

**WEST ATLAS OIL SPILL — KIMBERLEY MARITIME ENVIRONMENT**

*Urgency Motion*

**THE PRESIDENT (Hon Barry House):** I have a letter that states —

Dear Mr President,

I hereby give notice that at the next sitting of the house I intend to move, pursuant to standing order 72:

That the Council consider, as a matter of urgency the environmental and financial catastrophe occurring off Western Australia's Kimberley coast and calls on the State Government to do everything within its power to protect from and monitor the effects of the West Atlas oil spill on WA's pristine and sensitive Kimberley marine environment.

It is signed by Hon Jon Ford, MLC. The member will require the support of four members in order to move the motion.

[At least four members rose in their places.]

**HON JON FORD (Mining and Pastoral) [3.47 pm]:** I move the motion.

I rise today on this matter of urgency because that is exactly what it is. I had the opportunity on the weekend to fly out to the West Atlas oil rig and I spent about an hour out there looking at the rig itself and further afield to see whether there was any evidence of this spill. I went out there with Hon Sally Talbot, a bunch of journos—the most recent pictures that everybody saw on the weekend were from them—and a couple of conservation people. What I observed out there was quite shocking because what we see in the photographs does not prepare us for the enormity of what we are actually facing out there. Today's *The Australian* shows a picture of this facility. It is a large jack-up barge, which is nearly the size of Parliament House, and if it were set up on St Georges Terrace, it would be about as high as the Woodside building. Therefore, it is a big facility. The good news is that the remedial work can start because the new barge is in place, and we saw evidence of drilling supplies, barytes and mud ready to carry out that operation. The visit gave the reality of the extent of the incident because at certain angles there is so much gas coming from the wellhead area that it obscures the whole facility. It is an enormously large unabated blow-out. It looks from the air, at least, that the rig has been on fire because it is browned out; it looks like a car wreck that has been torched by the side of the road, but whether it is that or the acidic effect of the hydrocarbon release, I do not know.

For people who want to avail themselves of a good description of where we currently find ourselves, in today's *The Australian* on page 11 is an article called "Slow-motion disaster". It is a good account of what is going on out there and how the response has been. Whilst a lot has been said initially about this facility being a long way from the coast—indeed, it is; it is a little less than 200 kilometres from the coast—the fact is that from 3 000 feet in the air, the coastline can be seen. From the air there can be seen a whole heap of shoals and atolls. It is the shoulder of the tourist season in that area and a lot of recreation and commercial boats can be seen.

Everyone is pinning their hopes on the second rig being able to drill down just over two and a half kilometres into the ground, directionally, which means it must drill about 1 000 metres north of where it is sitting, two and a half kilometres down, and hit a pipe that is about 24 inches in diameter. In fact, it is probably a little smaller than that. The usual process for intercepting a pipe like that is to drop a nuclear isotope on a wire line down the wellhead. That acts as the beacon, so to speak, to guide the drillers in. I know this because, from time to time when holes are being drilled, a drill string is twisted off so that the drilling can be done around it or it can be bypassed and the hole can be filled and it can be matched at another point. An isotope is sent down, and a survey is done at the top to pinpoint with the global positioning system exactly where it all is, and that is the guide. Even then, it is a very difficult task to find the pipeline. The people involved will use some imaging technology, and I wish them the best of luck. I can tell members that nobody in the industry thinks they will succeed first go. I hope they do, but the reality is that it could take months; they could have lots of goes. They might have to completely rethink their strategy.

There are a couple of questions that we will really never find the answer to, but that the industry is asking itself. I have spoken to a lot of people in the industry. My first reaction was to ask: why did we not torch it? If it had been lit, we would not have the current problem of flocculated dispersants or oil of condensate settling on the ocean floor or on the rocks. The obvious answer to that is that the owners wanted to save the rig, but I can tell members that the rig is beyond saving—or it will cost a squillion dollars to repair it if necessary. That is another question in itself: what is going to happen to the rig? Can it be moved, and how will the owners get rid of it once they eventually switch off the unabated gas jet?

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It is very clear to me that there is an environmental issue. The extent of the leak is such that I expect it will take years to fix. That is supported by the scuttlebutt within the industry itself. The figures I have heard in discussions with people within the oil and gas industry range from about two to three years to 12 years, depending on what the owners find out is happening once the flow is stemmed. We must remember that the owners do not know why it blew out. There are all sorts of rumours about blow-out protectors being fitted and the rest of it. What we do know is that the rig had a kick and it blew out and the focus is now on stopping that.

The real effect of the pollution will not be known for a long time, so we must take measures to mitigate its effects. There are potentially considerable environmental impacts. There are pearling industries up there; they are filter-feed animals that are very sensitive to any sort of pollution. That industry has already been struck by disease and is struggling. There is also a joint shark fishery up there that is struggling. Before the oil spill, debate was going on about the level of total catches and the level of exploitation and who should be managing it and whatever. A massive tourism industry relies on the area's reputation as a pristine area. Last night, I think, *Australian Story* on the ABC showed the story of the whales' birthing area in Camden Sound. We do not know the effect of all this. A lot of communities living on the ocean front take fish from the water there to live on. They take dugongs, turtles and fish because most of those people live in poverty and that is how they supplement their protein. We have yet to see how that is impacted on.

Although I saw a lot of commercial vessels out there, I did not see anything else. There were no federal or state fishing department vessels anywhere in the area. I understand that some Department of Environment and Conservation people might be at Ashmore Reef. We went to Truscott airfield and saw that small crop dusters are now being used for dispersals. They are hitting small spots of oil with dispersants as necessary.

We cannot ignore the commercial reality and the threat of this oil spill to Western Australia's reputation. Already people who oppose the Kimberley gas hub are saying—rightly so—"Look what happened there; why won't that happen here?" We are hearing the same arguments about Gorgon. A great number of projects and potential projects sitting off our coast are facing that and looking at what state and commonwealth governments are doing in response to this spill. Already the scuttlebutt in industry, certainly at the project level, is about the concern for what effect that might have if projects need to be deferred and about the impact it will have on investments and the like. Whether that will have a long-term effect I do not know, but certainly we need to not only be doing something about it but also be seen to be doing something about it. The interesting thing is—or not interesting I suppose—that all we get from Canberra is a confused response at the very best. It is not always clear what the commonwealth Department of the Environment, Water, Heritage and the Arts thinks is going on or who indeed has the primary role of managing the impacts of this disaster. Therefore, in my view, the state has a role—that is, the state needs to be seen to be taking up the challenge and getting on with the job. As we in this place know, Canberra is a long way away. It is not clear to Canberra what is happening on this coast. Yes, it is outside our jurisdictional issues, but our coastline can be seen from the rig, and the people of Western Australia certainly have an expectation that, at the very least, we are monitoring what is going on. We need to be proactive in monitoring the effects of the oil spill. We need to show the people of Western Australia that we have a plan to mitigate the effects of this disaster and any potential future incidents. If we do not, why would people not continue to protest against future development plans? In effect, that also damages our reputation as a state. We cannot pretend it is not our problem. We cannot sit here and say that the commonwealth needs to take it up because it is in its jurisdiction. We certainly cannot say that the oil spill is floating off to Timor, therefore, everything is hunky-dory. The reality is that it will be there for a long, long time, and it will develop over time. We need to be proactive in monitoring the effects on our marine life and to be watching carefully what the commonwealth does and to give the federal government a kick if we think it is not doing the job well. I think the commonwealth reacted as well as it possibly could, but I am very critical of it for the confusion that seems to exist around its future plans for dealing with the ongoing effects of this or any other oil hydrocarbon release that occurs. It is bad for the state's economy, it is bad for our environment, it is bad for future development, and it is certainly bad for the existing industries up there. I urge the government, if it is doing something up there, to make it very clear by shouting it out and banging the drum so that everyone knows what, in effect, it is doing about it. If the government thinks that the commonwealth is not doing a good job, it should point that out, and I will join the chorus.

Last week I asked the Leader of the House in his capacity as Minister for Fisheries what role the Department of Fisheries had. The impression I got from the response was that it did not have a role: the role of the WA Department of Fisheries was to watch what the commonwealth is doing. That needs to be clarified. If the department does not have a role, it needs to be directed to have a role. The Department of Environment and Conservation, which I understand is part of the WA oil spill team, needs to be telling people what it is doing, because it is not clear on the ground. None of the local journos up there knows what we are doing on the ground. I am still not clear, after talking to the commonwealth, what we are doing on the ground. Certainly, from what

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has been said in Parliament and from the press releases that we have seen, it is not clear what we are doing on the ground. It is not good enough. We need to protect the environment, we need to protect the reputation of our state as a safe place to invest, and we need to protect our industries' reputations to ensure that that investment still flows.

**HON SIMON O'BRIEN (South Metropolitan — Minister for Transport)** [4.01 pm]: It is unclear to me what point the honourable member is trying to make. He seems to be indicating that some action is necessary, apparently by the state government, or else our international trading reputation, our environmental reputation and a whole lot of other things are at risk. Who says? He says, "Apparently", but nobody else is saying that. He seemed to be trying to somehow tie the Western Australian government into some sort of causal responsibility for this incident and its ongoing management, and saying that if we do not magically fix it, then this state government is somehow culpable and, furthermore, it will be damaging our reputation in a range of areas here and abroad. The only person who seems to be saying that at the moment is Hon Jon Ford. I do not know what game he thinks he is playing. Is he trying to damage this state's reputation? Is he seriously suggesting that it is the state government's responsibility that this incident occurred?

**Hon Jon Ford:** When did I say that?

**Hon SIMON O'BRIEN:** I am trying to make out what the heck it was you were saying.

**Hon Kate Doust:** You don't need to yell.

**Hon SIMON O'BRIEN:** Yes, I do, because the member is interjecting.

**Hon Jon Ford:** You're the problem. Listen to what you're saying.

**Hon SIMON O'BRIEN:** Oh, I'm the problem now.

**Hon Jon Ford:** What are you doing to protect our reputation? Do you think you have no responsibility? What happens if the oil arrives on the beach?

**Hon SIMON O'BRIEN:** I think it is absolutely ludicrous that, as a former Minister for Fisheries, the member does not even understand the arrangements that are in place to deal with this sort of incident.

**Hon Jon Ford:** Clearly, your Minister for Fisheries doesn't.

**Hon SIMON O'BRIEN:** I assure the member that he does, and we will hear from him no doubt shortly.

**Hon Sally Talbot:** Is he your second speaker?

**Hon Norman Moore:** We've got hundreds of them, if that's any help to you.

**Hon SIMON O'BRIEN:** Yes. Let us get a couple of things straight about this incident. Firstly, just for the record, the state government views with great concern any incident of this type occurring in our vicinity, on our doorstep and in our nearby region. That is why we have been monitoring the situation closely since the incident occurred last August. I will tell members a bit more about that in just a moment. However, let me make it absolutely clear to members opposite, because they seem to need to have it made clear, that, yes, the state government is concerned about this sort of incident happening and the potential impact on this state, on its coastline, on its environment, on its marine and terrestrial fauna and so on. It also seems important at this time to remind the house, and to point out yet again to the member who moved this motion and those whom he got to stand in support of it and whose agenda seems unclear, that the incident is not in a Western Australian-regulated area; it is in the commonwealth Ashmore and Cartier Islands territory.

**Hon Sally Talbot:** So that's all right, is it?

**Hon SIMON O'BRIEN:** Try to grow up, you silly person. No, try to —

**Hon Kate Doust:** Is that the best you can do?

**Hon SIMON O'BRIEN:** No, I can do better than that, but I am trying to focus on the —

**Hon Sally Talbot:** You'd better practise a bit more.

**Hon SIMON O'BRIEN:** You're puerile. Is this the best you can do? You're pathetic.

The commonwealth Ashmore and Cartier Islands territory is administered not by Western Australia, but by the Northern Territory on behalf of the commonwealth. The organisation that has responsibility for occupational health and safety matters in this vicinity is the National Offshore Petroleum Safety Authority. The federal Department of the Environment, Water, Heritage and the Arts is responsible for matters of environmental impact, and, of course, the Australian Maritime Safety Authority is the federal agency that has responsibility for marine issues, including oil spills. We have to remember that this incident occurred more than 200 kilometres off the Western Australian coast. It is not in state waters and it is not a state operation. Therefore, although we have

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no direct involvement in combating the spill, and we would not have any powers to do so unless the oil slick approached the WA coast, we are still concerned about its potential to visit some problems on the Western Australian coast in the future; and I will come to that in a minute. However, members have to understand that we do not have a direct responsibility in managing and resolving this issue, even though we take an active interest.

What does Western Australia have in place to deal with these matters? A number of our agencies have responsibilities. The Department of Fisheries has some responsibilities. The Department of Environment and Conservation has an active interest and an involvement. If I have the time, I will describe a little more about the personnel who may be available. The key points about which I want to reassure the house are that insofar as Western Australia having a capacity to respond to matters affecting its own coast and oil spills in its own waters, we have a fully tested and operational plan to deal with potential impacts of oil spills on the WA coastline, including this one, even though it is currently, as of this morning, a very long way off the coast—about 130 nautical miles at its closest point, I am advised, from the Western Australian coast.

I can advise the member, who I hope will be glad to be informed, that Western Australia is working closely with the commonwealth and with all the agencies involved in monitoring the situation and ensuring that there is an appropriate response. But again I remind members that overall management of this situation is the responsibility of the commonwealth. The Department of Transport has, since the beginning of this incident, which was on 22 August, been fully engaged with the commonwealth and with other agencies to assess and respond where necessary. I can tell members that although the Australian Maritime Safety Authority, or AMSA, has the overall coordination role under the national plan, a number of other resources can be made available in due course, including Western Australian resources that can be mobilised by the Department of Transport. If anyone involved in the chain of responsibility—for example, AMSA—wants to request that assistance, the Western Australian government stands ready to provide it.

Questions also arise as to what we would do if the oil slick reached the Western Australian mainland. The advice I have is that at the moment the successful impact of the dispersal program would remove about 50 per cent of the oil, which makes the likelihood of the oil impacting on the Western Australian coastline, given the prevailing tides, winds and currents, rather unlikely. However, we do have the resources standing by to deal with it.

I have already mentioned the capacities of the Department of Transport, which has oil spill equipment in a number of locations, including the capability to move stockpiled oil spill equipment to particular areas from a couple of principal depots. Aside from commonwealth-owned oil spill equipment, the state also has equipment, which is owned by the Department of Transport and by our ports. Apart from full-time officers of the Department of Transport who are involved with oil spill management, we can call on a number of other officers who are trained in and able to assist with any potential clean-up. The Department of Environment and Conservation also has personnel available. It has more than 100 officers who are skilled and trained in the clean-up of wildlife, including birds.

I reassure the house that we are monitoring this situation. We take it seriously and we will play a positive role in the clean-up, even though it is not our primary responsibility to monitor the situation.

**HON GIZ WATSON (North Metropolitan) [4.12 pm]:** I would like to make a couple of comments about this urgency motion. It is interesting to look at what role various bodies play in oil response. It is fair to say that this catastrophe is worthy of an urgency motion in this Parliament because it is the first major spill that has the capacity to impact on the Western Australian coastline. Just because this event occurred 200 to 250 kilometres off the north Kimberley coastline does not ultimately mean—bearing in mind the way ocean currents work and species move around—that it will not have an impact on the Western Australian environment. As we know, it is a bit hard in marine environments to say where one bit starts and the other begins. It is not quite that straightforward.

The first concern I wanted to raise relates to the speed of the response to the blow-out. One of the questions to be asked is whether the decision taken by the company—I assume in consultation with the Australian Maritime Safety Authority—to rely on a rig that I think was being brought in from Singapore rather than to take the rig that was offered from Woodside delayed the beginning of any drilling to intersect the leak. Some questions ought to be asked about why the company was able to do that rather than take up Woodside's offer. I understand there were questions about safety. It is very unlikely that Woodside would have offered use of its rig facility and that it would have rested its reputation on that if it was going to provide something that was not safe. I think it was more about the cost than questions of safety.

The second issue with this spill is that it has been really difficult to closely follow, as I have, the flow of information about what is happening. Because the oil spill occurred a considerable distance offshore, it is understandable that it is quite hard to get accurate information. Greens Senator Rachel Siewert took the initiative

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to hire a plane and have a look for herself. She was at the forefront of giving a much more accurate description of how dispersed the spill was. I acknowledge that there was an error in describing —

**Hon Simon O'Brien:** There was a colossal error in what was reported.

**Hon GIZ WATSON:** The error was in what was sighted, which was close to the coast. In terms of the extent of the spill, the information given was accurate.

**Hon Simon O'Brien:** What was it that was sighted?

**Hon GIZ WATSON:** We believe it was algae.

**Hon Simon O'Brien:** She said it was oil.

**Hon GIZ WATSON:** She was advised by the other person who was on the plane with her that it was oil. I do not know whether the member has attempted this himself but it is actually quite hard—even those who are expert in this area know it is quite hard—to identify from that height what can be an algal event or a coral spawning event. They both look like oil. I think it was a reasonable mistake. Senator Siewert admitted that it was a mistake. However, I will not take up all my time discussing that. All I am saying is that it is quite hard to get information when dealing with an offshore facility, not the least because the company has been very unforthcoming in giving information. The public and those taking an interest in this matter have relied on the company's cooperation to provide information. Only in the past few days has it put on the public record its estimate of how much oil and gas has been released. It is still questionable whether that is an underestimation.

The other thing about which we are critical in assessing what is happening out there is the lack of response equipment close to hand. Before I was elected to this place 15 to 20 years ago, I worked on marine and coastal issues. I looked at where the oil gas spill response equipment was located. Back then it was exactly the same; there was insufficient rapid response equipment based on the North West Shelf. It is interesting that AMSA is relying primarily on equipment from the Sydney Ports Corporation to respond to the spill. That also raises the question about the use of dispersants. The minister said that a dispersant can remove 50 per cent of the material. Actually, a dispersant does not remove anything. The dispersant drops it down into the water.

**Hon Sally Talbot** interjected.

**Hon GIZ WATSON:** Yes. The interesting thing that I also discovered when I was working in this area, and speaking to the companies that supply the equipment to try to retrieve oil from the ocean, is that in the best-case scenario, with still weather conditions and the equipment located at hand, the best result they have ever achieved is 10 per cent of what goes in the ocean. What goes in the ocean will sink to the bottom, evaporate or end up washed up on a shore or coating something. It is fortunate to an extent that the oil in this circumstance is relatively light. A lot of it is evaporating. The use of dispersant is very tricky. It makes that oil bio-available. It basically turns into very small droplets that go into the water column and is much more likely to be ingested by fish and other fauna. It certainly has its place if an oil spill is about to encroach onto a mangrove system or a coral reef. In the open ocean it is probably not necessarily the best thing to do because it puts it into the food chain. I am hopeful that when this spill is cleaned up—we do not know exactly when that might be—there will be a full review of whether the response was the best we could have had and what impact it will have on the marine ecosystem. I am concerned about it getting into the food chain and affecting fish and other species.

The other thing that we have heard from the company in the media in the past few days is that it will not commit to the cost of any clean-up if the oil reaches the Western Australian coast. It is extraordinary that it will not commit to cleaning up any oil that might affect the Kimberley. Costs may be incurred by fisheries that might be affected by this spill. The commonwealth's response has been slow and questionable in lots of ways. It was very slow to look at what was happening up there firsthand. It deserves criticism for that.

We need to ask questions about the regulation of offshore rigs and whether blow-out protectors were on the rig involved in the spill. I am not an expert in that area but I understand from the media statement put out today from Environs Kimberley that it has information that the rig did not have a blow-out protector. That brings up questions about the regulation of offshore facilities. I have received an anonymous telephone call from someone who works on rigs and is concerned about the inspection and regulation of equipment on those offshore facilities. I will follow this up, if he ever rings me back. This brings to mind other incidents that occurred not long ago in Western Australia—*Griffin Venture* is one that people will remember—that had serious ramifications for occupational health and safety in the offshore oil and gas industry. If we ever find out what happened in the present case, that is one thing that perhaps needs to be looked at. Apart from the fact that it will take a very long time to plug a blow-out, if indeed that can be done because it presents enormous technical challenges, what concerns me most is whether we will ever get to the bottom of what actually happened. I am reminded of the inquiry held into the Varanus Island explosion and fire, the results of which we are yet to receive. I know that the

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minister is just as concerned that he has not received the answers to that on the public record. What is this industry doing that it can get away with this sort of thing?

**Hon Norman Moore:** It is the judges making the decisions about that issue.

**Hon GIZ WATSON:** That is good, and I hope that the judge says that it is in the public interest that we do get to see that report. Huge risks are associated with this industry, and there is a huge amount of public interest in, and potentially huge environmental impacts from, events like this. It is essential that the public gets to know why it happened and what can be done to prevent it from happening again.

**HON SALLY TALBOT (South West) [4.22 pm]:** I am pleased to be able to speak in support of this urgency motion, and to add my comments to those made by the mover of the motion, Hon Jon Ford, and Hon Giz Watson, who spoke in support of it. I will begin, however, by noting yet another extraordinary contribution to debate from Hon Simon O'Brien, who seemed today to do something that we see him do quite often in this place. He stood up and gave us his usual bluster, which was totally disconnected from the motion. It is as though he is living in a parallel universe over there, totally disconnected from anything in the urgency motion or any of the contributions he had previously heard. Then he looked at his notes, and found that he had a couple of points to contribute to the debate, so he flipped back into this universe and provided some information, then flipped back into vague hysteria. He did not use his time wisely, and I hope I do not repeat that mistake in my contribution.

Flying out to the oil rig on Saturday was an extraordinary experience. It took us 91 minutes to get from Broome airport to the position of the rigs. We flew at the usual altitude for about an hour and 15 minutes, and then we started to descend. As Hon Jon Ford said, we got down to 3 000 feet, by which stage there was a thick bank of cloud over the area. At that stage I wondered whether we had spent these hours bumping around in this little plane only to see nothing. Fortunately, we were able to find some gaps in the cloud and we got down to an altitude at which we could see what was happening. My first impression on seeing the rig was that it did not look too bad; it seemed in pretty good nick, with no visible signs of anything particularly unusual happening. Then what I thought were clouds cleared away, and behind all the smoke I saw what looked like a rusting, burnt-out heap. One of the people we took with us, along with the media, was Martin Pritchard, chief executive officer of Environs Kimberley, with whom I have worked quite closely on a range of issues up there. I cannot say that I disagree with Martin's immediate reaction, which was that it looked like a scene from a disaster movie. The two rigs are not two and a half kilometres apart; I think that is a misunderstanding on the part of some people in the media. The two and a half or three and a half kilometres relates to the distance that needs to be drilled to find where the leak has occurred. I would say that the two rigs are between 500 and 1 000 metres apart, and a couple of supply vessels are standing off from them. The whole scene is covered with smoke and emissions coming from the leaking rig, and it is an awful scene.

We have all the facts and figures in front of us; there has been some extensive media coverage about this. We are talking about something like 400 barrels of oil a day being pumped out into the ocean. The terrible thing that adds to this feeling of disaster resulting from seeing this is realising that this is a disaster without an end. At the press conference given by the company on Saturday, one of the executives was asked whether the leak would be plugged by Christmas, and he replied that he could not answer that question. To me, that suggests that there is at least an element of doubt. Other speakers have referred to all sorts of scuttlebutt going around the industry at the moment about how many weeks or months—I heard just this afternoon an estimate of years—this leak will continue unabated.

What has the reaction of the state government been? Before getting on to that, I will briefly talk about the federal government's role. I agree with Hon Simon O'Brien that this area is outside of Western Australian jurisdiction, so the federal government has the main role. My second reaction, upon seeing the scene of devastation up there, was to thank God for the federal government. At least the federal government is doing what it is supposed to be doing. I understand that it has brought in experts, including one who masterminded the response to the Moreton Bay oil leak that I think, from memory, happened earlier this year. Thank goodness we have people like that engaged with this issue. But what has been the reaction of the state government? It has been pitiful. Right from the outset, the state government hid behind the skirts of the commonwealth. The Premier told us not to worry because the oil slick is drifting in the opposite direction. That is simply not an adequate reaction. Imagine watching a truck whose brakes have failed careering down a winding hill. The state government is standing at the bottom saying that it might not hit us; it might end up over there or over here. Not only is this metaphorical truck careering out of control down the hill, it is spewing muck as it comes down, and coating everything in its path with stuff that is potentially highly toxic. We cannot just stand at the bottom of the hill, close our eyes, cross our fingers and deny that there is a problem.

**Hon Norman Moore:** What are you suggesting we do?

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**Hon SALLY TALBOT:** We have seen the response from Minister Moore when we have asked him various other questions on issues such as worker safety and the number of people in Western Australia who have been made unemployed by the global economic crisis. He stands there and says, "What can we do? We are just the state government." Then he turns around to us and says that if we have any ideas, he would like to hear them. I have got some ideas, and I will share them today. That is Minister Moore's reaction, but what do we hear from Minister Faragher, the Minister for Environment? We hear nothing. I am sorry the minister is not here today, having been called out on urgent parliamentary business. However what we have seen I can only assume is her usual response, which is that she will go looking for a previous press release or statement she has made that she can cut and paste and put into this context. Of course there is no such statement, because we have never faced anything like this before. That is the nature of these catastrophes—every one is unique.

We need some questions to be asked. We need to know what this stuff is, and where it is going. It is not good enough to say that it is heading in the opposite direction. After we had spent some 20 or 30 minutes circling the two rigs and the other vessels, we flew for about six minutes in an easterly direction. At that time we had to turn around and come back so that we would not leave ourselves short of fuel. Six minutes in a small plane is a long way, but we could still see the oil as far as the eye could see in front of us after flying for six minutes. This is after only three weeks of leaking. Where is this stuff going? What is the effect on the marine life? This area is not called a marine superhighway as some piece of convoluted poetry by conservation groups; it is called a marine superhighway because it is an area of heavy marine traffic. We are talking about not only fish but also sea snakes and turtles. Nobody in Western Australia will ever forget the dreadful image that appeared in the media a couple of weeks ago showing the muck that had come out of a turtle. There are also seagrasses, dugongs, whales—one of the environmentalists up there was today talking about at least 12 different species of whale—sponges and corals. What effect will this oil have on the marine life in the area? What effect will it have on the terrestrial environment? We are not just talking about the coastline. Something very evident in the region is that there are literally hundreds of small atolls and outcrops in the sea. What effect will this oil have on the terrestrial environment, and what possible scenarios do we have to plan for? We are hearing nothing about this from our state government. Is there anything we can do to prevent possible damage to the marine and terrestrial environment of the area? Is there anything we can do to prevent actual damage?

I have been through a list of questions that I think need to be asked about the oil. I would suggest that the questions also apply to the dispersants being used. The experts categorise this stuff as either "slightly poisonous" or "possibly poisonous"; nobody is saying that it is harmless. We are dealing with a very vulnerable and fragile marine and terrestrial environment, and we are not getting any answers to these questions.

In the few minutes remaining to me, I will go over what is at stake here. Hon Jon Ford has referred to our commercial reputation, and that is important. It is even more important that there is public confidence in regulatory regimes that we can trust.

**HON NORMAN MOORE (Mining and Pastoral — Minister for Fisheries)** [4.32 pm]: I have listened with great interest to the comments made by Hon Jon Ford and Hon Sally Talbot, and I got the impression that they were somehow blaming the state government for the oil spill and for promoting the oil and gas industry as being part of the future of Western Australia. I waited with great interest for both members to tell me what they thought the state government should do about containing the oil spill. It is a fact of life—regrettable though it may be—that there has been an oil spill, and that oil is escaping from this particular well. It is a fact of life and it is being dealt with by the responsible agencies. In this case, the responsible agencies are federal government agencies. Hon Jon Ford knows as well as I do that this oil well is located in the joint authority area belonging to the commonwealth government and the Northern Territory. The Northern Territory government is probably responsible for dealing with the oil spill, because it is responsible for the administration of that particular part of the gas industry. The commonwealth government has responsibility for managing this issue because it has occurred in commonwealth waters.

The state government is obviously concerned because our Department of Fisheries is involved in that part of the state by virtue of its arrangements with the commonwealth government. The state government is also concerned because there is a possibility that the oil slick may indeed reach the Western Australian coast or interstate waters. I will tell members what the Department of Environment and Conservation has been doing, so that members know where we are. Members should bear in mind that if this was happening in the Pacific Ocean near Sydney, they would not be saying that the Western Australian government should be involved, because it would be someone else's responsibility. This matter is someone else's responsibility, whether members like it or not. If members want to criticise anybody, they should criticise the jurisdiction that is responsible—in this case, the federal government.

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The federal government wants to take over total control of offshore petroleum. It wants to bring in a new national offshore petroleum authority, which will completely manage the offshore petroleum industry in Australia and completely exclude the states and territories. That is what it wants to do, and it is going 100 miles an hour to achieve it. This oil spill provides a good reason for the federal government to not be given that authority, because it has not done such a good job of managing what it already has. I would not be unhappy if the state of Western Australia had complete responsibility for the waters off the coast of the state, because we could deal with it as a state. However, there is a jurisdictional issue and it is an issue that we will be fighting in a number of other areas for a long time.

The Minister for Environment is ill today, so I will respond on behalf of her agency. The document provided by the minister states —

- DEC has been monitoring the situation using information from the Australian Maritime Safety Authority, the Department of Transport, satellite imagery and long-range weather forecasts, and has advised me that there is no immediate threat to WA coastal waters and wildlife in State waters.
- DEC has sent an officer to assist the Australian Government Department of the Environment, Water, Heritage and the Arts in oil spill preparedness measures under way at the Ashmore Reef National Nature Reserve and Cartier Island Marine Reserve and has provided advice on wildlife response plans prepared for these reserves.
- DEC has implemented phase one of its preparedness strategy including the pre-deployment of some oiled wildlife response equipment to Broome and ensuring that the oiled wildlife response kits in Fremantle and Karratha are operational and ready for rapid deployment as necessary.
- DEC is currently implementing phase two which includes activating its internal Incident Management Structure to coordinate response planning for environment, wildlife and fisheries issues and is collaborating with the departments of Fisheries and Transport.
- DEC is also developing a monitoring strategy to establish the baseline environmental condition and to measure the intensity, extent and duration of impacts that may eventuate, based on a tiered response to threats.
- DEC is in discussion with the Australian Government Department of the Environment, Water, Heritage and the Arts regarding the establishment of joint Oiled Wildlife Recovery Centre in Broome.
- DEC officers undertook a boat-based assessment survey along the west Kimberley coast from the Lacapède Islands to Camden Sound in the north, between 9 and 13 September (last week).
- The officers reported large numbers of seabirds including Frigatebirds, Caspian Terns, Noddys and Brown Boobies at the Lacapède Islands Nature Reserve and at sea. The officers were specifically looking for potential impacts from oil but reported no obvious signs of any of the birds having come into contact with oil.
- ...
- DEC has 13 trained staff in its Pilbara region who underwent training to treat oiled wildlife, including seabirds, in June this year.
- There are 30 other people in various organisations including industry and non-government organisations, who also received training at the same time. Senior members of this group have been notified of the spill and its potential impact, and are available to be deployed at minimal notice.
- In addition to this, DEC has well in excess of 100 officers who are trained in handling wildlife.

That is a very quick summary of what DEC is doing, and in my view it is on the ball and ready to deal with issues as they arise in Western Australian waters or, indeed, on the Western Australian mainland. The Department of Fisheries has been working with the Australian Maritime Safety Authority—the lead agency managing this problem—and has sought from the authority support for funding from the company to give it the capacity to deal with the necessary research that will have to be carried out to assess the impact of this oil spill on the fish population. Members should bear in mind that there is an exclusion zone around the rig—I think it is 20 nautical miles or something like that—which makes it difficult for anybody to get close enough to carry out



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the sort of sampling processes necessary at this time. The Department of Fisheries, in my view, needs to do more work than it has done so far, because it has some involvement in the fisheries in that vicinity. As members will appreciate, there are certain difficulties because of the precarious nature of the rig.

It is important for this matter to be considered by this chamber, and it was important for Hon Jon Ford to bring the matter to the attention of Parliament. It was to his credit that he went out to have a look at the spill, but members should understand that this was not caused by the Western Australian state government. I do not know what the cause was, but it is the first time we have had an incident of this nature in the Western Australian petroleum industry and it is very, very regrettable. However, what really worries me is that people will go around saying that this is what will happen whenever we get another Gorgon or Browse Basin project or any other development in Western Australia. The scaremongering that is associated with this matter is regrettable because it does not do much for our reputation at all. There are people who just do not want us to have an offshore gas or oil industry. All I am saying is that there might be some of these people in this place.

**Hon Sue Ellery:** No, we are not suggesting that at all.

**Hon NORMAN MOORE:** I did not say that members opposite were at all. I just said that there is nobody in this place that I know of who would have that view, except that the lead speaker on this issue raised the issue of reputation, and our reputation is enhanced or tarnished by the comments of people who are involved. When the opposition says, therefore, that this will affect our reputation and might affect people's investment in Western Australia—which I think were the words used by Hon Jon Ford—that worries me because this matter is being managed as well as it can be managed.

In respect of the costs associated with the clean-up and so on, my advice is that the company will be required to pay the costs. That certainly is the view that I will be taking, bearing in mind that we do not have any authority to make the company pay them, because this incident did not occur in Western Australian waters. We cannot actually make the company do anything. If the New South Wales government was making a serious mess of its environmental circumstances, the Western Australian government could not go over to New South Wales and say, "Fix this up", and start telling people what to do; we simply do not have the authority. What we are trying to do, therefore, as I read out in respect of the Department of Environment and Conservation and which I expect the Department of Fisheries to do more of in the future, is be prepared in the event that we have to deal with a situation affecting Western Australia, and with respect to fisheries to have a better understanding of the consequences of the oil slick and the dispersants on the fish population. That is important for us to understand. However, I still await somebody telling me what the Western Australian government can do in a physical sense. Do members want us to go out there with great big collectors and collect up all the oil? Members know that we cannot do that, as the commonwealth government would if it could. Are members asking us to go and plug the hole in the gas well? Members know that we cannot do that; it is being done by the company. I say that we are taking the matter seriously, we are prepared for the worst circumstances, but there is nothing we can physically do in the water to alleviate this problem.

**HON WENDY DUNCAN (Mining and Pastoral — Parliamentary Secretary)** [4.41 pm]: On behalf of the National Party, I want to say that we appreciate this matter being brought to the house for discussion. It certainly is of great concern to have an oil leak occurring off the Kimberley coast. We appreciate the comments of the Leader of the House who indicated the action that is being taken by the Western Australian government, given as he pointed out that it is not within WA's jurisdiction. Perhaps we need to take this opportunity—if I could call it that—to test our preparedness and to make sure that we are ready for incidents like this should they occur closer to the coast or within our waters. I believe that there are lessons that can be learnt from this incident. There is certainly some debate about how severe the spill is. There is some discussion and perhaps even opposing points of view in the scientific community about the value of the use of dispersants, about the size of this spill, about the slick perhaps evaporating or dissolving quite rapidly, and about some of the fish species in that area having evolved to a stage that they are used to some oil leaking from the sea floor. However, these matters do not mitigate the fact that all levels of government need to be prepared to take action when such incidents happen and preferably, I guess, try to make sure that they do not happen. I take heart from comments by the Premier in *The West Australian* of 3 September in which he said that he was not happy about the six-week scheduled clean-up and the time it will take to bring the rig down and plug the well. He basically said that there were lessons to be learnt and that contingency plans were being prepared in the unlikely event of a slow-moving slick reaching the Western Australian coast. The Australian Maritime Safety Authority, the National Offshore Petroleum Safety Authority, the Northern Territory government and the responsible company have taken action to mitigate and, hopefully, plug this leak. Technically sophisticated equipment is required. It is a very remote location and, as indicated by the Minister for Transport and the Leader of the House, it is in fact out of our jurisdiction and fairly difficult for us to force anyone to do anything on this issue. The most effective measure that the Western Australian government can take, therefore, is to be prepared should the oil come into our waters. I believe that

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this is what we need to do. The Leader of the House has noted that his department, the Department of Fisheries, will be taking further action to assess the effects of this slick, and I commend him for that. I want to thank the opposition for bringing this urgency motion to the house; however, I really do believe that the state government is doing everything within its very limited power to be prepared for this slick should it come closer to the coast. I imagine that the commitment given by the Premier, as well as the inquiry that has been committed to by Martin Ferguson from the federal Parliament should, hopefully, benefit us for future events of this nature should they occur; hopefully they will not.

**HON JON FORD (Mining and Pastoral)** [4.46 pm] — in reply: The opposition never attempted to blame the state government for this disaster. What we are saying and what we wanted to hear was exactly what the Leader of the House said. That is the message that needs to get out to the community, not what Hon Simon O'Brien said; his opening remarks were silly but the rest of his remarks were valid. What we needed to hear was what the Leader of the House said, and we thank him for that. For all the reasons the Leader of the House gave—to protect our environment and to protect our reputation—it is important that that message gets out to the community.

Motion lapsed, pursuant to standing orders.