

**STANDING COMMITTEE ON  
ENVIRONMENT AND PUBLIC AFFAIRS**

**INQUIRY INTO COCKBURN CEMENT LIMITED, MUNSTER**

**TRANSCRIPT OF EVIDENCE  
TAKEN AT PERTH  
MONDAY, 4 APRIL 2011**

**SESSION ONE**

**Members**

**Hon Brian Ellis (Chairman)  
Hon Kate Doust (Deputy Chairman)  
Hon Phil Edman  
Hon Colin Holt  
Hon Lynn MacLaren**

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**Hearing commenced at 9.47 am**

**LOGAN, HON FRANCIS**

**Member for Cockburn, examined:**

**EVA, MR PHILIP**

**Cockburn Resident, examined:**

**The CHAIRMAN:** I welcome you along to this hearing. As you know, we have to go through a little formality first. You will have signed a document titled “Information for Witnesses”. Have you read and understood that document?

**The Witnesses:** Yes.

**The CHAIRMAN:** These proceedings are being recorded by Hansard. A transcript of your evidence will be provided to you. To assist the committee and Hansard, please quote the full title of any document you refer to during the course of this hearing, for the record. Please be aware of the microphones and try to speak into them, and ensure that you do not cover them with papers or make noises near them. I remind you that your transcript will become a matter for the public record. If for some reason you wish to make a confidential statement during today’s proceedings, you should request that the evidence be taken in closed session. If the committee grants your request, any public and media in attendance will be excluded from the hearing. Please note that until such time as the transcript of your public evidence is finalised it should not be made public. I advise you that publication or disclosure of the uncorrected transcript of evidence may constitute contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege.

For those of who do not know who we are, I would like to introduce the members of our committee: Hon Lynn MacLaren; me as the Chair; Hon Kate Doust, the Deputy Chair; and Hon Col Holt. We have an apology from Hon Phil Edman, who could not make it today.

Have you have any opening statement you would like to make to the committee?

**Mr F.M. LOGAN:** I do, Mr Chairman. Thank you very much, indeed. I presume that all the committee members have received a copy of the submission that I made. Obviously, I will not go to that in detail because it is there for you to read, but I will reiterate the introductory comments to this paper about what is going on with Cockburn Cement Limited. As I pointed out at the very beginning, Cockburn Cement has the world’s biggest lime production operations in an area which is close to suburban Perth. If you go onto, for example, the WAtoday blog site, you will see an argument proceeding between residents and others in the community about Cockburn Cement. It is out there in the community with a debate going on. Cockburn Cement and people from Western Australia who do not live anywhere near the plant make statements on a regular basis that those houses should not have been built so close to the plant or that Cockburn Cement was there first. That company has been running at that site from the 1950s. It has been covered by a state agreement act since 1963. It has grown to become the world’s largest producer of quicklime since about the early to mid-1990s. The biggest kiln that you can see on the site, kiln 6—the large square concrete kiln—only came into operation in the year 2000, but many of those houses were there for 20 years before them. All of the subdivisions that are currently being, or have been, built upon were in place 15 years before that kiln was built. Also, kiln 5 has grown to the size it is since the early 1990s. The argument that you will hear from the company, and certainly from other people around the state, is that people should have known what they were doing when they moved there and should not have built there, or that those subdivisions should not have been allowed there. That is

all well and good if you completely ignore the fact that Cockburn Cement has grown in scale at the same time as the suburbs around it have grown. I wanted to deal with that point, because it comes up time and again: the distance between the operations and the residents is too close and, therefore, it is the residents' fault. As I pointed out in the submission, that is a real source of bitterness for the residents. They are really angry about that view.

**Hon KATE DOUST:** In your submission you talk about not understanding how there has been an increase in volume of dust emissions and why those particles are travelling further. Does that come back to the fact that Cockburn Cement has grown in size and people are now encroaching on the space?

**Mr F.M. LOGAN:** That is right.

**Hon KATE DOUST:** Is there is no other reason why that would be happening?

**Mr F.M. LOGAN:** The other point I would like to make as part of the opening statement is about that very point. The other reasons why this conflict has grown so rapidly over the past two years are that it is the world's biggest lime plant and, no doubt, the residents have moved in in greater numbers over the past 10 years. There is no argument about that, but there were lots and lots of residents there before that as well. Also, as a local member of Parliament, as you know, I am the first port of call for complaints—if it is not Cockburn council it is me when people have complaints—and those complaints have rapidly increased from about October–November 2009, and they are just as bad today. If you went down there right now, you would see the output is just as bad today as you would have seen two years ago. Today and yesterday were shocking; it is appalling! There is a correlation between why that is occurring, I believe, and the price of gold. The price of gold has gone from \$400 an ounce to \$1 400 an ounce—it was about \$1 430, I think, this morning. Basically, you need quicklime to process gold, and quicklime is what Cockburn Cement produces. They are producing vast volumes of quicklime. I do not know the actual figures—they would probably be commercially confidential—but they are producing huge tonnages of quicklime and pushing that plant as hard as they possibly can in order to take advantage of the growth in demand for lime because of the price of gold. People are obviously wanting to process gold at \$1 400 an ounce—why wouldn't they! Also, Cockburn Cement's other major customer is Alcoa, and things are looking much better now for the price of alumina. You need huge volumes of lime in the production of alumina—in breaking down bauxite and turning it into alumina. As the price of alumina changes, also the demand from that plant changes as well. Those are their two major customers, and in both cases the demand from both those customers is exceedingly high; therefore, they have to run the plant at a much higher level and probably a much higher level than it was ever designed for, I put it to you. That has been put to me—I have no evidence to back that up, I am afraid—by people from within Cockburn Cement: that it has been operating at a level beyond what it was designed for, and certainly beyond what its filters, its electrostatic precipitators, were designed for.

The other issue is about the change in the energy mix—that is contained in the opening comments—as a possible source of the inability of the filters to capture the dust. I am not 100 per cent sure on that; I am not a chemist, but certainly that maybe a cause of the odours involved. There is a massive odour problem as well, which has been much, much worse over the past two years than has ever been experienced before. Cockburn Cement has changed its mix from 80 per cent gas and 20 per cent coal, to 20 per cent gas and 80 per cent coal. Obviously, for that reason, they have to store massive amounts of coal on site. It has been up to 35 000 tonnes, but what I heard the other day—I cannot confirm it—somebody told me it was actually up to 50 000 tonnes of coal on site. One of the major problems with Collie coal is that it self-combusts, and there are constant fires there. These are what the company calls "hot spots". What any one of us walking past would call a fire, Cockburn Cement calls a "hot spot". In any case, it is burning, whichever interpretation you use, and it is releasing sulfur and that sulfur carries. If you have 50 000 tonnes of coal sitting there,

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and there are a number of hot spots in that stockpile, that will create a significant amount of sulfur that is drifting across and into people's homes. They never had 50 000 tonnes of coal there before; in fact, they had a tiny little stockpile of coal before 2008.

Those are the two things that I think can be directly related to the increase in the level of dust and odour: firstly, their production levels are up massive amounts because of the price of coal and alumina; and, secondly, the odour caused by the stockpiles, and possibly the change in the burning process might contribute to an increase in the levels of dust as well by using coal instead of gas. There is another issue, which is possibly a more controversial issue for the Chair, and that is the change in government in 2008. Obviously, I have no evidence to back this up but the change in government, as you know, from Labor to your government, Mr Chair, in September 2008 coincides with—or very soon thereafter—a change in DEC's attitude to that company. I can assure you that it changed. The efforts that were put in to control and regulate Cockburn Cement have been changed with the nature of the change in government.

[10.00 am]

**The CHAIRMAN:** Have you got evidence of that?

**Mr F.M. LOGAN:** No, I have not; I said I have not got evidence to back that up. But I know from the fact that the company, if you have a look at the effort, go back and have a look at the effort, that DEC put in under the stewardship, particularly of Judy Edwards when she was Minister for the Environment, at one point she closed Cockburn Cement down. There was an awful lot of effort put in by DEC and the ministry at the time in terms of trying to control their behaviour, reducing their emission levels and new licence conditions, which restricted them, and that seemed to disappear completely in terms of the effort that was put in.

**Hon LYNN MacLAREN:** I just wanted to ask if you felt that the management of CCL also changed in their attitude because you noted that seemed to be the way DEC was responding to them, but in your submission you indicate that the management actually changed its way of dealing with things.

**Mr F.M. LOGAN:** I was a member of the environmental improvement committee, the EIC, which is an in-house committee that was run by Cockburn Cement with the urgings and encouragement of DEC. On that committee you had local government representatives, state government representatives—as a local state government representative—and residents. I have since resigned from that committee because I said, “I’m wasting my time; it is just a talk fest doing nothing”—only last year. In terms of reiterating or giving the example to the point you have just made, is that prior to the change of government, we used to get a great deal more information out of Cockburn Cement in terms of what they provided to the committee. We would have a breakdown of the types of chemicals and each volume of each element of chemical that would go up the stack. We would get regular briefings on where the dust went and how it was impacting on people. We would get regular briefings on the volumes of CO<sub>2</sub>, for example, that the company was emitting, in that EIC process. So the information that you were getting was relevant if you wanted to try and keep an eye on the practices of the company and what they were doing, particularly as they were trying to improve their dust suppression and control methods. From 2008 onwards, on that EIC, they would not give that information.

**The CHAIRMAN:** Before we have any more questions, if you have finished your statement —

**Mr F.M. LOGAN:** Yes, that is my opening address.

**The CHAIRMAN:** I would like to give Mr Eva an opportunity to make a statement as well.

**Mr Eva:** In regards to what Fran was saying about living close to Cockburn Cement, I actually live probably about seven or eight kilometres away from Cockburn Cement and we are affected there on a regular basis. We live on the border to Spearwood and the dust and smell actually goes into Spearwood. A lot of people in the area say, “Well, you bought into that area; you know what you’re

buying into.” I live well outside of that area. I live, as I said, eight kays away and we are affected on a daily basis. My solar panels are basically covered in lime dust. We have had our air-conditioning unit cleaned on a regular basis because of the lime dust. We have had Cockburn Cement then taking samples from the air conditioner and they came back as samples of lime. It goes a long way; it affects people well outside of the buffer zone and well into the outer suburbs. What they are saying basically, it does not go outside of their buffer zone, is untrue.

**The CHAIRMAN:** Just on that point, you both brought it up, I take your point, Fran, but do you think there should have been a lot more consideration given by the people doing the approval for the housing getting closer? There must have been some consideration. I would have thought there should have been some consideration of the possibilities of what that plant can produce.

**Mr F.M. LOGAN:** Well, as you know, in any planning approval process, that has got to be taken—all environmental factors have got to be taken—into consideration. For example, if you are living near a wetland, there is a buffer zone between the wetland and wherever the subdivision will be approved for, and there are a lot of impact statements that will go along with those approval processes. You can be assured that that would have been done for the subdivision, say, for Stanford Gardens, which is the suburb closest to the plant, or Mevé, which is adjacent to Stanford Gardens but up on the side of the hill. Mevé is a joint venture between the Department of Housing and a private company. The closest part of Mevé to the plant would be 1.5 to two kilometres away. No planner in the Cockburn Council or the WAPC would have possibly thought that they should refuse that subdivision because Cockburn Cement was 1.5 kilometres away—no way. In fact, it would have been illegal for them to refuse it. If you think about the Kwinana air buffer zone, which the company sits inside, if you get a map of the KABZ, you will see it goes like a circle around the number 6 stack, kiln, around the plant. Obviously, the planners, WAPC, the department of environment and others have already taken the impact of Cockburn Cement into account by putting that buffer zone where it is. The state, through the department of environment and the Western Australian Planning Commission, has said, “Okay, outside that buffer zone, you can build.” The state has made that decision. Inside that buffer zone, it is up to Cockburn Cement to be able to control its emissions, hence the reason for the buffer zone being there. So there is no way at law those subdivisions could have been knocked back—no way.

**The CHAIRMAN:** You both put your submissions in before the amended licence.

**Hon COL HOLT:** Sorry, I just want to explore that a bit more. Fran, how long has Stanford Gardens and Mevé been there, just for my knowledge not knowing?

**Mr F.M. LOGAN:** Stanford Gardens has some older houses that have been there since the '60s and they have got a lot of newer houses, including Coogee Primary School, which has been there since the late 1990s. But it was growing during that period of time; it is completed now, probably the last house would have gone up in the Stanford Gardens area in the mid-2000s, maybe 2006.

**Hon LYNN MacLAREN:** Colin, the point is that it was rural before, so there were people living there but there were less people living there. It is the intensification —

**Hon COL HOLT:** I am not actually exploring that, I want to actually move on to the point where my interpretation of your opening statement and that little bit there was while that buffer zone and that planning occurred before the increase in production, potentially those decisions were made in a different context from now. That is what I am kind of half interpreting from what you said before. Would you say that is right: that maybe the WAPC, DEC or whoever decided on that buffer zone were looking at what Cockburn Cement were 15 years ago and not what Cockburn Cement are now?

**Mr F.M. LOGAN:** Absolutely, I agree. There is no way that people who made the decisions and approvals to subdivide that area would have known the gold price was going to go to \$1 400 and would have known that Cockburn Cement were going to ramp up their production. They may well

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have known, they may, that Cockburn Cement intended to build kiln 6, which is the biggest lime kiln in the world. They may have known that because remember it was being built in the late 1990s. They may well have even been told that that was coming, particularly the Mevé area, which is the more newer area—the Department of Housing or the planner. But remember it is still way, way outside the buffer zone so Cockburn Cement would have said, “It will have no impact on here.”

**Hon COL HOLT:** I understand that; I was trying to clarify my interpretation.

**Hon LYNN MacLAREN:** My question relates to information that became available since you made your submission; that is, in particular the health report that you were instrumental in getting up and going. What is your view of that, Mr Logan? Do you think that it covers the issues that you wanted it to cover?

**Mr F.M. LOGAN:** I was actually going to table that. I have got copies —

**Mr Eva:** It has been tabled.

**Hon LYNN MacLAREN:** We have got it.

**Mr F.M. LOGAN:** There are two things in there that I will just draw the committee’s attention to. One is table 3. I mean, the document is very, very interesting but I just draw you to two points. One is table 3 and there is a paragraph underneath that. Really, what the paragraph is saying is that the figures above give an overview of samples taken after 11 November 2010. During that period of time, kiln 6, which is the great big square concrete one, was closed down for shutdown maintenance. There were at least three times during the sampling process that those figures were taken and then fed in to this information, so it was taken with only one major lime kiln running, not two. To the surprise of DOH—the Department of Health—they could not believe that the actual figures did not really drop too much with just kiln 5 running, because, obviously, the emissions coming from kiln 5 are probably on occasions as big as the combined output from kiln 5 and 6. They made that point very clear there in the last sentence —

This suggests that effective controls that prevent dust fall-out events originating from Kiln 6 should also be implemented for Kiln 5, to ameliorate the impacts to amenity and well-being of residents living close to the CCL facility.

As you know, the company had agreed to put a baghouse filter on kiln 6, which is a \$23 million investment.

Sorry, Chair, can I just take you to one other point? The last page of the DOH paper, not the whole document, but where it refers to references and acknowledgements, which is just the page before the map of where the emission gauges were established. There are two points on this page in the four paragraphs above it. There are two points here which I think the committee has to take into consideration. One is, in the second paragraph, that the Department of Health have reviewed modelling data, done by the Katestone Group in 2003 and Cockburn Cement in 2010, used for setting the environmental licence and believes that it is deficient in that it excludes the contributions of trip events at the frequency and extent at which they currently occur. For the DEC to have the Department of Health saying, “You’ve got your data wrong”, the same data that you are going to use, you are relying upon, to set the licence conditions for this plant is actually wrong—it does not say go back and do it again, but I have put it to the minister in Parliament that they should go back and do it again—is, I think —

**Hon KATE DOUST:** Should they get an independent to do it?

**Mr F.M. LOGAN:** Well, they could do, or at least the departments could sit together and work out exactly why. DEC should listen to what DOH is saying and basically remodel its data based on DOH’s advice. DEC is not the fount of all knowledge when it comes to things like this; the Department of Health has their own capability, and well-respected capability, of reviewing data like

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that. That is a, I think, significant condemnation of the way in which DEC has been doing its work done there, and reinforces the earlier statements I made. The last paragraph says —

At this stage the monitoring of PM<sub>10</sub> —

PM<sub>10</sub> is dust; when you read “PM<sub>10</sub>” it means dust —

data remains somewhat equivocal in terms of CCL emissions present a health risk in terms of developing respiratory conditions. It is possible that current emission rates may exacerbate pre-existing conditions. It is also likely that if emissions continue unabated, the risk of adverse health outcomes in the more susceptible people in the local population; namely infants, children and older community members will potentially increase.

[10.15 am]

I think the last paragraph sums it up and sums up all the complaints the residents have been putting forward and you will have in your submissions—the impact on children, scabs up their noses and inability to breathe; elderly residents who are unable to breath. That sums it all up from the Department of Health’s view. What they are saying is that the company must put a baghouse filter on kiln 5; otherwise those problems will continue to increase. The company’s response is “No, it costs too much money”.

**The CHAIRMAN:** Apart from those comments you have made about the interpretation of figures and the differences there, have you got any other views about the new amended licence, because your submissions came in before, when was it, on 20 December when the amended licence was handed down to CCL?

**Mr F.M. LOGAN:** Yes, I do. The comments that I have in my submission do go to the licence itself. There are criticisms in here about the licence. That was before they effectively rewrote some of the conditions of the licence. They put it out as a draft up until Christmas, I think it was. They put it out as a draft and that draft was very, very weak. I mean literally. As I was saying, the way in which the conditions were put in place made it a legally unenforceable law. You could not hold the company to account if there was a breach of those licence conditions, simply because of the way it was worded. It was impossible to enforce it. How do you enforce the word “may”? There was no “shall” in there; it was all “may”. There is no way you can enforce those conditions. Since then a new redraft of the licence has come out and that is the one that is currently under appeal and before the minister at the moment. It is slightly tougher in its wording, but only slightly tougher. There are a number of problems that are still associated with that enforceability of the licensing conditions, which I still think you can drive a truck through. You then have to ask: Why would you make a licence so weak and unenforceable when it is covering the biggest lime kiln on the planet next to suburban houses? Why would you do that? It is beyond thinking about. I mean, it is ridiculous.

The other issue is the figures. They have indicated now that it is down to 150 or, sorry, 100 parts per million that they are actually calling for in terms of their licence conditions, but that is still a licence to pollute. That still means there is dust coming up the stack. Those current licence conditions at the moment give approval for Cockburn Cement to release dust over residents. That is what it does. The very fact that it has a PM10 figure per square metre calculation in there is the DEC saying, “Yes, you can release PM10 dust into the atmosphere, but only at this rate per cubic metre.” That is what it is saying.

**The CHAIRMAN:** I think the amended licence is 30 milligrams per square metre.

**Mr F.M. LOGAN:** It came down from, I think, 200 milligrams a cubic metre to, I think, 150 and I think currently they are suggesting 100.

**The CHAIRMAN:** We probably need to clarify that. That is not information we have.

**Mr F.M. LOGAN:** I have not got that in front of us. The point I am making is that even if it came down to 10, what the licence is saying is “Yes, you can still release dust into the atmosphere.”

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Whereas my argument with the company—you can go as far back as when I got elected in 2001—is you should not be releasing dust into the atmosphere. There is technology for you to stop it; you should stop it.

**Hon COL HOLT:** Do you think it is possible to stop all dust emission?

**Mr F.M. LOGAN:** Impossible?

**Hon COL HOLT:** Do you think it is possible to have no dust emission?

**Mr F.M. LOGAN:** Yes, it is possible. Not to have no dust emission around the plant and within the plant's confines, but in terms of its impact on residents yes, it is possible. The technology is there; it is used by other companies around the world. This is a company that does not want to put it in place because it does not want to spend the money. It told me that. It told me that to my face. This is not a company that is shy in telling you what the reasons are. They will tell you, "We don't want to spend the money. Why should we? The licence conditions allow us to do it. Why should we spend the money?" It is possible with those baghouse filters. If you look in my submission, Alcoa's problems at Wagerup were resolved by a baghouse filter and Alcoa's problems at Wagerup were very similar because it was dealing with organic matter. It was dealing with a super-intensive rotating kiln, which is basically the same as a lime kiln—massive temperatures, 1 500 degrees. Both very, very similar; both dealing with organic matter except they are dealing with lime dust. It was resolved for Alcoa with a baghouse filter.

**Hon COL HOLT:** So a baghouse filter has been recommended for kiln 6?

**Mr F.M. LOGAN:** Yes, baghouse filter. We have had meetings with Cockburn Cement and put to them that they should do the same for kiln 5—no. Why not?

**Hon COL HOLT:** That effectively will solve the issue for kiln 6, with a baghouse filter?

**Mr F.M. LOGAN:** For kiln 6, you should be able to resolve 95 per cent of the dust. In fact, you should resolve all of the dust output from kiln 6. You should be able to do the same for kiln 5. There is a disturbing problem that has occurred just recently and that is because, I think, kiln 5 was out of action just very recently for shutdown work. So they decided then to produce lime out of kiln 3. I am not going to table my iPhone 4, because I might not get it back, but I have photographs here on the iPhone that were taken with kiln 3 operating simply last —

**Mr Eva:** A couple of weeks ago.

**Mr F.M. LOGAN:** It was two weeks ago.

**Hon KATE DOUST:** Is it possible to ask Mr Logan to download those photos and email them to committee staff so that we can see them?

**Mr F.M. LOGAN:** Yes. If you have a look at the dust hanging in the air above kiln 3 in these photographs, which were taken only 10 days ago, you would be amazed. You can see it hanging in the air. It is not smoke; it is dust hanging in the air. You can get a very good visual idea of what happens. Just to answer your question, Colin, if you put a baghouse filter on kiln 5 and they were forced to put a baghouse filter on 5, assuming they do not run any lime out of kiln 3, you should resolve 95 per cent of the dust problems. There are housekeeping problems about fugitive dust around the plant and if you visit the plant, you will see exactly what I am talking about when you come out covered in lime. There is a lot of dust that is generated as a result of activity in and around the plant. As long as the housekeeping conditions are good, you should have no impact on residents around. In terms of odour, the odour out of the stack from the water-injection processes in the stack should be resolved as soon as you get the baghouse filter, because if you could take the flue through the baghouse filter, there will not be any need for a water injection. So that will disappear altogether. The only problem you are left with is the coal stacks.

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**Hon KATE DOUST:** In your submission you talk about how CCL have potentially another couple of decades of access to raw material for their product. Given that, is there any suggestion that they may in due course seek to expand on site and even build another kiln if they need to replace an older one just to simply expand their business?

**Mr F.M. LOGAN:** I have put it in my submission. In 2006 when I was the Minister for Mines and Petroleum, Cockburn Cement came and saw me seeking to build a similar size kiln to kiln 6, kiln 7. I indicated that I would not be supporting that whatsoever because of the then complaints about dust, which they could not control, and other issues. But they said, “Oh, it’s okay. What we will be able to do is put a baghouse. We’ll put baghouse filters across all our operation and you will have no dust whatsoever out of any of our kilns.” As I said in this paper, I said that is the same baghouse filter you told me in 2001 could not be built. You had engineers’ advice saying it was impossible to build, which is what they told me in 2001. “Oh, we have been and spoken to the consulting engineers; it is impossible to put a baghouse filter on a lime kiln.” To which I said, “That is a load of rubbish.” Then 2006, when they wanted to put baghouse filters on in order to justify their expansion of their operations they said, “Oh, no, we could put them on.” If the price of gold remains high and the demand for their product continues to increase, who knows what they might come back with? I think the DEC and the EPA would have a very strong view now about their wanting to expand on that site.

**Hon LYNN MacLAREN:** I was going to ask you about a little more detail about the enforceability. You made the point that the current licence is negligent in its ability to enforce it, but how would you improve it? What should we do to the licence to improve the enforceability?

**Mr F.M. LOGAN:** Two things. One is—as you know and it is in my submission—that to resolve the problem they must bind the company to put a baghouse filter on both lime kilns. If they want to run lime plants, they have to use baghouse-filter technology in order to capture all the dust. That should be a straightforward, simply, Western Australian government position on their operations.

**Hon LYNN MacLAREN:** On all the kilns?

**Mr F.M. LOGAN:** Well, they should run them on all the kilns. The argument is that the dust from the cement clinker plants is far smaller and certainly does not travel as far as the lime dust and I think there is plenty of evidence. Even Cockburn Cement will probably show you that evidence to prove that. Certainly if you wanted to make sure that whole plant cleaned its act up, you would do it for all four operating kilns. There are only four operating kilns. But in terms of all other conditions that are set, there should be clear enforceable targets that if not met, there will be a breach. You have to word it in such a way. If you are asking someone to comply with a regulation, you have to word the regulation in a way that if there is a breach, you can do something about it. At the moment that is not the case. If you read how it is worded, it would be very difficult to enforce the law. A good legal team, which I am sure Cockburn Cement can afford, would be able to run rings around these.

**The CHAIRMAN:** I do not want to stifle the hearing, but we do have other hearings. There is one question I would like to ask Mr Eva or give you the opportunity to respond to anyway.

**Mr Eva:** Yes, no problems.

**The CHAIRMAN:** In your submission you indicated that there was no independent analysis of the air emissions data collected by CCL. The new amended licence requires CCL to ensure that all sampling and analysis for stack emission testing and all analysis of groundwater supplies is conducted by companies and laboratories with current and relevant Australian National Association of Testing Authorities accreditation. Do those amendments satisfy your concerns?

**Mr Eva:** They do actually, yes. That is the way to go, I think, in regards to that. Basically, yes. The answer is yes on that.

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**Mr F.M. LOGAN:** Just one final thing. I did mean to refer to this when we were having the earlier discussion about fallout events and how far that dust travels. I have tabled for this hearing attachment A from the DEC “Environmental Assessment Report”, which is the current licence conditions. I have tabled the attachment A, which is titled “Emissions and discharges of significance” and I would just like to take you to page 19. Have you got that?

**The CHAIRMAN:** That is the one you gave us earlier.

**Mr F.M. LOGAN:** That is the one, yes. If you just go to page 19 of that, near the top part of the page it says “Risk assessment and recommended strategy 2.1”. The paragraph above 2.1 says —

CCL has performed dust deposition research up to 3 kilometres from the stacks. The dust deposition results show that the non statutory standard of 4 grams per square metre is often exceeded.

This is information in their own current licence, which gives you just a taster of how far CCL themselves know the dust travels—DEC knows how far the dust travels—and yet when you confront them, sometimes they deny it. This is their own information saying, “We know it exceeds the licence conditions three kilometres from the plant.” They have not got a three-kilometre buffer.

**The CHAIRMAN:** If there are no further questions and as we are running short of time, I would like to thank you for coming and giving that information. It has been very helpful.

**Hearing concluded at 10.29 am**

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