5956. Hon Giz Watson to the Minister for Mines and Petroleum.

I refer to the sandstone quarry situated on Irishtown Road near Donnybrook, particularly Mining Lease 70/1217, and I ask --

(1) Is it correct that Cosmic Resources Pty Ltd leased five hectares of Crown land for $72.60 in 2009?

(2) If yes to (1), who was responsible for this decision and how was it made?

(3) Under Mining Lease 70/1217 currently --

(a) how many hectares of Crown land are leased;

(b) what price is the land leased for;

(c) what royalties does the Government receive; and

(d) what further or other benefits does the Government receive?

(4) What guidelines, conditions or further or other legal requirements applied to the quarrying operations under Mining Lease 70/1217 at commencement in 2008?

(5) When and how have those requirements been varied subsequently?

(6) What, if any, consultation occurred with the residents of Donnybrook prior to any such variation and how did this influence the outcome?

(7) Given the historic value of the site as the former government quarry from which stone was extracted for use in public buildings, what input has the Minister or his department sought or received from the Heritage Council and/or the State Heritage Office, and how has this influenced the guidelines, conditions or further or other legal requirements applicable to the quarrying operations?

(8) What guidelines, conditions or further or other legal requirements currently apply to the quarrying operations under Mining Lease 70/1217?

(9) On how many occasions from 2008 to date has the operator been found to have contravened guidelines, conditions or further or other requirements applicable to the quarrying operations?

(10) Regarding each contravention described in (9) --

(a) what was the requirement that was breached;
(b) what was the date and nature of the contravention;

(c) what action was taken as a result of the contravention;

(d) what was the outcome of that action; and

(e) what was the time taken between the original allegation of the contravention and finalisation of the matter? (please provide full details in respect of all answers)

(11) Currently, how frequently, and by what means is the operator's level of compliance with the requirements identified in (8) checked? (please provide full details)

Answer

(1) No. Cosmic Resources Pty Ltd acquired ownership of Mining Lease 70/1217 on 24 December 2009 and the mining lease rental paid in 2009 amounted to $510.51.

(2) Not applicable.

(3)
(a) The mining lease covers an area of 38.595 hectares over Crown land being Quarry and Water Reserves 2720 and 21583.
(b) The current mining lease rental is $585.00 per year.
(c) No royalties have been received to date and the Department of Mines and Petroleum is currently taking action to ensure that any unpaid royalties are paid.
(d) Local Government receives rates.

(4) There are numerous conditions, guidelines and legal requirements that apply to the quarrying operations on Mining Lease 70/1217 at the local, state and federal government level. In 2008, the relevant guidelines in relation to environmental management under the Western Australian Mining Act 1978 and Mining Regulations 1981 were: "Guidelines for the Preparation of an Annual Environmental Report – April 1996" and "Guidelines for Mining Proposals in Western Australia – February 2006".

The relevant guidelines, conditions or other legal requirements in relation to safety management under the Mines Safety and Inspection Act 1994 that applied in 2008 were Mines Safety and Inspection Regulations 1995, current Codes of Practice (publically available on the Department of Mines and Petroleum website) and current Guidelines (publically available on the Department of Mines and Petroleum website). A Project Management Plan was submitted by Irishtown Sandstone Pty Ltd.
In 2008, Mining Lease 70/1217 was subject to 39 tenement conditions and five endorsements which are publicly available through the ‘Mineral Titles Online’ system available on the Department of Mines and Petroleum (DMP) website.

(5) The ‘Mineral Titles Online’ system includes details of the date each condition was imposed or modified and can be accessed at [www.dmp.wa.gov.au/3968.aspx](http://www.dmp.wa.gov.au/3968.aspx).

(6) In 2009 a Mining Proposal for Donnybrook Sandstone was referred to the Environmental Protection Authority (EPA). The EPA assessment process and assessment under part V of the *Environmental Protection Act 1986* (EP Act) both involve a process for public consultation and appeal. In 2009 the Donnybrook proposal received a ‘Non Assessed – Public Advice Given – Managed under Part V of the EP Act’ level of Assessment from the EPA which had a 21 day timeframe to be appealed.

(7) In a letter dated 28 November 2008, DMP received notification from the Heritage Council that it had received a heritage nomination for this quarry reserve and the adjoining privately owned Lot 52. At that time no new mining proposal had been submitted to DMP. In a letter dated 8 May 2012, the State Heritage Office advised DMP that the Irishtown Sandstone Quarry Group, amongst others, was determined to be unlikely to meet the threshold for entry on the State Register of Heritage Places. Consequently, no new guidelines, conditions or other legal requirements were placed on this quarrying operation.

(8) In addition to the guidelines referenced in (4) above the following relevant guidelines have been introduced since 2008: “Guidelines for Preparing Mine Closure Plans – June 2011”; “Guidelines for the Preparation of an Annual Environmental Report – May 2010”

The relevant guidelines, conditions or other legal requirements in relation to safety management under the *Mines Safety and Inspection Act 1994* that currently apply are Mines Safety and Inspection Regulations 1995, current Codes of Practice (publically available on the DMP website) and current Guidelines (publically available on the DMP website). A Project Management Plan was submitted by Cosmic Resources Pty Ltd to DMP’s Collie office on 22 May 2012 and was approved on 1 June 2012.

In 2011, an additional tenement condition requiring a Mine Closure Plan to be submitted was imposed on M70/1217.

(9) Since 2008 a total of 13 Prohibition and 22 Improvement Notices have been issued at the site under the *Mines Safety and Inspection Act 1994*.

Based on Departmental records, the operator on M70/1217 was found by DMP to have contravened the conditions of the lease twice since 2008.

(10) The detail for the 13 Prohibition Notices related to the *Mines Safety and Inspection Act 1994* are provided [see tabled paper …].

(a) The recorded breaches relate to tenement conditions 8 and 14 (carrying out mining in accordance with an approved Mining Proposal, and no alteration or expansion of
mining activities without the approval of the Director, Environment, DMP) and
tenement condition 40 (submission of a Mine Closure Plan by January 2012).

(b) Based on information and meetings held between the operator and Environmental
Inspectors in June 2009, DMP considered that the operators did not have authority to
carry out mining operations on M70/1217 at this time.
A Mine Closure Plan was not submitted to DMP by the end of January 2012.

(c) In July 2009 the operators were required to cease mining until appropriate
authorisation was obtained.
In May 2012 the tenement holders were informed that forfeiture action would
commence unless a Mine Closure Plan was submitted within 30 days.

(d) A Mining Proposal for ongoing operations on M70/1217 was submitted to DMP in
December 2009 and approved in April 2010.
A Mine Closure Plan was submitted to DMP in June 2012 and is currently under
assessment by DMP.

(e) The time taken between the identification of the operations undertaken without
approval, and the submission of the Mining Proposal was six months. The time
taken for the tenement holder to submit a Mine Closure Plan following identification
of the issue was also six months.

(11) Tenement condition 15 on M70/1217 requires an Annual Environmental Report
detailing environmental management and mining activities for the prior 12 months
and coming 12 months to be submitted to DMP every year in February. This report
requires the tenement holder to review all tenement conditions and obligations and
report any breaches.

Safety compliance on mine sites can be checked at any time using site inspections,
audits and assessment and investigation of reported incidents.

During 2012, M70/1217 has been inspected by Officers from the Environment
Division of DMP once and by Inspectors from the Resources Safety Division of
DMP three times. The site Annual Environmental Report is reviewed as part of the
environmental site inspection. This frequency of checking is likely to continue and
will increase if there is evidence of an increased risk of non-compliance.

Since a new operator took over the site in April 2012, DMP has been in regular
contact with the operator via phone, email and letter to ensure the risk of non-
compliance is reduced.

MINISTER FOR MINES AND PETROLEUM
### 2008

<table>
<thead>
<tr>
<th>No.</th>
<th>COMPANY</th>
<th>MINE SITE</th>
<th>Breach MSHA</th>
<th>Breach MSIR</th>
<th>Nature of contravention</th>
<th>Date of contravention</th>
<th>Action taken</th>
<th>Outcome</th>
<th>Date finalised</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Irishtown Sandstone Pty Ltd</td>
<td>Irishtown Sandstone</td>
<td>42(3)</td>
<td>3.13(1)</td>
<td>Commencement of mining at quarry without approval of State mining engineer</td>
<td>31/03/08</td>
<td>Prohibition Notice PB4539</td>
<td>PMP for Irishtown quarries received 14/04/06 PMP approved by SME 08/05/08.</td>
<td>8/05/12</td>
</tr>
<tr>
<td>2</td>
<td>Irishtown Sandstone Pty Ltd</td>
<td>Irishtown Sandstone</td>
<td>9(1)(a)</td>
<td></td>
<td>No seat belt and non standard ROPS/FOPS on Henley forklift at quarry</td>
<td>5/06/08</td>
<td>Prohibition Notice PB4541</td>
<td>Use of equipment stopped until compliance with requirements</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Irishtown Sandstone Pty Ltd</td>
<td>Irishtown Sandstone</td>
<td>9(1)(a)</td>
<td>5.3</td>
<td>Electrical control box damaged.</td>
<td>19/08/08</td>
<td>Prohibition Notice PB4544</td>
<td>Use of equipment stopped until repairs completed.</td>
<td></td>
</tr>
</tbody>
</table>

### 2009

<table>
<thead>
<tr>
<th>No.</th>
<th>COMPANY</th>
<th>MINE SITE</th>
<th>Breach MSHA</th>
<th>Breach MSIR</th>
<th>Nature of contravention</th>
<th>Date of contravention</th>
<th>Action taken</th>
<th>Outcome</th>
<th>Date finalised</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Irishtown Pty Ltd</td>
<td>Irishtown Quarry</td>
<td>9(1)(a)</td>
<td></td>
<td>No edge protection at Quarry</td>
<td>15/06/09</td>
<td>Prohibition Notice PC0583</td>
<td>Employees not to enter quarry until edge protection installed inspection dated 29/10/09 found gates locked and no operation in progress.</td>
<td>20/10/09</td>
</tr>
<tr>
<td>5</td>
<td>Irishtown Pty Ltd</td>
<td>Irishtown Quarry</td>
<td>5.3</td>
<td>5</td>
<td>Substandard electrical installation at Irishtown Rd Quarry.</td>
<td>15/06/09</td>
<td>Prohibition Notice PC0584</td>
<td>Ensure electrical equipment complies with Reg 5.3 Inspection dated 29/10/09 found gates locked and no operation in progress.</td>
<td>20/10/09</td>
</tr>
<tr>
<td>6</td>
<td>Irishtown Pty Ltd</td>
<td>Irishtown Quarry</td>
<td>9</td>
<td></td>
<td>Inadequate saw guarding &amp; conveyor belt guarding (combination saw) at Quarry, 408 Irishtown Rd.</td>
<td>15/06/09</td>
<td>Prohibition Notice PC0585</td>
<td>Cease saw operation until adequate guarding or lock-out provided inspection dated 29/10/09 found gates locked and no operation in progress.</td>
<td>20/10/09</td>
</tr>
</tbody>
</table>

### 2012

<table>
<thead>
<tr>
<th>No.</th>
<th>COMPANY</th>
<th>MINE SITE</th>
<th>Breach MSHA</th>
<th>Breach MSIR</th>
<th>Nature of contravention</th>
<th>Date of contravention</th>
<th>Action taken</th>
<th>Outcome</th>
<th>Date finalised</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>Cosmic Resources Pty Ltd</td>
<td>Donnybrook Stone</td>
<td>9</td>
<td></td>
<td>Uncontrolled hazards and lack of safe systems of work at Donnybrook Stone.</td>
<td>16/05/2012</td>
<td>Prohibition Notice PC0733</td>
<td>Cease operations until safe systems of work implemented Lifted 01/09/2012.</td>
<td>1/06/12</td>
</tr>
<tr>
<td>8</td>
<td>Cosmic Resources Pty Ltd</td>
<td>Donnybrook Stone</td>
<td>9</td>
<td></td>
<td>No seat belt, ROPS on Caterpillar excavator at Donnybrook Stone.</td>
<td>16/05/2012</td>
<td>Prohibition Notice PC0878</td>
<td>Cease use of excavator until seat belt and ROPS fitted Lifted 06/06/2012.</td>
<td>5/06/12</td>
</tr>
<tr>
<td>9</td>
<td>Cosmic Resources Pty Ltd</td>
<td>Donnybrook Stone</td>
<td>9</td>
<td></td>
<td>No seat belt, ROPS on Komatsu excavator at Donnybrook Stone.</td>
<td>16/05/2012</td>
<td>Prohibition Notice PC0879</td>
<td>Cease use of excavator until seat belt and ROPS fitted Exemption granted for limited use until 15 October 2012</td>
<td>Still in place</td>
</tr>
<tr>
<td>10</td>
<td>Cosmic Resources Pty Ltd</td>
<td>Donnybrook Stone</td>
<td>5</td>
<td></td>
<td>Maintenance of electrical equipment at Irishtown Road Donnybrook Stone.</td>
<td>16/05/2012</td>
<td>Prohibition Notice PC0945</td>
<td>Electrical equipment not to be operated until inspected by competent person Still In place</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Cosmic Resources Pty Ltd</td>
<td>Donnybrook Stone</td>
<td>9</td>
<td></td>
<td>Blue synthetic fibre sling at Donnybrook Quarry not fit for purpose.</td>
<td>24/08/2012</td>
<td>Prohibition Notice PC0590</td>
<td>Blue Synthetic Fibre Sling has been removed from the mine 25/08/2012.</td>
<td>25/08/12</td>
</tr>
<tr>
<td>12</td>
<td>Cosmic Resources Pty Ltd</td>
<td>Donnybrook Stone</td>
<td>9</td>
<td>13.3</td>
<td>Hazards observed on Caterpillar 900 front end loader at Donnybrook Quarry.</td>
<td>24/08/2012</td>
<td>Prohibition Notice PC0590</td>
<td>Lifted 12/09/2012. Documents provided from A&amp;R Engineering, JA letter from RM, CAT860 prest.</td>
<td>12/08/12</td>
</tr>
<tr>
<td>13</td>
<td>Cosmic Resources Pty Ltd</td>
<td>Donnybrook Stone</td>
<td>9</td>
<td></td>
<td>Home made tooling &amp; tooling altered at Donnybrook Quarry.</td>
<td>24/08/2012</td>
<td>Prohibition Notice PC0591</td>
<td>Home Made Tooling &amp; Tooling altered has been removed from the mine 25/08/2012.</td>
<td>25/08/12</td>
</tr>
</tbody>
</table>