

**LEGISLATIVE COUNCIL**  
**Question on notice**

21 JUN 2011

**Thursday, 14 April 2011**

3840. Hon Robin Chapple to the Minister for Mental Health representing the Minister for Environment.

I refer to a media statement dated 16 June 2008, from the Department of Environment and Conservation (DEC) entitled, 'Hazelmore rendering company pays \$25 000 penalty for odour emission', and unreasonable odour emissions of ammonium nitrate fumes from blasts which seriously impacted upon residents which occurred on 11 and 16 February 2010, at a site managed by Kalgoorlie Consolidated Gold Mines Pty Ltd (KCGM), who is the management company for Newmont and Barrick at the Mount Charlotte gold mining operations, and ask -

(1) Will KCGM be prosecuted under the Environmental Protection Act 1986, for causing unreasonable odour emissions for the incidents on 11 and 16 February 2010, in the same/similar manner as other companies referred to, in the DEC media statements above?

(2) If no to (1), why not?

(3) If yes to (1), when will prosecution proceedings be commenced or implemented?

(4) Is it correct that the DEC has evidence in the form of a copy of a letter from KCGM dated 3 February 2010, addressed to a resident which in part states, 'As discussed on the phone, the odour was the result of post-firing blast fumes that were not appropriately contained by the spray system ... However, on behalf of KCGM, I would like to apologise to you and your family for the inconvenience experienced for both of these incidents regarding the failure of sprays to activate (a copy of previous letter attached, as requested)'?

(5) If no to (4), what was specifically stated in the letter dated 3 February 2010?

(6) Was the above mentioned letter in (4), considered by the DEC as part of its investigation before it was finalised into these matters along with many statements from persons affected?

(7) If no to (6), why not?

(8) If yes to (6), how was the letter dated 3 February 2010 taken into consideration?

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**Answer**

The Minister for Environment has provided the following response:

(1-8) I refer the Honourable Member to the answer to Question on Notice 3215 on 15 March 2011. The Department of Environment and Conservation has advised that the findings of this

investigation are still being reviewed pending a final determination in accordance with its *Enforcement and Prosecution Policy 2008*.

A handwritten signature in black ink, consisting of a stylized, cursive 'M' followed by a horizontal line.