



MEDIA RELEASE

10 June 2009

Esperance Port Moving Ahead After Court Action Ended

The Esperance Port Authority is now focussed on restoring the Port to world's best operating practice after court action regarding its role in the lead carbonate incident more than two years ago was resolved.

The Port changed its plea to guilty in the Kalgoorlie Magistrates Court today after the Department of Environment and Conservation (DEC) dropped the charge of causing pollution with criminal negligence and agreed to significant changes to the level of alleged pollution the DEC claimed was caused by the Port.

The Port faced six charges relating to lead carbonate exports and nickel concentrate odour in December 2006 and March 2007.

Esperance Port Authority CEO Captain Dennis Parsons said following the concession by the DEC regarding the level of pollution, and acknowledgement that the Port did not act recklessly, it was agreed it was in the best interests of the Port and the town of Esperance to plead guilty and focus on the future.

He said the Port was keen to avoid a lengthy trial and wanted to instead focus on the Port's future developments.

"The Port acknowledges errors of judgement were made and accepts its share of responsibility, however there was never any deliberate wrongdoing by anybody at the Port," Captain Parsons said.

"The Port accepts that at the time of the incidents the processes and procedures it had in place, which had been approved by the DEC, were not sufficient to deal with the issues that arose from the condition of the lead carbonate delivered by Magellan Metals. There are now new robust environmental practices and procedures in place."

Captain Parsons acknowledged while there could never be any justification for any health risk to any member of the community, or for endangering wildlife, court records confirmed that the effect was far less than the inflated figures reported at the time.

Court records show that 420 birds died during two separate incidents, not 9,000 as claimed in some media reports. They also show that thousands of people were not affected by the incident and that of the 2,722 community members tested, seven children aged under five were identified as having lead in their system above the recommended level. Subsequent testing established that one child with a result above the recommended level had Magellan lead in their system.

The court records did not find that the Port's activities caused pollution of buildings, parks or rainwater tanks. However, Captain Parsons said that as well as paying for the clean up of homes of all children under five who had lead in their system above the recommended level, the Port had also carried out extensive environmental sampling of rainwater tanks, soil, fish and birds and cleaned 423 rainwater tanks and provided water filters to residents.



“We are happy to have the statement of facts on the record, however had hoped that all mitigating factors would be heard by the court today. We look forward to these facts, which give more perspective to the incident, being on the public record when we return to court in September,” he said.

Our focus now is to get on with finishing the clean-up of the port premises with Magellan Metals and installing the new state-of-the-art infrastructure to restore Esperance Port Authority at the forefront of world’s best operating practice,” Captain Parsons said.

The Port will appear in the Esperance Magistrates Court on 11 September 2009 for sentencing.

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