. DISER hasn't settled on our position yet, so after tomorrows chat if we think its needed it can be added as a late addition.
s.

PROTECTED

From: s22 <s22@dfat.gov.au>
Sent: Thursday, 23 April 2020 5:26 PM
To: s22 <s22@industry.gov.au>; s22 <s22@industry.gov.au>; s22 <s22@dfat.gov.au>; s22 <s22@dfat.gov.au>; s22 <s22@industry.gov.au>; s22 <s22@industry.gov.au>; s22 <s22@dfat.gov.au>
Subject: RE: China coal TBT issue [SEC=PROTECTED]

Thanks s22

Please note that the TBT committee agenda for the upcoming STC exchange closes tonight and we have **not** proposed China coal – no other members have spoken to this STC for some time, so it is unlikely to be raised.

Thanks

s22

From: s22 <s22@industry.gov.au>
Sent: Thursday, 23 April 2020 5:04 PM
To: s22 <s22@industry.gov.au>; s22 <s22@dfat.gov.au>; s22 <s22@dfat.gov.au>; s22 <s22@dfat.gov.au>; s22 <s22@industry.gov.au>; s22 <s22@industry.gov.au>
Subject: RE: China coal TBT issue [SEC=PROTECTED]

Hi Everyone

Please find attached a useful background brief to assist our conversation tomorrow. Thanks very much s22 for this info.

s

s22

Manager, Trade Facilitation Section
Strategic Policy Division
Department of Industry, Innovation and Science

s22

[@industry.gov.au](mailto:industry.gov.au)

-----Original Appointment-----

From: s22

Sent: Wednesday, 22 April 2020 10:40 AM

To: s22

Subject: [DLM=For-Official-Use-Only]China coal TBT issue

When: Friday, 24 April 2020 1:00 PM-2:00 PM (UTC+10:00) Canberra, Melbourne, Sydney.

Where: See teleconference details below

Dial In details << Message: RE: s33 domestic lab testing issues [SEC=PROTECTED] >>

Toll free number: s22

Passcode:

s22, Trade Facilitation DISER)

s22 (all participants)

Purpose of meeting

Discuss coal lab testing issue in context of TBT and upcoming WTO TBT Committee meeting

Background

[National Association of Testing Authorities](#) (NATA) has been made aware that a large testing lab that they accredit seems to have been falsifying test reports on the quality and value of coal being s33

The matter is now being picked up by the police for fraud. The articles are here:
<https://www.canberratimes.com.au/story/6716116/newcastle-lab-at-centre-of-international-fake-coal-analysis-scandal/?cs=14231>
<https://www.newcastleherald.com.au/story/6717048/tampering-with-lab-results-an-open-secret-in-the-hunter-valley-coal-industry/>

s47C

PROTECTED

s22

From: s22 @dfat.gov.au>
Sent: Friday, 24 April 2020 3:33 PM
To: s22
Subject: RE: China coal TBT issue [SEC=PROTECTED]
Attachments: WTO TBT Committee meeting 24.docx

Hi s22

s47C

Regards,

s22

s22

Policy Officer | Goods & Government Procurement Section
Goods & Market Access Branch | Office of Trade Negotiations
Department of Foreign Affairs and Trade

s22

www.dfat.gov.au

[Web](#) | [Twitter](#) | [YouTube](#) | [Flickr](#)

From: s22
Sent: Thursday, 23 April 2020 8:19 PM
To: s22

Subject: RE: China coal TBT issue [SEC=PROTECTED]

Hi s22

Thanks for that info. DISER hasn't settled on our position yet, so after tomorrows chat if we think its needed it can be added as a late addition.

s .

PROTECTED

From: s22 @dfat.gov.au]
Sent: Thursday, 23 April 2020 5:26 PM
To: s22 @industry.gov.au>; s22 @industry.gov.au>;
s22 @dfat.gov.au>; s22 @dfat.gov.au>; s22 ,
s22 @industry.gov.au>; s22 @industry.gov.au>;
s22 @dfat.gov.au>
Subject: RE: China coal TBT issue [SEC=PROTECTED]

Thanks s22 ,

Please note that the TBT committee agenda for the upcoming STC exchange closes tonight and we have s3 s33 – no other members have spoken to this STC for some time, so it is unlikely to be raised.

Thanks

s22

From: s22 @industry.gov.au>
Sent: Thursday, 23 April 2020 5:04 PM
To: s22 @industry.gov.au>; s22 @dfat.gov.au>; s22
s22 @dfat.gov.au>; s22 @dfat.gov.au>; s22
s22 @industry.gov.au>; s22 @industry.gov.au>
Subject: RE: China coal TBT issue [SEC=PROTECTED]

Hi Everyone

Please find attached a useful background brief to assist our conversation tomorrow. Thanks very much s22 for this info.

s .

s22

Manager, Trade Facilitation Section
Strategic Policy Division
Department of Industry, Innovation and Science

s22 @industry.gov.au

-----Original Appointment-----

From: s22
Sent: Wednesday, 22 April 2020 10:40 AM
To: Gs22

Subject: [DLM=For-Official-Use-Only]China coal TBT issue

When: Friday, 24 April 2020 1:00 PM-2:00 PM (UTC+10:00) Canberra, Melbourne, Sydney.

Where: See teleconference details below

Dial In details << **Message: RE: s33** **domestic lab testing issues [SEC=PROTECTED]** >>
s22

s22 Trade Facilitation DISER)
(all participants)

Purpose of meeting

Discuss coal lab testing issue in context of TBT and upcoming WTO TBT Committee meeting

Background

National Association of Testing Authorities (NATA) has been made aware that a large testing lab that they accredit seems to have been falsifying test reports on the quality and value of coal being **s33**

The matter is now
being picked up by the police for fraud. The articles are here:
<https://www.canberratimes.com.au/story/6716116/newcastle-lab-at-centre-of-international-fake-coal-analysis-scandal/?cs=14231>
<https://www.newcastleherald.com.au/story/6717048/tampering-with-lab-results-an-open-secret-in-the-hunter-valley-coal-industry/>

s47C

PROTECTED

s22

From: s22
Sent: Tuesday, 28 April 2020 9:14 AM
To: s22
Subject: FW: Coal testing - AFR article [DLM=For-Official-Use-Only]
Attachments: 1266988850.pdf

Security Classification:
For Official Use Only

See latest article attached. s22 have you had a chance to raise with your GM re: dept letter to NATA?

For Official Use Only

From: Lawrence, David
Sent: Tuesday, 28 April 2020 8:55 AM
To: s22
Cc: s22
Subject: RE: Coal testing - AFR article [DLM=For-Official-Use-Only]

It certainly does.

s22, how did the discussions with NATA go?

Maybe something to discuss when we catch up?

s47C

For Official Use Only

From: s22
Sent: Tuesday, 28 April 2020 8:36 AM
To: s22
Subject: RE: Coal testing - AFR article [DLM=For-Official-Use-Only]

We'd been thinking about how our sustainability messages would be tested, but this brings reliability into sharp relief.

For Official Use Only

From: Ls22
Sent: Monday, 27 April 2020 8:59 AM
To: s22 @industry.gov.au>; ss22 @industry.gov.au>
Cc: s22 @industry.gov.au>
Subject: Coal testing - AFR article [DLM=For-Official-Use-Only]

For Official Use Only

s47C

David Lawrence
General Manager, Onshore Minerals & Energy Branch

s22

From: s22
Sent: Tuesday, 28 April 2020 9:34 AM
To: s22
Subject: RE: Coal testing - AFR article [DLM=For-Official-Use-Only]
Categories: Yellow Category

Hi s22

I am calling s22 today and will let you know.

s

For Official Use Only

From: s22
Sent: Tuesday, 28 April 2020 9:14 AM
To: s22
Subject: FW: Coal testing - AFR article [DLM=For-Official-Use-Only]

See latest article attached. s22 have you had a chance to raise with your GM re: dept letter to NATA?

For Official Use Only

From: s22
Sent: Tuesday, 28 April 2020 8:55 AM
To: s22
Subject: RE: Coal testing - AFR article [DLM=For-Official-Use-Only]

It certainly does.

s22 how did the discussions with NATA go?

Maybe something to discuss when we catch up?

s47C

For Official Use Only

From: s22
Sent: Tuesday, 28 April 2020 8:36 AM
To: s22 [@industry.gov.au](mailto:s22@industry.gov.au); s22 [@industry.gov.au](mailto:s22@industry.gov.au)
Cc: s22 [@industry.gov.au](mailto:s22@industry.gov.au)
Subject: RE: Coal testing - AFR article [DLM=For-Official-Use-Only]

We'd been thinking about how our sustainability messages would be tested, but this brings reliability into sharp relief.

For Official Use Only

From: Lawrence, David
Sent: Monday, 27 April 2020 8:59 AM
To: s22 [@industry.gov.au](mailto:s22@industry.gov.au); s22 [@industry.gov.au](mailto:s22@industry.gov.au)

Released under the FOI ACT - DISER

Cc: s22 [@industry.gov.au](mailto:industry.gov.au)>

Subject: Coal testing - AFR article [DLM=For-Official-Use-Only]

For Official Use Only

s47C

David Lawrence
General Manager, Onshore Minerals & Energy Branch
Department Industry, Innovation & Science

s22

For Official Use Only

s22

From: s22
Sent: Wednesday, 29 April 2020 8:56 AM
To: s22
Subject: RE: FOR INFO - COAL QUALITY CERTIFICATION [DLM=Sensitive]

Security Classification:
Sensitive

Morning s22 can you pls email s22 with the questions below and set up a telecom with him when he has time. Thanks

Sensitive

From: s22
Sent: Tuesday, 28 April 2020 5:19 PM
To: s22
Cc: s22
Subject: RE: FOR INFO - COAL QUALITY CERTIFICATION [DLM=Sensitive]

Hi s22

The best and quickest way to get those answers is a call or email to s22 . Or perhaps set up a meeting with him. He did mention he was going to call your team tomorrow to get back to you on some other things.

Of the questions below, NATA will assist where they can but may not have answers to some. s47C

s47C

Which advisor are you dealing with in the MO?

Sensitive

From: s22
Sent: Tuesday, 28 April 2020 5:03 PM
To: s22 <s22@industry.gov.au>
Cc: s22 <s22@industry.gov.au>
Subject: FW: FOR INFO - COAL QUALITY CERTIFICATION [DLM=Sensitive]

Hi s22

Just following on from s22 questions earlier. We need to gather some more info for our Minister's Office on possible next steps.

These are the kinds of questions we'd like to ask NATA. If a letter from the Dept is not the way to go, do you feel comfortable if resources div emails NATA directly?

Just don't want to by-pass your area or let me know if this isn't really appropriate...

We also have a question about auditing, i.e. who in theory could audit these labs since NATA do not (?) have the authority...

1. What are the characteristics of met & thermal coal which fall under the scope of accreditation by NATA for coal analysis?

Released under the FOI ACT - DISER

2. What facilities are currently accredited for coal analysis and which mines do they service?
3. How long does accreditation last?
4. What policies and procedures does NATA have in place to ensure that accredited coal quality testing facilities currently meet the conditions for continued accreditation?

Appreciate any advice you can provide. Chat tomorrow.

Thanks

Sensitive

From: s22

Sent: Tuesday, 28 April 2020 4:48 PM

To: Trotman, Paul <Paul.Trotman@industry.gov.au>

Cc: Lawrence, David <David.Lawrence@industry.gov.au>; s22 <s22@industry.gov.au>

Subject: FOR INFO - COAL QUALITY CERTIFICATION [DLM=Sensitive]

Hi Paul

This is for you to be aware in case approached re: Australia's coal quality testing and certification.

Since 2007, approximately 45-50 per cent of coal certificates issued by Australian Laboratory Services (a major coal certification company) were manually amended without justification. s33

This issue has been widely reported in the media over the last couple of months. The Minister's Office was approached for comment last week before the attached AFR article was released.

Our latest brief on this issue, including the talking points used by the MO is on dochub here: [BPB - Coal testing in Australia](#).

We have shared this brief with DFAT. Media reports suggest coal shipments to Japan, RoK and China have been impacted, however, discrepancies in coal certificates has not previously been raised by our trading partners.

We are discussing with the Trade Facilitation team in Strategic Policy Division about possible next steps including seeking further information from NATA – the national organisation that accredits these labs.

Happy to discuss

Thanks

s22

Major Commodities / Onshore Minerals & Energy

s22

[@industry.gov.au](mailto:s22@industry.gov.au)

Sensitive

s22

From: Lawrence, David
Sent: Wednesday, 29 April 2020 9:36 AM
To: s22
Subject: RE: FOR INFO - COAL QUALITY CERTIFICATION [DLM=Sensitive]

Security Classification:
Sensitive

Not at this stage. Let's what to see what the pan is with NATA.

Sensitive

From: s22
Sent: Wednesday, 29 April 2020 9:24 AM
To: Lawrence, David
Subject: RE: FOR INFO - COAL QUALITY CERTIFICATION [DLM=Sensitive]

Morning Dave

Do you want me to forward our brief linked below to the MO for info and chat to s22 about it? Not sure what the MO's thoughts are on the issue and how much it's on their radar...

Sensitive

From: s22
Sent: Tuesday, 28 April 2020 4:48 PM
To: Trotman, Paul <Paul.Trotman@industry.gov.au>
Cc: Lawrence, David <David.Lawrence@industry.gov.au>; s22 <s22@industry.gov.au>
Subject: FOR INFO - COAL QUALITY CERTIFICATION [DLM=Sensitive]

Hi Paul

This is for you to be aware in case approached re: Australia's coal quality testing and certification.

Since 2007, approximately 45-50 per cent of coal certificates issued by Australian Laboratory Services (a major coal certification company) were manually amended without justification. s33

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Our latest brief on this issue, including the talking points used by the MO is on dochub here: [BPB - Coal testing in Australia](#).

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Happy to discuss

Thanks

s22

Major Commodities / Onshore Minerals & Energy

s22

s22

From: s22
Sent: Friday, 8 May 2020 3:51 PM
To: s22
Subject: RE: BPB Coal testing in Australia [DLM=For-Official-Use-Only]

Security Classification: For Official Use Only

Thanks that's great.

For Official Use Only

From: s22
Sent: Friday, 8 May 2020 3:48 PM
To: s22
Subject: BPB Coal testing in Australia [DLM=For-Official-Use-Only]

Hi s22 ,

In the absence of a response from s22 I have made edits to the BPB and noted places where feedback by NATA is needed to complete edits.
s22

Thanks
s22

s22

Assistant Manager
Major Commodities
Onshore Minerals and Energy Branch | Resources Division

s22 [@industry.gov.au](mailto:s22@industry.gov.au)

Department of Industry, Science, Energy and Resources | www.industry.gov.au

For Official Use Only

s22

s22

From: s22 <s22@industry.gov.au>
Sent: Thursday, 14 May 2020 10:59 AM
To: s22 <s22@dfat.gov.au>
Cc: s22 <s22@industry.gov.au>; s22 <s22@industry.gov.au>
Subject: ALS coal certificates [SEC=UNCLASSIFIED]

Hi s22 ,

s33

Hope you're keeping well.

Kind regards,


s22
Acting Manager
International Strategy & Engagement
s22

s22@industry.gov.au

Department of Industry, Science, Energy and Resources

Location: 10 Binara Street, Canberra ACT 2601

Postal address: GPO Box 2013, Canberra, ACT, 2601

 *The department acknowledges the traditional owners of the country throughout Australia and their continuing connection to land, sea and community. We pay our respect to them and their cultures and to the elders past, present and emerging.*

UNCLASSIFIED

s22

From: s22
Sent: Thursday, 18 June 2020 9:09 AM
To: s22
Subject: FW: Coal testing issues [DLM=For-Official-Use-Only]
Attachments: BPB - Coal testing in Australia.docx

Security Classification:
For Official Use Only

For Official Use Only

From: s22
Sent: Tuesday, 5 May 2020 2:14 PM
To: s22
Cc: s22 Lawrence, David
Subject: RE: Coal testing issues [DLM=For-Official-Use-Only]

Hi guys, here is the latest on the coal quality testing and certification issue.
We are still waiting for further intel from NATA. Let me know when you want to discuss.
Thanks

s22
Major Commodities / Onshore Minerals & Energy
s22
@industry.gov.au

For Official Use Only

From: s22
Sent: Thursday, 30 April 2020 10:52 AM
To: s22 @industry.gov.au>
Subject: Coal testing issues [DLM=For-Official-Use-Only]

For Official Use Only

Hey s22 .

Can we ask David Lawrence's area to provide a note on the coal testing issue being worked through. I'm aware of the issue but would like to know more.

Email from s22 is fine.

Something by early next week (Tuesday) is fine.

Thanks

s22

For Official Use Only

s22

From: Lawrence, David
Sent: Friday, 17 July 2020 2:09 PM
To: s22
Subject: RE: Update to MO [DLM=For-Official-Use-Only]

Security Classification: For Official Use Only

Thanks good to go.

Happy for you to send to s22 .

David Lawrence
General Manager, Onshore Minerals & Energy Branch
Resources Division
Department of Industry, Science, Energy & Resources
Level 5, 10 Binara Street, Canberra ACT 2601
GPO Box 9839, Canberra ACT 2601
s22
E-mail: david.lawrence@industry.gov.au

For Official Use Only

From: s22
Sent: Friday, 17 July 2020 2:01 PM
To: Lawrence, David <David.Lawrence@industry.gov.au>; s22 @industry.gov.au>
Subject: RE: Update to MO [DLM=For-Official-Use-Only]

Hi David,

Edits reviewed and first talking point revised. Is now ready to be passed on.

Thanks
s22

For Official Use Only

From: Lawrence, David
Sent: Friday, 17 July 2020 1:37 PM
To: s22 @industry.gov.au>
Cc: s22 @industry.gov.au>
Subject: RE: Update to MO [DLM=For-Official-Use-Only]

Some suggestions from me.

David Lawrence
General Manager, Onshore Minerals & Energy Branch
Resources Division
Department of Industry, Science, Energy & Resources
Level 5, 10 Binara Street, Canberra ACT 2601
GPO Box 9839, Canberra ACT 2601
s22
E-mail: david.lawrence@industry.gov.au

For Official Use Only

From: s22
Sent: Friday, 17 July 2020 1:31 PM
To: Lawrence, David <David.Lawrence@industry.gov.au>
Cc: s22 <s22@industry.gov.au>
Subject: Update to MO [DLM=For-Official-Use-Only]

Hi Dave

Today's updates from NATA are in track changes in the brief linked here: [BPB - Coal testing in Australia](#)
Also in track are the updates since we first briefed the MO.

For Official Use Only

s22

From: s22
Sent: Friday, 17 July 2020 3:14 PM
To: s22 Barron, Kylie
Cc: s22 Lawrence, David
Subject: RE: Updated brief [DLM=For-Official-Use-Only]

Security Classification:
For Official Use Only

Thanks all

For Official Use Only

From: s22
Sent: Friday, 17 July 2020 2:20 PM
To: Barron, Kylie <Kylie.Barron@industry.gov.au>
Cc: s22 ; Lawrence, David <David.Lawrence@industry.gov.au>;
s22 @industry.gov.au
Subject: Updated brief [DLM=For-Official-Use-Only]

Hi Kylie,

Please find an updated brief on Australia's coal quality testing and certification. Sidebars indicate updates from the previous brief.

Thanks
s22

For Official Use Only

From: Lawrence, David
Sent: Friday, 17 July 2020 2:09 PM
To: s22 @industry.gov.au>; s22 @industry.gov.au>
Subject: RE: Update to MO [DLM=For-Official-Use-Only]

Thanks good to go.

Happy for you to send to s22 and Kylie.

David Lawrence
General Manager, Onshore Minerals & Energy Branch
Resources Division
Department of Industry, Science, Energy & Resources
Level 5, 10 Binara Street, Canberra ACT 2601
GPO Box 9839, Canberra ACT 2601
s22
E-mail: david.lawrence@industry.gov.au

For Official Use Only

From: s22
Sent: Friday, 17 July 2020 2:01 PM
To: Lawrence, David <David.Lawrence@industry.gov.au>; s22 @industry.gov.au>
Subject: RE: Update to MO [DLM=For-Official-Use-Only]

Hi David,

Edits reviewed and first talking point revised. Is now ready to be passed on.

Thanks

s22

For Official Use Only

From: Lawrence, David
Sent: Friday, 17 July 2020 1:37 PM
To: s22 <s22@industry.gov.au>
Cc: s22 <s22@industry.gov.au>
Subject: RE: Update to MO [DLM=For-Official-Use-Only]

Some suggestions from me.

David Lawrence
General Manager, Onshore Minerals & Energy Branch
Resources Division
Department of Industry, Science, Energy & Resources
Level 5, 10 Binara Street, Canberra ACT 2601
GPO Box 9839, Canberra ACT 2601
s22
E-mail: david.lawrence@industry.gov.au

For Official Use Only

From: s22
Sent: Friday, 17 July 2020 1:31 PM
To: Lawrence, David <David.Lawrence@industry.gov.au>
Cc: s22 <s22@industry.gov.au>
Subject: Update to MO [DLM=For-Official-Use-Only]

Hi Dave

Today's updates from NATA are in track changes in the brief linked here: [BPB - Coal testing in Australia](#)
Also in track are the updates since we first briefed the MO.

For Official Use Only

s22

From: s22
Sent: Friday, 31 July 2020 10:34 AM
To: s22
Subject: RE: For quick review by 3pm Friday- Non-Tariff Barrier- s33
(including through quality testing) [DLM=For-Official-Use-Only]

Security Classification:
For Official Use Only

Thanks s22
s22 no edits from us.

For Official Use Only

From: s22
Sent: Thursday, 30 July 2020 1:56 PM
To: s22 @industry.gov.au>
Subject: RE: For quick review by 3pm Friday- Non-Tariff Barrier- s33
(including through quality testing) [DLM=For-Official-Use-Only]

Hi s22 ,

No update required from my perspective. Have noted as much in the dochub document.

Thanks
s22

For Official Use Only

From: s22
Sent: Thursday, 30 July 2020 9:22 AM
To: s22 @industry.gov.au>
Subject: RE: For quick review by 3pm Friday- Non-Tariff Barrier- s33
(including through quality testing) [DLM=For-Official-Use-Only]

Thanks s22

For Official Use Only

From: s22
Sent: Thursday, 30 July 2020 9:20 AM
To: s22 @industry.gov.au>
Subject: FW: For quick review by 3pm Friday- Non-Tariff Barrier- s33
(including through quality testing) [DLM=For-Official-Use-Only]

FYI. Will work on it this afternoon.

For Official Use Only

From: Trade Facilitation
Sent: Thursday, 30 July 2020 7:47 AM
To: s22 @industry.gov.au>
Cc: Ms22 @industry.gov.au>; s22 @industry.gov.au>; s22 @industry.gov.au>
Subject: For quick review by 3pm Friday- Non-Tariff Barrier- s33 (including through quality testing)

Hi s22

s33

See also below some background of the NTB Action Plan for context.

Feel free to comment directly in track mode or comment boxes in the link here [Focus NTBs Status Update July 2020-DISER comments](#) . We will get back to DFAT by COB Friday so please let me know if you have any feedback by then.

Do not hesitate to contact me if you have any questions.

Kind regards

s22

NTB Action Plan- Background for information

- Australia's Foreign Policy White Paper committed the Government to implementing an NTB strategy. A new Non-Tariff Barriers Coordination section (NTS) was established in DFAT's Office of Trade Negotiations to design and implement the strategy in consultation with industry and key government departments.
- On 7 December 2018, the Minister for Trade, Tourism and Investment, the Minister for Agriculture and Water Resources, the Minister for Industry, Science and Technology, and the Assistant Minister for Trade, Tourism and Investment, announced the new 'Action Plan to Address NTBs'.
- The Action Plan marks the beginning of a more coordinated and effective approach to working with industry on export-focused NTBs and envisages a stronger government-industry partnership which leverages the full suite of commercial and government resources to tackle NTBs. It complements Australia's overall efforts to strengthen trading rules, open markets and facilitate global commerce through international bodies like the WTO.
- As part of the Action Pan, DFAT launched a new trade barrier gateway (www.tradebarriers.dfat.gov.au) to help Australian exporters report identified NTBs to government and seek advice on dealing with international trade barriers.
- DISER has provided strategic advice to DFAT on the Action Plan since its inception, and continues to participate at multiple levels on the Advisory Group and inter-agency steering meetings.


s22

Assistant Manager | Trade Facilitation Section
Trade and International Branch | Strategic Policy Division

Department of Industry, Science, Energy and Resources | www.industry.gov.au

currently working remotely

s22 industry.gov.au

 *The department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respect to them and their cultures and*

Attachment A - 11 Focus NTBs (one resolved)

Non Tariff Record: Title	Summary	Status
s22		
s22		
s33 (including through quality testing)	s33 s22	s22
s22		
s22		

s22

s22

Archived: Monday, 14 September 2020 10:27:36 AM

From: s22

Sent: Tue, 5 May 2020 15:16:34

To: s22

Cc: s22 [Parl Briefs](#)

Subject: RE: Extension for MB20-001767 [DLM=For-Official-Use-Only]

Sensitivity: Normal

Ok – in that case we can extend until Friday 15 May

s22 | Departmental Liaison Officer

Office of the Hon Keith Pitt MP

Minister for Resources, Water and Northern Australia

s22

Suite M1 45 Parliament House, CANBERRA ACT 2600

For Official Use Only

From: s22

Sent: Tuesday, 5 May 2020 3:07 PM

To: s22

Cc: s22 ; Parl Briefs

Subject: RE: Extension for MB20-001767 [DLM=For-Official-Use-Only]

Good Afternoon.

s33

Thanks,

s22 | Diary Manager

Office of the Hon Keith Pitt MP

Minister for Resources, Water and Northern Australia

s22

Suite M1.45 Parliament House, CANBERRA ACT 2600

For Official Use Only

From: s22

Sent: Tuesday, 5 May 2020 3:03 PM

To: s22 @industry.gov.au>

Cc: s22 Released under the FOI ACT -DISER
industry.gov.au>; s22

@industry.gov.au>; Parl Briefs

<ParlBriefs@industry.gov.au>

Subject: RE: Extension for MB20-001767 [DLM=For-Official-Use-Only]

No problem – can we please have the brief by COB friday

s22 | Departmental Liaison Officer

Office of the Hon Keith Pitt MP

Minister for Resources, Water and Northern Australia

s22

Suite M1 45 Parliament House, CANBERRA ACT 2600

For Official Use Only

From: s22

Sent: Tuesday, 5 May 2020 3:01 PM

To: s22 @industry.gov.au>

Cc: s22 @industry.gov.au>; s22

@industry.gov.au>

Subject: Extension for MB20-001767 [DLM=For-Official-Use-Only]

Hi s22

s33

We just want to take the extra time to ensure it's up to date.

Happy to discuss.

Kind regards

s22

International Strategy & Engagement

Resources Division

s22

For Official Use Only



Minister for Resources, Water and Northern Australia

Min ID: MB20-001767

s33

Sensitivities:

s22

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Proposed note taker: s22

Clearance Officer:

David Lawrence
General Manager
Onshore Minerals and Energy Branch
Resources Division
s22

Contact Officer:

s22
International Strategy and Engagement
s22

MLO Version: 28/5/2020

ATTACHMENTS

- A: Biography
- B: Background
- C: Talking Points

Background

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If raised: Australia's coal quality testing and certification

- I am aware of the situation with Australian Laboratory Services Limited and the Australian Government is taking the matter very seriously.
 - The matter has now been referred to the NSW Police.

s33

- My department is looking into the matter and we will keep you informed of progress.

s22



Australian Government
**Department of Industry, Science,
Energy and Resources**

PDR no.

MB20-002778

Adviser

Ministerial Brief Coversheet

s33



Minister for Resources, Water and Northern Australia

Min ID: MB20-002778

s33

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Clearance Officer:
Jessica Robinson
General Manager
Critical Minerals Facilitation Office
Resources Division
s22

Contact Officer:
s22
Critical Minerals Facilitation Office
s22

MLO Version: 30/06/2020

s33

'If asked' Talking Points

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s22

Australia's coal quality testing and certification

- An independent forensic investigation into Australian Laboratory Services Limited (ALS) on its coal quality certificates for the export market found that since 2007, approximately 45-50 per cent of the certificates issued by ALS were manually amended without justification. s33
 - The matter has now been referred to the NSW Police.
- Media reports suggest coal shipments to the ROK, Japan and China have been impacted.
 - Discrepancies in Australian coal export certificates have not previously been raised by our international trading partners.
- The laboratories identified in the reports are accredited by Australia's national accreditation body, the National Association of Testing Authorities (NATA).

- The department has sought further information from NATA about the performance of NATA-accredited laboratories for analysis of coal and related products.

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ATTACHMENT D

Background

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¹ Office of the Chief Economist. (2020). Resources and Energy Quarterly June 2020.

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Australia's coal quality testing and certification

- On 2 April 2020, Australian Laboratory Services Limited (ALS) reported on the outcomes of the independent investigation into its coal sample certification process.

- Approximately 45 to 50 per cent of the coal certificates of analysis issued since 2007 were manually amended without justification in laboratories in Newcastle, Mackay, Gladstone and Emerald.
- Additional measures have been put in place to stop the amendment of certificates without proper justification. Further measures are planned.
- ALS have referred the matter to the NSW police.
- A separate independent review of ALS's testing and reporting practices in all other business streams found no evidence of any similar practices elsewhere in the company.

s33

s22

