

Esperance Port — Lead Carbonate Removal — Statement by Minister for Transport

Resumed from 5 May 2009.

Motion

Hon SALLY TALBOT: I move —

That the statement be noted.

Last night I told the house that it was my intention to speak about the government's handling of all the issues to do with Magellan Metals every single day in this place until we had a resolution of the terrible situation that we now find ourselves in. I note that this ministerial statement was made on Tuesday, 5 May 2009, and nearly two years later the community of Western Australia is still having its health threatened—apparently on a daily basis—by the activities of this company and the government's failure to —

Hon Norman Moore: What absolute rubbish you talk at times!

Hon SALLY TALBOT: I do not think it is rubbish.

Hon Norman Moore: Are you happy about the 250 jobs you wanted to get rid of today, along with your friends from the Greens (WA)?

Hon SALLY TALBOT: Let us talk about the 250 jobs.

Hon Norman Moore: I thought you were supposed to look after the working man.

Hon SALLY TALBOT: I welcome that interjection, Hon Norman Moore—thank you.

Hon Norman Moore: That's your problem: you're more interested in getting the seat of Fremantle than 250 jobs.

The CHAIRMAN: Members, we do not have too much more time left this afternoon on consideration of committee reports, and I simply suggest that all comments pass through the Chair. A modicum of interjection by way of questioning is acceptable, but when three or four members start hurling abuse at each other, that is just not on. Hon Sally Talbot has the call.

Hon SALLY TALBOT: I do not think we were hurling abuse at each other; I think the abuse was all one way—from Hon Norman Moore towards me. I do not usually take any notice of his interjections, but on this occasion I will respond. He said, "What the about 250 jobs at the mine?" Well, that gives me an alternative place to start than the place I was intending to start in making a response to this ministerial statement.

Indeed, what about the 250 jobs at the mine? Who would ever have thought that 55 hectares of open-cut mine could cause such trouble in Western Australia? A state that is actually quite good at mining finds itself confronted with what I think most people would now regard as a rogue operator in the form of Magellan Metals. What about these 250 jobs that are now being compromised on a daily basis by the government's failure to get this right with Magellan? If members go back to Magellan's original proposal to start a mine at Wiluna, they will find that Magellan was talking about having a plant built at the mine site at Wiluna that would convert the lead into solid ingot form. For whatever reasons historically that we might be able to go into at another point in this debate, that did not go ahead. The submission to build that plant that would effect that transformation of the lead was not proceeded with; my information is that that decision was made by Magellan largely on economic grounds. But of course if that had happened at that time, we would not be in the mess we are in today, and Esperance would not be in the mess that it is still in today, and was in when Hon Simon O'Brien as Minister for Transport made this ministerial statement to the house.

What is happening now is that on a daily basis those workers at the mine do not know whether they will have a working mine. Over the last couple of hours I have been reading the report to the Minister for Environment about the appeal in objection to the stop order that was placed on Magellan on 31 December after two very serious breaches. I said to the house last night that I was going to give myself plenty of time to get all this on the record, in an attempt to get the government to make a decent response by ensuring that these operations are safe, which they clearly are not at the moment.

Magellan put in a whole series of very complex legal objections to that stop order, one of which was that there is no power to issue a stop order under the Environmental Protection Act. The appeals committee explained to Magellan that the stop order related only to the transport of this dangerous material, but of course Magellan put the whole mine under a care and maintenance order for the whole of that time. I occasionally think what it must be like to be a member of this government and wake up in the morning and listen to the early morning news and hear Magellan's name mentioned yet again in connection with breaches of ministerial conditions. But it also occurred to me the other day that life must be not too pleasant for the folks down at the Office of the

Environmental Protection Authority who are also having to deal with this on a daily basis now. Heaven only knows what it must be like to sit around the Ivernia boardroom table in Canada when they get another report from Wiluna in Western Australia about yet another cessation of the activity. I bet they all know where the mine is on the map now, if they did not know two years ago. I thank Hon Norman Moore for giving me the prompt to start on what we might best do to protect the workers at the Wiluna mine site. There is no question in my mind or the minds of anyone among Labor members on this side of the house that the way to ensure this operation is safe is to insist that, from now on, this dangerous material is transported only in solid ingot form.

This is directly related to the content of this ministerial statement because we see here the government's response to Magellan's attempt to move yet one more load of what they call stranded lead. I tell members what—an awful lot of Magellan lead has been stranded in the past couple of years. Magellan is getting quite good at this. It seems it cannot operate for more than a couple of days without ending up with lead stranded somewhere. We can only hope that most of the lead is stranded in places where there are lead monitors in place. I was interested to see that this ministerial statement makes reference to the fact that the emissions from the shed where this stranded lead was handled were being constantly monitored and the shed was operating under negative pressure. If only we had that assurance about some of Magellan's current operations. As all honourable members know, because we talked about it at some length yesterday, this lead has been carted along something like 12 kilometres of completely unmonitored rail line in the southern suburbs of Perth. There is no doubt that this problem that was referred to by Hon Simon O'Brien is as current today as it was nearly two years ago.

I make the point again that the stop order issued on 31 December had to be reissued four days later because apparently there was an error with the first stop order. I noted last night in my comments that none of the bureaucrats in this state have had much practice at issuing stop orders because they have never had to do it before. They managed to mess up the first stop order by referring to the wrong section of the Environmental Protection Act, so it had to be reissued four days later. That is why all the documentation relating to that stop order refers to the two stop orders that were placed on Magellan. When it was finally issued with the right reference to the act, it related only to the transport of the lead. Of course, what effectively happens is that, if the operation is working properly, it should have happened a lot more times than has been the case. The mine can continue operating and the lead that is already at the port can continue to be exported. But, of course, Magellan cannot operate in that way, so every time there is an exposed breach of the ministerial conditions, the whole operation shuts down. That is a terrible way for the workers to have to proceed on this mine site. It shows that the government has completely dropped the ball on every aspect of the regulation of this industry right from the mining and processing at the mine site through to the current exporting from the Port of Fremantle. The government has made a complete botch of it.

Hon SIMON O'BRIEN: This statement, which I delivered on 5 May 2009 to the house—more than 22 months ago—was to provide a brief update to the house on the removal from Esperance of some lead owned by Magellan Metals. That was an occasion worth noting because there had been some real problems. I am sorry to bring this matter back to the statement we are meant to be considering, but let us look at what it is actually about. On 5 May 2009, I said the following —

Members will recall that the town of Esperance was contaminated with lead carbonate during the handling and loading of this concentrate at the Esperance port during the period April 2005 to March 2007. On 15 March 2007, the Department of Environment and Conservation—DEC—issued a prevention notice under section 73 of the Environmental Protection Act prohibiting the export of lead carbonate from the Esperance port. Since that time, about 8 500 tonnes —

Point of Order

Hon SALLY TALBOT: I was under the impression that the minister had already made the ministerial statement. I do not think we need it reread. We on this side of the house would much rather get on with talking about the situation that is obviously confounding the government, but it is doing anything it can to distract attention from it, so we would rather debate the statement than hear it all again.

The CHAIRMAN: Member, there is no point of order. The minister is using that ministerial statement in support of an argument.

Committee Resumed

Hon SIMON O'BRIEN: I am referring to the proposition that this statement be noted. I am sorry if I am referring to the statement and its contents in doing so, unlike the last speaker. When I get the chance I will return to what that statement was all about. It refers to 8 500 tonnes of lead carbonate that had been stranded at the Esperance port since a stop order was issued in March 2007, during the time of the previous government when the last speaker on her feet, who does not want me talking about this, was, as I recall, parliamentary secretary to the Minister for the Environment. What happened with this 8 500 tonnes of lead? It was not a trace amount that someone thought they had found inside a sealed container; it was 8 500 tonnes of bulk material, which had been

sitting in this shed duly degenerating all that time, and the previous Labor government, of which Hon Sally Talbot was a part, did not know what to do about it. It demonstrated that by failing to do anything.

Hon Sally Talbot: At least we did not lift the stop order as your minister has done.

Hon SIMON O'BRIEN: My brief ministerial statement—which was a brief statement—went on to note that in association with the Esperance Port Authority, Magellan Metals had developed a lead removal plan for the safe removal of the stranded lead that had been approved by DEC in conjunction with other relevant agencies such as the Department of Health and the Department of Minerals and Petroleum. That was getting on with doing things; the plan had been delivered. On Tuesday, 5 May 2009 when I spoke, and when, I might add, a lot of members in this house now were not even members of Parliament—that is how old this matter is—I reported that the export and removal process had been completed and that the second larger and final shipment of 329 containers of the stuff, amounting to about 8 000 tonnes, had departed from Esperance to China the previous night. That was what this statement was all about.

That was about a government actually dealing with the matter rather than trying to revisit history. The flights of fancy that are sometimes indulged in here are all very entertaining, but that is what this statement was about. I do not know that it is a licence for members to seize on a word and talk about anything they like for as long as they like. If that is the case, we will never be able to deal with these statements in a timely manner, such is the case with this one, which is more than 22 months old. Members opposite seem to want to use it as an excuse to introduce irrelevancies rather than face up to the reality of the real world.

Hon SALLY TALBOT: I had not expected Hon Simon O'Brien to be so brief. I thought he had —

Hon Simon O'Brien: Brevity is one of my hallmarks, you know that. Don't mislead the house, Hon Sally Talbot!

Hon Ken Travers: You know, minister, that misleading the house is a very serious matter, don't you?

Hon Simon O'Brien: Talk to your colleague!

Hon SALLY TALBOT: I thought the minister was going to give us something of substance. At one stage I almost thought he was going to mount a defence of the government's lack of action. I suppose I should not have been surprised that he sat down so quickly, because on that ground he has got nothing to say.

Sitting suspended from 6.00 to 7.30 pm

Hon NORMAN MOORE: I gather that the speaker who was addressing the house before the dinner break is not here for reasons which relate to urgent parliamentary business, but I wanted to make a few comments in the five minutes that are left before we finish the consideration of this particular ministerial statement. I want to say two things about this. This statement on lead contamination and removal in Esperance was made on Tuesday, 5 May 2009, by the then Minister for Transport. That is all the statement is about; it has absolutely nothing to do with trains going to Fremantle or Kwinana or anything to do with the contemporary matters on lead. I have seen some amazing things in this place over time, Mr Chairman, but when Hon Simon O'Brien was talking about the statement that was made to the house on 5 May 2009, Hon Sally Talbot took a point of order on the basis that she did not want to speak about what was in the statement but about contemporary lead issues. That is the exact opposite of what we normally get—namely, somebody taking a point of order because a member is speaking about things other than what they are supposed to be speaking about.

We all know what this place is about. We will grab hold of a word in a bill and talk about issues that relate to that word, even if they are slightly divorced from the issue before the house. However, we need to understand that when it comes to the consideration of committee reports and ministerial statements, if every time we have a ministerial statement or report that was delivered two years ago and there is a word that excites somebody's imagination and we start having long debates about contemporary matters and ignoring what is in the statement or report, we are in effect wasting the time of the house and getting further and further behind in dealing with these ministerial statements and committee reports. We are still on 5 May 2009 for ministerial statements. We are catching up a bit on reports, because there are fewer of those, and we are now up to 22 April 2010, which is reasonably contemporary in the context of this matter. It is an issue.

I know that I am not talking about the matter before the Chair at the moment, but this debate has provoked me to make these comments. The Standing Committee on Procedure and Privileges has been thinking long and hard about how we deal with these matters. It is my view that we should have an opportunity to deal with ministerial statements and committee reports in a meaningful, positive way. It is difficult to work out how we can do that when there are so many of them and we set aside only one hour each week to deal with them. It seems to me that the particular report that is before us today, to do with lead in Esperance in 2009, was one of those statements that we should simply have noted because it is history. The statement was made. There is no need to argue about it any more, unless somebody wants to argue about why the Labor Party did not clean up Esperance quick

enough—but that is another story. We have had that debate about 10 times! Let us note it and get on with the next statement, and let us move through these statements quickly.

If it turns out that Hon Sally Talbot wants to talk about lead in Fremantle, as she is wont to do—she talked about it last night and again today—there are other processes of the house that enable her to do that. One opportunity was members' statements last night. I did not get to hear her dulcet tones last night as I had other things to do. There is also time tomorrow for private members' business, but I see that private members' business does not relate to lead in Fremantle, which I would have thought, from Hon Sally Talbot's speech earlier today, is about to bring the world to an end, that the people between here and Fremantle are going to be poisoned, and that we will have a private member's bill in non-government time. It is interesting in that context, because I sent out a message to the other parties saying that if they wanted to deal with a private member's bill, there may be some opportunities this week and/or the next. This bill was not on the list, so I assume it does not have any priority.

Hon Sue Ellery: That is just not true. A phone call came to my office and they were unable to contact me so the offer was withdrawn last night and given to the Greens. I have no problem with it because the Leader of the House could not get hold of me, but do not reinvent history about what happened on Friday!

Hon NORMAN MOORE: I had asked my office to inform those members who had private members' bills on the notice paper to let me know if they were ready to deal with them because there may be an opportunity this week or next week to deal with them. Two of them are on the list, as the Leader of the Opposition would have noticed, both of which are Greens private members' bills. I understand my office talked to Hon Sally Talbot about her bill, and we did not get a conclusive response. That is Hon Sally Talbot's business; it is her private member's bill. I am saying to Hon Sally Talbot that she should deal with that tomorrow in private members' time, but she is telling us today we should be debating lead in Fremantle when it has nothing to do with the issue before the house. Then for Hon Sally Talbot to take a point of order to make Hon Simon O'Brien talk about something that is not on the notice paper! How bizarre can it get!

Progress reported and leave granted to sit again, pursuant to temporary orders.