

FREMANTLE PORT — LEAD EXPORT

Motion

Resumed from 5 May on the following motion moved by Hon Sally Talbot —

- (1) That this house condemns the Minister for Environment and the Minister for Mines and Petroleum for their lack of openness and accountability in relation to their decision to allow lead to be transported through 22 suburbs in the metropolitan area on its way to Fremantle and calls on both ministers to explain why they have not made all details in relation to lead shipments public.
- (2) That this house also calls on the Minister for Environment to explain why, since environmental approval was given by her for Magellan Metals to transport containerised lead carbonate through suburbs to the Fremantle port, so little has been revealed to the thousands of families living in and around suburbs along the proposed transport route.

HON LJILJANNA RAVLICH (East Metropolitan) [2.07 pm]: I welcome the opportunity to continue my remarks on this very important issue; one that affects 22 suburbs and hundreds of thousands of Western Australians. The motion is in two parts and today I will focus on the second part, which states —

That this house also calls on the Minister for Environment to explain why, since environmental approval was given by her for Magellan Metals to transport containerised lead carbonate through suburbs to the Fremantle port, so little has been revealed to the thousands of families living in and around suburbs along the proposed transport route.

Members might remember that a list of conditions was associated with the approval process for Magellan Metals to export its product from Wiluna to Fremantle port. The minister reassured members that these were the most stringent conditions ever attached to any project of this kind. Along with many other people I had a degree of scepticism. In our heart of hearts we recognise that the most stringent conditions can be applied, but there is no guarantee that those conditions will be met. Accidents happen and while it is good to apply precautionary principles to many things that we do, particularly to a project such as this, the fact is that people are people and people sometimes take shortcuts and make mistakes and so on and so forth. Sometimes the consequences can be very serious.

I will go to the conditions but, more importantly, to what we already know is happening with the way in which the company is adhering to the conditions set by the government that it has to meet. I refer to the “Annual Environmental Summary 2009”, dated March 2010; therefore, it is current. The summary reveals that there was an investigation into Magellan Metals. That investigation relates to an incident that occurred at North Quay rail terminal on 26 October 2009. This is one of a number of issues surrounding this particular initiative. On 26 October 2009, at approximately 11.00 am, the terminal supervisor, who was in the process of preparing the terminal for the arrival of train 2194, noticed that container TTNU1811510, located in bay D15, had a tear in the side. Having identified that the container was placarded with a dangerous goods diamond, the supervisor implemented the emergency procedure pertaining to a dangerous goods incident.

The summary contains a great deal of factual information about this particular incident, but I do not want to go through that chapter and verse. This container arrived. It was found to be damaged. The initial inspection of this container confirmed that the tear in the container sidewall had not resulted in damage being sustained to the bulker bags contained therein, and that there had been no spillage of the product. However, the fact is that there could have been a spillage. We may not be so lucky next time. There are some very interesting elements to this incident. The driver of the suspect road train was initially interviewed by the terminal supervisor. In that discussion, the driver claimed that he was unaware that he had struck the container. Originally, it was reported that the container had been all right when it had left its departure point. Yet at the terminal there was clearly a problem with that container, because it had a tear in the side.

As I have said, the driver of the road train was unaware that he had struck the container. However, in accordance with the company’s policy, the driver was immediately removed from operation for the remainder of the day to assist with the incident investigation. Mandatory drug and alcohol testing was conducted on the driver, and the results were negative; so he was cleared and there was nothing to account for in that regard. The driver of the truck was employed by a contract carrier that had been engaged by Intermodal Link Services, which provides the transport services at this terminal. Upon hearing of the incident, and after reviewing the relevant details and surveying damage to the transport equipment, the contract carrier terminated the driver’s employment. What is interesting about this incident is that the driver, having had disciplinary action taken against him by the contract carrier, is now not willing to assist in further investigation into the matter. The contract carrier has advised that

the driver maintains that he did not reverse his truck into the area and he did not hit any containers, and he is not willing to provide a written statement. We have here a serious situation in which a container has been damaged, which could potentially have resulted in a spill. We have a driver who has been sacked, and who maintains that he did not reverse his truck into the container area and he did not cause any damage to the container, and he is not willing to provide a written statement. What is also very mysterious is that even though this incident was recorded by the security cameras at Fremantle port, the quality of that camera footage was very poor, because the incident had occurred some distance away from the camera, and it was, therefore, not possible to confirm whether the truck had reversed or had remained stationary.

Given those circumstances, we might think that there has to be some explanation as to why this incident occurred. The analysis of the situation, which was done by Sean Dunlop, and which formed a very important part of the annual environmental summary, states in part —

Based on the information and vision available from the security cameras, the evidence would indicate the truck driver in question has reversed his vehicle into the respective container.

The simple fact is that this gentleman has said that he did not hit anything. Hang on! Something is wrong here. The analysis goes on to state —

The driver has not noticed the proximity of his rear trailer to the DG container stacks and, whilst in the process of reversing to provide clearance for the forklift to enter the storage bay, the trailer has struck the container.

On what basis would Mr Sean Dunlop have come to that conclusion, given that the driver has not admitted to having hit anything, and has not been prepared to provide a statement? It raises a whole heap of questions. What is this all about? What is going on here?

The situation is even worse than that. There are also some unanswered question about whether this container, which had a tear in the side, had been brought with that tear all the way from Wiluna to Fremantle port. If it was possible for that container to be brought from Wiluna to Fremantle with that tear in the side, is it possible that other containers may be brought from Wiluna to Fremantle in the same way? There needs to be a thorough investigation into exactly what happened at Fremantle port with this dangerous goods incident that occurred at North Quay rail terminal on 26 October 2009. It is not good enough in this day and age to say, “Our security cameras cannot pick this up; so in terms of where we are stand, this event never happened”.

I will move on. As part of the conditions set down by the minister, there is a requirement that an audit be undertaken for the packaging and transportation of lead carbonate. The audit report for Magellan Metals is very interesting indeed. It states that the approach that was used in the audit was as follows —

- Document, evaluate and review whether the associated systems and processes are appropriately designed to achieve the organization’s objectives for compliance. This includes comparison of the controls in place against those stated in HHE management program for packaging and transportation of lead carbonate concentrate.
- Discuss with relevant personnel and develop an understanding of the processes and procedures established.
- Ascertain staff awareness of their roles and responsibilities in regards to HHE management program for the packaging and transportation of lead carbonate concentrate.

The findings in the audit report are then classified and given a rating. The ratings are very simple. There are three different ratings. They are as follows —

Compliance: Indicates that the criterion has been met.

Non-Compliance: Indicates that the criterion has not been met.

Not able to verify: Indicates that the organization has documented procedures in classification will only be used in limited circumstances and where applied, the reasons for the finding will be explained by the auditor.

In other words, it is difficult to ascertain at this stage.

What is amazing about this audit report—the initial process audit for the packaging and transport for lead carbonate concentrate—is that four non-compliances were identified during the audit. We have a problem with not only the containers but now also four noncompliance orders. A key part of the conditions was that the concentrates contain a certain amount of moisture to ensure that the particles are not airborne and therefore cannot escape and cause injury and harm. The first non-compliance states —

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There is no evidence to show that the moisture content of the lead carbonate concentrate in the sealed bags is maintained at 7.5% between the time the shipping container leaves the mine site until the time it is removed from the State, as the bags must remain sealed and the containers locked, before reaching customers overseas.

This is what happened. Magellan placed its pre-existing 23 000 square metre stockpile of lead carbonate concentrate in bags before the condition to have a minimum 7.5 per cent moisture content was finalised. I hope the minister is listening to this. As such, some concentrate had a moisture content of less than 7.5 per cent, and Magellan added an appropriate amount of water to each bag before they were placed in the shipping containers to bring the moisture content up to a minimum of 7.5 per cent. However, after the addition of water the moisture content of the bags was not measured to verify the moisture level was at or below 7.5 per cent. If I was a minister, I would be very concerned about this.

Hon Donna Faragher: You weren't concerned about anything when you were a minister.

Hon LJILJANNA RAVLICH: This is the minister who gave us assurances. The minister can get up and have her say about anything she wants. She might explain how she is going to rectify this and provide assurances to those hundreds of thousands of people in those 22 suburbs that she jokes about.

Hon Donna Faragher: That is just ridiculous! I have never joked about it at all.

Hon LJILJANNA RAVLICH: The minister said that all those people knew about it but Ljiljanna Ravlich had to explain it to them.

Hon Donna Faragher: You are the one who is so flippant about this issue all the time.

Hon LJILJANNA RAVLICH: Quite clearly, the minister is very upset. She should calm down.

The PRESIDENT: Order! That is a conversation of continuous interjections, not a debate.

Hon LJILJANNA RAVLICH: I have the second example of non-compliance. We have already established this major breach relating to the moisture content. The second non-compliance states —

The containers pass through a wash-down facility where the top, bottom and sides of the containers were washed. However, as the containers are loaded on skeletal and flat-bed trailers, there are areas on the bottoms (where the container meets the trailer) of the containers that appear to not get washed.

That makes perfectly good sense. If they are going to be put through a washing process, they are going to be sitting on something. Unless they are turned around, the whole lot will not be washed; only five sides of the cube will be washed. It is a bit like washing one's body and forgetting to wash one's face. At the end of the day, one cannot guarantee that one's face is clean. One would have to wash all of one's body. Likewise, when we are dealing with a cube, all six parts of the cube have to be washed. Once again, there is potential to cause a risk to innocent people in those 22 suburbs because, quite clearly, there is no total elimination of lead particles as part of the process.

Then we have the third audit finding of non-compliance, which states —

The storage area at Leonora had poor security. The doors to the site were left open and there was no site security monitoring in place.

I wonder whether the minister knows this and whether she has done anything about it. When the minister has an opportunity to have her say —

Hon Donna Faragher: I already have.

Hon LJILJANNA RAVLICH: The minister can get up at any time and explain what she has done. She did not tell us whether she knew about this. The minister told us that she is open and accountable. She wants us to believe that but we did not hear about any of these audit findings of non-compliance when she got to her feet, just like the people in those 22 suburbs did not know that the lead was being transported to their suburb until we took it to them and asked whether they knew that. The minister claims to be open and accountable but she did not get to her feet and explain these audit findings to the house. She gave us an assurance that everything was fine. Clearly, things are not fine.

I want to quickly go to the last non-compliance audit finding, which states —

None of the engaged contractors at Port of Fremantle (Patrick, ILS and DP World) had any written procedure in place for inspection of container integrity.

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Am I missing something or is it the case that what the minister is telling us as opposed to what is happening in reality are two different things? If that is not bad enough, we also have baseline data that is very concerning. The one thing I will say to Magellan is that at least this information is publicly available on its website.

Hon Donna Faragher: You required that that be made publicly available. I did. Your government wouldn't have.

Hon LJILJANNA RAVLICH: I am just amazed. The minister could have got to her feet and explained all this to the house. She chose not to explain any of this.

I want to quickly explain baseline lead levels. Magellan is required to carry out a range of sampling under the conditions that have been set. There is a range of ways of sampling and a range of samples. One of the key ministerial conditions of Magellan's approval to transport sealed shipments is that lead monitoring results during transport operations must not exceed baseline levels. That is very important. By identifying the existing lead levels along the 1 250 kilometre road and rail corridor from the mine site to Fremantle port, the state government's regulatory authorities and Magellan have been able to set defined local lead baseline levels that must not be exceeded during the transport process. The locations for this testing include 21 dust sampling sites along the rail corridor—given that we are talking about 1 250 kilometres, it is probably not a huge sample—five air quality sampling sites at Fremantle port; 19 rainwater tank sites along the rail corridor; 251 soil sites along the road and rail corridor, 15 drainage sumps at Fremantle port; and 20 marine sediment sites at Fremantle port. The baseline data is very interesting. We have data for what is known as "benthic sediment sampling". We also have sampling data available on drainage sump sampling; high-volume air sampling; soil sampling—a lot of soil sampling has been going on, which is very interesting; static dust sampling, which I suppose is dust that does not move; and rainwater tank sampling. The one thing that members can be sure of is that a lot of sampling has been going on. What is really concerning is that there is what is known as a "lead trigger level". The lead mg/kg must be a percentage of lead to everything else. The idea is that at a certain point —

Hon Jim Chown: I did not quite grasp that. Can the member go through it again?

Hon LJILJANNA RAVLICH: I would love to, but the point is that the lead trigger level is already established; it is baseline data. The lead trigger level for all these samples, whether it is for sediment sampling, sump sampling or air sampling et cetera, may have different ratios, but there is an established baseline. The benthic sediment sampling was done in April 2009 and it shows that the lead trigger levels were quite high at the points at which they were sampled. I do not have enough time to go through it in detail —

Hon Simon O'Brien: You don't understand it anyway.

Hon LJILJANNA RAVLICH: The minister can get up and have his say. He would like this to go away. We want an inquiry about what happened at that port, for which the minister is responsible.

Hon Simon O'Brien: I am, thank heavens. It is a very well-run port.

Hon LJILJANNA RAVLICH: We would like to know, and surely the minister would like to know, what happened to that container and why it was not picked up on the security camera.

Hon Simon O'Brien: Don't you know everything? You get up here and make all sorts of claims, even though you don't know what you are talking about.

Hon LJILJANNA RAVLICH: The minister is not interested. The drainage sump sampling was conducted four times in October 2008, March 2009 and August 2009. That sampling indicates that there is cause for concern. I intend to have this information properly analysed because that would be the sensible thing to do. I appreciate that I do not have a chemical or scientific background.

Hon Simon O'Brien: What sort of chemical background are we talking about?

Hon LJILJANNA RAVLICH: We know that there is no chemistry between me and the minister, and that is all we need to know! That is enough chemicals for me.

It would be very wise to have the data analysed by a scientist who works in this area, which is exactly what I intend to do, so that I can better understand it. The minister, the government and certainly the Premier are turning a blind eye to this. They are pretending that there is not a problem when in fact there is a problem. At the very least, we need an explanation about how the findings in the report about the incident at Fremantle port could have been reached, given the driver of the truck chose not to provide any evidence. We want to know what Fremantle port has done about that.

HON WENDY DUNCAN (Mining and Pastoral — Parliamentary Secretary) [2.34 pm]: I welcome the army cadets from Kalgoorlie who are in the public gallery this afternoon. They have spent the day in Parliament House. I enjoyed meeting them over lunch and hopefully they have had a good day. I thank them for joining us.

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Hon Peter Collier: Kalgoorlie is a great place to visit. I go there regularly.

Hon WENDY DUNCAN: It is one of the best places on earth.

A government member interjected.

Hon WENDY DUNCAN: All the good people were born in Kalgoorlie!

We have heard a lot in this debate about trust and who can be trusted with the shipment of lead from the mine at Wiluna and the process involved in transporting the lead to Fremantle port. I would trust this government a thousand times more than the last one. At least very strict monitoring is now in place. The whole process is different from what occurred in Esperance, which was absolutely scandalous. There is no doubt that the previous government was asleep at the wheel when that lead was transported to the Esperance port. In response to the incident in Esperance, we received many promises from the then Minister for Planning and Infrastructure, Hon Alannah MacTiernan. She asked the people who had been adversely affected to get in touch with the government and promised that the government would pay them compensation. She also promised to provide extra monitoring and resources to deal with the children who were affected, but that did not happen. She promised to conduct a wide-ranging review of the extent of the contamination but that did not happen.

Hon Simon O'Brien: Reverse osmosis filters.

Hon WENDY DUNCAN: That is right. She promised to provide water purifiers to all affected families. As the local member of Parliament, whenever I contacted the minister's office about her promise to provide people with water purifiers, the minister said that she was waiting for a list of people who wanted them. I sent her a list and after several weeks had passed I reminded her that she had promised to provide people with a water purifier. The minister again said that she was waiting for the list of people who wanted them. That went on several times. The people were then told that they had to go to the port to get a water purifier but when they went to the port, the port rang the minister and told her that the port did not have any water purifiers. The minister then told them that they had to go to the shire. That was the run-around the people of Esperance were getting at the time of the contamination scandal. Where was Premier Alan Carpenter at that time? He did not show his face down there once. As soon as the new government came into power, the Premier; Hon Simon O'Brien, the Minister for Transport; Minister Jacobs, the Minister for Water; Hon Brendon Grylls, the Minister for Regional Development; and I visited Esperance. The first thing we did when we got into government was to attend a community meeting.

Hon Peter Collier: Did the shadow environment minister go?

Hon WENDY DUNCAN: No, we did not see the shadow environment minister down there.

Hon Simon O'Brien: She was presiding over the election wash-up.

Hon WENDY DUNCAN: That is right. When we talk about trust, I can tell members who the people of Esperance trust. They certainly do not trust the members of the previous government. Hon Sally Talbot, in her speech at the beginning of this debate, mentioned the high lead levels that were tested in and around Fremantle. She said that there were already high lead levels there but she neglected to say that isotopic testing of that lead indicated that none of the lead was from the Magellan mine. The opposition is putting seeds of doubt into people's minds. Hon Sally Talbot did not tell the whole truth, which is that the very thorough testing did not identify any Magellan lead at the Fremantle port. Hon Ljiljanna Ravlich has spoken in considerable detail about the testing and monitoring that took place to ensure that it was safe to transport lead.

Hon Sally Talbot interjected.

Hon WENDY DUNCAN: I think Magellan Metals did the testing.

Hon Sally Talbot interjected.

Hon WENDY DUNCAN: While on the subject of being open and transparent, the results of the monitoring are available on Magellan Metals' website. The people of Esperance had great difficulty trying to get information about the contamination in their town; indeed, it was like drawing teeth. No matter which government department they went to, the lead contamination was someone else's fault and someone else's responsibility.

We have talked at length about how Hon Ljiljanna Ravlich used her great forensic ability to discover the 22 suburbs that will be affected by the transportation of lead. One needs very good forensic skills to read emails. I refer to Magellan Metals' "Community Consultation Summary", which states that from February 2008 to January 2009 —

- Fact sheets outlining the sealed shipment process were provided to State Members of Parliament whose electorates included the transport route for placement in their offices and distribution to local residents.

Further, between February 2009 and August 2009 —

- An electronic mail-out informed Members of Parliament whose electorates include the transport route, and relevant State Governments agencies and regulators, of the final conditions for the sealed shipment process.

Members have to be very forensic to discover that their suburb has a railway line passing through it and a transport route; and they have to be very forensic to read an email sent to them by Magellan Metals, which states “This is what is being planned and these are the conditions being imposed. Your suburb is on the transport route; if you have any concerns, please contact us. This is all the information available to you. These are the conditions that we are operating under.” I commend Hon Ljiljanna Ravlich for her forensic abilities. I will take a leaf out of her book and read my emails.

Hon Helen Bullock described Esperance as a small port. I am aware that she visited Esperance recently. I commend her for doing so. However, Esperance is not a small port. It is the deepest port in southern Australia. The next deepest port in Western Australia is Port Hedland. The port of Esperance is 18 metres deep. It is capable of taking cape-class vessels with a 200 000 tonne capacity. It is not a small port. It is very important to the economy of Western Australia. The trouble with the whole sorry episode that happened in Esperance under Labor’s watch is that the port was put under incredible financial pressure. It had to go to court and face the music. Sure, it had some responsibility in the matter; obviously, so did Magellan. However, plenty of other agencies failed in their duty to ensure that the people of Esperance were not poisoned.

I turn to the transport of lead through Fremantle, which is a totally different proposal to the one that gave rise to the situation in Esperance. The government has learnt a lesson and it has the ability and determination to ensure that the safety of people in Fremantle and along the 1 200 kilometre transport route is paramount. The bags’ doubled-lined walls have a plastic moisture-proof internal lining and tough woven polyester external lining to prevent the escape of concentrated moisture. The concentrate in the bags is required under ministerial conditions to have a minimum moisture content of 7.5 per cent or above and have the consistency and non-dusting characteristic of damp sand. The bags are sealed and placed inside steel shipping containers. The bags have been approved by the United Nations as suitable for this transport. They are able to withstand pressure six times their filled weight and have passed drop and topple tests. They also meet the requirements of the Australian Flexible Intermediate Bulk Container Association. Strict environmental conditions have been placed on the transport of this product. I believe that Magellan Metals has a lot to answer for and that it must prove that it can be a responsible corporate citizen in Australia. It knows that if it cannot export this product safely, it will not have a mine. Magellan is very open with the community about how this project is going.

I return to the response of the Liberal-National government to the lead contamination issue in Esperance. The people of Esperance had been crying out for attention, assurance and action. It was only when the Liberal-National government came to office and after the Premier visited Esperance that we have seen action and that the Esperance Cleanup and Recovery Project began. From the beginning the people of Esperance asked for a proper analysis of the extent of the contamination. What did we get apart from a few water filters for families who had the intestinal fortitude to go from one agency to another until they found themselves a jug? Some rainwater tanks were cleaned. When the roofs of people’s houses were cleaned prior to the Liberal-National government coming to power, they were cleaned just one metre up from the gutter. When the rainwater tanks were retested after a bit of rain, what did they find? They found more lead. Surprise, surprise! I thought rain went into rainwater tanks from only a metre up the roof. No, everything on the roof goes into rainwater tanks. The people of Esperance are taking great comfort from the clean-up process that is now taking place at considerable expense to the government. More than 400 premises have been sampled. It has been established that about 90 per cent of those places are in need of some attention for cleaning, either roof surfaces, roof spaces or internal or external cleaning. Speaking of roof spaces, when the people in Esperance begged the previous government to clean up the mess, it refused to consider roof cavities because it knew that they would be expensive to clean. Under this government, roof cavities are being tested and cleaned. The major cleaning project commences in June–July. Approximately 200 cleaning jobs are ready to go. The Esperance Cleanup Recovery Project team is committed to using local labour and contractors. Surely, there has to be a silver lining in this very sorry lead cloud. At least jobs are being generated. A lot of work is being done. This project will continue for quite some time. I believe that the people of Esperance are satisfied with the commitment of this government to cleaning up the mess of the previous government, which is why I will not be supporting the motion. Given the lessons that have been learned from the previous government’s incompetence, the stringent requirements placed on the transport of lead through Fremantle, the heightened awareness of us all watching the export of this product and Magellan Metals’

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commitment to do things better this time—it is the first to admit that it did not cover itself in glory—I believe that this product will be safely exported through Fremantle. As the minister said, the minute that she has any evidence that it is not going to be safely transported, it will stop. She said that in her —

Hon Sally Talbot: That is trivialising it. You talk about them not covering themselves in glory. I think you would agree that it was a catastrophe.

Hon WENDY DUNCAN: It was a catastrophe. I have called it a scandal, and it was a scandal. I support the containerised transport of this product. Members need to understand that far more dangerous products are being transported on our transport systems and railway lines than this product. At least this product is not flammable and does not move through the environment as quickly as some others can. They all need to be managed carefully and they all need to have very strict environmental conditions. I am convinced that that is the case in this instance.

I commend the current government for the work it has done to hear the request of the people of Esperance to have the previous government's disaster cleaned up. That is progressing. It will take some time yet and a considerable amount of money, but the commitment was made by the Premier, and the people of Esperance greatly appreciate that.

HON LYNN MacLAREN (South Metropolitan) [2.51 pm]: I rise to speak to the motion after hearing from several speakers. I implore members to put the people of Fremantle and those who live along the transport route front and centre in the debate and abandon this blame game of government and former government. When in government, the two parties supported the proposal; when in opposition, they opposed it. There it is; it is on the record.

Hon Simon O'Brien: What does the third party say?

Hon LYNN MacLAREN: The third party is saying that Western Australia's children deserve better.

It is very appropriate to review how lead is transported in and exported from Western Australia, the transparency of the process and the emergency response plan. The first shipment of lead carbonate skulked out of the port of Fremantle, as we have heard, on 29 September, bound for a smelter in China. Twelve containers rolled into the port on 24 September and eight more arrived the next day. The bolt-locked steel containers held about 450 dry metric tonnes of lead concentrate. We learned all this after the ship departed and from people who were watching the Toronto Stock Exchange. Members would not be alone in wondering why we are transporting lead carbonate through a densely populated metropolitan area and from the Fremantle port. The original proposal for this was the mining and refining of lead on-site and transporting lead ingots. What happened to that original proposal, whereby this substance could be considered somewhat safer?

The City of Fremantle, in its original response to the proposal that this substance would be put through its port, noted that the mine was expected to account for approximately three per cent of the total world lead mine production. The development of a refinery could allow processed lead carbonate to be transported in a potentially less hazardous form. Department of Environment and Conservation representatives indicated at a meeting on 17 July 2007 that the report by Magellan Metals Pty Ltd needed to indicate why a lead refinery was not going to proceed. On page 3–1 of the proposal, it is clearly indicated that the refinery option at the mine site was too easily dismissed. What are we talking about? The significance of the safety and environmental risk factors of a lead refinery was soon surpassed by the risk of transporting lead carbonate. For those people who are still trying to catch up with the science of this, what is lead carbonate? It is very brittle crystals that come from the weathering of lead sulfide. It is in the form of fine dust, which is much more dangerous if it is in the air we breathe or the water we drink. The Esperance parliamentary inquiry showed that the transport of lead carbonate produced a fine dust that blew around the town, and the full extent of that danger is still not known. I am going to look into some of the citizen science. If the Minister for Transport missed that article, there is an article in which citizen science measures how that is filtering through the food chain.

Hon Simon O'Brien: Which publication is that?

Hon LYNN MacLAREN: I will tell the minister in a minute.

The lead in petrol and paint was rightly banned on the grounds of public health risks. If this proposal goes through—we know it has—hundreds of thousands of people will be potentially exposed to this fine dust. Our children are most vulnerable to lead carbonate when it is in the air and water. They are in danger from even a very low level, as we saw. It is a brain toxin. It has been taken out of petrol and paint for that reason. It can cause reproductive dysfunction, foetal damage and delayed neurological and physical development. In adults it is associated with high blood pressure, heart attacks, kidney and liver damage, and strokes. It is a serious public health issue that we need to take seriously. It was not until the 9 500 bird deaths in Esperance that the alarm was

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raised. Members need to remember that this was going on for some time; lead was stockpiled in Esperance. Eventually, the Esperance Port Authority was fined \$525 000 for the lead contamination. A \$5 million bond has now been paid by Magellan for the privilege of exporting lead through the port of Fremantle. I ask members: what is the price of poisoning our environment?

I will now read from an article headed "Esperance lead contamination may be entering a new phase" written by Nic Dunlop, who is the environment and science coordinator at the Conservation Council of Western Australia. It is in its magazine *The Greener Times*, if members want to look it up. He showed that although overall lead levels on bird feathers continued to decline to around 10 times the background level, the rate of change had slowed over the years that it had been measured. He goes on to state —

Meanwhile, lead levels in the resident insectivorous species had slightly increased. It was also noted that the partially insectivorous silvereyes were now carrying more lead than the nectar-feeding honeyeaters: a reversal of the situation in the earlier years. This was potentially the first indication of bioaccumulation, the build-up of lead contamination in the food chain.

... In the earlier years, the birds accumulated lead carbonate dust particles on their feathers by physically sweeping foliage and other surfaces. By now, however, much of the deposited lead may be becoming incorporated into the soil and in areas of high concentration, taken up by the plants. These would be grazed by insects which in turn are eaten by predators, such as insectivorous birds.

The point is that the level of bioaccumulation in the soil is yet to peak. Hon Wendy Duncan has gone into great detail about the efforts that the government has made to clean up the incident in Esperance. It will be some time before we can truly say that that environment has been restored to its earlier balance.

I make the point that this state, under successive governments, has failed to ensure intergenerational equity by basing its decisions on the precautionary principle. This was a risk too high. We took it. Hopefully, we learned from it. Now it is appropriate to look at how we have changed our systems and whether we have changed them to the point at which it is safe to transport lead through Fremantle. I really appreciated Hon Ljiljanna Ravlich's detailing of the incident at the port in which the container was pierced. It is a very important point that due to human error, or for some reason that we have not yet been able to determine, this container was compromised. The shipping system that was put in place, which the Minister for Environment has championed as the best ever, state-of-the-art, safest way to transport and export this substance, is still subject to accidents. Those accidents are what the people of Fremantle are most concerned about. Once exposed to the environment, the people of Fremantle—and indeed, as we have heard, the people of 22 suburbs along the route—will suffer that same risk of damage to health that the people of Esperance have so far survived.

Hon Simon O'Brien: What is the answer—not have trains running through suburbia?

Hon LYNN MacLAREN: I really welcome the fact that this government is looking at rail safety and looking at improving rail safety. It was noted by the City of Fremantle, when the proposal to transport lead there was raised, that the number of train derailments over the past five years had been particularly high. I counted nine train derailments from January 2005. The first one was near Koolyanobbing—in fact there were two in Koolyanobbing at that time. There were train derailments on 22 February 2006 west of Kalgoorlie; on 27 March 2006 south of the Kalgoorlie–Boulder area; on 4 and 5 August 2007 on the Rio Tinto railway in the Pilbara; and in March 2008 near Merredin. On 23 September 2008 the Esperance Port Authority had a rail incident, on 30 January 2009 Kalgoorlie had one, and on 29 January 2009 there was a derailment in Tom Price that was widely reported on the front page of the newspaper. The one that concerned residents in Fremantle occurred at South Beach. At the time we questioned the record of industrial accidents—how could we build some kind of confidence that the government was looking after our safety? I welcome improved rail safety but we have to take that precautionary principle.

Hon Simon O'Brien: If I may, how does one employ that precautionary principle? Do we stop running trains, because that is where the member's argument leads us?

Hon LYNN MacLAREN: One of the suggestions that I made earlier on is that we should have been refining this substance at the point it is taken out of the ground. We should have been making it into ingots and then we could transport it safely. An ingot falls on the ground, we pick it up—it does not go into the water supply and it does not disappear into the airways. That is really the safest way that we can deal with this.

Hon Robin Chapple: Under the original proposal.

Hon LYNN MacLAREN: That was the original proposal. I question the authorities who accepted that change from the refinery, to exporting and transporting carbonate through our state. Hon Robin Chapple will have a bit more to say about that.

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What we can do to make this safer and try to build community confidence that people will not be poisoned is to release this information and make it more accountable. Hon Ljiljanna Ravlich pointed out that the accident at the port was a serious one, but who knew about it? Why are all those high lead levels occurring? We need to have more transparency; in fact we need much greater transparency —

Hon Simon O'Brien: Was anyone injured or poisoned in that incident?

Hon LYNN MacLAREN: The minister is correct in acknowledging that.

Hon Simon O'Brien: It is a rhetorical question.

Hon LYNN MacLAREN: No-one was poisoned. In fact, as the minister well knows—I do not know if the Minister for Mines and Petroleum knew this when he responded in his speech—the container was safely taken back to the mine site, opened up at that site and inspected. It was seen that the bags were not opened up at that time.

Hon Helen Bullock: The container was.

Hon LYNN MacLAREN: But the container was. The risk was there. This government is very much into risk management. That is what we are talking about—and that risk was there.

Hon Simon O'Brien: Those precautions clearly worked.

Hon LYNN MacLAREN: Luckily, this time.

Hon Simon O'Brien: There is no “luckily” about it.

Hon LYNN MacLAREN: It was very lucky because we do not even know how that container was pierced.

Hon Simon O'Brien: The precautions were there to protect in the case of an incident. An incident happened and there was no spillage.

Hon Ljiljanna Ravlich: The driver did not hit the container.

Hon LYNN MacLAREN: There are things that we can do better. I have mentioned two already. We also want some independent monitoring. Who is monitoring the sampling that Hon Ljiljanna Ravlich detailed? There are 21 dust sampling sites, two air quality sites, 19 rainwater tanks along the route, 251 soil sites and 15 drainage sumps at the port. This is all great stuff—I am so glad that we are taking samples from all these different places—but who is monitoring the sites and are the compliance inspections being transparently reported? What kind of accountability is put into this? That is what we can improve upon. That is why I welcome this motion from Hon Sally Talbot. I support it strongly. I think that I have made every point I can possibly make in a short amount of time. I encourage members of government to take this motion seriously and try to improve the systems that we have. We should use this opportunity to look carefully at what is not quite good enough and improve these systems so that the people of Fremantle can feel a little bit safer with this hazardous cargo in their backyard.

HON SIMON O'BRIEN (South Metropolitan — Minister for Transport) [3.05 pm]: I welcome the opportunity to debate this motion. It is one in a series of predictable and predictably silly motions that have been placed on the notice paper —

Hon Ljiljanna Ravlich: So the minister thinks this is a silly motion?

Hon SIMON O'BRIEN: It was placed on the notice paper by opposition members who have a fair bit of front in trying to raise some matters for debate, such as the one that we are dealing with now. It is a silly proposal, as this motion calls on this house to condemn the Minister for Environment and the Minister for Mines and Petroleum for their lack of openness and accountability. They have been perfectly open about everything they have done, about every decision that they have made, about every process that they have been required to follow, and indeed have followed. There is no lack of openness or accountability on their part; therefore, the first part of this motion fails.

The second part of the motion also calls on the Minister for Environment to explain why so little has been revealed to families living in and around suburbs along the proposed transport route about matters relating to Magellan Metals and environmental approvals, and so on. What is it that is lacking here? Certain people in the Australian Labor Party have taken it upon themselves lately to try to scare and alarm everybody that they possibly can along the transport route and beyond by running a blatant scare campaign, an unjustified scare campaign —

Hon Ljiljanna Ravlich: That is not true.

Hon SIMON O'BRIEN: It is very true.

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I do not know what else is meant to be revealed. The government has publicised the terms that are to be met by the firm transporting product along this particular route. Indeed, I cannot think of any other commodity that has had to meet such extraordinary standards set by the Minister for Environment in order to be transported on our rail network. It is quite unprecedented for this product. Do members know what—I welcomed it at the time —

Hon Robin Chapple: I would suggest that Kevin Minson set the benchmark back in 1993. I will talk to that shortly.

Hon SIMON O'BRIEN: Back in 1903?

Hon Robin Chapple: 1993.

Hon Ljiljanna Ravlich: Not when you were born!

Hon SIMON O'BRIEN: The other Kevin Minson.

By any measure, the standards that are required to be met by Magellan in transporting lead concentrate from the mine site to the port site are quite extraordinary; and I think rightly so. I observed, when in opposition, that the former Mayor of the City of Fremantle, Peter Tagliaferri, started a campaign against lead being shipped out through the port of Fremantle. I certainly made my views clear, given the history of this company in the production and shipment of this product, that we would not have a high degree of confidence in what it was doing and we should view such changes in port of loading with a significant degree of caution. In the end, the differences between the systems are quite significant. In Esperance, Magellan product was being shipped basically in open transport units. Moreover, when it was being loaded in bulk, it was done in such a way that a lot of particulate matter—dust—found its way into the air. There was a lot of spillage of product and the contamination that rightly concerned the community of Esperance occurred. Conversely, the lead concentrate that is exported through Fremantle is the same lead concentrate; it is not a different product. The Minister for Environment put in place some extraordinary measures to ensure that there is no chance at all of contamination occurring from this product in the course of its transportation from the place of production to the place of shipment. If anything, this motion should be congratulating the Minister for Environment for persevering with what I am sure this company sees as quite draconian and over-the-top levels of safety—the sorts of measures that subsequently have been shown to be 100 per cent reliable. Indeed, there was a derailment of a container that suffered some considerable knocking around and, lo and behold, not one skerrick of lead escaped. We get beyond the range of the hypothetical.

I can remember Hon Donna Faragher being routinely asked in this place and elsewhere to guarantee, absolutely, that there would never be any spillage of this lead, or questions of that order. She was asked that question over and again.

Hon Sally Talbot: She was asked whether it was safe.

Hon SIMON O'BRIEN: Being cautious and reasonably circumspect, she pointed out that hypothetically one can never give absolute guarantees about anything, and that was a very prudent answer to give. There could not possibly have been any other way of moving this product with greater security of its containment than the regime that is currently being employed. Unless members want to adopt the view that materials of any kind should never be transported, they must understand that it is appropriate to transport materials, whatever they may be, that are needed in commerce and industry, so long as the most stringent of safety measures are observed. If that is not done, we will very quickly find that our society comes to a great, screaming, shuddering halt. I sometimes wonder whether that is on some people's agendas.

This house heard from Hon Wendy Duncan, who, incidentally, is a very long-time resident of Esperance and has an interest in this issue, about the way that this government has conducted itself in relation to lead matters in Esperance. Hon Wendy Duncan knows what she is talking about. I have been to Esperance several times and have seen her involvement in the community. I suspect that the mover of this motion does not have that much familiarity with Esperance. I doubt that she has even been there. How can a member move a motion like this with such confidence and say what she said if she has never been there? However, we have the testimony from Hon Wendy Duncan who lives in Esperance to rely on.

Hon Helen Bullock: This motion has nothing to do with Esperance; it is about Fremantle.

Hon SIMON O'BRIEN: I will come to Fremantle soon. Members heard all about Esperance.

Hon Ljiljanna Ravlich: You are not very interested in the issues about Fremantle or the 22 suburbs.

Hon SIMON O'BRIEN: I will come to that. I notice that the mover of the motion is completely silent when asked whether she has been to Esperance. I am guessing that the answer is that she has not.

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Hon Sally Talbot: You can guess whatever you like.

Hon SIMON O'BRIEN: What is the answer then? Has the member been there?

Hon Sally Talbot: You obviously were not listening.

Hon SIMON O'BRIEN: Yes, I was.

Hon Sally Talbot: We will have this conversation again. Keep going. I am making notes. Keep going.

Hon SIMON O'BRIEN: That is big of the member.

Hon Ljiljanna Ravlich: Don't stop such a riveting speech.

Hon Sally Talbot: If you had listened to what I said about Esperance, you would not stand there making smart comments. It is just as much a challenge for you as it was for us.

Hon SIMON O'BRIEN: Mr Deputy President, may I address you?

The DEPUTY PRESIDENT (Hon Matt Benson-Lidholm): Minister, you have the call. Continue please.

Hon SIMON O'BRIEN: Considering the history surrounding this issue, the opposition has one heck of a gall raising this matter. It was Premier Alan Carpenter who was on site to celebrate the opening of the Magellan mine.

Hon Ken Baston: I was there.

Hon SIMON O'BRIEN: Hon Ken Baston was also there and it was a glittering occasion.

Hon Ken Baston: You are correct, he was there.

Hon SIMON O'BRIEN: At that stage it was proposed that the product be converted into ingots. That is where this project had its genesis and that is how the government of the day sold it as a great triumph of downstream processing. Of course, nothing of the sort happened and since then the question has been asked again and again. The initial promotion of this project by the then Labor government was not founded on a reasonable expectation at the time and this motion, similarly, is neither reasonable nor, ultimately, believable.

The question that has been asked is what this means for Fremantle and, despite the interjections, I have been referring to Fremantle in my remarks. I want to go to the question of safety along the route through the 22 suburbs that are mentioned in the motion. I wonder how many members opposite who represent some of these electorates have actually been to all these suburbs.

Hon Robin Chapple: I have been there.

Hon SIMON O'BRIEN: An elephant stamp to Hon Robin Chapple who has been to all the suburbs.

Hon Alison Xamon interjected.

Hon SIMON O'BRIEN: No, it does not and it makes me wonder why some members do not do it.

Many of the 22 suburbs along the route, including Fremantle, are in my electorate. We are told about the threat that the export of this material poses to everyone living within cooe of the railway line in that area. However, when we ask members who have been doing their reading and research to define what the threat is, we cannot seem to find out. This is the amazing thing.

What is the innate danger with Magellan lead being transported in the manner in which it is being transported? In the event of a derailment, what is likely to happen? Firstly, let us work out whether the product is likely to be breached.

Hon Robin Chapple: Definitely.

Hon SIMON O'BRIEN: One incident has occurred, and incidents do happen. Was the product breached? Was any lead concentrate released from its container?

Hon Robin Chapple: There was a derailment.

Hon SIMON O'BRIEN: I will take up that point, but before I do as Hon Robin Chapple wants to participate by interjection, unruly or not, I will put a question to him. Was any scrap of lead released? No.

Hon Robin Chapple: There has been a derailment. I am referring to derailments.

Hon SIMON O'BRIEN: There have not been any incidents by which any lead has been released from its packaging. But what if any lead had been released? Seriously, what would be the consequences of that? It is not nerve gas. It is not mustard gas.

Hon Robin Chapple: It is pretty similar.

Hon SIMON O'BRIEN: Is the member saying that it is pretty similar to nerve gas?

Hon Robin Chapple: Have you ever heard of the Mad Hatter? Do you know where that comes from?

Hon SIMON O'BRIEN: Lead concentrate is a mineral compound. It is a partly processed product. It does have a certain toxicity when ingested. It does build up, as heavy metals do, in human body tissues. That means that a prolonged and sustained exposure can have a greater aggregate effect on the body, and a range of ills can manifest themselves. But it is not the case that some exposure, particularly some brief exposure, in the same suburb to a small amount of lead concentrate, is going to lead to what some members opposite—who seem to think that we should not even run trains through suburbia—emotionally refer to as poisoning. That is what members opposite are talking about. They are seriously saying that if there is any exposure in any suburb to a small amount of lead, for a brief period of time, under circumstances in which the most extraordinary packaging provisions have been breached, people are going to be poisoned. That is what is being proposed by members opposite. If that is not what is being proposed, what the heck is being proposed? What is the big danger here? The biggest danger that exists from this product, or any other product, being railed through suburbia, and the one that reflects the most likelihood that injury or mayhem will visit itself, is a derailment—not a derailment and a spillage of this particular product, but a derailment as in a physical accident whereby rolling stock and the heavy goods that it is carrying leaves the railroad confines and is projected onto a crowded roadway or somewhere else outside the rail reserve. That can happen. In different places from time to time those things have happened. It is a risk. Mercifully, it is very rare for that to happen. Certainly in the Western Australian context, given the rail safety standards that we exhibit in this state, we have not experienced the catastrophic consequences of such an incident as have visited themselves on some places in other countries. Nonetheless, that is the sort of threat that we are facing.

If that is the sort of threat that does exist, does that mean that we should stop railing goods to ports? No, it does not. Of course it does not. We recognise that road traffic produces some casualties. That does not mean that we should do away with heavy vehicles and cars and roads, as some people might want to do. The fact of the matter is that society has made its judgement to balance the requirement to move goods by various modes against the risks. Society does all it can—as do governments—to reduce those risks to the barest minimum that it can achieve, always striving for an absolute zero in prescribing safe standards of conduct in the carriage of goods and so on. In the case of the lead concentrate that is being moved to Fremantle port by Magellan Metals, the standards that have been prescribed and that are being complied with are way in excess of what would normally be applied to such a product being moved on that route. However, that does not stop the transportation of this product from being the subject of a beat-up by those who are opposed to it.

Hon Sally Talbot: So is it safe?

Hon SIMON O'BRIEN: Clearly it is safe. If members opposite want to pretend that people are not safe in their beds at night and want to run that sort of scare campaign, that just shows the colossal amount of political immaturity on the part of this opposition. It just underscores their irrelevance.

Several previous speakers made the observation that commodities that are substantially more dangerous than lead concentrate are being moved around the state on our roads and on our railways. The thing that worries me is that there are probably people involved in the political scene in this state who will say, "There's an idea! Why don't we start creating a scare campaign and pick on those commodities as well? That's one way in which we might be able to somehow make ourselves a little bit relevant."

Hon Nick Goiran: And why wouldn't they do that?

Hon SIMON O'BRIEN: What concerns me about that is that we will get some people who are soft enough in the head to actually start doing that. I did not think anyone would be silly enough to pursue this lead transport issue in the way that the mover of this motion has. But clearly there are people like that. So I worry about what will be next. What other chemicals that are essential to create the wealth that keeps our community in prosperity is the opposition concerned about? Is the opposition concerned about caustic acids being transported around the state? Are we going to see motions from the Greens, or are we going to see motions from the Australian Labor Party trying to out-green the Greens, condemning that?

Hon Ljiljanna Ravlich: You're trivialising things here! You should stick to the motion!

Hon SIMON O'BRIEN: Are we going to see that? Mobile bombs are being driven around our suburbs all the time. I think that is being done safely. But occasionally there is a threat. The mobile bombs that I am referring to are, of course, petrol tankers. Regularly, every day of the week, petrol tankers full of highly inflammable and explosive product make thousands of trips around our suburban streets—around our houses and around our

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schools. They also make thousands of trips around Fremantle and through all those 22 suburbs that Hon Ljiljanna Ravlich is concerned about, even if she has not visited them all.

Hon Ljiljanna Ravlich: And of course the hundreds of thousands of people who live in those 22 suburbs. That is what I am really concerned about. I am concerned about their welfare, and I am disappointed that you have no regard for them.

Hon SIMON O'BRIEN: The member cannot come to that conclusion from what I have said. What the member has totally failed to do is identify what makes this lead concentrate—which is in double bulker bags that are sealed inside containers—a threat to those people. The member cannot say what the threat is. The member just has this vague notion that somehow people should be told that they are being placed at risk. Why does the member want to tell them that? It is because the member perceives that there is some sort of shallow political advantage in doing that. That is a disgrace. It is irresponsible, and it is hypocritical. It is also counterproductive to the long-term interests of the very people whom the member claims to be supporting.

Hon Norman Moore: Maybe it is the Greens versus Labor in Fremantle!

Hon SIMON O'BRIEN: Yes. Maybe it is an ALP–Greens battle in Fremantle sort of thing. I do not know.

Hon Norman Moore: Who can be the greenest!

Hon SIMON O'BRIEN: Yes—who can be the greenest in Fremantle! I know who the losers will be in all this. It will be the people of Western Australia, who want a bit of commonsense applied to this particular area of public policy. We want to get away from the childish tactics that we are witnessing from the opposition at the moment—the banalities, the trivialisation of what should be seen as important issues and the downright bitchiness of a string of motions that were all moved over a year ago, all condemning ministers, without rhyme or reason, about matters that had not even been allowed to develop before notice of the motions was given.

There is no capacity for any right-minded person to support this motion. We have heard many members speak in support of this motion but they have not been able to articulate the actual threat that is being posed by the way this product is transported. The opposition is totally incapable of articulating the actual threat. It is prepared to get out there and tell people that they will be harmed or poisoned or their children will be damaged in their very beds because of the so-called threat, yet it cannot tell us what the threat is. At the same time, it ignores the fact that there is so much other product that it recognises must be moved around at the same time, even though it has much more toxicity than lead concentrate. There is no basis for supporting this motion. I look forward to seeing it roundly defeated.

HON JON FORD (Mining and Pastoral) [3.31 pm]: The government has premised its defence of the motion on justifying its decision to continue with Fremantle as a port of export, saying the Labor Party was going to do it so the government is going to do it. That is not the essence of the motion. The other thing that the government has said is that we did a very bad thing on our watch by allowing the people of Esperance to be contaminated by lead. We took responsibility for that at the time. The government cannot blame us for a disaster in Esperance and then use that to justify its decision to move lead through Fremantle. The government is saying that we made the decision and we carried out the research, which it accepts, but it has tweaked it up and put a couple more restrictions on it that will make it better. The government has not said why it has not made a different decision. Out of all the people who have been arguing, I heard only Hon Simon O'Brien try to justify that decision; that is, that the risk has been made so low that it is safe to do it. That is okay. I can accept that.

I will get to a risk-based scenario. We are having a long-running debate. The Minister for Mines and Petroleum indicated that he is talking about going to a risk-based assessment type system, which is contemporary and involves all sorts of risks across society and the world. We have heard that probably the best mitigation against loss of containment is not to have a loss of containment, so the lead is turned into ingots. We have not heard why the government has decided that we should not do that. We could transport lead anywhere around Perth, or anywhere else for that matter, if it was in the form of ingots, with a canvas tarp over the back of the container. Maybe there is a cost imperative and the balance of transporting it through Fremantle or anywhere else in ingot form does not add up, or additional infrastructure would need to be put in place. We have not heard the justification for that. We have not heard why we are transporting lead through a high population area. If we are going to keep it in carbonate form, one of the risks that the government would have to identify if it did a risk assessment is how many people are possibly exposed to a disaster. After all the conditions that the government has put on the transport, it is a mitigation against a disaster. We have seen what happens with that. It does not matter how good a mitigation is put up, sometimes there is a disaster. We saw that with Varanus, where best care was taken by everybody but there was a massive explosion, which led to a huge economic drain but luckily no loss of life.

Hon Simon O'Brien: What disaster is available for this?

Hon JON FORD: There is the potential for disaster if there is a loss of containment in an area, depending on the wind conditions of the day, how long it takes to get the emergency services there, where the accident occurs and how the lead can be detected and cleaned up. I will give an example. I was talking to a uranium company the other day. I have been talking to a lot of uranium companies. They tell me that it is better to clean up uranium than lead. They use lead as an example. If they spill uranium, they just use a Geiger counter to go right down to the instant particle and pick it up so they know it is cleaned up. Hon Wendy Duncan talked in great detail about the problems of cleaning up lead carbonate, and I believe she was right. It is a silly notion that just one metre of a gutter would be cleaned and not the full roof. We heard from Hon Lynn MacLaren about the way lead can get into the food chain. It all depends on the size of the possible accident. Hon Simon O'Brien was saying that the mitigation—I like his argument—will actually stop the chances of having a major accident but we have not heard a worst-case scenario, we have not heard a justification of cost analysis and we have not heard why we have not gained a zero risk, which is to ingotise. It just seems to me that after we talked about all those mitigations of the double bags and the sealed containers, if it is that safe, why are we not putting it through Esperance still, because that would pose a much smaller risk than putting it through a longer supply chain and it being transported through a more populated area? There might be an argument for that.

The last risk-based analysis I did on logistics was on the supply train to the *Northern Endeavour*, a vessel that is a two-and-a-half to three-hour flight from Darwin off the Australian coast. The interesting thing about doing that mitigation was that in all the operations, people are sitting on a bomb; they are sitting on two *Titanics* worth of oil and gas. Small groups of people are flying out. Out of all that danger that these people are surrounded by, the riskiest operation is the helicopter flight. How does one mitigate against that? We can mitigate against it by minimising the number of people who are exposed to the flights out to the facility. That can be done by time frequencies and controlling the number of people on the vessel at any time. The Minister for Transport talked about the fact that we transport all these other dangerous materials around Perth, and that is perfectly true. It is a simplistic argument because all sorts of mitigations are associated with that. The design of a petrol tanker is such that even if one had a catastrophic failure, it would be controlled. We have seen that when we have had tanker fires. It is a very tight restricted area. There are segmented tanks so that even if one is ruptured, the petrol does not all rush out in one go. There is another way we mitigate, and the Minister for Transport would know all about it because I think he is the minister responsible for dangerous goods. It might be the Minister for Local Government.

Hon Simon O'Brien: The minister for mines also has responsibilities, as you know.

Hon JON FORD: That is right. Dangerous goods are a good example of risk mitigation. A lot of risk mitigation relates to the quantity of goods that are transported. We can mitigate the risk by making the transport of certain materials very, very small or in quantities that are stable, easily managed and packaged. We have seen that, of course, with the lead. All we have heard publicly from the government, until the Minister for Transport just talked about it, was that the former government said that it was okay and therefore it is still okay and that this government has put a bit more thought into it. That does not win the argument about accountability. The government has not explained why we are not ingotising the lead and penalising Magellan Metals, which was very irresponsible, by making sure that it ingotises the lead. There might have been a good reason for that but we have not heard why lead is being transported through a Western Australian port. I understand that uranium must be transported around populous areas. I believe that it is much more dangerous to transport lead than it is to transport uranium. The solution for the transportation of uranium is to transport it around the least populated areas. It will be transported either through Darwin or Port Lincoln. Why are we not transporting lead across the Nullarbor Plain to an isolated port in Port Lincoln? Instead, we will transport it through our most populous port, which is Fremantle. If the government can answer those questions, it will have a valid argument. Why will lead not be transported through the industrial port at Port Hedland? There is a good argument for shipping it through Port Hedland. It is an industrial port and has a lot of experience in managing dust and dangerous goods. In addition, only a small number of people live along the transport route. In some places no-one lives alongside it. The lead could also be transported through Karratha or Geraldton. I have already talked about Esperance. It could even be transported to Bunbury, although Bunbury, Perth and Geraldton are very populous areas. There might be a reason for that. The Minister for Transport is the only minister who has tried to argue that point. Everyone else has argued that the former government set the ratings on the Environmental Protection Authority and that this government has put in place a few more things. At the same time, the government has criticised our management of the transportation of lead. If we were so lousy at managing the risks for Magellan in the first place—that proved to be the case because it was an absolute disaster—the government cannot use that as justification for moving lead through the port of Fremantle. The people of Fremantle are rightfully concerned about that possibility. The government must simply tell the people the reasons for its decision to transport the

lead through Fremantle port and tell them about the mitigating measures it has put in place. It is no good toing and froing. Hon Lynn MacLaren said that we change our views depending on which side of the house we sit. I am trying to not do that. It is no good turning this into a you said, I said argument. Members opposite are in government and have access to all the information. The government must have received some analysis about why it will not transport the lead through Esperance. I can think of a reason why it will not be transported through Esperance. The background lead level is so high that it would probably be impossible to put an effective monitoring regime in place. That is probably a decent reason to not do that. However, the lead could be transported through Esperance in ingots because monitoring would not be required.

We have not heard about the alternative choices. The government has not tried to justify its decision by identifying the other considerations that it made. That is the big issue. If the government could address that, we would not be having this debate. The government is saying to the people of Fremantle, "Look at this hopeless bunch of losers in the Australian Labor Party. Look at what they did to Esperance." At the same time, the government is saying that everything is okay because the members of the former Labor government approved the conditions for transporting the lead through Fremantle and therefore the public should trust them. The government cannot argue that there will not be any accidents. We know they will happen. We have not heard about the details of the emergency management plans but we have heard about the way the lead will be packaged. We have not heard why the lead will not be ingotised or why it cannot be transported through other ports. That is a question of accountability. The government must be accountable for its decisions. The government can point its finger at us. I am sitting on the opposition benches. Yes, we stuffed up and we lost the election. Members opposite are in government now and they must explain their actions. That is the essence of the motion. The Minister for Transport said that there was no case for condemning either the Minister for Environment or the Minister for Mines and Petroleum for their lack of openness and accountability in relation to their decision to allow lead to be transported through 22 metropolitan suburbs. Why will the lead not be transported through other ports and why will it not be transported in ingots?

Hon Simon O'Brien: The reason it must go to Fremantle is that it is the only port where container ships regularly call. It is as simple as that. That is our container port and we want it transported in containers for safety reasons.

Hon JON FORD: As I said earlier, one minister is showing some reason. We have not heard it from any of the other ministers. The motion states, in part —

That this House also calls on the Minister for Environment to explain why, since environmental approval was given by her for Magellan Metals to transport containerised lead carbonate through suburbs to the Fremantle port, so little has been revealed to the thousands of families living in and around suburbs along the proposed transport route.

If the transportation of lead is so safe, the government must tell the people why it has not been transported through other ports. The government cannot just say that it supported the former government's decision even though this government has been bagging us. People should not be expected to go into a company's website to get information. The government is the regulator and is responsible for people's safety. People rely on the government to give them that information. I urge the house to support the motion.

HON ALISON XAMON (East Metropolitan) [3.47 pm]: I am glad that I finally have the opportunity to speak to this motion, which is very important. It has been very interesting listening to members relay their perspectives on the sad and sorry history of lead exports, particularly in regard to Magellan Metals. Magellan originally applied to export lead through Geraldton port but it later received permission to vary that approval and was allowed to transport lead through Esperance, subject to the original conditions. That is a very key point because Magellan provided incorrect information about Esperance port. The ministerial approval for the variation did not refer to the original bulletin. Because of the failure of the monitoring and compliance measures, which was a particular focus of attention, Esperance became contaminated by lead dust. We know that thousands of birds died, that children in Esperance were found to have dangerously high levels of lead in their blood stream and that the inner harbour was contaminated. A parliamentary inquiry ensued as a result of the seriousness of this matter. However, Magellan applied to transport lead through Fremantle before the parliamentary inquiry into what had happened in Esperance had been finalised. The residents of Fremantle and the southern and eastern suburbs along the railway line have been consistently vocal in their opposition to the exporting of lead in any form.

I note that Hon Paul Llewellyn moved an urgency motion, prior to my time in this house, to review the original minister's decision to approve the export of lead through Fremantle. He pushed quite hard for Magellan's original plan to transport the lead as ingots to be reinstated if it was found that the lead needed to be transported through Fremantle. Despite Premier Barnett swearing that lead would not be exported through Fremantle if the Liberal Party was elected, the decision to do that was signed off by this government last year. It is clear that

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community concerns about lead export had not been adequately addressed at that time. Whether or not we like it, we must acknowledge that there is a distinct lack of trust in Magellan Metals to do the right thing and, sadly, as a result of what happened in Esperance, there is also a lack of trust in the Department of Environment and Conservation and the Department of Health to perform adequate monitoring and compliance activities. I make it very clear that that is not a reflection on the good and hard-working individuals in those departments; rather, it is reflective of the lack of resourcing made available for those purposes. In that environment we need to be particularly careful to address community concerns about this issue. I am not going to repeat everything that has been said in this house, but that is going to be the focus of my concerns. I thank Hon Sally Talbot for raising this important issue. It is not a silly motion. It is important, because we know that lead will be travelling through a great deal of Perth before it reaches Fremantle. There has been a great focus on Fremantle. But from an east metropolitan perspective—this is the area on which I will focus—lead will be passing through a great many suburbs before it arrives at the Fremantle port. For the Minister for Transport's benefit, I am happy to outline the suburbs in the east metropolitan area that it will travel through. I assure him that I have visited every single one of those suburbs!

Hon Simon O'Brien: I know you have; and you've used Public Transport Authority services.

Hon ALISON XAMON: I certainly do use the PTA; and, as fine a service as it provides, it could be better.

On its way to Fremantle the lead will go through Gidgegannup, Brigadoon, Baskerville, Millendon, Herne Hill, Middle Swan, Stratton, Swan View, Midvale, Bellevue, Midland, Guildford, Hazelmere, High Wycombe, Forrestfield, Kenwick, Thornlie and, of course, two national parks. I will not go through the south metropolitan suburbs. We are aware that there are many more. My concern is about the transport of lead along the whole route from the mine until it is safely out of the country. Safety must be considered from the beginning to the end. We must ensure that the conditions of the operations are sufficient and, importantly, that we have adequate monitoring and compliance regimes. Moreover, the communities along the train lines must be satisfied that their safety has been fully addressed. I note that in the case of Esperance the form of lead to be transported was changed, which gets to the crux of the problem. Magellan did not specify to the Environmental Protection Authority exactly what it was intending to do and, further, it made those changes without community consultation. Clearly, we want to ensure that that does not happen again. I am hopeful that the conditions on Magellan are tighter, clearer and enforceable, and that everyone involved better understands the inherent risk of transporting these sorts of hazardous materials. I recognise that in an industrialised world we need to transport lead and other hazardous materials. That makes it all the more important that we mitigate the risks as far as possible and ensure that they are treated with the care and caution they deserve. It is on that basis that the concern of the Greens (WA) about the transport of lead via rail has been about the form of the lead that is to be transported. Again, that is where we come back to our concerns about ingots as opposed to dust. I am also aware that a number of dangerous substances go through Fremantle port on a daily basis and that lead is only one such substance.

The Education and Health Standing Committee handed down clear recommendations after its inquiry into what happened in Esperance. It referred to the need to ensure that community consultation processes are thorough, that the community has an opportunity to provide input on any variations to approvals and that the community is represented on any committee or board at the ports. I understand that that was recommendation 6. I have mentioned the suburbs in the east metro that are part of the lead transport cycle. Members are aware that thousands of families outside Fremantle have a legitimate ongoing interest in their safety and in ensuring that there is adequate monitoring and compliance in the transport of lead. The Fremantle Port Authority works with the Inner Harbour Community Liaison Group, which was established prior to the lead contamination issue in Esperance and the outcomes of the parliamentary inquiry. It comprises representatives of various interested community and business groups in Fremantle. I understand that one of the topics that it has been discussing is the export of lead through the port. I have heard various views about the effectiveness of this committee, but at least it offers a forum in which community and business interests can be heard. I can juxtapose that with what does not exist in the east metropolitan area. I am also aware that Magellan employees and freight operators have various formal and informal processes in place that allow them to raise their concerns about lead and how it is shipped and handled. Of course, such workers also have union organisers if they are required. I have every reason to believe that the relevant unions are working hard to ensure the safety of their members in the mining and transporting of the lead, to the extent that they are given adequate information. However, residents in the East Metropolitan Region and further back along the railway have no ongoing participation in this process. They are not an active part of the workforce, nor are they part of the Inner Harbour Community Liaison Group. The only information to which they have access in the regular course of events is that that is distributed by the government or the media. The only chance they have had to raise any concerns was to make submissions to the EPA during the few months that submissions were open. That is different from the regular two-way flow of information that is happening at the port of Fremantle. Any concerns that are being felt by residents in the east

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metro region have no way of being voiced or addressed within the framework of existing community consultation. The information exchange between freight operators, miners and the community in this region has no natural pathway. Given the events in Esperance and the level of community interest in lead transport and export, the expectation exists that this government should be taking a proactive role in informing the community. That is entirely valid. I urge the government —

Hon Simon O'Brien: What would you like us to inform them of that they're not already aware of?

Hon ALISON XAMON: It must be acknowledged that, because of what happened in Esperance, there is quite a lot of concern and fear about what is passing through their suburbs.

Hon Simon O'Brien: Do you want us to reassure them?

Hon ALISON XAMON: Part of it is about reassurance; part of it is about setting up a process for people in the other regions. As I have outlined, people in Fremantle and people working around the area have various opportunities to feed into the process. There are a lot of families and residents living along the train line who may share those concerns. Their fears may or may not be valid; however, the point is that they should be given the opportunity for a full and frank exchange so that they can feel assured that they are being heard and that their safety is being represented. It is important to acknowledge that that has not fully occurred. I urge the government to develop a process to engage the communities along the transport route in its entirety in an ongoing way. The level of community concern about the transport of lead is high and it is likely to remain high. We have to be realistic about this, especially in the absence of information. One of the ministerial conditions for the export of this lead is that Magellan Metals arrange for an independent auditor to check that the ministerial conditions are complied with and that no lead is escaping. I suggest that that auditor should report publicly to a group with relevant community representation. I am saying that it needs to happen beyond simply Fremantle and include the rest of the route. I urge the minister to expand that range of community representation beyond the Inner Harbour Community Liaison Group so that we can include representatives of the communities along the entire transport route.

HON ROBIN CHAPPLE (Mining and Pastoral) [4.00 pm]: Firstly, I think we need to understand where this problem came from. In the early days, the proposal in 2001 by Magellan Metals Pty Ltd and its parent company, the Toronto-listed zinc miner, was to develop a smelter on-site and, over a nine-year mine life, send lead of approximately 99.7 per cent purity through the port of Geraldton as ingots after being refined. That is where the project started. It carried on in various iterations for a number of years, with Iverna eventually watering down the proposal to have a refinery by saying that initially it would export lead concentrate through the Geraldton port and, after a two-year life, it would move on to the development of a smelter. During that early period, there seemed to be some issue with getting access to the gas that it required for the smelter. Certainly, there were indications that if the company did not get its way, it would go overseas and mine elsewhere.

I just want to go back to Esperance, because I was a consultant in a previous life, and I worked with Hon Kevin Minson on the development of the export of iron ore through the port of Esperance. We need to note that the port of Esperance set world's best practice in October 1993 when its dust level commitment was set at a "no dust" level. It was the first port anywhere in the world to have negative displacement in conveyor transfer points and, indeed, in the sheds that held the iron ore. Completely new standards were set for the export of iron ore through the port of Esperance—781 licence. Unfortunately, these new conditions that were established at Esperance were not carried on throughout the industry. Eventually, the Geraldton proposal by the corporation fell over. What we referred to as an ironclad future for Geraldton and for the export of ingots through Geraldton became a beneficiation plant west of Wiluna that was to send material through the port of Esperance. It is interesting to note that even the 2002–03 proposal was identifying that lead was going to be exported through Geraldton and also would be in ingot form.

Hon Simon O'Brien: I am listening even if the mover of the motion isn't!

Hon ROBIN CHAPPLE: Moving on from there, the next big problem that the people of Esperance faced was that when Magellan decided to use the port of Esperance, the community, the chamber of commerce, the local shire and many others hoped and pleaded with the then government that the same standards that were established for the iron ore shipments from Koolyanobbing through Esperance would be applied to the export of lead. It was most probably the correct call, because, as we have identified, lead has left an incredible legacy for the community in Esperance. Unfortunately, the licences were not up to the standard established by Hon Kevin Minson and became a "dust will be minimised" condition, which is interesting when we consider the toxicity of lead.

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What we really need to identify is that if a proponent threatens a government and says that it will walk away because of a rent resource tax or whatever else, it must be challenged. That is what the port of Esperance did over the “no dust” licence. The chamber of commerce, the shire and the community said to Portman Ltd, “We’re more than happy for you to walk away. We don’t want your iron ore through the port of Esperance unless you commit to our conditions.” The Portman miner at that time said, “All right; we’re going.” A day later it committed to spending \$16 million to comply with the requirements of the community. The very same thing could have happened with Magellan Metals, if the government of the day had said, “You committed to ingots, and ingots it will be. If you’re not committed to do it in ingots, we’re more than happy for you to come up with another proposal and we’re more than happy to hand your lease over to somebody else.” The government and the departments need to be on their mettle, so to speak, and ensure that regulations are of the highest standard and that the commitments outlined in a corporation’s documents for the initial proposal are retained. Many other issues affected the proposal to develop the lead smelter, including various commitments to building roads associated with the development.

Question put and negatived.