

LEAD POLLUTION IN ESPERANCE — CONTAMINATION EFFECTS

613. Mr C.J. Tallentire to the Minister representing the Minister for Environment
- (1) Does the Minister accept the finding of the ‘Inquiry into the cause and extent of lead pollution in the Esperance area’ that some children in Esperance were contaminated by Magellan lead concentrate, causing an increase in their blood lead levels?
 - (2) Does the Minister accept the finding of the ‘Inquiry into the cause and extent of lead pollution in the Esperance area’ that the Environmental Protection Authority assessed the application to vary the Magellan proposal to allow export through the Esperance Port on the basis that Magellan would comply with the conditions?
 - (3) If the Minister accepts the findings mentioned in questions 1 and 2, can the Minister advise what prosecution of Magellan Metals has taken place; and
 - (a) if no prosecution has taken place, why not?
 - (4) Did Magellan Metals make commitments to the people of Esperance that the lead would be transported in a benign form?
 - (5) Can the Minister confirm that Magellan Metals will be transporting lead along the railway route which forms a boundary for the Gosnells electorate?
 - (6) When will the residents of Thornlie be advised of the route for the transportation of lead to Fremantle Port?
 - (7) What plans does the Government have if there is an accident along the rail route in the area of Thornlie?
 - (8) What process does the Minister have for ensuring that other companies who fail to comply with their Ministerial environmental conditions are caught before an environmental or public health disaster occurs?
 - (9) How many full time equivalent Audit officers are employed by the Department of Environment and Conservation?
 - (10) How many approved projects require annual auditing by the Department of Environment and Conservation Audit officers?

Dr G.G. JACOBS replied:

- (1)-(2) Yes
- (3) After an extensive investigation, particularly in relation to Magellan Metals, the Esperance Port Authority and the method of transport of the lead concentrate, the Department of Environment and Conservation (DEC) established a *prima facie* case against the Esperance Port Authority, which resulted in prosecution proceedings. The proceedings commenced in 2007 and involved six pollution-related charges. The matter is due to be heard before the Kalgoorlie Magistrates Court in June 2009.
 - (a) Not applicable.
- (4) As this question concerns matters which may be raised at the trial of the Esperance Port Authority, which is to be heard in Kalgoorlie in June 2009, it is not appropriate to respond at this time.
- (5) Yes
- (6) The EPA advertised the public release of the *Proposal and Project Conditions Review To Facilitate the Export of Containerised Lead from the Port of Fremantle* on its website and in *The West Australian* on 8, 15, 22 and 29 October 2007. Magellan Metals advertised the public release of the document in *The West Australian* on 8 October 2007. This document was also provided to all the local governments along the transport route, with a request that it be placed in their libraries for the four week duration of the public review period. A map of the transport route is currently available on Magellan Metals’ website. I also wrote to affected local government authorities on 5 January 2009 and provided them with a copy of the Ministerial Conditions.
- (7) Ministerial Statement 783 of 2 February 2009 requires Magellan Metals to develop an Emergency Response Plan, in consultation with the Department of Environment and Conservation, Fire and Emergency Services Authority, Fremantle Port Authority and all relevant local governments, prior to any shipping containers of lead carbonate leaving the mine site. No lead carbonate will leave Magellan’s mine site until the Emergency Response Plan is approved by me.

An accident along the freight rail route would be treated by the departments responsible for emergency services in the same manner as for any rail accident involving cargoes of petroleum, fertilisers and acid and caustic products, which are transported to and from Fremantle. In the event of such an incident, a rigorous response and clean-up will be implemented immediately.

I have also imposed a condition on Magellan which requires then to provide a \$5 million financial assurance to the DEC prior to any shipment of lead carbonate leaving the Magellan mine site. This security will ensure that Magellan is aware of, and complies with, the conditions in the Ministerial Statement.

- (8) Companies must comply with all Ministerial conditions set by the Minister for Environment. DEC has a team of compliance officers available for monitoring the implementation of proposals. On notification of non-compliance with Ministerial conditions, the Minister may exercise powers under the Environmental Protection Act 1986, which include stopping the works or requiring the proponent to comply with conditions.
- (9)-(10) Please refer to Parliamentary Question on Notice 520.