

FREMANTLE PORT — LEAD EXPORT

Motion

HON SALLY TALBOT (South West) [2.08 pm]: I move —

- (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.

It will not have escaped the attention of honourable members that I gave notice of this motion on 18 March 2009—about 14 months ago.

Several members interjected.

The PRESIDENT: Order! Let us not get off to a bad start. Hon Sally Talbot has the floor.

Hon SALLY TALBOT: The fact that this is still a contemporary issue, 14 months after I gave notice of the motion, is a mark of how seriously the community regards the government's failure to act in a responsible way on the transport of lead to the port of Fremantle.

Hon Simon O'Brien: It's your policy.

Hon SALLY TALBOT: I thank Hon Simon O'Brien. He is prompting me on cue beautifully, as always. We know exactly how the government will respond to this—in the same way it always responds when we raise issues of this ilk.

Hon Donna Faragher: We just state the facts.

Hon SALLY TALBOT: The Minister for Environment can say that the government always raises the facts, but that is hotly in dispute; and, if she is not aware of that, it is yet another indication that she is not up to the job that she has been asked to do by the people of Western Australia. Let me outline what that job is, and we will all look forward to hearing the minister's response. If the government's response starts with, "It's all your fault" or "You did it", it will be factually wrong. I defy any member on the benches opposite to table in this house the evidence that this was in fact a decision of the Labor government. It was not a decision of the Labor government. Any government is obliged to respond to requests by companies for permission to do certain things. The Labor government received a request to export lead through the port of Fremantle. A number of guidelines and regulations were drafted to present to the company for its response. That had not happened by the time of the election in September 2008. In actual fact, the government's response on this issue so far has been, as always, somewhat muddled and confused. On the one hand, it says, "It's all your fault; you approved it", but, on the other hand, when that runs out —

Hon Simon O'Brien: No, we didn't say that at all.

Hon SALLY TALBOT: The minister's colleagues have said it.

Hon Simon O'Brien: No. We said that you were going down the same path; it was just that you couldn't make a decision.

The PRESIDENT: Order! Members might recall that this is the first full motion we are dealing with under the temporary orders. Those temporary orders allow for all members to make a contribution of up to 45 minutes, if they wish. Let us give the mover, who is speaking to the motion, the opportunity to be heard in silence.

Hon SALLY TALBOT: Thank you, Mr President. I think that the current arrangement whereby we have equal time is an excellent one, and I look forward to hearing some lengthy responses from government members on the motion.

When the government's first argument that this is all Labor's fault because it approved it runs out of steam, it always reverts to the opposite argument, which is that Labor did not do anything in the seven months between drafting some conditions, guidelines and regulations and the September 2008 election. That also, of course, is not true. It is misrepresentative of the facts, because the reality is that Magellan Metals Pty Ltd made no response

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during that time. I flag that we are onto the government's two standard responses to this question and they simply will not wash. We are here to hold the government to account.

I will outline the problem. It seems to me that there are five basic issues with which the government has totally failed to come to grips in putting in place the current highly unsatisfactory arrangements. Those issues relate to the specific context of this approval. The first issue is that we are dealing with a company, Magellan Metals, with an extraordinarily bad record in Western Australia. Individually, as human beings, I have no problem with anyone I have ever met from Magellan Metals; they seem like perfectly good people to me. Nevertheless, they are the first to point out that their failures in Esperance were on a monumental scale. The legacy in Esperance will dog members on both sides of the house for some time to come, and I will return to that a little later.

The second issue relates to that point; that is, the Esperance matter was the result of a very significant regulatory failure. We on this side of the house have never walked away from calling it that. Why would we? It is incumbent on governments to take responsibility. It is easy to take responsibility when things are going well; it is easy to take responsibility when the checks and balances that should be in place are there. How many times in this place yesterday during debate on a couple of other bills did we hear the government wheel out the explanation that there are checks and balances in place? It is easy to take responsibility when everybody is behaving well, exercising their responsibility properly and observing those checks and balances. It is hard to take responsibility when that goes wrong, and that is exactly what happened in Esperance. It is a lesson that we had to learn. Sadly, this government has shown over and again, but particularly in the context of the export of lead through Fremantle, that it has not learnt those lessons.

The third issue is that we uncovered—not because there was any official government announcement about this, but because of some forensic detective work carried out largely by my colleague Hon Ljiljanna Ravlich—the fact that there are some 22 suburbs on the route in the metropolitan area that the trucks conveying this waste traverse. They are—I think this list is in geographical order, because it starts with Baskerville and ends with Fremantle—Baskerville, Millendon, Herne Hill, Middle Swan, Midvale, Midland, Guildford, Hazelmere—South Guildford, High Wycombe, Newburn, Forrestfield, Wattle Grove, Beckenham, Langford—Thornlie, Canning Vale, Leeming—Jandakot, Bibra Lake—South Lake, Yangebup, Spearwood, Hamilton Hill, South Fremantle and Fremantle. Those suburbs probably sound quite familiar, because when the government signed off on this permission to allow trucks laden with lead carbonate to drive through those suburbs, we discovered that there were also monitoring points in those suburbs, as opposed to constant controls and checks for lead levels along the route. Of course, that has come back to bite the government in a very painful way and in a very painful place, because guess what? We keep having these spikes in the readings of the lead levels. I will have much more to say about that a little later.

Hon Donna Faragher: And is any of it Magellan's lead?

Hon SALLY TALBOT: Essentially, it is a sad fact that those suburbs are already famous for being lead hot spots. Unfortunately, they are going to become more famous as the months go on. The minister will have plenty of opportunity, as you pointed out, Mr President, to speak for 45 minutes later in this debate, and we look forward very much to hearing what she has to say.

The fourth issue around which I will frame my comments is that the export of lead through the port of Fremantle effectively doubles the amount of hazardous material going through the port of Fremantle. Surely a doubling of hazardous material is a statistic that is enough to wake anyone up. What is the Premier's response to that? The Premier's response is, "There's a lot of dangerous stuff on the streets." I am sure that that made everybody in those 22 suburbs feel a helluva lot better! Talk about being alert but not alarmed. The Premier is saying that there is no reason to be worried about this. Actually, I am not sure what he is saying. Is he saying that there is no reason to be worried about this because there is much more dangerous stuff out there? It sounds very much like that. What a strange and curious defence of an indefensible decision!

The fifth point I want to make is about the nature of the risk that is involved with the transport of this material. There is dangerous stuff on our streets; we know that. One of the facts of life in Western Australia for a lot of people who have a swimming pool in their backyards—I do not have a swimming pool—relates to the sterilising agents for swimming pools, whatever they are called.

Hon Simon O'Brien: Chlorine.

Hon SALLY TALBOT: Chlorine; I thank Hon Simon O'Brien; he clearly has a pool in his backyard.

Hon Simon O'Brien: No, I just have some basic knowledge to help you out.

Hon SALLY TALBOT: A basic knowledge of chlorine; I am very pleased to hear that. I thank Hon Simon O'Brien. I know that he can always be relied on.

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Hon Ljiljanna Ravlich interjected.

Hon Simon O'Brien interjected.

The PRESIDENT: Order!

Hon SALLY TALBOT: Of course we know that there is a lot of hazardous material on our roads, but the question I want to put to the house is: what sort of risk are we running with lead? The fact is that no lead carbonate is trucked on the roads in America. Does Hon Simon O'Brien know why?

Hon Simon O'Brien: I didn't know that was the case and I don't know why. Tell me.

Hon SALLY TALBOT: It is the case indeed, and the reason is that nobody will bear the risk of insuring those loads on American roads because they are too dangerous. There is no lead on the roads in America because it is uninsurable; yet we are being asked to trust this government that it is safe to take this substance through 22 suburbs on its way to the port of Fremantle.

A series of broken promises add to the sense of betrayal that the people of Western Australia feel on this issue. The chief one was perpetrated by the Premier himself; in fact it was perpetrated by the Premier when he was still the Leader of the Opposition. Just prior to the election in September 2008 the Premier assured the people of Fremantle that lead would not be exported through the port. That was published in the newspaper, it was put in writing and it was a promise from the man who was mounting his claim to be Premier of the state. What happened? Of course he did not become Premier on 6 September; it was some time after that, once the Liberal Party negotiated with the National Party and Mr Barnett became the Premier with the support of his colleagues in the National Party. Then he changed his mind. Many members of this house would recall—as the house is constituted as it was at that time—the rally that we had on the front steps of Parliament House when hundreds of people turned up to express their anger with the Premier for breaking that promise. Was it a complicated promise? Was it a promise that could be hedged around? Was it a promise that the Premier could come back and weasel out of on technicalities? He clearly thought it was. But for the people of Fremantle it was a straightforward, unequivocal promise not to transport lead through the streets of Fremantle and not to ship out lead from the port of Fremantle, which would effectively double the amount of hazardous waste going through that port.

Hon Simon O'Brien: So the people of Fremantle rose up, voted out Labor and voted Green!

Hon SALLY TALBOT: Once again I remind Hon Simon O'Brien that all that the Premier could say when he stood on the steps of Parliament House and addressed that rally was that there was a lot of dangerous stuff on the streets of Fremantle. Good for you, Mr Premier, but it does not do the people of Fremantle any good to be told that. In fact, as I say, it has contributed to their sense of betrayal by this government.

The second thing that has contributed to that sense of betrayal is the fact that nobody has been able to get the Minister for Environment to tell us that it is safe. Much better people than I and much better people than my colleagues on this side of the house have tried to get her to say that it is safe. She went on live statewide television and was asked whether it was safe, and five times during the course of that interview she refused to tell people that it was safe. What conclusion are we to draw from that? The minister has turned the hiding behind the provision of advice into an art form. I put it to this house that it is not the way that our system of government is supposed to work. Every single time this minister makes a statement about something, she puts a safety barrier between herself and that advice. Every time she stands up and makes some assurance or —

Hon Donna Faragher: Every time you stand up you say things that are factually wrong.

Hon SALLY TALBOT: As I said, the minister will get 45 minutes to put her case and I am sure everybody will be listening with absolutely rapt attention, and I am sure she will be happy to take interjections during her 45 minutes as well. The minister is nodding; I am very pleased to see that

What we have therefore is a double betrayal. We have the Premier doing a full 180-degree turn on his promise that lead will not be transported through the streets of Fremantle, and we have the minister refusing on any number of occasions in the house, in the media and on live statewide television to give us that assurance. We can only ask ourselves why. It is not unreasonable to draw the conclusion that the reason she will not give us that assurance is that she knows it is not safe.

I referred in my opening remarks to the significance of Esperance. I have noticed that every time I do this, government members are very quick to jump up and say that it was all our fault and nothing to do with them. However, I put it to members of this house that what happened in Esperance is a reflection on all of us. We reflected on this issue a couple of times in debate in this house yesterday. It means that every time we give assurances that once would have been regarded as watertight and sincere undertakings to make sure things

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happened, Esperance has cast a cloud of doubt over all that. As people trying to plan an effective role in public life, trying to guide the state in a direction where life gets better for everybody, we have let the people of Western Australia down. We have let the people of Western Australia down because we did not make sure that those checks and balances were operating in an effective way. The events that happened in Esperance were a clear contravention of regulation by the company concerned. It was a failure, the implications and aftermath of which are still washing through the system, and it could be a long time before that trust in the public sector and in government assurance is restored. I put it to members on both sides of the house that each and every one of us has a part to play in that. Every time we make glib assumptions and every time we introduce measures that preclude the processes being transparent and open, we take a backward step down that path. Until we take steps to restore that public trust, we will fight an uphill battle. It is not a battle that we on this side of the house will shirk but it is a battle that all of us have to step up to.

Hon Simon O'Brien: You might be interested that just yesterday I was talking to shire president, Mr Mickel, down at Esperance and he assured me that he was very satisfied with the actions that this government has taken to address that question.

Hon SALLY TALBOT: I am very happy for Hon Simon O'Brien.

Hon Simon O'Brien: I hope you are encouraged by that.

Hon SALLY TALBOT: But I do put to him that he only ever talks to people who give him good news. I could give him a whole list of people —

Hon Simon O'Brien: No, we have been having open, community forums with the people of Esperance for 18 months.

Hon SALLY TALBOT: It is my turn now. Hon Simon O'Brien will get his turn later. I could give Hon Simon O'Brien a list of people he could go and talk to in Esperance who would tell him a very different story today about what his government has done.

Hon Simon O'Brien: Have you been to Esperance? When have you been to Esperance?

Hon SALLY TALBOT: If Hon Simon O'Brien had listened at question time, he would have heard that some months ago I asked the minister why the public meeting in Esperance had been cancelled, and she was not able to give me an answer.

Hon Donna Faragher: That is absolute rubbish, and you know it!

Hon SALLY TALBOT: What I do know is that the meeting has never been rescheduled. The minister called it off because she ran for cover behind some legal advice that of course she will not table. Of course she will not let us know what that legal advice was. She ran for her boltholes, closed the door and once again hung the people of Esperance out to dry.

Hon Norman Moore: What an appalling comment to make!

Hon SALLY TALBOT: If the Minister for Environment, the Minister for Transport, or any other member on the other side who is getting a little agitated over this, wants to take the opportunity when it is their turn, they can tell us that they have all been down to Esperance and they have all talked to people in the community. I notice that Hon Wendy Duncan is not interjecting in this debate. Hon Wendy Duncan has been a very strong advocate for the people of Esperance. Hon Wendy Duncan has been a very —

Several members interjected.

The PRESIDENT: Order! Members will understand that there is a longstanding practice in this place that they may not like what a member says and they may not agree with it, but they are compelled to hear it, because it is every member's right to put their point of view without interruptions. Therefore, let us hear the member on her feet.

Hon SALLY TALBOT: Thank you, Mr President. For Hon Simon O'Brien to interject and say that he has had one conversation with a public officer in Esperance and that this person is very happy with his government does not cut any ice with me. As I said, I am happy to give Hon Simon O'Brien a long list of people whom he can ring up and talk to, and they will tell him a very different story.

Several members interjected.

The PRESIDENT: Order! Members will also understand, I am sure, that there is a provision in the standing orders to do something about it if they feel that they have been misquoted.

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Hon SALLY TALBOT: Thank you, Mr President. I think at the heart of the problem here is the government's failure to understand exactly what openness and transparency means, and particularly what the notion of accountability means. The notion of accountability means that a person has to be able to stump up and say, "I will give you the assurance; I will put measures in place that I believe are going to be effective." That is really where this government has failed totally to deliver those satisfactory assurances to the people who are potentially affected.

Of course, it is not just the issue of lead exports through Fremantle that has upset people. When the minister and the Premier stand up and ask people in Western Australia to trust them, what is the basis on which they are trying to build that request for trust? I put it to you, Mr President, that there are any number of issues, and the list of failures grows daily, to establish the basis for that trust. Why do we not start with the Swan River? Why do we not start with the trick that the Minister for Environment played last week when she stood up and started talking very loudly, and across the media, about her plan to ban water-soluble fertilisers from the Swan River? I know that the minister is getting the same advice as I am. Actually, she does not talk to people, but I know that they have sent her the advice. Those people have told me—any number of them—that the single most important measure we could take to improve the health of the Swan and Canning river system is to remove water-soluble fertilisers. Labor had a plan to do that. It was going to be a mandatory phase-out. By the beginning of next year there would have been no water-soluble fertilisers going into the Swan River. What did the minister do the other day? She stood up and said to people, "Trust me. Here's another plank in my trust platform. I'm going to phase out the use of water-soluble fertilisers in domestic use." What a joke that is. We know perfectly well what happened in this case, because I was tracking some of the regional and rural media in the first couple of months after this government came to office, and I saw the minister doing the rounds of the Wheatbelt, the Agricultural Region and all the strongholds of Liberal and National Party support, bowing to the pressure that was being put on her to withdraw the mandatory aspect of Labor's fertiliser action plan.

Point of Order

Hon NORMAN MOORE: The motion is in fact about attacking the Minister for Mines and Petroleum and the Minister for Environment about lead exports through Fremantle. I do not know that it has anything to do with the Swan River or fertilisers in the Wheatbelt. I ask the member be directed to address the motion.

The PRESIDENT: I was listening carefully, and I had not heard Fremantle mentioned for a little while. I was assuming that the member was drawing some analogies to highlight the point that she makes in her motion. However, I will be listening very carefully for the word "Fremantle" to be spoken very soon.

Debate Resumed

Hon SALLY TALBOT: Thank you for your comments, Mr President. I may not have mentioned the word "Fremantle" for the past couple of minutes, but I certainly mentioned the word "trust", and that is what I am talking about. In the transport of lead through the streets of Perth to the port of Fremantle, the government is asking the electorate to trust it, and I am pointing to a number of instances in which the government has betrayed that trust, or is trying to gain that trust by a process of trickery. The issue of water-soluble fertilisers in the Swan and Canning river system is just one of them.

What about the issue of the Beelihar wetlands?

Hon Norman Moore: It has nothing to do with the motion at all. You know that.

Hon SALLY TALBOT: It has everything to do with the government asking people to trust it; it has everything to do with that. In fact, the Minister for Environment has been virtually silent on that. I will mention the word "Fremantle", because I can tell the house that it is the same people who are boiling with anger at the government about the transport of lead through the streets of Fremantle who are angry with the government about what it plans to do to the Beelihar wetlands, with the most expensive road extension in the history of the state. What a joke that is.

Hon Ken Travers: And that is most expensive per kilometre.

Hon SALLY TALBOT: Per kilometre; absolutely. I thank Hon Ken Travers. What a nonsense; what a piece of trickery that is. How does the government expect people to take it seriously if it ploughs ahead blindly with these pet projects out of sheer cussedness? There is only one thing more dangerous than being cussed, and that is being wrong. The government is wrong on Beelihar, it is wrong on the transport of lead to Fremantle, it is wrong on the Swan River, and it is wrong on a whole host of other issues, which I would love to go into. If we were operating under the —

Hon Simon O'Brien interjected.

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Hon SALLY TALBOT: Hon Simon O'Brien should stay where he is.

Hon Ken Travers: No, no, no. Let him mislead the house. Let him go.

Hon SALLY TALBOT: The one advantage of the regular standing orders was that my speaking time would not have been limited, and then I could go through all the other issues that involve the government betraying the trust of the electorate of Western Australia.

Hon Simon O'Brien: I'm going to move for an extension!

Hon SALLY TALBOT: I thank Hon Simon O'Brien. I would enjoy that enormously. However, a number of other members are very keen to put on record their views about this motion. Therefore, even if Hon Simon O'Brien were so kind and generous to me as to offer me an extension of time, in deference to my colleagues and comrades on this side of the house, I would not take up his offer.

The issue of ministerial responsibility and the issue of building trust are issues that the government is failing on dismally.

Let me go to the question of the lead in itself. I want to pose the question about what sort of risk this is, because, as we know, the one defence of this move that the Premier has been able to offer us—presumably the Minister for Environment is in concurrence with this because we have never heard her contradict the Premier—is that there is plenty of dangerous stuff on the streets already. I put it to the house that the risk posed by lead is a special sort of risk. It is not the sort of risk that we engage in every day. Of course, we take risks all the time. If we read the Darwin Awards, we see that it is risky to put on a new shirt, because a number of people die every year when they forget to remove the pins from a new shirt. It is certainly risky when people get into their car and drive to work.

Hon Simon O'Brien: So what's so bad about lead? Is it explosive or something, like chlorine or ammonium nitrate?

Hon SALLY TALBOT: I will come to that in a moment, lest the minister comes back and has a go at me for misrepresenting the types of risk that we take. The minister's life is even riskier than some. There must be a lot of people who would be very happy to see him taken out of action, for a time at least.

Some of us take more risks than others but all of us take risks when we drive our cars et cetera. The difference between that sort of risk and the risk that is posed by a substance such as lead is that the risk we take when we drive our car to work is a risk that is quantifiable in the short term. When we get out of our car and arrive at work, we know that we have taken that risk and it has paid off because we have survived. We get out of our car and walk into work and we are no longer at risk. There are lots of risks like that. They are called ordinary risks or common risks or acceptable risks. We all know how to do the evaluation of those risks. Some of us will make different decisions. I have friends who will not fly because they do not feel that is an acceptable risk for them. Most of us would consider that risk to be quite different. In the case of lead, the problem is that when we get to the other end, we do not get to the other end for many, many years down the track. In the actuarial industry it is called a dread risk. We often do not know that we have survived that risk to which we have subjected ourselves to for decades. We do not know whether that risk will be borne or undertaken by ourselves. It might be a risk that one is undertaking on behalf of one's child, who is yet to be born. When we get into those kinds of risks, it is a totally different equation.

Let me explain my point in a slightly different way. Just think of the difference between the reactions of ordinary community members to two particular risks that have been defined in Europe over the past 20 or so years. Around 1986 the Chernobyl nuclear power plant in Russia exploded, which covered Europe with a radioactive cloud. A number of people, including me, made the decision in 1986 not to go to certain parts of Europe during that time because we were beginning to get reports about the radioactive contamination being found in milk, meat and cheese, let alone being at risk from airborne substances. A number of people chose not to go to Europe at that time. All the figures that are publicly available will bear out that fact. We could compare that with the risk of terrorism, which, again, is something that seems to be particularly prevalent in Europe. We can look much closer at our own doorstep and look at Indonesia. Does the risk of terrorism deter people visiting those countries in the same way? I put it to members that it does not. Why does it not? It is because the risk of terrorism is a risk that we feel we can contain ourselves. For example, when I go to Bali, London or any of the other big European centres, it is a risk that I take for myself. I can choose to go to certain places that I might evaluate as being unsafe. I can avoid large gatherings, political protests and that sort of thing. I know that at the end of the day when I get back on the plane to come home that I have survived that risk. It is a totally different risk to the risk that we were subjected to in 1986 when the risk was poisoning from radioactivity.

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I am suggesting that the risk from an accident involving lead comes in that second category of dread risk. That is why it is absolutely wrong to equate it to any other sort of risk that people take. It is simply wrong to say that we all take risks every day and our judgement is that this is just one more risk. It is like brushing off people's concerns by saying that cities are a dangerous place and they should get used to life in the big city. It is not an acceptable risk. It should not be happening. The government has yet to come up with any kind of coherent account of why it should be happening.

Let me talk a little more about this. I have already referred to the fact that lead monitoring stations are all along the transport route—indeed, right up to the mine at Wiluna. Lead levels are monitored on a regular basis at a number of different points. I urge members with an interest in this subject to go to the Magellan website, where they will find a very detailed account of how the operational sampling works. We are beginning to build up a large and extensive bank of data about the lead levels at various points along the route. We were browsing through the website a few months ago, as we do on a regular basis. I know that Hon Lynn MacLaren logged onto the site recently. What did we find? Under the heading “Static Dust Sampling” we found a reading of lead at site SDMTRS01 located at Fremantle port that was 4 000 times the trigger level. This figure is startling, to put it mildly. There are all sorts of variations, obviously, and there are statistical ways of accounting for that variation. To find a reading that was 4 000 times the trigger level was a surprise, to say the least. A number of other readings in the same sample are alarming. For those who are coming to this debate with fresh eyes, I should explain that when the original sampling was done, trigger levels were set. There is an extensive explanation of this on the Magellan site. The sampling locations for operational monitoring include 21 dust sampling sites along the rail corridor, two 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 Magellan website states —

Trigger levels have been established at each site for each parameter monitored. In addition, air quality monitoring is being undertaken inside independently and randomly selected containers during the sealed shipments.

When the original readings were taken, a calculation was done of both the base readings at each site and trigger levels. The trigger level is self-explanatory. It means that if the level goes above that, further testing is undertaken. We found that 4 000 per cent increase at that first site. There were others. There is another chart on the same site that shows the trigger level was 140 milligrams per kilogram. In October 2009, the level was 120. By November 2009, the level had gone up to 390. At site 6, where the trigger level was 190, the reading in October 2009 was less than 100 and the reading in November 2009 was 290. That is not the only place where we found alarming results. In another table that is headed “Soil Sampling”, at site DMTRS55, which is somewhere between Leonora and Menzies, we found that the trigger level lead result in parts per million was 11. The result in December 2009 was 26. That is more than double the acceptable level. That is just a smattering of samples from these tables. That put the bloom up. How did we find out about this? Did we hear about it from the minister? Did the minister inform the public that exceptional levels were recorded at a dozen or so lead monitoring sites? Of course we did not. We found it because some of us have been spending a considerable amount of time trawling through these websites. We know that the last place we will hear about these sorts of things is from the Minister for Environment. What did we do? Under the regulation another series of tests had to be done to try to provide an explanation for the elevated levels. We found out about it only because we stumbled across the information. We then had to wait for the testing to be done. The results are inconclusive. The head of the Environmental Protection Authority said that there could have been a fleck of paint in the monitor. That is not good enough for those working at the Fremantle port. What message does that send to the people who live in the 22 suburbs along the transport route? On what basis does it give those people the confidence to take the minister at face value when she says that she has been advised that everything is okay? Every time she is asked directly whether she thinks it is safe, she hedges and she ducks and she weaves. She will not say whether or not she thinks it is safe.

Hon Ken Travers: The Minister for Transport found out today what happens when you try to hide behind departmental advice and you don't do your job as a minister.

Hon SALLY TALBOT: That is right. He is only the first of many, I suspect, who will learn that lesson the hard way.

Here we are, some months after the transport of lead through the port of Fremantle has started, having to wait on the government to provide a response about abnormal lead monitoring results; results that are off the spectrum. There is no sense in which this government is out there showing that it can be trusted on any aspect of this issue. In fact, the opposite is true. Every time the government allows residents to open their newspapers to read about elevated lead levels or turn on their televisions for the six o'clock news to hear about elevated lead levels without a word from the government about those lead levels, it only adds to their fears and suspicions. What is going on?

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As I said earlier in this debate, what is needed is a rigorous understanding of what “transparency”, “openness” and “accountability” mean. It is just not good enough for the minister to constantly hide behind the advice that she is given. She has to be able to stump up and look the people of Western Australia in the collective eye and say that this is going to work and that this is why it is going to work. She cannot do that because she does not have the evidence that will allow her to say that to people. Who are the people telling her that it is okay? Who are the people telling her that she is doing a good job? Nobody with whom I have talked in the community believes what the minister says on the basis of her track record.

The minister needs a bit of life experience. She must understand —

Hon Norman Moore interjected.

Hon SALLY TALBOT: Hon Norman Moore has plenty of life experience. In fact, one could say that some people have too much life experience!

Perhaps the Minister for Environment needs more rigorous organisation to get herself ready for question time and to get herself ready for media interviews so that she is not constantly —

The PRESIDENT: Order! I am not sure how the minister’s personal qualities are relevant to the motion before the Chair, which relates to lead and the Fremantle port.

Hon SALLY TALBOT: My remarks are solely in connection to the motion because they refer to the minister’s failure to be able to assure the people of Western Australia that the people who inhabit the schools, playgrounds and residential accommodation along the 22 routes are safe. I say again that five times during the *Stateline* interview the minister was asked whether it is safe, and five times she fudged the question. What conclusions have people drawn? They have either drawn the conclusion that she does not understand the issues, that she does not understand the risks posed by a substance such as lead or that she does not understand that many people living on that transport route would decide, as would many of us in this house, that living on that route is not a risk that they want to take for them or their families. Either she does not understand or she is not able to put her own point of view. Perhaps she does understand and she genuinely has reservations about the safety of transporting lead along that route. If that is the case, why is she not able to win that argument? She is the Minister for Environment; she is a senior minister in the government. Is she being held captive by the Minister for Mines? It is because of that question that the Minister for Mines has been named in the motion. The Minister for Environment has done nothing since that fateful day in September 2008, when she was sworn in, to reassure the people of Western Australia that can she do the job asked of her.

HON DONNA FARAGHER (East Metropolitan — Minister for Environment) [2.57 pm]: The government will not support the motion moved by Hon Sally Talbot. We have just sat through 45 minutes of what I can only describe as inflammatory, condescending and factually incorrect comments made by Hon Sally Talbot, although we have come to expect that from her. There are times I wonder how she sleeps straight at night.

In considering a similar debate in this place around this time last year, I reflected—and I do again today—on the one thing that the Labor Party is very good at; namely, its uncanny ability to rewrite history, and to rewrite it to suit its own ends. Unfortunately for the Labor Party and, indeed, Hon Sally Talbot, it has fallen flat on this particular issue.

We must consider what the Labor Party and the now former state president of the Labor Party were confronted with in early 2009; namely, an imminent loss in the electorate of Fremantle. That is when we saw the opposition do a magnificent back-flip. I suppose Hon Sally Talbot was feeling a bit raw at the time, because she had already suffered her first strike with the loss of the state election and she was about to be dealt another strike. For the benefit of the newer members in this house who were not here for the debate this time last year, in February 2009 the chairman of the Environmental Protection Authority approved the transport of lead through the port of Fremantle. Following that decision, I imposed conditions on the proposal that were strict, legally robust and transparent. They were far stricter than the previous government’s conditions. I also remind the house that this government came to office at the end of the process. A long, arduous process started long before I became the Minister for Environment. It began under the Carpenter Labor government, the government in which Hon Sally Talbot was the parliamentary secretary to the Minister for the Environment. She well knew what was going on—at least I like to think she did; perhaps she did not. We have had some discussions about Esperance. We must remember that this situation resulted because of the terrible situation that occurred in Esperance, which was woefully dealt with by the Labor government. Actually it was not dealt with by the Labor government; rather, we had to fix the mess when we came to government. It should also be remembered that when in government many Labor members supported the proposal to transport lead through Fremantle. I will go through some interesting quotes for the education of all members in this house. I will go first to the then Premier, Hon Alan

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Carpenter. I refer to an article on the ABC News website under the following heading “Lead can be shipped through Fremantle safely: Carpenter”. The article goes on to quote the then Premier as follows —

“Before any lead is shipped anywhere from that minesite, we would have to make sure that it is packaged and contained safely, and I mean make sure, not just assume but make sure, that it is being transported safely,” he said.

The then Premier is then quoted as saying —

“The Port of Fremantle —

Apparently, according to Hon Sally Talbot, this was a revelation by the current Premier —

already deals with large amounts of toxic material but it’s done safely and it is of no risk to the community. There is no reason why lead can’t be treated safely and transported safely.”

We go next to Hon Alannah MacTiernan, who is quoted in an article in *The West Australian* under the following heading, “Fremantle lead exports ‘no threat’: MacTiernan”. The article goes on to say —

Fremantle Ports will manage lead exports in a similar way to other regularly handled dangerous materials, including sodium cyanide, after controversial miner Magellan Metals gained approval to export its product through the city.

Yesterday, as Fremantle Ports claimed handling of the lead would be “beyond best practice”, Planning and Infrastructure Minister Alannah MacTiernan revealed she had the power to direct the port not to take the shipments but would not take action to stop exports.

She is then quoted in the article as saying —

“In my view, given the extremely stringent requirements that have been imposed by the Minister for the Environment, —

I remind members that that was Minister Templeman—the then minister—not me —

I do not see the project posing a threat to the community”, she said.

She is quoted later in that article as follows —

She said the conditions “would take the system proposed beyond best practice, which should help to ensure that public confidence would be restored in the management of this product”.

I turn now to the member for Cockburn, Fran Logan. I will digress for a moment to say that I do recall—I stand corrected—that when there was some media on this matter towards the beginning of last year, he quite opportunistically was standing behind Hon Ljiljanna Ravlich at that press conference. I have always wondered why Hon Ljiljanna Ravlich rather than Hon Sally Talbot was taking the lead on this. Perhaps Hon Sally Talbot is conflicted in this matter. We will get to her comments in a moment. This is from an article in the *Fremantle Herald* —

Two powerful MLAs whose electorates will have Magellan Metals’ lead hauled through them have no beef with the proposal.

Fran Logan is then quoted as follows —

“With the appropriate safeguards in place, I don’t have a problem with the lead shipments being sent through Fremantle Ports,” Cockburn MLA and state industry minister Fran Logan told the *Herald*.

Magellan’s lead will be railed through the middle of Mr Logan’s electorate and travel along a short segment of track in the southwest corner of Premier Alan Carpenter’s Willagee seat.

I turn now to the member for Bassendean, who I understand lives in North Fremantle, but, anyway. The member for Bassendean is quoted as follows —

Labor MP Martin Whitely says shipping lead by rail is so safe he has no worries about the health impact on his parents and family who live in North Fremantle.

He is then quoted as follows —

“I’m confident it will be okay,” he added.

“It’s how it should have been done in the first place.

It’s not responsible to treat a product in an unsafe manner, but it’s also not responsible to run a fear campaign.”

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I now come to the best part. I now want to talk about what Hon Sally Talbot has said on this matter. This is just a selection of some quotes that I have taken from *Hansard*. The first quote is from *Hansard* of 18 March 2008. This was said during the debate on a motion in this place. Hon Sally Talbot referred to Hon Paul Llewellyn when he was a member of this place and said —

Hon Paul Llewellyn has used what I think can be fairly labelled as fairly inflammatory language. He has talked about the minister's disregard of the community concerns, ambushes and those sorts of things. The facts simply do not bear it out. This will be one of the most extensive public consultation processes that we have seen.

She also says —

There has been no ambushing of the community. We are well aware of some of the concerns being expressed by the City of Fremantle and the Conservation Council. Where those concerns are well articulated, they are being taken into consideration as we go through this very lengthy and arduous process.

She talks also about some of the conditions that have been imposed by the EPA, and the special ministerial conditions that constitute an arrangement that has been widely noted as being beyond world's best practice, and she goes through some of those conditions.

Hon Peter Collier: Who said that?

Hon DONNA FARAGHER: Hon Sally Talbot.

Hon Nick Goiran: When was that?

Hon DONNA FARAGHER: It was on 18 March 2008.

I have another quote from 20 February 2008, when Hon Sally Talbot said —

The minister concluded that Magellan Metals' proposed method for handling and transport procedures for lead carbonate to be exported through the Fremantle Port, subject to strict conditions recommended by the Environmental Protection Authority and additional checks and balances added by the minister, will ensure a much lower risk to the environment and human health and safety than the previous proposal and is environmentally acceptable.

I have left this quote until last, because it is the best. This is also from *Hansard* of 18 March. Hon Sally Talbot said —

Again, with the greatest of respect to my colleagues, I suggest that it is seriously misleading to talk about this as being the same poisonous stuff as what went through Esperance. This proposal is a world away from the process that was undertaken at the port of Esperance.

Hon Norman Moore: Who said that?

Hon DONNA FARAGHER: This is what Hon Sally Talbot had to say at that time. That is not what we have just heard from her now.

Hon Peter Collier: I wish she would listen! Would you just repeat it?

Hon DONNA FARAGHER: This is the advantage of *Hansard*, honourable members!

Hon Norman Moore: I would repeat that about three times if I were you, in the hope that she might listen to you!

Hon DONNA FARAGHER: I will do that. I think Hon Norman Moore needs to listen to this again. I think he might have missed it. I will read it again —

Again, with the greatest of respect to my colleagues, I suggest that it is seriously misleading to talk about this as being the same poisonous stuff as what went through Esperance. This proposal is a world away from the process that was undertaken at the port of Esperance.

Hon Norman Moore: What a one-sided debate this is becoming! She cannot stand to hear what you are saying!

Hon DONNA FARAGHER: I know!

She said —

This proposal is a world away from the process that was undertaken at the port of Esperance. This is about exporting lead carbonate in double-laminated, sealed vacuum bags locked inside shipping containers.

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Hon Peter Collier: No wonder she is leaving the chamber! How embarrassing!

Hon DONNA FARAGHER: She continued —

If members know anything about what happened at Esperance, —
She has clearly forgotten —

they will immediately see that this proposal is a qualitatively quite different process.

That is what Hon Sally Talbot said in 2008. What a magnificent backflip we have seen! Unbelievable! But, anyway, as I have said, this is what we have come to expect from Hon Sally Talbot. She forgets these things, but unfortunately it is in *Hansard* for all to see.

I want to focus a bit more on the motion before us. The member suggested in her motion that we did not make all the details public. That is absolute rubbish. This project was, and it remains, the exact same proposal that was endorsed by the Labor Party in 2008. That was not when I was sitting on this side. It was when I was sitting on the other side of the chamber. We have now changed the chairs in this chamber, but it was when I was sitting near to where Hon Lynn MacLaren is now sitting. That is where I was sitting. It is the exact same proposal that Labor endorsed. Can I just say—Hon Sally Talbot has said this in the very remarks that I have just referred to in *Hansard*—that if there is one project that has been extensively discussed, it is this one. I want to remind the house of the following processes for public comment. Magellan's proposal was advertised in *The West Australian* on 8 October 2007. It was released on the EPA and Magellan websites for a four-week consultation period. During that consultation period, there was, as we all know, extensive media reporting. The EPA provided its report and recommendations on the proposal to the then minister, Minister Templeman, on 10 December 2007. The release of the Environmental Protection Authority's report was subject, as we all know, to further media coverage. The then minister invited public comment on the proposal and announced on 17 January 2008 that he was prepared to approve the proposal. All the local governments along the transport route were consulted on the then draft monitoring and management plans and, in fact, when I became minister, I required the company hold a second round of consultation. The plans were reviewed by all those local governments along the transport route—we will get to the route in a moment—from Wiluna to Fremantle, as well as the Department of Environment and Conservation, the Department of Health, the Fire and Emergency Services Authority and the Department of Mines and Petroleum, before I accepted them.

Hon Sally Talbot made some wild claim that it was due to the forensic capabilities of Hon Ljiljanna Ravlich that somehow or other she found out the 22 suburbs the route went through. I am not quite sure how forensic one has to be; the route has been public since 2007 and it has never varied from that! If the opposition wants to call that forensic, that is great, but seriously, it has been public since 2007. I remind everyone again: Who was in government in 2007? Was it us? No! It was the Labor Party. The route has been public since 2007. There are current Labor members of Parliament whose electorates the route went through and they have referred to it in public comment. Therefore, I find it really quite disturbing to suggest that it was somehow secret or a revelation.

Hon Ljiljanna Ravlich: People didn't know! Why didn't you tell them? I had to tell them!

Hon DONNA FARAGHER: It has been public since 2007!

Several members interjected.

The DEPUTY PRESIDENT (Hon Jon Ford): Order, members! We are turning into a rabble here. I know the new chamber seems to encourage more enthusiasm, but Hansard cannot hear what is going on and neither can I. The minister has the call.

Hon DONNA FARAGHER: I just reiterate that it is not due to the forensic capabilities of Hon Ljiljanna Ravlich; in fact, the route has been public since 2007. There has been no diversion from that route since then.

I have imposed a number of very public reporting requirements on Magellan. The auditor, for example, must report the findings of inspections, auditing and monitoring to the Fremantle port's inner harbour community liaison group, which was established by the Fremantle Port Authority. Indeed, I further strengthened Labor's proposed conditions to ensure that soil and dust samples were made public. Of course, that is not the only Labor condition that I strengthened. We can have a debate about this, but it is a serious issue and as the Minister for Environment I recognise that. I wanted to make absolutely certain that when those conditions were approved for this proposal, they were beyond world's best practice and were the most stringent that we could possibly have, given the concerns that were being expressed by the community. That is fair enough; it is a significant and sensitive issue. However, I will go through some of those conditions. Lead carbonate is to be packed into double-laminated sieve-proof bags and all visible dust will be removed from the bags prior to loading into clean shipping containers. Each and every bag is inspected by an independent auditor approved by a national accreditation body after it is sealed, and it is placed in containers prior to leaving the mine site. Shipping

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containers must be locked before they leave the mine site. There is a requirement that the moisture content of lead leaving the mine site is at or above 7.5 per cent, and that is to be maintained at that level throughout transport. The auditor is required to immediately report to the Department of Environment and Conservation—that would also now be the Office of the Environmental Protection Authority—any lead identified outside sealed bags. There is an extension of the \$5 million security bond if the proponent fails to clean up any lead spills along the transport route. Monitoring, as I have mentioned before, of soil and air is to be undertaken—I will go through that in a moment—and the results made publicly available. Therefore, with all that in mind I think we would all agree that although there might be differences of opinion on whether this proposal should have gone ahead, these conditions are very, very stringent, as they should be. I have reiterated personally to the company that I will not hesitate to shut it down should lead that can be traced back to Magellan ever be found in the environment. I will shut the company down and I have told it that. I will not hesitate to do that and I can assure members that the chairman of the EPA will not hesitate either.

Hon Sally Talbot mentioned issues of compliance. The Office of the Environmental Protection Authority is following a very strict compliance regime. Monitoring along the transport route includes 21 dust sampling sites along the rail corridor; two air quality sampling sites at Fremantle port; 19 rainwater tanks, including a rainwater tank on each side of the route in Leonora, Kalgoorlie, Southern Cross, Merredin, Kellerberrin, Northam, Midland and Fremantle; 251 soil sites along the road and rail corridor—that is, every 10 kilometres along the route and every 500 metres within residential zones; and 15 drainage sumps and 20 marine sediment sites at Fremantle port. The results from this monitoring are used to develop the baseline trigger levels, which Hon Sally Talbot referred to. They are used as a basis for comparison with data to be obtained as part of the monitoring by Magellan. Should any of the trigger levels be exceeded—we will come to that in a moment—Magellan is required to implement its contingency actions as part of the conditions, which include isotope testing of the lead. As I said, if lead is identified as originating from Magellan shipments, shipments will automatically cease. The Office of the EPA has taken over compliance as a result of changes made towards the end of last year as to the roles and responsibilities of the Department of Environment and Conservation and the EPA. The Office of the EPA is ensuring that Magellan is compliant with the requirements of the ministerial statement by undertaking compliance inspections and site visits; reviewing monitoring reports; undertaking mandatory auditing of reports, annual environment reports and compliance assessment reports; and, of course, responding if there are any complaints. Magellan, as I have mentioned, is required to comply with the conditions that I have set, and those conditions have health, hygiene and environmental management and monitoring plans that Magellan must adhere to and which require a number of steps to be taken.

Hon Sally Talbot referred to some exceedence of sampling. I am certainly aware of that, although apparently I have hidden away about that issue. The last time I checked, I was seen on the TV talking about it, along with the chairman of the EPA, but clearly that is not enough for the honourable member. Yes, I am aware that some results from the static dust sampling in particular have exceeded the baseline triggers. The member said that we do not know whether that is Magellan's lead. Isotopic testing, which is required when this occurs, showed that this lead is not from Magellan shipments. As I have said before, and I will say it again—I have said it in the press—if the isotopic testing had found that it was Magellan's lead, those shipments would have ceased immediately. I have no hesitation in doing that and that is the right and proper thing to do. However, the Office of the Environmental Protection Authority has confirmed that the final result confirmed that no Magellan lead was present in any of the samples. Audits undertaken by the Office of the Environmental Protection Authority and the independent auditor have also not identified breaches of the conditions and all the monitoring results are below national health guidelines.

I do not intend to speak for much longer because I know that there are a number of members who would like to say a few words in relation to this motion, other than to say, as I said at the beginning, that the government will not support this motion. Let us remember that notice of this motion was given in March last year, when the Labor Party and its then state president, Hon Sally Talbot, were in trouble. Let us remember that the proposal that was finally approved was the exact same proposal that the Labor Party approved, albeit with far stricter conditions than the Labor Party was prepared to accept. Indeed, let us remember that it is the exact same proposal about which Hon Sally Talbot, when she was parliamentary secretary to the Minister for the Environment, said that public consultations had been exhaustive.

I will conclude by saying that it was the Liberal–National government that provided the money to fix Esperance, and set far stronger conditions on this proposal than the Labor Party would have. Hon Sally Talbot's hypocrisy in relation to this issue is breathtaking.

HON HELEN BULLOCK (Mining and Pastoral) [3.20 pm]: When I saw this motion, I was a bit surprised, for the reason that it asks so little. It asks the government to take minimum responsibility for families in that community, to be accountable to them, to keep the community very well informed about lead transportation and

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to try to build some kind of relationship of trust with the communities that are likely to be affected by potential lead spill incidents, as happened in Esperance. No-one should forget the lead spill incident in Esperance; that incident in 2007 triggered the adoption of best-practice environmental monitoring in Esperance port. Nowadays, the port undertakes a very extensive range of environmental monitoring practices, including monitoring of dust, noise, sediment and weather.

I want to give members an example of how extensive this environmental monitoring is. The port of Esperance has installed a range of high-tech equipment, such as five high-volume air samplers and 19 tapered element oscillating microbalance units. That is a total of 24 very high-tech pieces of equipment scattered around the port of Esperance. That is not forgetting that the port has a population of fewer than 15 000; it is small. All of the high-tech equipment was installed in the middle of 2007; I thought the Labor Party was in government at that time. The equipment is designed to monitor dust levels in the air, 24 hours a day. For example, the TEOM is a real-time measurement; one can go to the equipment, read the measurement and compare it with the standard measurement to see whether there has been any exceedence. If there has been any exceedence, a report must be produced to explain how and why it happened and what action is to be taken to address the exceedence. Various reports must be produced annually and monthly. What impresses me most are the nickel ship-loading dust reports, which are based on shiploads. All the dust sampling is done before and after the ship-loading has taken place, so comparisons can be made to work out whether there has been any exceedence. On top of that, five operators work for the port of Esperance; that is, five employees work on these monitoring processes.

There are many commodities going through the port, including wheat, oats, lupins, peas, canola and barley—mostly agricultural products. There are also woodchips, iron ore and nickel.

Hon Wendy Duncan: Woodchips? Not yet; soon.

Hon HELEN BULLOCK: The point is that compared with lead, those goods are very safe. I am surprised that lead is no longer to be transported through the port of Esperance; it is a very strange decision. After the lead spill incident of 2007, I understand that the lead produced by Magellan Metals is to be transported through the port of Fremantle under a set of very strict conditions, which I think has already been mentioned by the Minister for Environment. She outlined what needed to be done under the conditions, which I will not repeat here, but basically Magellan is required to engage and pay for an independent auditor to monitor the whole process. The minister has already outlined the conditions of that process. All I am trying to say is that it is a very sound arrangement. I cannot criticise the practices that have been adopted at the port of Esperance or the conditions that have been imposed on Magellan for the transportation of lead through Fremantle. However, I do have a question: in this situation, does the government have any responsibility to the communities living along the transport routes?

The Minister for Environment gave us a review of the history of this matter, and I understand that the proposal for lead carbonate concentrate to be transported through the port of Fremantle generated a great deal of concern and fear among the community, especially the community in the area of Fremantle. It is a very highly populated area, and I think everyone understands that. The government really should make some effort to inform the community about the due dates of shipments of Magellan lead through their suburbs, regardless of how it is packed. The government should at least make some effort to address people's concerns and fears, to keep the community very well informed and to try to build some kind of relationship of trust with the communities that are more likely to be affected by potential accidents. The answer to whether or not the transport of lead is safe is that it is not, because accidents do happen. Look at what happened to the Gulf of Mexico. Nobody expected an incident like that would happen when they built an oil platform there. Also an incident did actually happen at Magellan Metals. If members go to the Magellan website, they will find incident reports. The earliest one is dated 26 October 2009, which is even before the train left Wiluna. Basically, that incident report was about a truck accidentally backing into and breaking a shipping container. Luckily in that incident no bag was split open. What if we should go down that track? Maybe not this time.

On the Magellan website we can also find the initial report done by the independent auditor. In that report four non-compliance incidents were identified by the independent auditor. In one incident there was no evidence to show that the moisture content in the sealed bag was 7.5 per cent. We understand the weather in that area is very hot. How do we measure the moisture content in a sealed bag? Has this non-compliance been addressed by the government? I cannot find any report on it. Just to give members another example, in the auditor's report there was another incident of non-compliance that the storage security in that area was not up to standard, as all the doors in the storage area were not locked. Is there any report to address that non-compliance? No; I cannot find it. If there is one, I would love the minister to point it out to me.

I just want to repeat that the environmental monitoring practice that has been adopted at Esperance is first class and the set of stringent conditions imposed on Magellan to transport lead to Fremantle port is very sound. But

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there are some compliance issues that the government really should address and the community is also concerned that it is the government's responsibility to address those issues.

HON NORMAN MOORE (Mining and Pastoral — Minister for Mines and Petroleum) [3.33 pm]: I am responding in my capacity as the Minister for Mines and Petroleum, who this motion suggests should be condemned for his behaviour. I therefore feel I ought to say a few words in my own defence on this occasion.

I begin by saying that this debate so far has been the most one-sided debate I have ever heard in this chamber. The Minister for Environment has so gently—and sweetly, I might even say—demolished the argument put forward by Hon Sally Talbot in her snide and really quite nasty attack on the Minister for Environment. It is interesting to note that when we listen to Hon Sally Talbot speaking in the chamber she tends often to try to rewrite history. That is a clever political tactic, as people do not always remember the details of things that happened in the past. She believes that if she continues saying what she thinks an issue ought to be, and not what it was, eventually people might actually believe her. That is a strategy she uses on many occasions. Today we saw the Minister for Environment completely demolish that argument and put on the table of the house the facts of the matter.

The facts go back to a decision made by the previous Labor government to allow lead exports through Esperance in open rail cars uncontained. We know the consequences of that and the issues that arose at Esperance, and it required this government to clean up the mess. Part of the clean-up process at Esperance convinced me and my agency and others that there was a better way of doing this. Indeed, as the honourable Minister for Environment has explained to the house, this government has given approval to the company to export lead through Fremantle based upon a range of very stringent conditions determined by the Environmental Protection Authority. Does this debate mean that the EPA has no credibility to opposition members? Are they saying that the EPA has got it wrong? Are they saying that the conditions the EPA has imposed are not acceptable? Are they saying it should never have happened?

I find it quite extraordinary. When I read this motion in the first place, I wondered why the opposition was giving the government a free kick, because the problems were caused by the previous government. They were not resolved by the previous government. This government came into office; cleaned up Esperance; put in place the necessary stringent conditions on the export of lead; and allowed it to go through Fremantle. That is what the Labor Party intended to do, but this government did it under more stringent conditions; yet the Labor Party is attacking us and condemning me and the Minister for Environment for doing what it should have done in the first place.

One very simple aspect that seems to have escaped the attention of the Labor Party on this issue is that the only container port in Western Australia is Fremantle. The stringent conditions attached to the export of lead from Magellan require the lead to be placed into plastic bags; for those plastic bags to be placed into seatainers; for those seatainers to be railed to a container port to be placed on a ship without being opened; and for the seatainers to be exported to the ports where the product is going to be used. If the lead did not go through Fremantle—the previous government knew this—the mine at Magellan would have had to be closed down. I ask Hon Sally Talbot, if she happens to be listening wherever she happens to be on urgent parliamentary business: do you want us to close down the mine? Is she happy for those workers to lose their jobs? Is that what she has in mind?

Hon Jon Ford last evening raised the issue of asbestos at CITIC Pacific and I asked him whether he wanted to close down the mine. If he does, he must say it and tell the employees at that mine that their jobs will no longer exist. The same question was asked in respect of the Perseverance mine at Leinster a few weeks ago, when the same gentleman said that unless we could make that mine safe, it should be closed. If he thinks it should be closed, he should say so. He should come right upfront and say, "In our view that mine at Magellan should not continue to operate because we don't believe that lead can be exported safely." Come out and say, "I don't believe that the CITIC Pacific project should continue because of the asbestos content of the ore body." He might then think about the other ore bodies in the Pilbara at the same time, which have been going for 40 years. Should the Perseverance mine be closed because it is not safe? If Labor Party members think so, they should come out and say, "Close it." But they should not try to have two bob each way by coming in here and attacking this government for doing what it believes is appropriate and proper, with EPA support, and giving the impression that these things should not be allowed to continue, and then not going the last step by saying, "Close it all down." Labor Party members know darned well that their supporters happen to be workers in the mining industry who do not want us to close the mines down. They just want us to do our very best to make sure they are safe.

To give Hon Sally Talbot her due, she acknowledged that we take risks every day. There are risks associated with whatever we do in life, and there is no way that any minister can say that every mining operation is totally

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safe on all occasions, just as nobody can say that every transport activity is going to be totally safe forever. We cannot say that. But what life is all about is minimising the risks. In the transport of lead from the Magellan mine to Fremantle, the job of assessing those risks was given to the Environmental Protection Authority, and the EPA said, "In our considered view, this can take place provided you put in place these stringent conditions", and the Minister for Environment read them out. They are very stringent. The Minister for Environment also said—she said it about three times here today, and I am pleased she did—that if the company does not abide by the conditions that apply to its operations, it will see the operation closed. We cannot do much better than that, in my view, unless, of course, it is the Labor Party and it thinks we should close the Magellan mine down completely, which I think is an interesting change of opinion, because when it was the government, as the Minister for Environment pointed out, it was prepared to send the lead through Fremantle, with less stringent conditions than the current Minister for Environment has imposed upon it. So why has the Labor Party changed its mind? Why is it that mining at Citic Pacific is no good now but it was okay two years ago?

Hon Sue Ellery: Why did you make the promise?

Hon NORMAN MOORE: I suspect that what has happened is that having seen the EPA's recommendations and seeing what can be done, and being advised by the EPA that this is a safe way to do business—as safe as we can get—that is the only decision we could make. We were faced with the prospect of closing down the mine, which seems these days to be what the Labor Party wants us to do.

I find it quite extraordinary when we have these debates that Hon Sally Talbot wants to suggest that the Minister for Environment is somehow or other the captive of the Minister for Mines and Petroleum. I have to say that I wish that was the case, because she is too green for me. I very rarely win an argument with her on environmental issues. However, I want to say that the way in which she completely demolished the argument of Hon Sally Talbot, who, for reasons that escape me, does not want to hear this debate—she did not want to hear the demolition taking place in her presence—was really, really good to see, because that needs to happen from time to time.

The Department of Mines and Petroleum is involved in the approvals processes for the transport of lead. The roles relate to the Mines Safety and Inspection Act and the Dangerous Goods Safety Act. The agency has made the decision, based upon the recommendations and the findings of the EPA, that, as far as the agency is concerned, based on its own knowledge of what is necessary in mines safety and dangerous goods transport, this company has put in place a set of proposals that will minimise the risk to an extent that is acceptable. That is what life is all about. It is about reaching decisions when there are risks attached to activities and minimising the risk to the point at which it is considered by the community to be acceptable.

I have been doing a bit of research into what lead is used for. Its main use is in construction and also in batteries. If we did not have any lead mining, what would be the situation with the production of batteries and what effect would that have on society and on industry? Indeed, I would have thought that those people who think that we should have battery-operated motorcars instead of using petrol would be the first ones to argue that we need to have some lead. However, if it is the view of the Labor Party that we should not have lead exports, it should give some consideration to what the alternatives might be. It might find that it is cutting off its nose to spite its face with that.

We have a product, which we all recognise has its dangers, that is being mined in Western Australia, concentrated in Western Australia and exported from Western Australia in what we believe to be an acceptable way. Other products will be facing similar scrutiny. I noticed that the Labor Party—in Western Australia at least—does not believe that we should be exporting uranium, or uranium oxide. Again, that product will be treated in exactly the same way as lead, and the companies, if they want to export yellowcake, will be required to undergo the most rigorous assessment from the EPA. That will relate not just to the mining of the product, but, indeed, to the transport of the product, and unless it meets those strict environmental conditions, it just will not happen. This government has taken the view that we assess the risks and put in place the processes to mitigate against those risks, and we seek to reach a position in which the activities of the company are considered to be an acceptable risk to the community. I have no doubt that for some reason—I do not know whether it is that the left of the Labor Party has taken over the Labor Party and it is going to —

Hon Ljiljanna Ravlich: You should look at your own matters.

Hon NORMAN MOORE: It has already said that it will be opposed to uranium mining and the export of yellowcake, which is quite different from the position of the federal Labor Party. However, I am surprised that the Labor Party in Western Australia has now taken the view, contrary to the view of the Carpenter government, that we should not transport lead in Western Australia. I come back to the point I made earlier: unless it goes through Fremantle, it cannot go anywhere else, because that is the only container port we have.

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I listened to Hon Helen Bullock very carefully, and I got the impression from her comments that maybe she thinks we should be sending it out through Esperance. I think she was saying how good the monitoring of these things was at Esperance. It just crossed my mind fleetingly that maybe she thought we should send it out through there. However, I think Hon Alannah MacTiernan probably made that decision; it could go there in open railcars. We would not have that. It cannot be sent through Esperance whether we want to or not, because it is not a container port, and if the EPA says that it has to go in containers, it has to go through a container port. The Labor Party knew that in government. That is why it told everybody that it was going to do it, and that is why all these members of Parliament, including Fran Logan, Martin Whitely and —

Hon Donna Faragher: Alannah MacTiernan.

Hon NORMAN MOORE: — Alannah MacTiernan and Premier Carpenter —

Hon Donna Faragher: And Hon Sally Talbot.

Hon NORMAN MOORE: I was just going to finish on that. All these Labor members came out and publicly said, “This is where it’s going to go, and this is why it’s going to go there”, and, interestingly, they got it right at that point in time, albeit that the conditions have been made more stringent by the current Minister for Environment, which is a good thing. It just surprises me that we get a situation such as this developing in which the previous government made the right decision, and then spends its time in opposition saying that it was the wrong decision, which I find a bit extraordinary, and perhaps there is a degree of hypocrisy attached to it.

The quotations read out by the Minister for Environment about what Hon Sally Talbot said in this house when she was the Parliamentary Secretary to the Minister for the Environment are very revealing. Indeed, her own words used in this chamber in 2008 are the complete opposite to what she is saying in this chamber in 2010. Maybe she has had some sort of conversion; I do not know. People do have conversions on the road to Damascus. Maybe she has just changed her mind completely.

Hon Simon O’Brien: She might have been to Damascus, but has she been to Esperance?

Hon NORMAN MOORE: Perhaps the conversion did take place on the way to Esperance, which could be a variation on a theme. Maybe more people should go to Esperance and have these conversions of various sorts.

I do not know what saw Hon Sally Talbot going from telling this chamber that the export of lead, as the Labor government wanted to do, was perfectly safe and it was not this dangerous stuff that it was talking about before, to now telling us that it is. I guess at the end of this debate she might get up and say that she has changed her mind. That was a great Brian Burke trick. Whenever he got caught out saying something that was different from what he said before, he would just say that he had changed his mind. That disarmed everybody because we cannot argue when someone says that. If Hon Sally Talbot has changed her mind, instead of attacking the Minister for Environment, me, the government and the Premier, she should have said that when the Labor Party was in government, it was going to do such and such but it has now discovered it is wrong, it has changed its mind and it thinks it should not be done. She did not do that. She came in here in her normal style.

Hon Peter Collier: Patronising.

Hon NORMAN MOORE: Yes, in her patronising style, with a sarcastic, nasty tone. She tried to indicate somehow or other that the government had done the wrong thing. The Minister for Environment demonstrated quite clearly that the government has done exactly what should have been done. To my knowledge, so far about 25 000 tonnes of lead have gone out through Fremantle without any incidents whatsoever. Hon Helen Bullock raised some issues about compliance that I will have checked out to see whether there is some veracity to that. I do know that from time to time people come into this place and rely on second-hand advice. They should always be very careful when they do that and read it out in Parliament because sometimes they might get it wrong. This argument was so one-sided after the Minister for Environment finished that perhaps we should have finished then but I felt I should defend myself because the motion attacks me as well.

HON LJILJANNA RAVLICH (East Metropolitan) [3.52 pm]: I welcome the opportunity to make some comments on this matter.

Hon Donna Faragher: Forensic research.

Hon LJILJANNA RAVLICH: Yes, I will get to the forensic research. Sometimes it does not hurt to have something that we want to say based on something that might resemble something that is factual rather than something we want to concoct in our own head. Quite clearly, that is what members opposite do.

As to who gave the final approval for the transport of lead through 22 suburbs, it is on the public record. The signatures of Liberal ministers are on those records. The government should not say too much about what happened prior to Labor losing office so that it looks as if the government does not have any responsibilities. In a

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court of law, the signatures are there for all to see. They are the signatures of the environment minister and the Minister for Mines and Petroleum. I want to go back to the 22 suburbs through which lead will be transported. The Minister for Environment made some joke about how the 22 affected suburbs was already on the public record. She wondered what Hon Ljiljanna Ravlich or members of the opposition were on about in trying to make this public. That information relating to the 22 suburbs that would be affected was very, very revealing. When I went out to publicly comment on how those suburbs would be affected, the first thing that became apparent was that the people in those suburbs had no idea that they would be affected. They had no idea that lead would be transported through their suburbs. Irrespective of how the Minister for Environment wants to paint the picture, the fact is that until we put those 22 suburbs on the public record and we spoke to the people in those 22 suburbs and made statements to the media, that was not known. It is less than honest of the minister to come into this place and make a mockery of the fact that I have done my job by advising those people in those 22 suburbs of the fact that they, their children and their grandchildren will all be at risk.

I turn to the first part of this motion. Members opposite like to rewrite motions in some form that suits their fairytale view of the world. It is not based on fact; it is a silly view of the world. The comments made by the Minister for Mines and Petroleum and the Minister for Environment clearly did not target what this motion is specifically about. I want to go back to the heart of the motion because it does two things. It states —

- (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.

Given the timing of when this motion was put on the notice paper, this is most relevant. I cannot believe that the Minister for Environment had the gall to stand up in this place and make a joke about it.

Hon Donna Faragher: I was not.

Hon LJILJANNA RAVLICH: The minister was making a joke. She said that because of my forensic research —

Hon Donna Faragher: I was reminding you of the timeline of events, and you know that. That's not making fun.

Hon LJILJANNA RAVLICH: The minister knows for a fact that the people in those 22 suburbs have not had access to that information. They had no information that those shipments of lead were going through their suburbs. They had no idea that they, their families, their extended families, their friends, their children and their grandchildren would all be affected. They were not advised by the minister because she was not open and transparent with them. The second part of the motion states —

- (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.

I want to get to the heart of this because an agreement was clearly entered into. There were some revised environmental conditions. The agreement, together with the revised environmental conditions, put certain expectations on that company that it had to fulfil. Quite clearly, it is in the public interest to know whether the conditions of the agreements that were struck between the proponent and the government are being met. This is all that the second part of this motion says. I think I have already established the fact that if I had not gone out and advised the people in those 22 suburbs that lead was being transported through their suburbs, they would not have known. The member opposite thinks it is a big joke. I do not think it is a big joke. I am paid to come into this place and put on the public record the things that I find out that I think will be of benefit to the people that I represent and, more importantly, to members of the broader community, particularly if there is any degree of risk to them. Clearly, there was a lot of risk.

Hon Simon O'Brien: What risk? Just tell us what the risk is. We'll do something about it.

Hon LJILJANNA RAVLICH: A lot of people were very concerned.

Hon Simon O'Brien: What is the threat? You tell us. Put up or shut up.

Hon LJILJANNA RAVLICH: Is the minister saying that these people have no right to express legitimate concern about potential risk?

Hon Simon O'Brien: What are you saying?

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Hon LJILJANNA RAVLICH: I am glad that the minister interjects because I want to refer to an interview —
Hon Michael Mischin interjected.

Hon LJILJANNA RAVLICH: Hon Michael Mischin can have his 45 minutes.

I refer to the transcript of an interview with the Minister for Environment on *The 7.30 Report*, which is titled “Lead export plan infuriates Fremantle community”. The reporter was Hamish Fitzsimmons. The preamble reads —

A plan to export lead through Perth’s port of Fremantle has infuriated many in the community who say the company, Magellan Metals can not be trusted. The same company was responsible for the widespread fear and anger when the coastal town of Esperance heard the news that lead dust had been escaping from the port, contaminating people and killing birds.

During the interview with Hamish Fitzsimmons, the minister states what we have now heard a million times —

The conditions that have been put in place are the most stringent and legally robust of their kind.

Hamish Fitzsimmons replied —

But are they safe? They may be legally robust, but are you convinced that it’s safe?

To which Hon Donna Faragher replied —

What I have ensured is that the conditions that I have put in place are the most legally robust and most stringent for a proposal of this kind.

Hamish Fitzsimmons then asks —

But again, are you convinced that it’s safe?

To which Hon Donna Faragher replied —

Certainly the advice that has been provided to me is that the conditions that have been put in place, which have been gone through with a fine toothcomb, are the most stringent and legally robust for a proposal of this kind.

And so it goes on and on—and on! It was a very simple question. Either it is safe or it is not safe. Perhaps nobody knows the extent to which it is or is not safe. Hon Simon O’Brien said that there is no risk. He kept asking me to outline the risk.

Hon Simon O’Brien: I’m asking you what is the risk.

Hon LJILJANNA RAVLICH: The Minister for Environment could not say whether or not it was safe.

Hon Simon O’Brien: You’ve done your research and you’re educating the people—what’s the risk?

Several members interjected.

Hon LJILJANNA RAVLICH: Clearly members are a little bit wound up.

The DEPUTY PRESIDENT (Hon Ford): Order, members! I can tolerate some interjections and robust debate, but when that debate turns into a slanging match, it does not reflect the dignity of the house and how we are expected to behave.

Hon LJILJANNA RAVLICH: I again refer to the transcript of *The 7.30 Report* interview with the Minister for Environment. It reads —

DONNA FARAGHER, WA ENVIRONMENT MINISTER: The conditions that have been put in place are the most stringent and legally robust of their kind.

HAMISH FITZSIMMONS: But are they safe? They may be legally robust, but are you convinced that it’s safe?

And so again we hear about the legally robust conditions. I cannot wait for Hon Michael Mischin to stand and say something in this place. That will make a refreshing change from his sniping at me from the corner!

Several members interjected.

The DEPUTY PRESIDENT: Order, members!

Hon LJILJANNA RAVLICH: The Minister for Mines said that to date 25 000 tonnes have been moved. He cannot advise whether there has been a breach of any of the conditions. I will spend some time going through the

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conditions, because under the performance review—which is a part of the contractual arrangement between the parties—the non-compliance of conditions 6, 9, 10 and 12 must be reported. I want to provide an overview of the size of the operation, because although 25 000 tonnes have been moved, many more tonnes will be moved over time. In terms of the project's characteristics, the life of the project or mine production is 10 years. The size of the ore body is not more than 8.2 million tonnes. I do not know how much of that converts into processed ore. I do not know whether the ore is being processed up there, but the bottom line is that some ore is being processed because ore is being put into bags, those bags are being put into containers, those containers are being put on road trains and those road trains are passing through the 22 suburbs. We are talking about a substantial ore body of not more than 8.2 million tonnes. We know that currently it is an open pit. There is some infrastructure and plant there. There is a tailings storage facility of about 70 hectares. In terms of ore mining rates, there is a maximum of one million tonnes a year. It seems that a lot of tonnage will go through the port of Fremantle. There is always some element of risk when something is being moved. Commonsense tells us that absolutely nothing is risk free—apart from the risk that Hon Simon O'Brien will ever make a decent speech! The point I make is that although this issue has been bedded down for the time being, the second part of the motion refers to accountability and asks why the government has not provided to the people in the 22 suburbs information as to whether there have been breaches of compliance or whether there are any issues relating to the transport of this product. We have not seen anything from the Minister for Environment or the Minister for Mines even though both of them signed off on the agreement.

I refer to the agreement itself, ministerial statement 783. I will not go through every single condition, because that would be a long and drawn out process.

Hon Simon O'Brien: It has never stopped you before!

Hon LJILJANNA RAVLICH: Now that I have had those words of encouragement, I will have to go through the entire agreement. I thank members for their encouragement.

Debate adjourned, pursuant to temporary orders.