

MEDIA RELEASE

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Esperance Port Court Proceedings Over

Esperance Ports Sea and Land (EPSL) reiterated its apology and regret for the incidents to which it was fined \$525,000 in the Esperance Magistrate's Court today.

The Port appeared before Magistrate Benn for sentencing on six charges relating to lead carbonate exports and nickel concentrate odour in December 2006 and March 2007.

EPSL Acting CEO Neil Pearson said the fine was significant. The maximum penalty for the six charges was \$1.325 million.

"Although there was never any deliberate wrongdoing by anybody at the Port, errors were made and we have accepted our share of responsibility by pleading guilty to the charges," Mr Pearson said.

"The Port acknowledges and apologises for the concern our actions have caused the community and our staff.

"This penalty is significant and the Board will now need to consider the impact it will have on the Port."

The Port pleaded guilty to the following charges;

- 2 charges of causing pollution, contrary to section 49(3) of the *Environmental Protection Act 1986*;
- 2 charges of failing to notify the Director General of a discharge of waste contrary to section 72(1) of the *Environmental Protection Act 1986*;
- 1 charge of emitting an unreasonable emission in the form of nickel odour, contrary to section 49(5)(a) of the *Environmental Protection Act 1986*; and
- 1 charge of discharging waste from a prescribed premises, contrary to section 56(1)(a) of the *Environmental Protection Act*.

The Port accepts that the environmental processes and procedures in place at the time of the incidents were not effective to control issues that arose from the condition of the lead carbonate delivered by Magellan Metals. It has taken significant steps to redress what occurred and has new robust environmental practices and procedures in place, developed in consultation with the Department of Environment and Conservation (DEC).

Mr Pearson said the Port had made extensive efforts to clean up the Port and Esperance townsite, as well as improve its operating systems and equipment.

In 2009 the Port commenced a capital works program with a budget of up to \$110 million. This work includes upgrading of the loading circuit that handled lead carbonate and nickel concentrate to enable the handling of nickel concentrate to continue in the short term, and the development and installation of a world class handling and storage facility.

“The Port is a very clean, efficient and highly monitored operation that the community can have confidence in,” Mr Pearson said.

The Port has worked closely with the DEC to ensure any lead within the Port’s premises has been removed. More than \$10 million has been spent cleaning the Port’s premises, including publicly accessible areas of Port property such as Port Authority Park as well as homes and rainwater tanks within the townsite.

Further information:

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