

KALGOORLIE CONSOLIDATED GOLD MINES PTY LTD - PENALTY FOR BREACHING  
SULFUR DIOXIDE LIMIT

4921. Hon Giz Watson to the Parliamentary Secretary representing the Minister for the Environment

Regarding the recent issuing of a modified penalty of \$25 000 to Kalgoorlie Consolidated Gold Mines Pty Ltd (KCGM), the management company for Barrick Gold and Newmont Mining, for breaching sulphur dioxide limits in May 2005 around the Kalgoorlie - Coolgardie area, I ask -

- (1) Has KCGM paid the full modified penalty?
- (2) If no to (1), why not?
- (3) If yes to (1), on what specific date did KCGM pay the penalty?
- (4) Can the Minister explain the rationale as to how a figure of \$25 000 was determined and calculated as being appropriate based on KCGM's history of over 17 years breaching ministerial and licence conditions?
- (5) If no to (4), why not?

Hon SALLY TALBOT replied:

- (1) Yes.
- (2) Not applicable.
- (3) 8 May 2007.
- (4) The Modified Penalty Notice issued to KCGM for \$25,000 comprised 20 percent of the maximum fine for the contravention of a licence condition, under Section 58(1) of the Environmental Protection Act 1986, after the requirements of Section 99A of the Act were determined to have been met. The Modified Penalty Notice was issued in accordance with DEC's Prosecution and Enforcement Policy after a thorough investigation had been conducted which included consideration of the previous history of the offender. Section 99B(2) of the Act sets the amount of the modified penalty at 10 percent of the maximum fine that could be imposed by the courts for a first offence and 20 percent of the maximum sum if the alleged offender has been previously convicted. Accordingly due to the existence of a previous conviction registered against the company, the amount was set at \$25,000.
- (5) Not applicable.