

COMPLIANCE WITH MINING ENVIRONMENTAL CONDITIONS REPORT

1300. Hon Dr Brad Pettitt to the parliamentary secretary representing the Minister for Environment:

I refer to the recent Auditor General's report, *Compliance with Mining Environmental Conditions* (audit.wa.gov.au/wp-content/uploads/2022/12/Report-11\_Compliance-with-Mining-Environmental-Conditions.pdf) and the report's case study which states that: "DWER found an established operator had built a number of wastewater treatment plants over several years without approval. The operator noted that waiting for approval would have delayed operations. DWER issued a letter of warning and retrospectively approved the plants." I ask:

- (a) which company was issued with the letter of warning;
- (b) what is the location (or locations) of the wastewater treatment plants;
- (c) is the company still operating the retrospectively approved wastewater treatment plants;
- (d) why did the Department of Water and Environmental Regulation (DWER) choose not to issue a financial penalty or prosecute the company;
- (e) is DWER monitoring the wastewater treatment plants to ensure there are no further compliance failures or environmental harm and, if not, why not;
- (f) if yes to (e), have any further compliance failures been identified;
- (g) is this the first time DWER has identified companies building wastewater treatment plants without approval; and
- (h) if no to (g), where have other such instances occurred and what action did DWER take?

**Hon Darren West replied:**

- (a) Rio Tinto Exploration Pty Ltd.
- (b) All wastewater treatment plants are located at the Winu Exploration Site, mining tenement E45/4833 located in Telfer, Western Australia.
- (c) Yes.
- (d) The determination to issue no letter of warning was made in accordance with the Department of Water and Environmental Regulation's (DWER) Compliance and Enforcement Policy after considering all the facts and circumstances of the case. Factors which were considered in this case include Rio Tinto Exploration Pty Ltd self-reported the non-compliance, applied, and was subsequently granted registrations to operate the premises. The risk to the environment was considered low.
- (e) Rio Tinto Exploration Pty Ltd holds a registration granted under Part V of the *Environmental Protection Act 1986* (EP Act) for a Category 85 Sewage Treatment Facility at the Winu Exploration Site. DWER undertakes proactive compliance of activities regulated under the EP Act. The Winu premises has not been prioritised for an inspection due to being considered low risk to water, the environment and public health.
- (f) No further compliance matters have been recorded in relation to the registered Sewage Treatment Facility.
- (g) No.
- (h) Two previous instances relate to the construction and operation of a Sewage Treatment Facility without approval under Part V of the EP Act. The first relates to a premises in Gnangara, which was finalised by letter of warning in 2021 and the site applying for retrospective licence. The second relates to a mining operation in Greenbushes; this matter was closed in 2021 with no further action taken as the mine applied for a licence.