

TORBAY CATCHMENT GROUP

771. Hon MATT BENSON-LIDHOLM to the minister representing the Minister for Environment:

I refer to the complaints of the Torbay catchment group, who have written to the Department of Environment and Conservation on a number of occasions highlighting possible breaches of the act by the Water Corporation.

- (1) Why has the department failed to respond to the issues raised by the group since September 2009?
- (2) What action did the department take when the licence breaches were drawn to its attention?
- (3) If no action was or is to be taken, why not?

Hon HELEN MORTON replied:

I thank the honourable member for some notice of the question.

- (1) The Department of Environment and Conservation responded in writing to letters from the Torbay catchment group on 4 November 2009 and 7 September 2011.
- (2) DEC investigated the alleged breaches and determined that they were not breaches of the Water Corporation's licence conditions, but there was a breach under section 53(1)(b)(i) of the Environmental Protection Act 1986.
- (3) The investigation established a prima facie case for the unauthorised construction and installation of works used in the discharge of treated wastewater into the environment. However, under DEC's enforcement and prosecution policy 2008, in addition to the existence of a prima facie case, it must also be in the public interest to mount a prosecution. The chief executive officer considered that, given the minimal environmental impact of the discharge and mitigating factors presented by the Water Corporation and subsequent works completed since the incident to ensure there is no repetition, it was not in the public interest to mount a prosecution on this occasion. A letter of warning was sent to the Water Corporation on 7 September 2011.