

KALGOORLIE CONSOLIDATED GOLD MINES PTY LTD - PROSECUTION FOR BREACHES OF
LICENCE CONDITIONS

4709. Hon Paul Llewellyn to the Parliamentary Secretary representing the Minister for the Environment

I refer to a letter dated 1 June 1989 signed by Peter Brown Cooper from the Environmental Protection Authority, addressed to Mr John Rowe, General Manager Operations, Kalgoorlie Consolidated Gold Mines Pty Ltd (KCGM), briefing notes for the Minister for the Environment which I understand may be dated 29 May 1989, signed by Peter Brown Cooper titled 'Kalgoorlie Sulphur Dioxide Pollution Problem', briefing notes to the Minister for Environment signed by B A Carbon, Chief Executive Officer, dated 25 July 1989, titled 'Pollution Abatement Notice served on Kalgoorlie Consolidated Gold Mines Pty Ltd.' and question on notice number 2583, of 1 September 2005, and I ask -

- (1) Is it correct that the letter dated 1 June 1989 stated in part 'The Minister for Environment has approved a request by the Chief Executive Officer of the Authority to proceed with a prosecution against three gold roasters as a result of the pollution episode on 3 May 1989. The Authority is now discussing the proceedings with the Crown Law Department'?
- (2) If no to (1), will the Minister quote the full text of the aforementioned letter?
- (3) Was the aforementioned letter sent to KCGM?
- (4) Can the Minister advise how many Pollution Abatement Notices were issued to Bond Gold, Kalgoorlie Lake View Pty Ltd and Kalgoorlie Mining Associates companies all associated and linked with KCGM in the years 1988 to 1990?
- (5) If no to (4), why not?
- (6) Can the Minister advise how many prosecutions were commenced by the Environmental Protection Authority/Department of Environment (DOE), and against whom, specifically in and around Kalgoorlie between 1998 and 2003 prior to the Environmental Enforcement Unit commencing operation?
- (7) If no to (6), why not?
- (8) Can the Minister advise how many prosecutions were commenced by DOE and against whom, specifically in and around Kalgoorlie from 2003, when the Environmental Enforcement Unit commenced operating, through to 2007?
- (9) If no to (8), why not?
- (10) Will the aforementioned briefing notes and letter to the Minister for the Environment be provided to the environmental enforcement unit as evidence of the history of the licensee, KCGM and to support the prosecution of the licensee, KCGM for breaching the Environmental Protection Policy in May 2005?
- (11) If no to (10), why not?
- (12) Will the Department of Environment and Conservation (DEC) ensure that its investigation into KCGM breaching sulphur dioxide limits in May 2005 has been finalised before the statute of limitations of two years has lapsed?
- (13) If no to (12), why not?
- (14) Will the DEC prosecute KCGM for breaching sulphur dioxide limits in May 2005?
- (15) If no to (14), why not?

Hon SALLY TALBOT replied:

- (1)-(3) The letter in question is from 1989. I do not support the use of the Department of Environment and Conservation's (DEC) resources to locate and retrieve files from that time to verify that the letter exists and what it states.
- (4)-(5) The question relates to matters between 1988 and 1990. I do not support the use of DEC's resources to locate and retrieve files to determine actions which occurred in that time.
- (6) DEC's records indicate that there was one prosecution commenced between 1998 and 2003. Western Mining Corporation Limited (WMC) was prosecuted in 2002 for an offence occurring in 1996 for breach of Ministerial Exemption in relation to SO₂ emission. WMC Ltd was found guilty and fined \$10 000.
- (7) Not applicable.

- (8) Investigations by Department of Environment regional officers coupled with specialist assistance from the Environmental Enforcement Unit resulted in a prosecution, involving six serious pollution/emission charges against Total Waste Management of Boulder being brought before the Kalgoorlie court in 2004. The company was convicted and fined \$7 500. A 'Modified Penalty Notice Fine' of \$25 000 was administered to Kalgoorlie Consolidated Gold Mines (KCGM) on 17 April 2007. In addition, there are currently several significant investigations underway within the region and over forty industry reports and community complaints are being actively examined to determine if a breach is likely to have occurred.
- Over the past several months other investigations, initiated by the DEC Kalgoorlie Office, have resulted in the compilation and transmission to the State Solicitor's Office of two further briefs of evidence both bearing a recommendation for prosecution.
- (9) Not applicable.
- (10) Not applicable. DEC has issued a Modified Penalty Notice to KCGM for \$25 000 for breaching their licence condition of not allowing sulphur dioxide emissions in excess of 0.25 parts per million. This occurred in 2005. The notice was issued in accordance with DEC's Prosecution and Enforcement Policy and included consideration of the previous history of the offender. As such the modified penalty was set at 20 per cent of the maximum fine that could be imposed for the offence by the courts. The notice was served on 17 April 2007 and has subsequently been paid.
- (11) Not applicable.
- (12) Yes.
- (13) Not applicable.
- (14) See (10) above.
- (15) Not applicable.