

MAGELLAN LEAD MINE NEAR WILUNA - BREACH OF MINISTERIAL CONDITION

4964. Hon Giz Watson to the Parliamentary Secretary representing the Minister for the Environment

Regarding the question on notice number 4846 of 10 May 2007, concerning the Magellan Metals Lead Mine near Wiluna, I ask -

- (1) Has Magellan Metals breached ministerial condition 6-2 in failing to implement the Health, Hygiene and Environmental Management Program required by condition 6-1?
- (2) If no to (1), why not?
- (3) Will the Department of Environment and Conservation prosecute Magellan Metals for breaching ministerial condition 6-2?
- (4) If no to (3), why not?

Hon SALLY TALBOT replied:

- (1) The entry in the mines record book by the Special Inspector of Mines (Mr Stephen Turner) would appear to indicate that the requirements of Condition 6-2 of the Ministerial Statement were not being complied with at the date of entry of the comments. However, taking into account the objective and context of the condition, the matter has been properly addressed through the requirements of the Mines Safety and Inspection Act 1994.

It is clear in the Environmental Protection Authority's report and recommendations on this project (EPA Bulletin 996, September 2000), that the former Department of Minerals and Energy would have the lead role in reviewing, monitoring and enforcing occupational health and safety requirements through the Mines Safety and Inspection Act 1994, but that it would be more effective to address the health and environmental aspects of the proposal together in a single document (the Health, Hygiene, and Environmental Management Program [HHEMP]). This led to the condition which required the program to document some aspects of occupational health and safety which reside under the Mines Safety and Inspection Act 1994.

As a result of the Special Inspector of Mines noting inadequate implementation of the HHEMP, the inspector issued a series of five Improvement Notices under the Mines Safety and Inspection Regulations 1995 dealing with occupational health and safety aspects of the HHEMP. Through action required by these notices, Magellan Mines Pty Ltd was brought into compliance with its occupational health and safety requirements. The Department of Environment and Conservation considers the issuing of these improvement notices and compliances by Magellan is the appropriate enforcement action for these matters.

- (2) Not applicable.
- (3) No, see the answer to (1).
- (4) The matter has been properly addressed under the requirements of the Mines Safety and Inspection Regulations 1995, which is the appropriate legislation for regulating compliance with occupational health and safety matters on minesites.