

ESPERANCE LEAD POLLUTION - CHARGES

345. Dr S.C. THOMAS to the Minister for the Environment:

I refer to the decision last week by the Department of Environment and Conservation to lay charges against the Esperance Port Authority.

- (1) Why did the department choose to lay charges the week before the parliamentary report of the Education and Health Standing Committee is due; and who made the decision to lay the charges at that time?
- (2) Why has the department itself failed the community of Esperance in lead monitoring and the enforcement of licence conditions; where did it fail; and what will the minister do to prevent that failure from occurring again?
- (3) Did the minister or anyone from his office advise the Minister for Planning and Infrastructure before the charges were made public; and, if so, why was she advised?

Mr D.A. TEMPLEMAN replied:

- (1)-(3) I thank the member for his question. He seems not to be aware that the Department of Environment and Conservation mounts prosecutions independent of the minister. The member should be aware that it is not my role, and under the Environmental Protection Act 1986, I am expressly prohibited from directing or instructing the department about a prosecution. The officer responsible for having those charges laid is the Director General of the Department of Environment and Conservation. Other elements of the member's question highlight what the government already understands: that an important inquiry is being conducted by a parliamentary committee. As the minister, I will be listening with great interest when the report and recommendations of that inquiry are presented to Parliament, and I will be responding appropriately. In the meantime, I have been ensuring that the department understands the importance of its role in carrying out its statutory responsibilities under the Environmental Protection Act and other acts under its control. The member unfortunately does not understand the processes I am expected to follow, and he needs to make himself familiar with them. I cannot direct, and I do not have the power to direct, the department on the pressing of charges. It is the responsibility of the director general of that department.