

MAGELLAN METALS — TRANSPORTATION OF LEAD CARBONATE

Statement

HON SALLY TALBOT (South West) [9.45 pm]: Today we woke up to the astonishing news, which I think played first at 6.30 am on the ABC, that Magellan Metals has once again fallen foul of the ministerial conditions relating to the export of lead through Fremantle. I say it was an astonishing revelation because I thought we had already been as astonished as we could ever possibly be about what Magellan Metals was doing. It has already been subject to a stop order—an absolutely unprecedented move in this state. No company has ever had a stop order served on it until a stop order was served on Magellan on 31 December, forbidding the company to resume the export of lead through Fremantle because of some very serious breaches of the ministerial conditions.

Clearly the Premier shared my astonishment, because he took to the steps of Parliament House today expressing his unhappiness about what had happened. But he did so in the most astonishing terms. It really surprised me and, I think, has distressed a very large number of people in the community to hear the Premier say that his patience has just about run out with Magellan. I did not know that we were actually reliant on the Premier being patient with Magellan. What has he been doing for the last two years since Magellan started exporting? The words that the Premier used on the steps of Parliament House today have just added fuel to this fire of growing suspicion that Magellan Metals is being given soft treatment by this government; that Magellan is being given leeway that no other company or no other industry would be accorded in this state and that somehow the government is involved in a massive cover-up that is on a daily basis putting the health and wellbeing of Western Australians at the gravest risk.

The Premier's patience has just about run out. What does that mean? Does it mean that he is going to give Magellan Metals one more chance or three more chances? When the Minister for Environment took to the steps of Parliament House just after his leader, I thought perhaps we were going to find out the answer to that question, but instead of anything concrete in the words coming out of the minister's mouth about this appalling travesty of corporate behaviour by this company, we heard Mr Marmion say that today's news, while serious, was not fatal.

What did we hear today? We woke up to news this morning about Magellan's environmental conditions—which are available for anyone to look at on the Magellan Metals website; it is not a very complicated document; it does not use long words; and it is not tied up in legal jargon. What we found out this morning was that between 10 November and 4 January Magellan has been taking its lead—not once, not twice, but 10 times—down a route that was not approved in the ministerial conditions. What does that mean?

Hon Ljiljanna Ravlich: Why?

Hon SALLY TALBOT: I will come to why in a minute. What it means is that we have had something like 12 kilometres of rail line going through built-up areas around Kwinana. Hon Simon O'Brien should be very, very angry about this, because these are his electors who have had this stuff running past their backyards along an area where there is no lead monitoring at all. These areas were not designated to be part of the route under what the minister's predecessor called the most stringent environmental conditions ever introduced. On 10 occasions, 10 trains carrying 159 containers with lead concentrate went down a 12-kilometre stretch of rail that is not part of that approved railroad. The most astonishing thing is that nobody from the government or the company noticed. What I can tell members from reading the press releases put out today by Ivernia is that Magellan Metals still does not get it. This is what they say —

There is no suggestion that any lead has escaped the sealed shipping containers, nor that there is any public health risk. Although it is not required under the Ministerial conditions related to the transport of lead concentrate, Magellan Metals has temporarily delayed the resumption of its regular transport and is voluntarily undertaking soil sampling for lead analysis and isotopic testing along the 12 kilometer route.

What an extraordinary thing for the company to say! It clearly does not understand what compliance with ministerial conditions is supposed to mean. It is supposed to mean that it has to abide by the rules. Yet here it is saying that it sent all these trains down the wrong way, but it did not have to stop doing it. The company said it was not required to do this under the ministerial conditions; it has stopped only because it is such a good corporate citizen, and not because of the ministerial conditions. This was happening for weeks and weeks. There were 10 trains, but it needed a member of the public to look at a train and say, "That does not look as if it is supposed to be here." It needed a member of the public to ring the government and say that there may be a problem. This company has been operating on its last life for some time. Magellan Metals still does not get it.

Let me go back a little further and advise members what the minister has said, and Hon Helen Morton has given me answers in question time on several occasions over the past two sitting weeks. The Minister for Environment has lifted the stop order and has said that although he is allowing Magellan Metals to export again there is an

ongoing forensic audit of Magellan Metals. What are they supposed to be investigating? It seems that every week that goes past we find something else that Magellan has done wrong, yet this company is supposed to be operating under the strictest set of environmental conditions ever devised.

I found today an answer that Hon Bill Marmion had given on 16 February to a question on notice. The question is: what penalties will be imposed on Magellan Metals if it breaches the ministerial conditions? In part, the minister's answer reads —

Prior to 31 December 2010, the Office of the EPA (OEPA) has advised that one notice of non-compliance has been issued to Magellan Metals in relation to Ministerial Statement 783.

I ask members to listen carefully to this, because this might be news to some members opposite who do not trawl through the *Hansards*, because there has been nothing public about this particular breach —

I am advised that on 17 October 2010 Magellan Metals notified the OEPA that on 16 October 2010 a technical non-compliance occurred with Condition 6–3 of Statement 783 requiring Magellan Metals to implement the Health, Hygiene and Environmental Management Plan. Specifically, a semi trailer loaded with three washed sea containers containing sealed bags of lead carbonate left the mine site prior to undergoing a final inspection by the independent inspector as required in the management plan. The OEPA issued a notice of non-compliance to Magellan Metals on 20 October 2010 and the company implemented management actions to prevent recurrence of that non-compliance.

I have only one minute left tonight, but I have reams and reams of stuff about the government's management of this farcical episode in Western Australia's history. I am going to get up every single day in this place and add to the record until the government takes responsibility for making sure that public health in Western Australia is protected. The government is not doing it at the moment. All I can say for now is that I am going to get up every day and put more stuff on the record about this until the minister has the guts to confront Magellan Metals and stare it down, or the Premier finds the courage to confront it. The Premier said today he is getting close. I can only assume that is why Hon Donna Faragher, as the previous minister, refused to say that the transportation of this lead was going to be safe. Perhaps she knew that we could drive a truck through these ministerial conditions.