

## LEGISLATIVE COUNCIL Question On Notice

**Tuesday, 17 September 2019**

### **2462. Hon Robin Chapple to the Minister for Environment**

I refer question without notice 873, asked in the Legislative Council on 20 August 2019, and I ask:

(a) has the Department of Water and Environmental Regulation concluded its investigations into the heavy metal pollution at Whim Creek:

(i) if no to (a), when is the investigation expected to conclude;

(ii) if yes to (a), has the data from the investigation been made publicly available;

(iii) if no to (ii), why not; and

(iv) would the Minister please table the results of this investigation;

(b) does the Minister consider it likely that these heavy metals are derived from industrial processes:

(i) if no to (b), why;

(c) could the Minister please explain why the article, previously referred to in question without notice 873, maintains that pollutant levels are above guideline levels despite the department advising the contrary;

(d) has the Balla Balla River system has been tested in previous years, as stated in the article:

(i) if yes to (d):

(A) when were these conducted; and

(B) what chemical species were tested for; and

(ii) were any of these contaminants found to be above recommended guidelines; and

(iii) would the Minister please table any past data on water quality in the Balla Balla River system, from the last decade;

(e) does the Minister agree that large amounts of heavy metals are not conducive to the health of flora and fauna;

(f) can the Minister confirm that the environmental pond at The Whim Creek Copper Project overflowed into the surrounding environment:

(i) if no to (f), can the Minister advise as to the source of the contaminants; and

(ii) if yes to (f):

(A) does the Minister consider the '100-year-event' rationale to offer sufficient environmental protection to be used in future industrial projects; and

(B) does the Minister maintain the '100-year-event' rationale to be sufficient in the face of climate change and increasingly extreme weather;

(g) does the Minister consider the decommission of The Whim Creek Copper Project to have been completed to an acceptable standard:

(i) if yes to (g), why is current proponent (VentureX) said to have inherited a problem; and

(ii) if no to (g):

(A) why was this responsibility not given to the current leaseholder?

(B) why did the Department not move for litigation against the former leaseholder?

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**Answer**

(a) No

(i) The Department of Water and Environmental Regulation's investigation into this matter is ongoing and a timeframe for when it will be completed is not able to be provided at this stage.

(ii-iv) Not applicable

(b) Based on available information, it is likely that emissions from the Whim Creek Copper mine have contributed to concentrations of metals in Whim Creek. However, it is not possible to determine the extent to which industrial processes have contributed, given that mining tends to take place in naturally-occurring mineralised areas.

(i) Not applicable

(c) Question without notice 873 referred to two different sources: the ABC Pilbara's article "Whim Creek copper mine faces questions over possible Pilbara river pollution" published on 18 August 2019; and "photographs of pollution and sample tests of water that were taken at Coorinjinna Pool". Coorinjinna Pool is around 18 kilometres downstream of the Whim Creek copper mine and the ABC article referred to metals, salinity and acidity in water samples from ponds, leach pads and bores at Whim Creek copper mine exceeding guideline values.

In my response to question without notice 873 part 2, I referred to "concentrations of metals in the sample results to which the member referred meet health-based recreational water quality guidelines". These sample results were posted on the Honourable Member's website and the Department undertook a comparison against the health-based recreational water quality guidelines.

It is not clear whether the ABC considered the test results posted on the Honourable Member's website or the health-based recreational water quality guidelines.

(d) The Department does not have any records of water sampling being conducted in the Balla Balla River system in previous years.

(i)(A-B) Not applicable

(ii-iii) Not applicable

(e) Yes

(f) Yes

(i) Not applicable

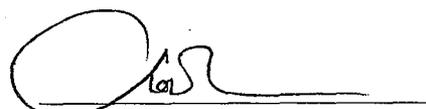
(f)(A)-(B) The '100-year-storm-event' rationale does offer sufficient environmental protection. However, projects regulated under the *Environmental Protection Act 1986* are assessed on a case-by-case basis to determine environmental protection measures that must be included in the site design, or if additional environmental management procedures are required to ensure risks to the environment are acceptable.

(g) Decommissioning of the Whim Creek Copper Project has not yet commenced and is not a requirement of the Environmental Protection Notice.

(i) Not applicable

(ii)(A) It is the responsibility of the current Mining Tenement Holder to manage onsite infrastructure as well as potential groundwater contamination relating to this infrastructure. The current Mining Tenement Holder's contamination investigations will consider both historic and current activities at the Whim Creek Copper Project and also the overflow of process water into the Balla Balla River.

(B) Investigations regarding historic and current activities remain under investigation. Once the investigation is finalised, the Department will identify whether there has been a breach of the *Environmental Protection Act 1986* and, if so, take appropriate action in accordance with the Department's Compliance and Enforcement Policy.



Hon Stephen Dawson MLC  
**MINISTER FOR ENVIRONMENT;  
DISABILITY SERVICES; ELECTORAL AFFAIRS**