

Mr Colin Barnett; Mr Bernie Masters; Dr Geoff Gallop; Dr Judy Edwards; Mr Dan Barron-Sullivan; Ms
Alannah MacTiernan; Mr Paul Andrews; Mr Max Trenorden; Speaker; Dr Janet Woollard; Mr John Kobelke;
Mrs Cheryl Edwardes

MINISTER FOR THE ENVIRONMENT AND HERITAGE

Motion

MR C.J. BARNETT (Cottesloe - Leader of the Opposition) [3.40 pm]: I move without notice -

That this House expresses no confidence in the Minister for the Environment.

I do not move this vote of no confidence lightly. This is the first time in this term of government that the Opposition has moved a vote of no confidence in a minister; that is, the Minister for the Environment and Heritage. The previous Government repeatedly moved motions of no confidence. We do so because of the failure of this minister to properly execute her duties and to accept responsibility for her own failings and those of her department. We do so also because of the failure of the Premier to act to replace her as Minister for the Environment and Heritage.

I will provide a summarised account of the history of the Brookdale waste treatment facility. It was originally established in the mid 1960s to deal with sewage. Its use was then widened in 1988 to accept industrial waste, which was to be non-hazardous, in addition to sewage. Subsequently, those environmental approvals were formally put in place in 1990. The site was managed and operated by the Health Department of Western Australia from 1988 to 1996 and subsequently by the Department of Environmental Protection from 1996 onwards through Waste Management (WA) and contractors.

In 1994 concerns were raised about the nature of some of the materials and waste being disposed of at the Brookdale site. At that time the first recommendations were made for the plant to be closed in 2002 when existing contracts were due to expire. In 1999 Waste Management (WA) - essentially a subsidiary of the Department of Environmental Protection - advised that hazardous wastes were going to the site that might well be outside environmental approvals. The former Minister for the Environment, the member for Kingsley, on the advice and recommendation of the Department of Environmental Protection and the environmental protection agency, referred the issue to the Environmental Protection Authority to inquire into and to report and make recommendations. That report was not presented until after a change of government. A passage of time had taken place -

Dr G.I. Gallop: They were really quick!

Mr C.J. BARNETT: The report took some time to complete and was referred to the EPA. By the time the EPA completed its full inquiry it was a detailed and large report, which was then referred to the new Minister for the Environment and Heritage after the state election. The report was received, as I understand it, in January 2002 and it detailed the nature and exact details of the hazardous and toxic material at the site.

However, this motion deals with the performance of this Minister for the Environment and Heritage under this Government. No matter how much this minister may try to refer to or deflect attention to the 1990s, this is about a vote of no confidence in her performance and failings as minister.

Following the election in February 2001 the Department of Environmental Protection admitted that the facility was accepting waste outside of its environmental approvals. Although that admission was formally made in April, the minister indicated earlier that she was advised in March 2001. In January 2002 local residents expressed continuing concerns. Since the site's initial establishment, the area surrounding Brookdale had developed, with many new residences being located in close proximity to the plant. It was a very different site from that which was originally developed for sewage in the 1960s. The Government, through two ministers, gave a commitment to end the treatment, storage and disposal of hazardous waste material within a six-month period. That commitment was given in January 2002. Six months later in June 2002 the residents protested, as the facility was - according to documents available to the residents - still receiving toxic materials, including battery acids, cyanide solutions, pesticides and residues. The point is that the Government and this minister have failed to deliver and keep the promise made six months earlier to those residents. In fact, the residents were told by correspondence from the department that the contaminants were within normal levels.

In January 2003 an article in the *Sunday Times* headed "Toxic Error" referred to a study that had been undertaken by GHD consultants on behalf of the Department of Environmental Protection. This study detected that lead levels in the vicinity of the Forrestdale Primary School were 75 times higher than the accepted guidelines or standards of the World Health Organisation. Whether it was a true and accurate reading or not is not the point. The point is that those readings that had been recorded by GHD and passed on to the department, and perhaps to the minister's office, had been taken six months earlier before it became public knowledge. What happened in the intervening six months? It comes down to the performance of the department and the performance and actions - or lack of actions - of the minister. The DEP did not recognise the issue, which

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deserves an explanation. Why did it not recognise the alarming level of lead reports? One would have thought it would have sent alarm bells ringing in the department and in the minister's office. It is not a usual occurrence to have a reporting of airborne lead levels 75 times above World Health Organisation standards in the vicinity of a primary school. Yet, six months had gone by and it was only when information, presumably leaked or obtained by the *Sunday Times*, was published that there was any knowledge of the reported readings. Whether they are accurate or not is not the issue. The issue is why did nothing happen for six months. What happened during that six months? What did the minister know? What did the department advise her? They are valid questions. The fact is that neither the Department of Environmental Protection nor the minister acted. They both failed in their duty; the department failed in its duty and this minister failed in her sworn responsibilities as a minister of the Crown. The matter also pointed to what was a clear conflict of interest, as the Department of Environmental Protection had been operating for some time -

Ms A.J. MacTiernan interjected.

Mr C.J. BARNETT: The point is made and acknowledged. We have nothing to hide or fear on this side of the House.

The department had been operating with a conflict of interest. This was exposed by this situation because the Department of Environmental Protection was the operator of the site and the monitor of conditions at the site.

The acting chief executive officer, Roger Payne, to his credit as a long-serving and loyal public servant to this State, had the courage, the integrity and the honesty to publicly apologise to the residents in the vicinity of the Brookdale treatment plant for the errors, the omissions and the failure of the DEP to act. That is admirable. He did not excuse the failing of the department but accepted responsibility and publicly apologised. I do not excuse the failure of the department to act, and neither did he, but I give him credit for taking it on the chin and for apologising to the community.

Clearly, there were health issues. There had been continuing reports of health problems from residents within the area. At the time the *Sunday Times* published its article about the "toxic error" the then acting minister, the Attorney General, tried to simply allay the concerns of residents. It was appalling to witness. People had genuine concerns about their health and, in particular, about their children's health and the long-term implications. It was reported that the Acting Minister for the Environment and Heritage at the time said that blood tests did not show excess lead levels. The obvious point to be made is that the excess lead levels - 75 times above World Health Organisation standards - were reported six months earlier. A number of medical experts said that if that were true, the lead would most likely have passed from the blood into the bones of those people. However, the minister tried to allay, smooth over and put to one side the legitimate concerns of residents. Clearly there were wider health issues, which were widely documented in the media as members of that community had the courage to speak out about nosebleeds, of their concerns about the health of their children, and about a variety of symptoms. It was detected that one nine-year-old child had high arsenic levels. How was that explained? How did that happen? I do not think there is any doubt about that recording. Residents, concerned for their health and particularly for the health of their children, sought proper clinical examinations of the health condition of people in the area. This Minister for the Environment and Heritage then announced that a comprehensive survey would be undertaken. The residents were stunned, as was I and I think every observer of this issue in this State, to find that the comprehensive survey was in fact a telephone survey, which asked how people were feeling. That is what it involved. That was hardly a serious response or reaction to what clearly were legitimate health concerns for those residents. To make it worse, there was conflict over the confidentiality of health records, which were passed between the Department of Health and the Department of Environmental Protection. In fact, as we heard in question time today, even a member of the Labor Government, a member of Parliament, was given access, through some process, to the health information of an individual prior to that person's family being given that information.

Mr P.W. Andrews interjected.

Mr C.J. BARNETT: I would welcome the member for Southern River getting up in this debate and explaining how he had access to those health records. He should give an explanation.

Mr J.N. Hyde: Prove it? There is no evidence.

Mr C.J. BARNETT: Prove it! It is little wonder that there were public protests. Why would there not be, given the way in which health information was being treated? The approach to a health survey was almost insulting. There were continuing reports and continuing delays and difficulties. The minister refused to meet with those people - it went on and on. The residents did what was their democratic right to do - they protested. Parents, grandparents and children protested on 14 January and again on 21 January. What did we see on television that night? We saw footage of parents and grandparents being dragged across the pavement and forced into police

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vans for daring to stand up publicly about the health of their community and children. That was done under this Labor Government. Talk about a lack of a sympathetic response! We all saw the footage. We all saw those people being dragged, pushed, bullied and put into police vans. That is what happened; that is the truth. We all saw it on television. Was that any way to treat parents and grandparents who were concerned about the health of their children? It was an appalling exhibition of intimidation and bullying tactics by a Labor Government towards a group of people who dared to object to the way in which their community was being treated and to the performance of this Minister for the Environment and Heritage.

The Acting Chief Executive Officer of the Department of Environmental Protection, Mr Roger Payne, who was a longstanding and respected public servant, apparently “agreed” to a management-initiated retirement or redundancy. However, that seems to be in dispute. There have been differing views on that. It was reported in the media that the minister claimed that she had had discussions with Mr Payne and that he had agreed to go. The Premier was away on leave at the time. He then jetted back into the State and gave a different interpretation of the situation. He told the media that Mr Payne had in fact offered to resign, but that the Minister for the Environment and Heritage had refused his offer. However, he was the Premier, he was in charge and he was going to demand that Mr Payne leave. He said it was a management-initiated redundancy. The Premier was challenged over the use of the word redundancy. There was still going to be a CEO of the Department of Environmental Protection, but the Premier did not know the difference between the words redundancy and retirement. The Premier eventually conceded that it was a management-initiated retirement. That is spelt s-a-c-k-e-d. Roger Payne was sacked. The only issue is whether he was sacked by the Premier or the minister. They both have an opportunity in this debate to tell us who was telling the truth. One was and one was not. They should tell us, because we do not know. I suspect that in this case the Minister for the Environment and Heritage told the truth and the Premier did not. They have an opportunity to clarify that for us all. Mr Payne cannot tell us; he has been gagged. He cannot give his account of it. Why does the Premier not provide Mr Payne with relief from that obligation? Why does he not allow Mr Payne to make a public statement, if he so desires, so that he can, in a proper and considered way, give us a true account of the circumstances under which he was terminated from that position? What does the Premier have to fear, other than that either he or the Minister for the Environment and Heritage will be found not to have told the truth?

I will conclude with a few observations. This has been a shambles; it has been a fiasco. The performance of this Minister for the Environment and Heritage is such that she should have been stood down. She should still be stood down for her failure to honour a commitment to residents to stop all hazardous material from going to that plant within a six-month period. She should be stood down for her failure to act on the recording of high lead levels. Whether or not that recording was proved to be accurate, she failed to act. She should be stood down for her failure to address, in a serious and genuine way, the legitimate health concerns of residents of that area, and she should be stood down for her failure to accept responsibility for her errors and omissions and for those of her department. She should also be stood down as a minister for effectively forcing and allowing Roger Payne to wear the blame. That was unacceptable, inappropriate and improper conduct by a minister of the Crown. A minister is bound to accept responsibility. If a minister fails to accept responsibility, he or she is bound to resign or be removed by the Premier. This Premier came into the Parliament two years ago and spoke about ministerial standards, parliamentary conduct, propriety and accountability. The Premier has failed up to this point. He now has an opportunity to move this minister. He can keep her in Cabinet if he wants, but he should remove her from this portfolio.

There are further issues on which the Opposition will seek responses. Perhaps the minister can inform us during this debate whether documentary information was destroyed either within the Department of Environmental Protection or her office.

Dr J.M. Edwards: Not that I am aware.

Mr C.J. BARNETT: Perhaps the minister might find out the answer to whether information relating to the Brookdale site was destroyed.

Dr J.M. Edwards interjected.

Mr C.J. BARNETT: Perhaps the minister now has a little time to check that.

Dr J.M. Edwards: I will check, but I am certainly not aware of that.

Mr C.J. BARNETT: The minister now has an opportunity to check with her senior staff.

Dr G.I. Gallop interjected.

Mr C.J. BARNETT: We will have plenty of opportunities.

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Dr G.I. Gallop: Oh, yeah!

Mr C.J. BARNETT: There will be. Those details -

Dr G.I. Gallop: What have you been doing all summer? You have your chance now. This is it.

Mr C.J. BARNETT: The Opposition has other speakers who will pursue those issues.

A full and open public inquiry into the events at the Brookdale waste treatment plant is required. The plant needs to be closed. That should have been done by now. It should be done almost immediately. It is unacceptable.

Dr J.M. Edwards: Your contracts are extending its life.

Mr C.J. BARNETT: The minister should close the plant. The minister sits there and smiles. Given the history of the plant, which no-one denies goes back a long way, and the series of events over the past two years, the Brookdale plant should be closed. The minister should move to immediately close that plant. The Premier and the minister have spoken about the importance of restoring public confidence in the environment portfolio and the Department of Environmental Protection. The most significant thing the Premier could do right now to restore public confidence would be to remove this minister and replace her with a new Minister for the Environment and Heritage.

MR B.K. MASTERS (Vasse) [3.59 pm]: I have no confidence in the way in which the Minister for the Environment and Heritage has handled the Brookdale liquid waste treatment facility issue. I will attempt to explain the reasons for this position in the few minutes that I have available. In January 2002 the Environmental Protection Authority provided its report and recommendations on the Brookdale facility to the minister. The recommendations include some that related to the phase-out of certain wastes that should no longer come into the facility after a certain time, and another that the minister should consider the future of the facility in the long-term waste management strategy for Western Australia. Sadly, not all of those recommendations have been implemented. In spite of the statement made by the minister to this Parliament on 25 June 2002, that hazardous waste would be managed and no waste would be taken to Brookdale after 30 June - the minister's actual words were "we are well on target to achieve that" - hazardous waste continues to be processed and disposed of at the Brookdale facility. The first reason that the Western Australian public does not have confidence in the minister and the Government on environmental issues is that they do not keep their word. The statement on 25 June last year was a repetition of previous statements, and the minister has not lived up to what was said in any of them.

Being the person in charge of protecting and managing our environment is a very serious position, but based upon information provided to me - I invite the minister to correct me if I am wrong - I understand that the minister went on holidays shortly after the *Sunday Times* article broke the news of the high -

Dr J.M. Edwards: That is not true at all.

Mr B.K. MASTERS: The minister will have the opportunity to reply. I am told that the newspaper article -
Several members interjected.

The DEPUTY SPEAKER: Order, members!

Mr B.K. MASTERS: I am told that the newspaper article came out on Sunday 5 January, and at that time the minister had not yet started holidays. However, even if she had started holidays by then, I challenge the minister to consider that the Western Australian public believes that she should have accepted her responsibilities as a minister and come back to work. I do not know where she was, and I grant that we all need holidays, but the point is that she was on holidays, and I understand that she did not return from holidays until 22 January or thereabouts. Even then she was not prepared to make a decision until the Premier returned on 27 January. That is the second reason for the lack of confidence in the minister and the Government.

Everyone accepts and understands that the Brookdale facility needs to be closed as soon as is reasonably possible. However, there is clearly a large dollar sum involved in that. The Environmental Protection Authority report came out 13 months ago; the minister made the announcement about closing the facility at least nine months ago. I understand and accept that there was much planning involved in deciding what to do, even after the minister had announced the best of intentions. The bottom line is that it will take millions, perhaps tens of millions of dollars, to establish a new facility in Western Australia to process septic waste in particular, as well as some of the other materials. One reason the replacement plant will be costly is that it should not be built on the Swan coastal plain where there are inherent problems of proximity to population and potential effects on the ground water. I am afraid the green credentials of the Premier and the Treasurer - in other words the whole

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Government - are now being questioned because there seems to be no indication that the millions or tens of millions of dollars needed to relocate and replace the Brookdale facility have been made available.

When action was finally taken by the minister and the Premier, it was the wrong action - they cut off the wrong head. Roger Payne had an excellent track record with the Water and Rivers Commission. He was relatively new to the chief executive officer position in the Department of Environmental Protection. He was certainly not responsible in any way for the old-fashioned, and now discredited, command and control system of environmental management which was brought in a decade or more ago under Barry Carbon and Bryan Jenkins, but Mr Payne was sacked. Making him into a scapegoat has resulted in a near-total lack of confidence in the minister by the public servants remaining in the Department of Environmental Protection. I understand that a number of better-quality public servants have left that department, and the morale of those remaining is as low as it has ever been. I am a former employee of that department, when it had a different name, and I have maintained an interest in the department over the ensuing 23 years. That is the fourth reason the minister has lost the confidence, not just of the Opposition, but of the people of Western Australia.

Finally, as well as the minister being asleep at the wheel on this issue, the Government has reduced funding to her agencies over each of the last two budgets. On page 662 of the 2002-03 *Budget Statements*, under the heading relating to the total cost of output for pollution regulation, a funding reduction of 21.4 per cent is shown in the first year of the present Government, and a further 3.8 per cent in the second year. If inflation is added to that equation, the funding cut amounts to over 30 per cent in just two years. It is no wonder the Department of Environmental Protection cannot do its job, if the Minister for the Environment and Heritage, the Premier and the Treasurer will not allow it to do that job. Although the department knows what to do, and how to do it, the Government has not given it the funding. The bottom line is that we live in a complex industrial society, and government agencies like the Department of Environmental Protection must be proactive. They cannot wait until an issue like Brookdale, the Bellevue fire, Omex Petroleum Pty Ltd, or anything else comes up. These agencies must be funded to go out and be proactive. For that reason I applaud the decision to establish an enforcement unit, announced last week, and I will be seeking more information from the minister about it over the next few weeks.

I have given five reasons for the lack of confidence in the minister and the Government over the Brookdale issue. Firstly, the minister has not lived up to her promises. Secondly - and I would be happy to retract any comments I might have made about the minister being on holidays or not being on holidays - there is the perception that she was away and was not prepared to come back. Thirdly, the Premier and the Treasurer have let the minister down to a certain degree, because they have not provided the funding necessary to allow a replacement facility to be constructed. Fourthly, the minister cut off the wrong head, and has demoralised the department by getting rid of one of the few people who had the chance to do some good on this issue. A very good man in the person of Roger Payne has been removed. Finally, the Treasurer and the Premier have reduced funding for the pollution side of the activities of the Department of Environmental Protection by about 30 per cent over the last two years. Those are five reasons the public of Western Australia has lost confidence in the minister. She has failed to perform, and failed to protect the environment, and she should be stood aside.

DR G.I. GALLOP (Victoria Park - Premier) [4.10 pm]: I strongly support the Minister for the Environment and Heritage. The very weak case that has been presented by the Opposition is indicative of where it is at as an Opposition. It is interesting that often, when Parliament resumes, some members are unhappy with the Government's performance. In recent years some members have resigned from their political party and have criticised that party for things it did when in government. However, this Parliament has resumed with the unique distinction of an opposition member leaving the opposition front bench because he supports the work done by the Government of the day. I refer of course to the member for Ningaloo.

This State needs a good Opposition that does its homework, raises issues in the Parliament and presents arguments to back up the propositions that it puts forward. Absolutely no argument has been put forward today that would lead us to conclude that the Minister for the Environment and Heritage should not have the full support of this House.

Let me go through the role of the Minister for the Environment and Heritage. Let us look at what she must do as a minister. I believe her role can be defined in very simple terms. When she became the Minister for the Environment and Heritage early in 2001 after the election of the Labor Government, she inherited an enormous legacy of neglect. What was worse about that legacy of neglect was that the previous Government had swept the problems under the carpet. There is no better example of that, of course, than the performance of the member for Kingsley as the Minister for the Environment on this very issue of Brookdale. The problems associated with it were swept under the carpet and people were kept out of the loop in the hope that no-one would ask any questions about what was going on. The minister's role today is that she must deal with that legacy of neglect.

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A number of issues fall under that legacy of neglect. The first is the disastrous state of forest management in Western Australia. That was the first legacy that we as a Government had to confront and it was the first issue in which this minister had to play a senior role. The second issue with which the Government had to deal was waste management, contaminated sites and pollution control in Western Australia. When some Governments come into power, they have skeletons in the cupboard with which they must deal. When we came into government an explosion occurred at Bellevue. That was indicative of the environmental problems that existed in Western Australia in February 2001 and was an indication of why the people of Western Australia entrusted us with the job of government and the member for Maylands with the job of Minister for the Environment and Heritage. They knew that they would get a bit of commonsense, a bit of enthusiasm and a bit of action on environmental matters. There was a legacy of neglect in forest management, pollution control, waste management generally and contaminated sites.

In the two years that we have been in government, this minister has systematically gone about solving those problems. Pollution-control, contaminated-sites and waste-management problems will take a long time to solve, because the neglect of those issues by the previous Government was so great that they will require legislative change, which will take time in this Parliament. They will need changes in policy and in the culture and organisations of government that exist to supervise those matters. This minister has a very enthusiastic and systematic approach to solving those problems. There is no way that I, as Premier of this State, will move a minister who is doing an outstanding job in her portfolio for the people of Western Australia.

Let us first look at the question of forest management.

Mr C.J. Barnett: What about Brookdale?

Dr G.I. GALLOP: We are talking about the Minister for the Environment and Heritage. I will talk about every aspect of her portfolio. When the minister took on her portfolio, there was massive controversy in Western Australia about forest management. There was disagreement because the fundamentals were wrong. There was a lack of principle in the key issue of conservation, which we sorted out very quickly. There was a failure to address conservation issues in a commonsense, scientific and proper way. Under this minister, those problems are being dealt with properly. Our policy of stopping the logging of old-growth forest is being developed properly in consultation with the community and other ministers. The forest management plan is being dealt with properly in consultation with the community and by taking scientific opinion into account. On that issue, the State has moved an enormous way forward under this minister.

I remind the House that this Government has ended the logging of old-growth forests and created 30 new national parks. During the previous Government's term of office, it created only five national parks. This Government has spent an extra \$25 million to make sure that those national parks are managed properly. That is the performance of the Minister for the Environment and Heritage in one aspect of her portfolio.

I turn to the issue of contaminated sites, waste management and pollution control. This Government inherited a mess at Brookdale and there were serious problems in the relationship between Alcoa and the community and the relationship between many industries in the Kwinana area and their community. This minister has been willing to go into the community to solve those problems, unlike the previous Government, which kept the community out of the loop. There will be controversy when Governments involve the community and are up-front about issues. The media love the controversy and conflict. However, that controversy exists because this Government is up-front about the issues and has brought the issues to the surface for debate.

Of course, the Opposition did not mention the way in which this minister has dealt with all the problems associated with Alcoa and the community, has introduced independent audits of the processes and is beginning to restore confidence in the relationship between that major investor in the State and the community of Western Australia. The Opposition has not mentioned the role that she has played in ensuring that the relationship between Cockburn Cement Ltd and the community in Kwinana is based on a proper independent approach to emission controls. Do members know why? It is because it exposes the weaknesses of the Opposition when it was in government. Its attitude was to sweep the issue under the carpet, keep the people out of the loop and not tell them what was going on.

I will not mention Bellevue! At the time that we came into government, there was a massive explosion at the Bellevue site. That explosion had written all over it "Liberal neglect". Step by step the Minister for the Environment and Heritage is working through the issue on behalf of the people of Western Australia. The performance of this minister has been impeccable. She has followed proper processes. In response to the questions posed during question time, the minister made very clear how she was addressing this issue. When she took on the portfolio, she had to address the breakdown in relations between the community and the Government because of the failure of the member for Kingsley when she was minister. When the current Minister for the

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Environment and Heritage worked through the issue and made a decision, the community said that it was the best news that it had heard for years because she corrected the problem that had existed under the previous Government, which was that without a proper licence, waste was sent to that plant when it should not have been. This minister corrected that problem.

At the same time as putting in place the auditing of that plant and making sure that proper processes are in place, the new waste management council was established and the contaminated sites and environmental protection legislation introduced into the Parliament. Let us look at those three issues. The waste management council will be in a position to take a whole-of-government, whole-of-state approach to the question of waste management. However, changes will take time. Sites will have to be identified and communities consulted, but the process has begun. Who initiated that process? It was the Minister for the Environment and Heritage.

Let us look at the previous Government's approach to the fundamental issue in Western Australian politics of contaminated sites legislation. In its eight years in government the previous Government failed to deal with it. The coalition made promise after promise but it never delivered. Who delivered? It was the Minister for the Environment and Heritage. Legislation is now on the Notice Paper of this Parliament to deal with that issue and a council has been established to consider the long-term issues of waste management. All that has happened throughout 2001-02 under the supervision of this minister, whereas in the eight previous years nothing happened. Where was the contaminated sites legislation? Where were the penalties for the polluters in Kwinana? Nothing happened. Where was the supervision of the licensing arrangements between industry and government? It did not exist.

Information was received early this year of a finding on lead levels at the Brookdale waste site that was very alarming. As a result, the Government intervened to allay the concerns of people in that area through intensive auditing, the involvement of the community and the establishment of an independent panel chaired by Professor D'Arcy Holman, an eminent authority on the issue. Something else happened. The Government was faced with a problem; namely, a breakdown in communications with the overall community as a result of the previous Government's inaction. The lead finding intensified that difficulty. The Government knows that to manage proper regulation of the environment, which it supports, there must be public confidence and trust in the process.

The head of the Department of Environmental Protection, who failed to notify the public of Western Australia about that lead finding and its implications, even though it had been fully published in its reports, accepted responsibility for that omission. He accepted responsibility for that mistake and its effect on the relationship between the public and the Government of Western Australia through its regulatory agencies, and he apologised.

I remind the House that in our system of government, we have very clear accountabilities. Chief executive officers are accountable for what they do, just as ministers are accountable; albeit, the nature of the accountabilities may differ. Mr Payne accepted that. After some negotiation, he agreed to leave the government service under a management-initiated retirement.

Mr C.J. Barnett interjected.

Dr G.I. GALLOP: That is what happened. It is as clear as anything. It happens in government from time to time.

I refer to the next issue and acknowledge that there is a problem with the Department of Environmental Protection's structure and organisation and its ability to control pollution. Which minister initiated reviews of the department that revealed that problem? It was the member for Maylands, who is the Minister for the Environment and Heritage. What did the previous Government do about those problems in the DEP? It tried to reduce its independence and consequently its ability to play a proper regulatory role. This minister has initiated a number of reviews that will lead to changes in that organisation. One of those changes - a major change in the way enforcement within that department will be implemented - was announced last weekend. That change has not gained much publicity but it is a very important change in the way the DEP will operate. Who developed that institutional change? Who did the work that was necessary prior to announcing that environmental enforcement unit? It was the Minister for the Environment and Heritage. We will see major changes in the way in which the department operates.

Members opposite tell me that, as the Premier, I must dismiss the Minister for the Environment and Heritage. Why should I do that? It suits this lazy Opposition, which has not done its homework on these issues, to raise a debate about ministerial responsibility.

Several members interjected.

Dr G.I. GALLOP: Forget the rhetoric, let us deal with the facts.

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Several members interjected.

The DEPUTY SPEAKER: Order!

Dr G.I. GALLOP: This minister was responsible for halting the logging of old-growth forests and is successfully managing the transition to a new system. This minister has developed and introduced into Parliament major legislation to toughen our environmental laws so that people who pollute are penalised. This minister introduced into Parliament the contaminated sites legislation. That is two out of two. This minister developed the council that will examine the long-term needs of waste management in this State. That is three out of three. Despite the problems between some of our major industries and the community in places such as Kwinana and Yarloop, this minister is bringing confidence back into the system. Why? She has an independent process in place to find the facts and to deal with them properly. This minister has dealt with the issues at Brookdale. That is five out of five.

The Minister for the Environment and Heritage has my support and that of the Government. She has that support for a number of reasons, not least because of the initiative she has taken on the environment. She has that support also because of the matter-of-fact and commonsense way in which she deals with all the issues she faces. She deals with them as they should be dealt with - on the basis of the facts. She does not play politics with people's fears or environmental issues. She sits down and listens to people present their arguments. Unlike the previous Government, she involves the community and she makes decisions. My defence of the Minister for the Environment and Heritage is not based just on her actions regarding the environment, but also on the way in which she deals with it. Members saw that in this Parliament during question time. She dealt with all the questions in a matter-of-fact way, not on the basis of the rhetoric and the flotsam and jetsam of politics but on the basis of the facts. That is why, when the history books about Western Australia under this Government are written in years to come, the historians will focus on the remarkable things that happened in the environment. When eight years of Liberal neglect has occurred, change takes time. We acknowledge that it is taking longer than we had hoped, but that is because the institutions, the laws and the relationship between the Government and the community must be changed. The Government will make sure that they occur and this minister will guide those processes through the Parliament, in the community and on behalf of the people of Western Australia.

DR J.M. EDWARDS (Maylands - Minister for the Environment and Heritage) [4.30 pm]: I regret that this motion is being debated this afternoon because we are talking about an issue with the Brookdale waste treatment facility that has caused considerable distress in a local community. I was on leave when I heard about it through a radio bulletin. I was in the eastern States and out of mobile phone range. I immediately phoned and offered to come back. However, I had a very competent acting minister who was happy to deal with the situation in the short term.

It is important that we ask why this happened. It is particularly pertinent given that the air testing was conducted by an independent consultant because the local community did not want the Department of Environmental Protection to do it. Neither the department, Waste Management (WA) nor Cleanaway Technical Services knew the days on which the air monitoring was to be done. Over the course of the monitoring, the testing was modified to take into account what the local community was worried about. However, that did not include lead testing. In addition, in July last year the consultant took the draft report to the community reference group, which worked through its content. I have seen the minutes of that meeting. There was quite a lot of discussion but no mention of lead. That draft report was handed to all the people at the meeting and in early August they were able to compare it with the final report, which was posted on the departmental web site. It has been there since that time. I have had a number of discussions with my department about why this happened, and we have put in place three measures to address some of the issues that have arisen from that. We will make sure that any future contracts include a provision for the contractor to undertake a certain level of quality assurance of its work.

Mr C.J. Barnett: When did you become aware of the lead levels recorded by GHD Pty Ltd?

Dr J.M. EDWARDS: On 5 January, when it was reported in the *Sunday Times*.

Mr C.J. Barnett: Is that also true of your office?

Dr J.M. EDWARDS: I guess it heard about it a couple of days earlier when the *Sunday Times* contacted the acting minister. I reiterate that I knew nothing about the lead levels until 5 January when I listened to the ABC national news.

I make the obvious point that if any of us had known about this, we would have acted. It would not be possible to have reports showing levels that suggest there was a smelter near a school - it was of that magnitude - without

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doing anything about it. If I had known anything about it, of course I would have acted. If my staff had picked it up, they would have acted. If the department had detected it, it would have acted. If the consultant had detected it, he would have acted. Presumably, if the members of the community who were walked through the report by the consultant and who were present when the testing took place had picked it up, they also would have acted. None of us wants to see anything that potentially leaves children exposed to chemicals. That is something we all have in common and want to see tackled.

One other issue that has been raised with me is that there was concern within the department about what was happening at the Brookdale site and with Waste Management (WA). It has been put to me that that was one of the reasons the conflict of interest in that particular circumstance caused a difficulty. Cabinet has resolved to stop that conflict of interest; however, it cannot do that until it finalises the negotiations with Cleanaway. Despite what the Opposition says, it was in government when the contractual arrangements were extended until 2005. We are in very deep negotiations with Cleanaway, and the site will close well before 2005. I will make an announcement about that later in the week.

I take very seriously what a number of members said this afternoon about health concerns. I have had numerous meetings with the Minister for Health and his departmental staff, and have made sure that there is a lot of liaison so that we can properly get on top of the health issues in the general area.

Mr C.J. Barnett: As a general practitioner, do you think a telephone survey is an adequate response to legitimate health concerns? Do you think that that is in any way adequate, sensitive or responsible?

Dr J.M. EDWARDS: I do. Unlike the Leader of the Opposition, I have read the survey and gone through it in some detail. The Department of Health has walked me through that survey. I point out that when this arose, the Department of Health, through the local division of general practice, got the general practitioners together. The department is surveying the GPs. It has asked them whether they have picked up any abnormalities and whether there is anything the department needs to know about. We have posted a community health nurse in Brookdale. I have had discussions with her and given her the full support of the Government to follow up whatever issues are raised. We also have the health survey. In addition, we have set up a community reference group and asked it to advise us what further environmental or health testing it thinks needs to be undertaken. We will examine that and we will follow through. We want to reassure the local community.

There is obviously some confusion about closure. We said that we would stop the Brookdale site receiving hazardous wastes that are outside its approvals. We have delivered on that.

Mr C.J. Barnett: Did you deliver on that within six months?

Dr J.M. EDWARDS: We did. The Opposition fails to recognise that four waste streams still go to the site, including package wastes such as mobile phone batteries, car batteries and camera batteries. They contain small amounts of heavy metals. The Leader of the Opposition probably has a mobile phone in his pocket.

Mr C.J. Barnett: No, I do not.

Dr J.M. EDWARDS: He is worried about the metals! There is also septage. Many sites receive septage. Nearly half the waste going to Brookdale is septage. Grease trap and oily waste also goes there. Things like pool chemicals and acids and alkalis from school laboratories are sent to Brookdale. I ask the Opposition if it would rather have those left in school laboratories than collected.

Mr B.K. Masters interjected.

Dr J.M. EDWARDS: No, we never said that would stop; we said we would prohibit the site receiving hazardous materials that were outside its approvals. What is now going to Brookdale is approved to go there. In fact, many other places in the State are licensed to take those same types of waste.

When we came to government, we identified a big gap in the State's waste management policy. It was clear to us that the previous minister had done all the nice things - she had said lots of stuff about recycling and sent out lots of glossies and postcards during the election campaign - but had not tackled the serious issue of what to truly do about waste management. I amalgamated a number of committees that were running along nicely but in parallel, such as the State Recycling Advisory Committee, the advisory committee on waste management and the Waste 2020 task force, which was operating far ahead of government. It could do so because the coalition Government did not need to worry about it in 2000! A year ago we set up a new Waste Management Board. Over the past year it has been developing site selection criteria for a new hazardous waste facility, and has been working through those with a community consultative committee. I urge the board to act on its work in a more timely manner and to release it to the community as quickly as possible. We are delivering on our promises in not only the area of waste management but also heaps of other areas.

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Ms S.E. Walker: What about Coral Bay?

Dr J.M. EDWARDS: Let us get to that. We have stopped logging in old-growth forests. We have acted on our commitment to pass amendments to the Environmental Protection Act. Following the Bellevue fire, I found it quite distressing that because of a defect in the Environmental Protection Act we had to wait until the pollution was off site before it was considered an offence. This Parliament has now passed the solution to that problem. When we came to government, there were something like 15 drafts to the Act. It is very nice to have 15 drafts of a Bill; however, all the people who were consulted on the ninth draft did not know what was done in the subsequent six alterations. We brought that Bill into this House. Similarly, we introduced contaminated sites legislation into this place. That legislation was promised in 1994, and Kevin Minson said it would be dealt with urgently. We did not see it until we came to power. We will deliver on our promises. We have a very comprehensive environmental agenda, and we are very proud to proceed with it.

I will direct a few comments to the member for Vasse. Perhaps it would be better if he stuck to his speech on bilbies. He gave a very good speech about bilbies. When an assessment of the performance of members was conducted earlier this year, nobody knew who the opposition spokesperson for the environment was. When the member gets unfortunate headlines in his own electorate, for example, "Forests Like Logging: MLA", perhaps he should keep his head down. Maybe that headline is unfair. However, the Opposition's position on old-growth forests is an important issue. Recently, the Leader of the Opposition said that the vast majority of old-growth forests should be saved. What is supposed to happen to the minority of the forests that are left? How vast is vast? The Opposition does not know what its policy is.

The Labor Party is proud of its policies for this area. During the last election our policies were written in great detail. We are implementing those policies and will continue to implement them to make sure that everyone in this State is given the environmental protection they deserve.

MR D.F. BARRON-SULLIVAN (Mitchell - Deputy Leader of the Opposition) [4.40 pm]: Today we are debating whether the Minister for the Environment and Heritage has the confidence of this House. Today we have heard things that reveal that the minister cannot have the confidence of the House. I will start by touching on one of the most serious pieces of information that has been gleaned from both question time and from the minister's comments this afternoon, which relates to the minister's credibility and her openness and honesty on this issue. We have heard the minister confirm what I had intended to say; that is, she maintains that until 5 January she did not know about the excessive lead levels in the vicinity of Brookdale that were discovered as a result of air and water testing. I had intended to point out that she had indicated that she did not know about those levels until a particular *Sunday Times* article was published. However, the minister has confirmed that today in this Chamber. The minister said also that she would have acted had she or her staff known about it earlier. That is what we would all expect from a minister in this position. The minister said that she knew about the situation, but not until 5 January. She said that if she had known earlier and if her staff had told her about it, she would have acted sooner. On 31 July 2002 a community group called Mothers and Others held a meeting attended by the Minister for Planning and Infrastructure, a ministerial colleague of the Minister for the Environment and Heritage. Mr Ross Belton was also at that meeting. I understand that he was the political adviser of the Minister for the Environment and Heritage at the time and used to work for the Minister for the Environment and Heritage when she was in opposition. Presumably the two of them are very close. The first point of the agenda given to the Minister for Planning and Infrastructure before that meeting states clearly that recent air and water tests showed that toxins were above acceptable national levels. The people at that meeting had a copy of that agenda. The minister's adviser had a copy of that agenda. The minister's adviser knew about the lead situation five months previously.

Several members interjected.

Mr D.F. BARRON-SULLIVAN: The minister is saying that there is no problem when a report is given to the minister's adviser showing that air and water tests have found that toxins are above acceptable national levels. The minister said that if she had known the toxins were a problem, she would have acted.

Several members interjected.

Mr D.F. BARRON-SULLIVAN: What is lead?

On 5 January the minister said it was the first time she knew about the matter. In fact, on 31 July the minister's political adviser was well aware that this was the first item on the agenda of a meeting that was attended by the very minister who is trying to interject. Today we have also learnt it is not the case, as the minister previously asserted, that she acted as soon as she found out about the problem. I refer members to a debate in this Chamber on 25 June when the minister said -

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Just over a year ago when we first came to government, I was shocked to learn that the Brookdale liquid waste treatment plant was operating outside its approvals.

The minister claims that she found out about the matter after she was elected to Government, and that she was shocked and would take action. However, today in answer to a question we have discovered that it was not until nine months later that the Government rolled out a strategy to deal with the situation. I will go one step further than that. It could be argued that the minister has misled the Parliament. I say that again because, having been shocked to hear this news, on 25 June 2002 the minister said -

As a result, we undertook a range of investigations to see whether there were alternatives for the hazardous waste that was going to Brookdale.

However, today we found out that it was not until only 10 days ago that the minister met with private operators to try to develop alternatives. When I rang private operators in January, they told me that the minister had not approached them.

Mr E.S. Ripper: You are a joke. You have no credibility.

Mr D.F. BARRON-SULLIVAN: Members opposite might mock me, but on 25 June the minister said she would see whether there were alternatives. However, it is only this month - February - that the minister has met with those representatives. In January private operators told me that neither the minister, nor her staff nor her department had contacted them. However, in June the minister said she would look for alternatives. How can she look for alternatives without talking to the people who run the other sites? Until January the minister had done nothing.

Several members interjected.

Mr D.F. BARRON-SULLIVAN: I find it incredible that members of the Labor Party can jest about this issue. Those few members opposite who have spoken to the residents would know of the genuine anguish and concern felt by people of that community. I suggest that government members talk to some of the families who have been affected before they joke about this matter. They should wipe the grins off their faces when they discuss this crucially important issue.

Mr C.J. Barnett: The Government had people dragged into paddy wagons.

Mr D.F. BARRON-SULLIVAN: It was absolutely disgraceful. Those people were fighting for their kids' health.

As of today, the Government has proposed no alternatives or strategies. Senior bureaucrats have indicated on the radio that they are confused about what is on the list of acceptable material to be stored at Brookdale. A number of bureaucrats do not know what can go into Brookdale, let alone what the alternatives are. Today there are no alternatives. The minister has just spoken and could have given us an indication of the Government's plan. In June last year she said the Government would look for alternatives. In January this year the private sector said that she had not asked it about any alternatives. We have now learnt that the minister met with representatives from the private sector only 10 days ago. To this day there is no plan for an alternative.

Essentially, the minister has also failed to implement any system of proper independent assessment of the environmental and health problems. As the Leader of the Opposition pointed out earlier, a telephone survey has been implemented instead of a comprehensive health assessment of families in that area. Today the minister said there had been 18 audits and spot checks. She said the community was consulted about the consultant for monitoring purposes. However, that does not mean that the community is happy. The minister is asking the residents to trust the very people who have put them in the current situation. She is asking them to trust the regulators who are not regulating the situation. The minister is grinning again. Every time a member on the other side grins, I will put it on record in *Hansard* and make sure that every single family in Brookdale and Forrestdale reads these points. The Premier is grinning.

A question even arises about whether the minister misled Parliament specifically on the question of polychlorinated biphenyls - PCBs - going onto the site at Brookdale. I say that for the following reasons: the minister indicated previously that PCBs were to be phased out completely. In fact, in *Hansard* of 26 June 2002, the minister said -

Other waste management companies including Cleanaway may use waste producers facilities and/or licensed dangerous good storage facilities for the repackaging and temporary storage of these wastes prior to transport interstate.

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It is revealed through the work of community representatives that PCBs were being diluted to two milligrams per kilogram; therefore, technically, that waste could be deemed to be PCB free. Technically, it met the words on that sheet of paper. However, the same amount of PCBs was entering the site. It did not rot away. The same toxic damage was being done, but, no, the minister told us she had a plan to stop PCBs going onto the site and that the plan was being implemented. It was being implemented by watering down the PCBs so, in effect, they could be snuck into the plant through the back door.

Mr A.D. McRae interjected.

Mr D.F. BARRON-SULLIVAN: Yes, categorically. The minister has failed to meet the promise she gave to the community on 21 January in her office that within one month of that meeting she would provide a definitive date for the closure of the Brookdale plant. It was hard enough for the community representatives to get that meeting. I believe to get a meeting with the Minister for Health, people had to threaten to put their kids outside his front door until he agreed to meet them!

Mr R.C. Kucera: That is a nonsense!

Mr D.F. BARRON-SULLIVAN: I go from what I am told by honest citizens who are affected by the minister's inaction. I have no reason to doubt the word of the residents of Brookdale and Forrestdale in the way I doubt the word of members opposite.

Relating to the minister's failure to comply with her promise, the community reference group comprising community members and experts indicated that there was no reason that the plant could not be shut by 1 March. It may interest the Minister for Planning and Infrastructure to know that one of her Labor Party branch members with expertise in this area confirmed that in his opinion the plant could be shut by 1 March. We still do not know when Brookdale will close, despite the minister's unqualified commitment to the community group on 21 January that within a month she would advise them accordingly. She has had to be dragged kicking and screaming to expedite the closure. The minister has had no regard for the extent of community concern.

To date, no progress has been made towards a remediation plan for the site, or even a timetable for it to take place. The minister failed to act on a formal health alert in June 2002. It smacks of a cover-up. She has ignored her Labor colleague the member for Southern River, who called for the plant to be closed on 13 December 2001.

The minister has overseen a department that found out about a child's medical test results before his own family did! She took no action when another child's medical test results were sent to her Labor colleague the member for Southern River, again, before the family were told.

Ms A.J. MacTiernan: Where is your evidence?

Mr D.F. BARRON-SULLIVAN: I can even tell members where this lady lives, but I will not name her in here. She has four sick kids. When she tried to find out the health test results of one of her sick kids, and wanted it faxed to her, the results were sent to the member for Southern River. Was that a mistake? Was it deliberate? We need to know. This Government is hiding the truth from us and from the people, and it tries to cover up instead.

The minister has ducked any question of prosecutions. It would be interesting to see what prosecutions the Environmental Protection Authority might make of the Department of Environmental Protection. The minister has ducked that issue. I was about to say that the minister has failed to point to another aspect of the matter, but today we heard another revelation. The minister indicated the truth of the story; that is, the contract prevents the closure of the plant. It was the first we heard about this. I will pull it out of *Hansard* tomorrow, if the Minister for Planning and Infrastructure would like me to do so. That is the real reason. I am advised that the minister has received detailed advice on the Government's contractual obligations. One must ask whether the minister is concerned about a contractual legal suit or the contractual expenses to be incurred as a result of pulling out of the contract, and whether it motivates her lack of action and the way she has not looked after the community. That is despite the fact that the Government could have spoken to Cleanaway, which is a subsidiary of the major national company Brambles, about alternative arrangements.

The Leader of the Opposition shared some information on other things that happened and which led to a lack of confidence in the minister and her office. He indicated that the minister's office was made aware of a report that a report went missing. It is my unfortunate duty to read out an extract from an e-mail, which has been slightly amended so the writer's identity remains confidential. This whistleblower sent this e-mail regarding the situation at Brookdale to the Opposition. It is apparent from the remainder of the e-mail that the person has close knowledge of these matters in the minister's office. My notes on the whistleblower's e-mail regarding Brookdale sent to the Opposition state -

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“... shredding was involved over a weekend in (the Minister for the Environment’s) office with regards to a report that the DEP claim came into (her) office amongst other work - that the Minister’s Office denied receiving... it was found in someone’s office, so the policy people decided to shred all evidence so that it looked like a DEP fault.”

Tell me we do not have a cover-up here! The minister knew about the health problems five months before she admitted it, and we now know her office is shredding information. They are covering up the paper trail. I say good on this whistleblower for telling us the truth on the matter.

Worst of all, the minister failed to be open and honest and to agree to a judicial inquiry. We on this side of the House have been open and honest. Both the Leader of the Opposition and I admitted that mistakes were made over a number of years. We have said that we need to learn from the mistakes, and have said that an open, honest and independent inquiry - preferably a judicial inquiry - should be held to get to the heart of the matter. More than that, we need to look at broader issues, because lessons would be learnt from this episode about waste management generally.

As we have heard today, problems exist in Bassendean and all around the State. Until we have a Government honest enough to look at problems in places like Brookdale, and to do so independently, we will never get anywhere.

I give the twentieth reason for why this Chamber should have no confidence in the minister: charitably I say that, at best, the minister has been snowed by her department. However, even if the minister has been snowed by her department, this amounts to nothing short of negligence or incompetence. However, at worst, she is directly implicated in its failure to act in the interests of the community, motivated instead by the prospect of a multimillion-dollar lawsuit from the contractor or the political fallout of admitting that she acted too late. Only one thing is certain: the regulator in this case has not been properly overseen by its minister on an issue of the gravest importance - the health of a whole community and its children. Nothing short of a judicial inquiry and the resignation of the minister will clear the air and prevent a repeat of the Brookdale situation.

MS A.J. MacTIERNAN (Armadale - Minister for Planning and Infrastructure) [5.00 pm]: I acknowledge that this whole sorry saga has caused a great deal of distress and anxiety to the members of my electorate and that of my friend and colleague the member for Southern River. However, I go on record as totally supporting my colleague the Minister for the Environment and Heritage because in my view she has acted in a very responsible fashion on this matter. I have never before seen the degree of cant and hypocrisy that we have seen in this Parliament today. We all know that the real culprit in this is the former Minister for the Environment, who enabled hazardous waste to be redirected to this facility. As part of the deal she did, there was an agreement that Cleanaway, the manager of this site, could extend its operation to 2005. Under normal circumstances, this plant would have been closed in 2002. However, in order to deal with the problem - that is, where to put hazardous waste - the previous Government entered into a deal to allow this operation to be extended to 2005.

We know that the Leader of the Opposition has said that the member for Kingsley, while Minister for the Environment, behaved impeccably. What did she do? She entered into a deal to deliver hazardous waste to this site without any approvals and then she wrote a letter to the Environmental Protection Authority stating that it had better review it. There was no taking the community into her confidence whatsoever. Absolutely no measures were taken to let the people in the community know that hazardous waste had been introduced into that plant. It was subterfuge. It became apparent only shortly after we came to government. The Minister for the Environment and Heritage immediately took steps to deal with this matter. Both the member for Southern River and I have long been advocates of the fact that this facility should be closed. From a planning point of view, if for no other reason, there was a compelling reason that the operation of this plant should not be allowed to extend, certainly beyond the 2005 date. We understood the anger of the people of Brookdale, who believed that the Liberal Government had dumped this facility in their area because it thought it would get away with it because it would not be an activist community and was the sort of community that could be deceived in this way. The previous Government thought this community would not make too much of a fuss, but it certainly did make a fuss. Maximum disclosure took place under the guidance of the Minister for the Environment and Heritage. The member for Southern River established a community consultative committee, which he will talk more about, that met on a weekly basis to take the residents through all the testing that had been going on and the ongoing process to deal firstly with the hazardous waste and then latterly with the entire waste stream.

We supported the Minister for the Environment and Heritage, who took the view that she could not behave like the previous Minister for the Environment. She would not say that she would deal with this problem by shoving it off somewhere without full and open disclosure. She recognised that what we lacked and what we needed was a proper coordinated strategy, and that is what she has been working on. That cannot be done overnight; the

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sites cannot be identified overnight. In the first instance, the site selection criteria must be identified. Having done that, the sites that may meet that criteria must be identified and then the approvals process must be put in place, which is necessary to ensure that this is done not in an unlawful fashion, as was previously the case, but with total transparency and openness. We very much support the work of the Minister for the Environment and Heritage. As local members, obviously we have always been keen to have this facility closed sooner rather than later. We are confident that the minister is working as quickly as possible to achieve that end. I am pleased to say that we are working very closely with her in that site selection process.

After making some absolutely outrageous allegations, the Deputy Leader of the Opposition has disappeared from the Chamber. He made allegations against a member from the office of the Minister for the Environment and Heritage. I note that even though I was supposedly at the same meeting, these allegations were not directed at me. I guess the Deputy Leader of the Opposition wanted to attack someone who would not be in a position to defend himself. There has been an attempt over the past couple of months to flog this story to various media outlets. On any examination it has been shown to be a complete and utter dud. There was a meeting in my office and there was an agenda. The person who called the meeting and who is making these allegations did not turn up to the meeting. If members read the document that the member failed to agree to table, they will note that there was not a single reference to lead in the agenda; there was not a single reference to lead at the meeting. Are members opposite trying to tell me that if the members of this community group had information indicating that there were lead levels 77 times the world health standard, they would not have raised it, it would not have featured in the agenda and they would not have gone to the media the next day to tell them? They were no more aware of it than the Minister for the Environment and Heritage. This was an oversight. There was a clear failing on the part of the department in not picking up that figure. However, this absolutely baseless allegation that has been made against a member of the minister's staff needs to be disclosed for what it is. It is a frantic and desperate attempt to deflect the blame, although one wonders whether the Deputy Leader of the Opposition is really trying to deflect the blame, because we notice a little contradiction in the attitude of the Opposition. The Deputy Leader of the Opposition has called for a judicial inquiry, and the Leader of the Opposition has distanced himself from such a call. One might speculate that the Deputy Leader of the Opposition is motivated by a desire to destroy the career of the member for Kingsley, because one person alone will be shown to be fundamentally culpable and that is the former Minister for the Environment.

As the Minister for the Environment and Heritage has said, shortly there will be an announcement of the timetable for the closure of this plant. When that announcement is made, there will be in place a firm strategy and mechanism for taking these materials elsewhere. It will not simply be a repetition of the sins of the past. It is about time the Liberal Party recognised what is recognised in my electorate, which is that the culprits are on the other side of the House.

MR P.W. ANDREWS (Southern River) [5.10 pm]: I must put a few things straight. What I have heard from the other side of the House today is a combination of untruths, half-truths and poor science. That is something that has gone on over the past few months in particular. I say to my good colleagues on the other side of the House that it is fair for members on that side to try to criticise this Government, evaluate it and keep it honest and on its toes. For goodness sake, members must think of the community that is being sucked into the hysteria that is being created over this issue. The community's concern is very real. I cannot help but feel for the people who are taking their children to doctors for blood tests. I ask those members on the other side of the House with good intentions to put this into context. As an example of the half-truths that have come out of this it has been stated that a person's file showing test results was faxed to my office. I do not know what is being implied - possibly that there was a cover up. The situation is quite simple. A person who does not reside in my electorate telephoned my office and told me that a friend had been worried about her child since September or October, well before the Brookdale incident. She took the child to her doctor, who conducted blood tests and found an elevated level of lead in the child's blood. The family contacted the Department of Health so that one of the doctors from that department could interpret the results and tell the family what to do. The friend of the parent telephoned my office to advise that she was anxiously awaiting receipt of the report. The doctor offered to fax the report to her but she did not have a fax machine. She asked whether I would mind if it were sent to my office so that she could pick it up. If I had said no to the request for it to be faxed to my office so that the mother could pick it up, members on the other side would have criticised me for not doing something to relieve her anxiety and for denying her the opportunity to use my fax. The report was faxed to my office and headed "private and confidential". I did not even take it from the fax tray. I know I did not remove it from the fax tray because I was waiting for it on the Friday. I was even prepared to drive to the person's house to give it to her. The fax arrived at about 10 past seven on the Friday night. The person was telephoned first thing on Monday morning and attended my office. The report was stapled together and given to her. I let her sit down in my office to read the report. She told me she did not know what it meant and asked whether I could help her read it. I told her that I

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could certainly help. We were looking at the report across the desk. She told me I could take a photocopy of it. I took a photocopy and sat on my side of the desk. She sat on the other side of the desk and told me she was not sure what it meant. My first comment was that I was not a doctor and I would not interpret anything in the report of a medical nature. I assured her that if she was still uncertain about what it meant I would telephone the doctor and ask him to contact her again. She told me the doctor did not explain the report to her. I offered to give the second copy of the report back to her. She told me to keep it. I think the copy is still in my office somewhere. When I telephoned the doctor to qualify what had happened he told me he had spoken to her at length. It was a report. It did not go into the test results. It only recommended a course of action. Was a file sent to my office? No, it was not. However, there was a report. The report was sent to my office because the person asked me to do her a favour as I had a fax machine. The next step of the equation is why I read it. I read it because she asked me to. If a person were to ask any member, even if she was not a constituent, to look at a report for her and provide help, what would members do? Half-truths have been put forward. I caution members of the Opposition in good faith. They should look at the things they have been told. I understand that the Opposition is trying to knock me out of my seat. That is legitimate. I do not have a problem with that. When things are taken to the next step and children have needles jammed into them for no reason other than hysteria, we are not looking after the welfare of people, particularly in my electorate.

Mr P.D. Omodei: Can you explain why Roger Payne was given the sack?

Mr P.W. ANDREWS: Please, let me go through things.

It is very easy to stand in this place and make political speeches because that is what we do. I will not make one. I will just put the facts on the table as I know them. I have made every possible endeavour to chase down the facts. I have spent night after night chasing down this vague accusation. I have tried to get a report and sort through it. How did this situation happen? My first inkling was after the Bellevue fire when we - the community group I chair - found out certain things. A rally was held on 7 April because it was claimed that fire water used at Bellevue had been taken to Brookdale. We were led to believe that that was within the company's licence and therefore not a problem. We found that hazardous waste material had been sent to Brookdale and the company had been operating outside its licence well before 1999. At the rally held on the Forrestdale oval on 7 April I called for representatives to come forward to form a stakeholders group to investigate what was going on. It was to allow the community to take an interest in what was happening and allow it to be informed. At every stage since then the stakeholders group has continued to operate. The group has changed; the number of people involved has changed. People have come in and out. Different representatives from the Forrestdale association have become involved. No-one has turned up to my office for a meeting and been told to go away - not one person. No-one has turned up to a stakeholders meeting and been told that we do not want to convey information to him. The group met throughout 2001. It has been revealed today that the minister was informed that hazardous waste material had been deposited in the area for some time. We all know the story that the minister took advice from the Environmental Protection Authority and included it in the proposal to extend the licence for hazardous waste disposal at the site. What should have happened? The first thing is that the community should have been informed. It is a reasonable thing that the community should be informed if a site 750 metres away is believed to be licensed to treat septic and non-hazardous industrial waste and it in fact is used to treat hazardous waste material. The community was not informed. It did not know about it until well into 2001. Immediately it was identified that the site was accepting hazardous waste alternatives should have been found or developed. The problem we have today is that we do not have such sites that are appropriately licensed with all the necessary community consultation. Of course we know that the legislation was lacking.

I set up and managed the initial meeting of the stakeholder groups. Some of the representatives asked two or three times whether they could chair the meetings, and I said I was more than happy for someone else to do it and let me stay home occasionally. Some of those people had been supporters of the Liberal Party; in fact, one of them had made a significant donation to the Liberal Party. All of the way through 2001, we were finding out what had happened in the past and we were chasing down and collecting a body of information. I do not think a body of information was readily available to the previous minister, the member for Kingsley - or was it? The local people should have been informed. Was the former local member informed? Was my predecessor in this place told that hazardous waste material was going into her electorate? If she was told, she certainly did not let the people know; and, if she was not told, she should have been told. The community expects to know whether the previous Government had told the community, or the local member, that hazardous waste was going into their electorate.

What happened after this? I can assure members that every time the minister saw me - this backbencher in his first year in the Parliament who has this hazardous waste site in his electorate - I said "Minister, please take it away." The minister had a proposal in front of her that she had to deal with. She followed the correct procedure.

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She waited until the submissions had come in from the public. The submissions were overwhelmingly against the extension of the hazardous waste licence, and she made the announcement that the hazardous waste site would be closed down. We can sit here and argue about what the Opposition means by hazardous waste and what we mean. We have heard about PCBs being diluted so that they will fit into this category or that category. I do not know of anyone in this place who has a sufficient background in science to understand the matter fully. The community was told that the waste was non-hazardous material by international standards. We can argue about that all we like.

The next point is that over that time and until the end of last year, we had one inspection after another. All of those inspections were put on the table for the stakeholders. After probably six of those stakeholder meetings, I went to the local newspapers and gave them a copy of what had gone on. Every stakeholder group at that meeting, such as Mothers and Others, the Forrestdale residents association and the City of Armadale, received copy after copy of the inspection reports. To say that the process was not open is an absolute untruth. We chased down what was going on. A lot of taxpayers' money was spent on doing one test after another. In fact, one of the last tests that was to be done was the air monitoring. The community was not satisfied about that test being carried out by the DEP. In fact, there was no agreement at the meeting about how the test should be carried out; in other words, there was no agreement about the protocols. I put a motion to the floor that an independent consultant be employed to draw up the necessary protocols. The names of two or three consultancy groups were put to the stakeholder group, and it selected one of them. That company has until now had a very solid reputation. Its task was to carry out a test. It came back with a report that was tabled in July. All of the representatives of the stakeholder groups were given multiple copies of that report to take back to the various groups. I took a copy of the report to the local newspaper. I may be wrong about this, so perhaps I should not say it, but I think it was also placed on the web site for some time.

Mr B.K. Masters: Why was it that in the middle of 2002 or thereabouts the community that you were representing had so little confidence in the DEP that it demanded an independent assessor?

Mr P.W. ANDREWS: The answer is very simple. I use the expression "stuffed around". My community has been stuffed around for the best part of a decade. In people's minds the people who own the site are the DEP and the people who monitor the site are the DEP. In people's minds there is not a clear delineation between the EPA and the DEP. People are confused about who the proponent is and how the system works. Would we not be sceptical if we lived next door to a site to which for probably the best part of a decade - since at least 1994 - hazardous waste material was being sent and the DEP, which was supposed to be supervising and monitoring it, did not tell us? That is why the community did not trust the DEP. The only way that people would eventually accept the results was if the DEP were to stand aside and let somebody else do the testing, because the community had been stuffed around for so long and it had found out only incrementally what had been going on. The independent consultant came back with a report and we went through the figures at the meeting. I am not a scientist. The taxpayers had paid this person to give us advice and interpret it. His exact words were, "The air is clearer in Forrestdale than it is in my lounge room." He should have been able to see the mistake that was made in that reading. He did not follow the correct protocols for the test. It was a false reading. It should have been picked up, there is no doubt about it. However, it was not picked up for six months. To say that the report was not available and was hidden away is just not true. If it were true, how did the community know all about it? In fact, I have been told that if we were to believe the results, the local school is polluting the plant.

Of course given the history of this matter it was only reasonable that when people found out that the results had not been explained adequately they were very annoyed. I was very annoyed too, because it gave the people with vested interests the opportunity to go back and rehash everything that had been accounted for and explained during the preceding 18 months. The Opposition has an ideal opportunity to have a go here, but by geez it is really picking the wrong target with this one. It is just not fair on the community. My community in Forrestdale has been stuffed around for the best part of a decade because things were not made clear and open about this proposal to extend a hazardous waste site so close to a primary school. The Minister for the Environment and Heritage needs to draw up legislation, and alternative sites, or perhaps a precinct, need to be developed. It is not an issue that we can leave up to local government. This matter should have been acted on in the 1990s. However, it was not. Members will notice that I am not pointing a finger at the Opposition and saying it did this or that. I am not trying to make this into a political issue. My constituency has been mucked around. I have faith in the minister that she will close down the site in an appropriate way. I would love to be able to say to the community that she will do it tomorrow, but I know what the constraints are. That is why I have faith in the minister, because she followed the right process, she took the submissions from the people, she closed down the hazardous waste site, and she is endeavouring to do the best by that community.

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Government members: Hear, hear!

MR M.W. TRENORDEN (Avon - Leader of the National Party) [5.29 pm]: I have deliberately taken time to listen to the debate before the House. The only member who has addressed the motion moved by the Opposition is the member for Southern River. No other member has bothered to talk to the motion. That is a problem from where I stand right now. The Premier did everything he could not to talk about Brookdale. He ranged over many other issues in Western Australia, including forests, but did he ever get to Brookdale? No. He raised five outstanding issues for which the Minister for the Environment and Heritage should be given credit. I recall one of those issues related to closing down the forests but, half an hour later, the other four issues were so significant that I cannot recall them!

The first thing the Minister for the Environment and Heritage did when she got to her feet, unbelievably, was to get stuck into her predecessor by saying that she had done some good work and had fixed up some waste collection issues but that she was all bubble, squeak and froth and glossy documents. That was precisely the defence that the Premier gave to the minister. The minister actually refuted the Premier's support, which I found very strange.

We must deal with this very serious motion before the House. I support the motion of no confidence in the Minister for the Environment and Heritage. She has mishandled not only Brookdale but also a range of issues by shirking the fundamental responsibilities that a minister has. The National Party is concerned and not at all pleased with this minister's handling of issues relating to the environment, salinity and so on in her dealings with the federal Government. I will not refer further to those issues because we are talking today about her performance as a minister primarily on an issue that has arisen in recent months.

This Government was elected on a platform of transparency and accountability. At every step it has broken that promise of transparency and accountability. That alone is a reason for a motion of no confidence in this minister. The removal of very senior public servants from the public service and the payment of \$8 million to them in a two-year period are glowing examples of this Government's refusal to face up to its responsibility for accountability.

The minister placed herself in the middle of this debate on the termination of senior public servants on contracts under which they cannot speak until after the next election. The core issue is "after the next election". Why does the Government do that? If that is not a cover-up, why does it silence people until after the next election? Members have read the Premier's previous statements about how this Parliament should run on accountability. However, when he gets into government, it is a different matter whatsoever. The Minister for the Environment and Heritage has placed herself squarely in the silence campaign on the dismissal of Roger Payne. The chairman of the Commission on Government was quoted in the Press the other day on this issue. We often hear from this Premier about how he has taken notice of the Commission on Government. This is a clear example of his blatantly ignoring the provisions of that commission's significant report.

Dr G.I. Gallop: Which one?

Mr M.W. TRENORDEN: The Commission on Government.

Dr G.I. Gallop: Which particular one?

Mr M.W. TRENORDEN: The one about being open and accountable and not silencing senior public servants until after an election.

Dr G.I. Gallop: Which was the first Government in Western Australia's history that published the full details of all the management-initiated retirements in WA?

Mr M.W. TRENORDEN: Does that make the Premier innocent? Does the fact that the Premier goes out and declares himself guilty make him innocent? How does declaring yourself guilty, Mr Speaker, make you innocent?

Dr G.I. Gallop: The only reason you are debating this issue is because we released all the material.

Mr M.W. TRENORDEN: I am at a bit of a loss. The responsibility, Mr Speaker, lies with the Premier and with the minister; it does not lie anywhere else. It certainly does not lie with Mr Roger Payne who has now been "shot" and terminated. That is unfortunate, but that is what this Government has decided to do. There is no more relevant position than that of a minister of this House. Ministers are responsible in these proceedings, not the chief executive officers of particular agencies, particularly a CEO who has been in a position for 12 months or less.

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Mr B.K. Masters: About 18 months.

Mr M.W. TRENORDEN: Was it 18 months? However, he had a very short tenancy in that position. I suggest that both sides of the House would say that Roger Payne was a respected public servant.

During the events of this week that have been spoken about, two ministers returned from holiday - the Premier and the Minister for the Environment and Heritage. Members are still uncertain about who "shot" Roger Payne. We do not know who pulled the trigger but the Premier has said that it was a management-initiated redundancy. Joseph Goebbels would have been delighted with that statement; that is Goebbels-speak if ever I heard it. It was Joseph Goebbels who referred to concentration camps as work sites and rehabilitation centres. This Premier has used the same type of language and that type of language is appalling.

Mr A.D. McRae interjected.

Mr M.W. TRENORDEN: It is correct. It is a management-initiated redundancy.

Dr G.I. Gallop: It is a funny thing that it was exactly the terminology used throughout your term of government.

Mr M.W. TRENORDEN: Correct.

Dr G.I. Gallop: So what are you on about?

Mr M.W. TRENORDEN: I remind the Premier that he stood in opposition on this side of the House and told us for eight years that the actions of the previous Government were totally unacceptable. Now, all of a sudden, they are acceptable.

Dr G.I. Gallop: That is right; that is why we are on this side of the House.

Mr M.W. TRENORDEN: With the flash of an eyelid, those actions are acceptable. That is totally unbelievable.

The Minister for Planning and Infrastructure's standard solution is, "Don't worry about it, we'll just pack it on a bus, a truck or a train and send it to the country." I do not believe that is a very good solution. As I said, I congratulate the member for Southern River. The first part of his speech was spot on, which was necessary in this debate. He talked on matters about which I have no knowledge. I accept that; that is fine.

Mr F.M. Logan: That's not unusual.

Mr M.W. TRENORDEN: That I accept his word? I am happy to accept his word.

I will quote from a press statement of the Minister for the Environment and Heritage of 16 October 2002 in response to the Bellevue inquiry report.

Mr C.M. Brown: Where would you put the waste?

Mr M.W. TRENORDEN: I will tell the minister.

Mr C.M. Brown: You haven't got an answer. Give us your answer now. Where would you put the waste?

Mr M.W. TRENORDEN: Let me get to the end of my speech; I have 12 minutes to go.

The SPEAKER: All the interjections are very interesting but the member for Avon wishes to continue with his speech.

Mr M.W. TRENORDEN: The quote reads -

"It is clear public trust in some Government agencies has also been seriously eroded.

"Regaining community confidence in the Government's ability to properly regulate hazardous and polluting industries will not be quick or easy.

"This will only happen with genuine and transparent change involving the community as a direct stakeholder.

That press release dated 16 October 2002 is obviously hollow rhetoric because we know what followed it. It is clear, and has even been stated by members on my left, what followed 16 October. If there had been a genuine effort by the minister to clear up these matters, we would have heard a little more about it. I tell the minister that the public wants answers to a range of questions. Despite her stance in this place and the stance of members on my left, the people of Western Australia do not take her into their confidence. That is the issue the minister should be dealing with. Sure, the minister must deal with the Opposition, but she must also deal with the people of Western Australia. That is a very clear and critical point. A whole range of issues have not been dealt with to this date. We have talked about committees, a task force and things that are going to happen. In fact, the

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Minister for Planning and Infrastructure, in her speech, spoke a great deal about what is going to happen. However, people are not interested in what she said is going to happen; they want to know what will happen. Where is the plan to offer this State and the people of Western Australia the opportunity to go forward? Why will the actions of this minister or this Government be any different in the future from those in the past? Nothing we have heard today demonstrates that the actions in the future will be any different from the actions in the past.

I will deal with some of the fair and reasonable questions that need to be put to the minister today, and the minister should be able to answer these questions today. How much toxic waste is being transported across our borders to the eastern States? How much is going onto trucks and across to the eastern States? If New South Wales decides not to take any more of Western Australia's toxic waste under the cosy little arrangement that the minister has with that State to offload our waste, in particular flammable sludge, what is her plan? What will she do if New South Wales will not take any more?

A government member interjected.

Mr M.W. TRENORDEN: I know that is the Government's solution; the Minister for Planning and Infrastructure just said so. She said that is the solution. If that action stops and the toxic waste cannot be sent across the border, what is the minister's plan? What will happen? There will soon be an election in New South Wales. If it decides that Albany will not take this stuff any more, what will the minister do?

A government member interjected.

Mr M.W. TRENORDEN: I know that the Government's answer is that it will put it in Northam. I understand that is the Government's attitude to country people. It has demonstrated for two years that that is its attitude to country people. However, if this becomes a problem, what will the Government's response be? In this debate, I am very concerned about the reason that toxic waste is only collected and stored. Why has no other solution been sought for this process? That is the answer to the Minister for Tourism.

A government member interjected.

Mr M.W. TRENORDEN: Yes, I do. I have as much capacity to read and look for solutions as do members on the other side. There are solutions. However, I am not hearing any of those solutions coming from my left. All I am hearing is that the Government must shut down one toxic site and send the waste to another. That is the solution. Why should Western Australians have confidence in that outcome? More particularly, why should the people of Western Australia have confidence in the minister who will deliver that outcome? That is the fundamental question here today. How much of this waste has been treated to take away the potential harm to people and to the environment? How much has been treated and how much has just been stored? How will taking the waste from Brookdale to Northam, which members opposite say should happen, solve the problem? The waste should be treated.

Mr M.J. Birney: Send it to Kalgoorlie.

Mr M.W. TRENORDEN: Yes, I know that it will go to Kalgoorlie, member for Kalgoorlie.

Mr M.J. Birney interjected.

Mr M.W. TRENORDEN: I am aware of that. If the Government can spend \$2 billion on a railway line to Mandurah, it can spend 2s 6d to try to fix this problem. On the Government's own estimates, the cost of the railway is now \$1.7 billion. It is heading towards \$2 billion. It will be \$2 billion. If the Government can spend that amount of money on projects such as the Mandurah railway line, and if it can spend \$3.5 million on a bicycle path through Morley, when it could have cost half a million dollars, why can it not put an extra few million dollars into addressing this problem? Government members have not addressed that issue today. No-one on the other side - I leave the member for Southern River out of this debate because he tried to introduce another perspective - has said anything other than that they will solve the problem by moving the waste from Brookdale to somewhere else. That is the solution.

We are very concerned about how much waste is in the community and how that waste that is not being treated should be treated.

A government member: What would you do with it? What's your solution?

Mr M.W. TRENORDEN: I would treat it. I would use the technology of the Germans and others.

Several members interjected.

Mr M.W. TRENORDEN: The questions asked are very interesting. I will accept the challenge from those on my left. Make me the Minister for the Environment and Heritage and I will do it! That is what they are asking

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me. If those opposite do not have the commonsense and the know-how to look for solutions, they should not ask me for the answers unless they are prepared to put me in a position to do it. That is their responsibility. If they want to make me a minister, I will happily accept. I have looked at solutions, and there are solutions.

Mr D.A. Templeman: What about incineration?

Mr M.W. TRENORDEN: No, incineration is not a solution. Where is the Government's strategy in all this? There is no strategy. I have raised some very important questions, and there are many more. We need to know what each of these toxic wastes is and how the State will deal with each one of them. Clearly, the plan is to just store this waste. If the Government is going to just store it, we will have this debate about another community somewhere else in this State at some time in the future.

Mr F.M. Logan interjected.

Mr M.W. TRENORDEN: Okay. I accept the member for Cockburn's challenge. I am happy to go back into government and he can come over to this side of the House. I am happy to have another go at it, because the member for Cockburn is clearly saying that the Government is not capable of dealing with this issue. The National Party will vote in favour of this motion.

DR J.M. WOOLLARD (Alfred Cove) [5.47 pm]: I support this motion. In fact, for the issues about which I am concerned, the motion could have contained the minister's full title; namely, Minister for the Environment and Heritage. Outside my electorate, the Government promised that, first, it would stop logging the old-growth forests, and then it said it would protect the high-value conservation forests. It has not done that. It is not accountable for our forests. There was a demonstration outside Parliament today by members of the Wilderness Society and other environmental groups, which are very concerned about the threat of the over-development of the Ningaloo Reef.

In the debate on this motion today, I will deal with some of the issues that I feel are pertinent to my electorate. As members know, Multiplex has submitted an application to develop the Raffles Hotel site. This application was sent by the City of Melville to the Swan River Trust. On 21 January the Appeals Convenor wrote to the minister that -

A Swan River Trust officer has advised that you have no decision making responsibilities under the Swan River Trust Act 1988 . . .

I draw the attention of the House to the metropolitan region scheme text, and in particular clause 30A, which refers to the development of land that is in the management area -

Point of Order

Mr J.C. KOBELKE: We did have an agreement behind the Chair, but I realise that has no standing before us. However, in the light of that, I believe that one needs to look more strictly to the standing order on relevance. This is a motion of no confidence in the minister. I do not believe there is a basis for mounting a detailed case on a range of issues that may somehow impinge on the minister's portfolio. The member has been talking for only about one minute, but so far her comments do not seem to have any relevance to the motion before the House.

The SPEAKER: Although the minister made an accurate and relevant point, the member has not yet reached that point. There is an agreement that is binding, I presume, between the parties but it does not change the standing orders. Will the member for Alfred Cove direct her comments as succinctly as possible to the motion before the House.

Debate Resumed

Dr J.M. WOOLLARD: The motion reads -

. . . no confidence in the Minister for the Environment.

The minister is also responsible for the Swan River Trust, which comes under her environmental portfolio. The Swan River Trust failed in its responsibility to my community in assessing an application for the redevelopment of the Raffles Hotel site. It examined the application that was sent to it by the City of Melville. A metropolitan region scheme working document in April 2002 stated -

. . . the Commission shall give full particulars of the application -

This refers to any development application -
to the Trust -

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That is, the Swan River Trust -

and in determining the application shall have regard to any recommendations the Trust may make.

This development issue is pertinent to the portfolio of the Minister for the Environment and Heritage because of her responsibility for the Swan River Trust. I brought to the minister's attention the fact that the Swan River Trust had not fulfilled its legislative requirements. To compound the matter, when I wrote to the minister, who is also responsible for the Environmental Protection Authority, and asked her whether the EPA could conduct a full assessment, the EPA wrote back to the minister that the proposed hotel development had been reviewed by the Swan River Trust. Therefore, the Swan River Trust failed in its legislative responsibilities and the EPA based its response to the minister on the Swan River Trust's recommendations. The minister then stated in a letter to me -

... I have supported the EPA decision on level of environmental assessment ...

I support this motion because many members in my community and in the metropolitan area have expressed their extreme concern about and disapproval of the development process and the development application for the Raffles Hotel site. When does this Government's accountability come into play? Will this Government make sure that legislation is enforced? At the moment it is allowing the Swan River Trust not to abide by the Swan River Trust Act, and the EPA is basing its decision on that. I note that this is not part of the debate, but the Heritage Council has also failed to adhere to the Heritage of Western Australia Act.

I support this motion. The Swan River Trust, the EPA and the Department of Environmental Protection come under the minister's portfolio. Each of these bodies should have had the opportunity to comment on the application for the redevelopment of the Raffles Hotel site. This minister has failed to ensure that her departments have provided a proper response to the development application. It involves not just her department but also that of the Minister for Planning and Infrastructure because the Western Australia Planning Commission policy No. DC 1.2 states -

Applications partly within or abutting the waters of the management area are determined by the Commission in accordance with the advice of the Minister responsible for the *Swan River Trust Act*.

Where is the accountability in this process? What is this Government doing? It is not listening to the community. It seems to be listening only to big business. I was told several weeks ago that a decision had been made about the Raffles development and that the Government had signed off on it. This Government's election promise was that it would listen to and consult with the community. The Premier put out a consultation document. I read that consultation document and the Raffles development application and I gave it a zero. However, what is this Government doing about it? The Premier's consultation document was meant to apply to local government departments as well as government agencies. No-one seems to be enforcing these guidelines. It seems to be just words - accountability, responsibility and consultation, and this Government is not doing any of those things, which is why this motion is pertinent.

Last Friday I sent a letter to each of the ministers that pointed out all of the failures, particularly those related to the EPA, local government, the City of Melville and the State Government. Since 1988, the Swan River Trust environmental policies and strategies have stated that there is meant to be a setback line for developments on or near the river. This is an environmental issue and involves a number of policies such as the Swan River management strategy in 1988, draft policies from 1992 and foreshore reserves. I could list one policy after another that refers to the protection of the environment and the river foreshore. This Government and this minister have completely ignored all of those Swan River Trust policies. Why have they been ignored? What is the deal between this Government and Multiplex? I do not know and I wonder what is going on. Why are people telling me that this is a signed deal and that this is small bickies for what is to come? I wonder what sort of deal will be next in the pipeline for those two bodies? This Government has not listened to my community or the metropolitan community, which have said no to a 15-storey tower, a nine-storey tower and apartment blocks on the Raffles Hotel site. When I met with the minister -

Ms A.J. MacTiernan: It's about time you cared about heritage buildings.

Dr J.M. WOOLLARD: I will take that interjection from the Minister for Planning and Infrastructure.

The SPEAKER: I urge the member not to take any interjections. We are rapidly approaching the dinner break and I urge the member for Alfred Cove to continue her comments without responding to interjections.

Dr J.M. WOOLLARD: I will take Mr Speaker's advice. I would have liked to respond to the interjection but I will turn back to the issue of the environment. Possibly I will be given another opportunity later to discuss heritage issues.

Mr Colin Barnett; Mr Bernie Masters; Dr Geoff Gallop; Dr Judy Edwards; Mr Dan Barron-Sullivan; Ms
Alannah MacTiernan; Mr Paul Andrews; Mr Max Trenorden; Speaker; Dr Janet Woollard; Mr John Kobelke;
Mrs Cheryl Edwardes

Since 1988 this Government has completely ignored all of the documents, policy statements and guidelines made by the Swan River Trust to protect the foreshore. The minister's own advisers tell her that she has no decision-making capabilities in relation to the development. I have just read how the metropolitan region scheme clearly shows the role and the responsibilities of the Minister for the Environment and Heritage in relation to any development of land that abuts reserves under the Swan River Management Authority.

The Swan River Trust has let the community down. It has not adhered to its Act and I hope this Government will do something about that. The EPA has based its advice on the Swan River Trust's response. We know that the Swan River Trust was only given half of the development application. In October the City of Melville gave the trust some information but it was not given supplementary information. One month ago, when I met with the minister, no-one was aware of the fact that the lots were going to be amalgamated. The Government is making decisions that go outside the boundaries of the legislation. As part of the guidelines of the Swan River Trust, the Government states that development applications such as this should be referred to the Department of Environmental Protection.

Sitting suspended from 6.00 to 7.00 pm

Dr J.M. WOOLLARD: I support this motion. I have already mentioned how the Swan River Trust has not abided by the legislation. In its response to the City of Melville, the Swan River Trust basically said that it agreed with the recommendations of the Western Australian Planning Commission. One of the recommendations of the WAPC was that any development should abide by the City of Melville community planning scheme No 5, which stated that for that area, development should be from six storeys to a maximum of nine storeys. This development contains sections that are 15 storeys and nine storeys high, and three apartment blocks. Earlier today the Opposition spoke about physical pollution, but this development will cause visual pollution. The Minister for the Environment and Heritage seemed to ignore this point when she said that the Environmental Protection Authority did not need to carry out a formal assessment of the development. WAPC guidelines stated that any tower development on the block should be tall and slender, but within the guidelines; that is, to a maximum of nine storeys. This development is completely outside the City of Melville planning scheme. The plot ratio for that area allows 51 dwellings on the two sites. The City of Melville has approved an extra 90 dwellings. That is now with the WAPC. There is a big difference between 51 and 147 dwellings.

Some of the community concern dates back many years to when the Government did a deal with Multiplex for the Swan Brewery site for a peppercorn rent. My community does not want a similar deal to be done here between the Government and Multiplex. They are concerned about visual pollution; that this development will be big and bulky. Instead of 51 dwellings, Multiplex is asking for 147 dwellings. The Swan River Trust guidelines state that there should be a minimum setback of 10 metres from the edge of a reserve. Some of its documents state that it should be 20 metres. This development application does not include a setback of 10 metres from the edge of the reserve. In some places it is less than 10 metres from the edge of the river. How can the Swan River Trust, when it knows that all its guidelines state that the setback should be 10 metres from the edge of a reserve, support, in principle, this development application which is not set back even 10 metres from the edge of the river at some points? This development will cause visual pollution. The Swan River Trust endorsed the WAPC guidelines in 1999 that stated that the tower should be tall and slender. This tower will not be tall and slender. The guidelines stated that the maximum height should be nine storeys, not 15.

I do not know whether this comes under the environment portfolio, but there was no consultation with the local community in South Perth or with the Department of Indigenous Affairs. We recently found out that there will be a ghosting effect for residents of South Perth, Como and Manning because the broadcasting companies were not consulted. Unless a screen is put on the building, people will get very poor television reception. The minister, the Swan River Trust and the council have not fully reviewed this application. What will the cost be to the Government when all the people who currently have normal televisions will need to buy digital TVs because of the interference?

The Opposition stated today that the Government was not doing what it was meant to do, and in response the Government asked the coalition what it did when it was in government. I do not think that is the right response. People are now seeing this Government as a do-nothing Government. The Labor Party came into government full of promises, but what has it done? Certainly where the environment is concerned it has not kept its promise. High-conservation forests are still being logged. Trucks are coming out of the forests daily with old-growth trees. That environmental promise has not been kept. I was in Fremantle for the Ningaloo Reef rally and joined the thousands of people who do not want Ningaloo Reef to be overdeveloped. The Government is sitting on that issue. Again, it is a do-nothing Government.

Mr Colin Barnett; Mr Bernie Masters; Dr Geoff Gallop; Dr Judy Edwards; Mr Dan Barron-Sullivan; Ms
Alannah MacTiernan; Mr Paul Andrews; Mr Max Trenorden; Speaker; Dr Janet Woollard; Mr John Kobelke;
Mrs Cheryl Edwardes

I turn to the roles of some of the government regulatory bodies. I am unable, during this debate, to discuss how the Heritage Council has not looked at undertaking a cultural assessment of the Raffles development application. I must leave that issue to another day. The Heritage Council has not fulfilled its responsibilities under the Act, in the same way that the Swan River Trust has not fulfilled its responsibilities. Therefore, it is with some regret that I support this motion, because I had hoped that when the Labor Party came to government having made all these promises, it would live up to them. However, like many members of the community, I have watched the Government break one promise after another. I have seen a lack of accountability. This motion typifies the problems that are happening throughout WA in relation to the environment. I support this motion.

MRS C.L. EDWARDES (Kingsley) [7.10 pm]: I rise to support the motion and to correct some of the statements made by members opposite. A letter received by the chairman of the Environmental Protection Authority on 8 July 1999 was forwarded to me. It was sent by Dr Bryan Jenkins as the chief executive officer of Waste Management WA. It was the notification of the fact that the Forrestdale liquid waste treatment plant had been operating outside the original approvals for the site. Attached was a report outlining the type of work undertaken and specifying the treatment and handling procedures for the wastes at the plant. Interestingly, under the freedom of information application I made, that report was not included with the letter. The letter goes on to state -

This service has been provided for some years with knowledge of the local community represented by the Forrestdale Consultative Committee.

At that time a consultative committee representing the local community was already in place. The letter continues -

It should be noted that these operations provide a unique service to businesses in the wider Perth area and are not causing pollution on the site.

On 27 July 1999 the Environmental Protection Authority wrote to me, as the then minister, recommending that I request the EPA to inquire into and report to me on possible changes to conditions or procedures for the acceptance and treatment of hazardous waste at this facility. The EPA would undertake this review within the current consultative environmental review for this facility, which was being progressed at that time. A consultative environmental review provides for public consultation. I was advised that there was no pollution on the site, that it had been operating for some time in this way, and that the local community was aware of this through the local community consultative committee. I wrote back to the Environmental Protection Authority and asked it to do so. The resultant report was received by the current Minister for the Environment and Heritage in January 2002.

The other point made was about the nature of the community consultation process. Under the freedom of information application I received a briefing note dated 18 December 2000 giving me an update on the community consultation process for the Brookdale liquid waste treatment plant consultative environmental review. Under the heading "Community Consultation" the note states -

On 8 and 9 December 2000 technical tours and briefings on the Consultative Environment Review (CER) were held at the Brookdale Liquid Waste Treatment Plant (LWTP) as part of the first phase of the community consultation process

The general community was notified of the technical tours and briefings through an advertisement in the local community newspaper, a letter drop to residents within a 1.5km radius of the plant and through the Forrestdale Community Association. In addition to this letters were delivered to the Principal and a senior teacher of the Forrestdale Primary School.

Eight community representatives took part in the tours/briefings. During the briefings a number of concerns regarding the plant were raised, the major issue being odour management. Other issues included security on site and the transport of hazardous material through the Forrestdale area. These issues will be addressed in the CER.

The briefing note goes on to talk about the Forrestdale Primary School and states -

On 18 December -

That is, after the technical tours -

... Principal of Forrestdale Primary School, contacted the Department of Environmental Protection to express ... dissatisfaction at the consultation as ... believed that we had failed to address the real issue - compensation for the school and community.

Mr Colin Barnett; Mr Bernie Masters; Dr Geoff Gallop; Dr Judy Edwards; Mr Dan Barron-Sullivan; Ms
Alannah MacTiernan; Mr Paul Andrews; Mr Max Trenorden; Speaker; Dr Janet Woollard; Mr John Kobelke;
Mrs Cheryl Edwardes

The briefing note goes on to talk about the goodwill gesture that Cleanaway Technical Services had made to the community by providing some \$35 000 a year to fund Forrestdale community projects, and it was the understanding of the Department of Environmental Protection that that would continue. The briefing note reads also -

The Forrestdale Plant Liaison Committee among other things assesses funding applications and oversees the management of allocated funds.

At that time the issue for the Forrestdale Primary School was compensation for the location of the plant. The briefing note continues -

The Forrestdale Primary School itself has received over \$50,000, including \$18,600 recently granted. In addition to this significant funds have also been granted to the Pre-primary and the Kindergarten.

Attached to the briefing note is a list of all the projects that had been funded. However, the critical issue is that community consultation had taken place. The community was aware through the CER that it was being consulted. People were given tours of the plant and were asked for their views. The main issues raised were security on site, odour management and the transport of hazardous material through the Forrestdale area. There was nothing to suggest to me, as minister, that there was a problem. No pollution on the site, health risks or public safety risks were reported to me. No-one had alerted me to a problem. I would be absolutely devastated if there were any health consequences or any risk to the health and safety of the community as a result of any actions I took as minister. However, no-one alerted me to any community health or public safety risk. The present minister received a report in July 2002 that talked about high lead levels. If nothing else had previously alerted the minister to any concerns, surely that would have rung alarm bells.

This motion is being put forward today because the community has lost confidence in the minister. She has made inconsistent statements. The community does not believe that the minister did not know about the report in July 2002. People have talked about ringing Ross Belton himself back in November of 2002. Ross Belton, a key adviser to the Minister for the Environment and Heritage, attended a meeting with the Minister for Planning and Infrastructure. People are advising us that documents were shredded. There was a radio report that the Department of Environmental Protection's report on those lead levels went to the minister's office.

Ms A.J. MacTiernan: That is rubbish.

Mrs C.L. EDWARDES: There is a media report along those lines. It is quite clear that if I as minister had received such a report, it would have and should have been acted upon immediately. That is why the community has lost confidence in this minister. Her response, five weeks ago, was to bring the people up to the twenty-seventh floor of Allendale Square and talk to them - not listen to them but talk to them. The community is sick of being talked to. It needs someone to listen to it. It has some concerns about the health of its children. The minister should be eyeballing these people on the ground, back at their places, not on the twenty-seventh floor in her own territory. The people have lost confidence in the minister because she is not talking with them and is not listening to them, and they do not see her as being responsible or compassionate about their concerns and complaints. The failings that have been highlighted on this side, particularly the 20 listed by the Deputy Leader of the Opposition, show clearly that there is no confidence in this minister in this Parliament.

MR J.C. KOBELKE (Nollamara - Leader of the House) [7.20 pm]: I support the Minister for the Environment and Heritage and oppose the motion. I have very limited time. I believe the speakers before me, including the minister, have established that the Opposition has made no case whatsoever.

Several members interjected.

Mr J.C. KOBELKE: The motion is against the minister. The Opposition has put forward a collection of unrelated facts on which it has based an outcome that bears no resemblance to the facts.

I wish briefly to take up two matters. The first is the Opposition's assertion that the minister is somehow culpable for the problems at Brookdale because of the report indicating high lead readings. What the Opposition has not said, and what the minister has explained, is that an independent organisation produced the report, which was given to all stakeholders and was available on the Internet, as I understand it, for six months. Not one opposition member picked it up during that six months, but the Opposition says the minister, who accepted the advice of professionals that there was nothing in the report, should have seen it. The Opposition has used information to create a case against the minister that has absolutely no validity. It is either very woolly thinking or an attempt to try to mislead people by misusing the facts of the case.

Extract from Hansard
[ASSEMBLY - Tuesday, 25 February 2003]
p4565d-4588a

Mr Colin Barnett; Mr Bernie Masters; Dr Geoff Gallop; Dr Judy Edwards; Mr Dan Barron-Sullivan; Ms Alannah MacTiernan; Mr Paul Andrews; Mr Max Trenorden; Speaker; Dr Janet Woollard; Mr John Kobelke; Mrs Cheryl Edwardes

The accusations made by the Deputy Leader of the Liberal Party again show the depths of dishonesty to which he will sink in order to grab a headline. The Leader of the Opposition and members opposite need to be very careful. All members benefit from the privileges that this House affords them. However, people who come into this place, as the Deputy Leader of the Liberal Party has done again tonight, and make accusations about the minister's office shredding documents while not saying anything about the documents, when it happened or who has reported it, should beware. Time after time the Deputy Leader of the Liberal Party has said things that are either totally untrue or a misrepresentation of facts that were not related to the case he was making. Of course, the minister's office shreds documents. The Deputy Leader of the Liberal Party's office shreds documents. It is part of normal management. Shredding unwanted copies or duplicate documents is part of normal management.

Several members interjected.

Mr J.C. KOBELKE: Is there a shredder in the Deputy Leader of the Liberal Party's office? Of course there is. To draw the conclusion without any evidence that somehow sensitive documents were shredded is a total abuse of the procedures of this House. The Deputy Leader of the Liberal Party must start thinking about the standards in this place, because his behaviour is totally abysmal. If he requires the Government to take action, he is putting the Government to the test. He may find that we will take action. It is totally reprehensible behaviour to make accusations without any basis in fact and not being willing to give any evidence whatsoever to support such an accusation. It is simply a cheap slur, which is the tool of trade of the Deputy Leader of the Liberal Party. It is about time the Opposition got its act together or it will stay in opposition for a lot longer than eight years. I oppose the motion.

Question put and a division taken with the following result -

Ayes (20)

Mr C.J. Barnett	Mrs C.L. Edwardes	Mr R.F. Johnson	Mr M.W. Trenorden
Mr D.F. Barron-Sullivan	Mr J.P.D. Edwards	Mr W.J. McNee	Mr T.K. Waldron
Mr M.J. Birney	Mr B.J. Grylls	Mr B.K. Masters	Ms S.E. Walker
Mr M.F. Board	Ms K. Hodson-Thomas	Mr P.D. Omodei	Dr J.M. Woollard
Dr E. Constable	Mr M.G. House	Mr R.N. Sweetman	Mr J.L. Bradshaw (<i>Teller</i>)

Noes (27)

Mr P.W. Andrews	Mr S.R. Hill	Mr M. McGowan	Mr J.R. Quigley
Mr J.J.M. Bowler	Mr J.N. Hyde	Ms S.M. McHale	Mr E.S. Ripper
Mr A.J. Carpenter	Mr J.C. Kobelke	Mr A.D. McRae	Mr D.A. Templeman
Mr A.J. Dean	Mr R.C. Kucera	Mr N.R. Marlborough	Mr P.B. Watson
Dr J.M. Edwards	Mr F.M. Logan	Mrs C.A. Martin	Mr M.P. Whitely
Dr G.I. Gallop	Ms A.J. MacTiernan	Mr M.P. Murray	Ms M.M. Quirk (<i>Teller</i>)
Mrs D.J. Guise	Mr J.A. McGinty	Mr A.P. O'Gorman	

Pairs

Mr R.A. Ainsworth	Mrs M.H. Roberts
Mr A.D. Marshall	Mr J.B. D'Orazio
Mr J.H.D. Day	Mr C.M. Brown

Independent Pairs

Mr L. Graham
Mr P.G. Pandal

Question thus negatived.