

Submission  
No 56

**INQUIRY INTO CURRENT AND POTENTIAL IMPACTS OF  
GOLD, SILVER, LEAD AND ZINC MINING ON HUMAN  
HEALTH, LAND, AIR AND WATER QUALITY IN NEW  
SOUTH WALES**

**Name:** Name suppressed

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Partially  
Confidential

The effectiveness of the current regulatory framework in terms of compliance, and harm reduction from mining activities,

## **In 2023 policy strength with a Powerful Regulatory Body is required**

**The EPA are often referred to as the “toothless tiger.”**

**The penalties at hand of the EPA do not relate to the size of the business operation and catastrophic damage caused by Gold, Silver, Zinc & Lead mining.**

As example, The NSW EPA issued a \$15,000 fine to the operator of Cadia Gold Mine for failing to maintain appropriate levels of dust mitigation on its Northern and Southern Tailings Storage Facilities after an investigation into resident complaints on 19 April 2022.

<https://www.epa.nsw.gov.au/news/media-releases/2022/epamedia220825>

Meanwhile, Cadia Gold mine, owned by Newcrest, has secured a deal by Newmont Corp for A\$28.8 billion, consolidating i Newmont Corp’s position as the world’s biggest bullion producer with mines across the Americas, Africa, Australia and Papua New Guinea.

The NSW regulator, EPA’s fine of \$15,000 is a complete insult to the Australian people and the integrity of our country. It basically says “No problem ..... you do whatever you like in Australia – we are open to be destroyed”

**Why are mining companies, when being charged by the EPA, are permitted to continue their operations at full capacity, while community and environmental harm continues unabated?**

As example .....

...”The EPA will allege that Cadia exceeded the standard of concentration for solid particles (total) under the *Protection of the Environment Operations (Clean Air) Regulation 2021* as a result of operating mine surface exhaust fans.” .....

There’s been no repercussions for the miner – their operation continues at full production harming (poisoning) people and the environment

**If the EPA has sufficient evidence to start proceedings, the EPA are charged with the responsibility to protect human health and the environment, issuing stop-work orders until evidence proves safety. Policy currently does not reflect this responsibility.**

**Stop-work orders, with workforce on full-pay. The workers should not be penalised for the companies wrong-doing. Often it takes a brave whistle-blower to alert regulators of the malpractice**

While the EPA may prosecute with penalties (often obscenely miniscule) production losses, being more significant, would provide greater encouragement for these companies to not flout the law. Furthermore, a more conscientious effort would be exercised by the miner/mining corporation.

### **From the EPA's Regulatory Strategy 2021-2024**

<https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/about/21p2753-regulatory-strategy-2021-24.pdf>

### **We enforce the requirements**

We may take enforcement action to compel people, businesses, and public authorities to meet their legal obligations when requirements are not followed. Enforcement may include addressing the non-compliance, fixing the problem, and treating the harm.

from EPA Regulatory Strategy 2021-2014 p.20) :

- We enforce the risk-based licensing framework to make sure we identify and target the highest environmental risks.
- We issue prevention notices to prevent harm, clean-up notices to reduce harm and stop-work orders to prevent breaches.
- We require some businesses and public authorities that have an environment protection licence to complete pollution studies and pollution reduction programs. These help us understand and reduce the environmental impacts of certain activities.
- When necessary, we will use the full force of the law and may prosecute people, businesses, and public authorities (refer to our Prosecution Guidelines). This could involve penalties, court orders or civil proceedings.

**The Strategy might read well, but evidence demonstrates repeatedly, it has no "clout" to it back up.**

**It is incumbent upon this Inquiry to make recommendations to change policy, making the penalties meaningful. It is 2023, and billion-dollar corporations will destroy our country if we continue to allow them.**