

**MAGELLAN METALS — TRANSPORT OF LEAD CARBONATE**

*Statement*

**HON SALLY TALBOT (South West)** [10.11 pm]: I know that the government does not like hearing about this, but I rise tonight to make some more comments about Magellan Metals and to put on the record the government's management of compliance with environmental regulations. Every time I speak to anybody in the media about this issue, they ask, "What should the government have done?" It is a very important question in opposition; we have a role in opposing things, but we also have a role in suggesting what should have been done. The response I have given consistently since this debacle started to unfold some months ago is that the government should never have allowed the transport of lead carbonate and it should never have allowed this toxic heavy metal to be transported in this form.

Several members interjected.

**The PRESIDENT:** Order!

**Hon SALLY TALBOT:** I said that the government does not like me talking about this.

Several members interjected.

**The PRESIDENT:** Order! The member is entitled to say what she wants to say without interruption.

**Hon SALLY TALBOT:** The first part of my answer has consistently been that lead should not be transported in this form. I am astonished to hear the government react in such an aggressive, defensive way when I say that, because —

**Hon Simon O'Brien** interjected.

**Hon SALLY TALBOT:** I actually do not much care what Hon Simon O'Brien is gobsmacked by; I can tell him that the community of Western Australia is gobsmacked by the Liberal-National government's utter failure to manage the regulation of this part of the industry.

I would have thought that all members on that side of the house, particularly the former Minister for Environment, would have taken more than a passing interest in what the government, through its current Minister for Environment, is saying. If they had, they would know that one of the things that Mr Marmion has put on the table for discussion is stopping the transportation of lead in this form. The Liberal Party's own minister is talking about cancelling these environmental conditions and putting in place a requirement that lead is to be transported only in solid form. I would not be so quick to defend what is rapidly becoming totally indefensible.

That leads me to the second point I want to make. Once the stop order was in place, it should never have been lifted. It was towards the end of February when the minister went into the other place and announced that he was lifting the stop order. It should never have been lifted, and I will tell members why: in the very statement that the minister made when lifting the stop order—the stop order related only to the transport of lead, not to the mining or export of lead—he conceded that two vital things needed to be done if community safety was to be guaranteed. The first was that the ministerial conditions had to be revised.

Commonsense would make members ask themselves why would the minister—the person with ultimate carriage and ultimate responsibility for this matter—if he had determined that the existing ministerial environmental conditions were inadequate, announce that at the same time that he lifts the stop order? Effectively, what he is saying is, "The current environmental conditions are not adequate, but I will allow this company to continue operating under the existing environmental conditions." It just beggars belief that the government thought it could get away with that.

The second thing is that in the same statement the minister conceded that even the investigation into the two breaches that he knew about at that time had not reached a conclusion. Remember, I am talking about 23 February and we have subsequently found out about five more breaches that had not seen the light of day by then. This minister of the Crown—a person who has more power than any other individual, more power than any company chief executive officer, and more power than any regulator sitting in the bureaucracy—who can, with the stroke of a pen, affect these operations directly, stood and said, "I'm not satisfied that the existing environmental conditions are adequate, I'm not satisfied that the breaches that we know about have been adequately investigated and explained, and yet I will allow the company to resume operations." That should not have happened, and that is why I will be getting to my feet every single day to explain why it should not have happened until the government takes action to put this right.

I am not making statements in a vacuum here; I have a publicly available document that I refer to everybody who has even a passing interest in this matter. It is the report to the Minister for Environment, and it is called

“Appeal in Objection to Ministerial Order No. 11 of 2011: Mining and Transport of Lead Carbonate, Shire of Wiluna”. It is appeal 4/2011, and it is dated February 2011. This is the documentation of the appeal that Magellan put in to fight the government’s stop order. I pointed out in a debate earlier today that the government actually put two stop orders on because it got the first one wrong; it referred to the wrong section of the act. I am assuming that Magellan’s lawyers would have been in like Flynn, pointing out that the government had made an error, so the second stop order was quickly issued about four days later. But this is an extremely illuminating document, and I think it should be compulsory reading for anyone with an interest in this matter and for anyone with an interest in how government regulates a dangerous industry such as this. Quite frankly, the only thing that might be overshadowing this report of such a conspicuous failure today would be the reports coming out of Japan, which I heard today being described as a gross regulatory failure. I tell members what; that is exactly what we have on our hands here, and yet what is happening out there every day is that this stuff is still being transported under the old ministerial conditions and before these breaches have been properly investigated.

I will give members a flavour of what a couple of these breaches were and how they happened—this picks up on what I said last night about this time line. Two conditions, 10–1 and 9–1, have been breached and this is how it happened: Magellan went into the Office of the Environmental Protection Authority on 15 December to discuss preliminary results in relation to air quality monitoring conducted within the shipping containers containing bags of lead carbonate concentrate. During the meeting it is understood that Magellan provided OEPA officers with a document entitled “Air Quality Monitoring Inside Sea Containers”. Two sampling results in that document indicated that lead was present inside the respective shipping containers at levels in excess of baseline trigger levels for ambient lead in air within shipping containers, and those two exceedences were on, firstly, 16 November 2009, when the result of the isotopic analysis was not provided, and a subsequent breach on 9 June 2010, when the isotopic analysis indicated Magellan lead.

Let us get just a flavour of what those breaches mean. The ministerial guidelines approved by Hon Donna Faragher contain trigger points. When the lead level is exceeded, samples must be sent for isotopic testing and the chief executive officer of the Office of the Environmental Protection Authority must be informed within the very strict time line of 12 hours. The first thing that happened was that on both these occasions, readings were taken that exceeded the base trigger and Magellan Metals did not inform the relevant authorities of those excesses. The second trigger point is the samples being sent away for isotopic testing. According to the guidelines, step 2 requires isotopic testing of the lead to determine its source. If the lead is confirmed to be from the Magellan mine, the transport of lead concentrate is to cease and an investigation is to be designed in consultation with the Department of Environment and Conservation and the Department of Health to determine the source and the extent of the lead as per the contaminated sites guidelines. Both those trigger point were blatantly ignored by Magellan.

*House adjourned at 10.20 pm*

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