

DEPARTMENT OF ENVIRONMENT AND CONSERVATION - RELEASE OF AUDIT REPORTS OF  
ESPERANCE PORT AUTHORITY

**146. Mr T.G. STEPHENS to the Minister for the Environment:**

Can the minister advise whether the Department of Environment and Conservation has received legal advice about the release of the two audit reports into Esperance port; and, if so, what is the result of that legal advice?

**Mr D.A. TEMPLEMAN replied:**

I thank the member for Central Kimberley-Pilbara for his question. As the Minister for Planning and Infrastructure has highlighted, this issue remains of great concern to the government. Of course, lead is a significant issue under the Environmental Protection Act 1986. There has been a great deal of interest highlighted in the two reports prepared by the department with regard to inspections of the Esperance port premises carried out since the port began receiving and shipping lead carbonate. They relate to the Esperance Port Authority's compliance with the conditions of its licence under the Environmental Protection Act, a matter which is now under investigation. As such, the department took a cautious approach to releasing the reports. The department has been open with its information about the mass bird deaths in Esperance and has released details of the tests commissioned and the results received.

The department has been party to a number of public forums, including the one chaired by the member for Roe. The department has also set up a free-call telephone number for people to call for information. A further information day is also planned in Esperance over the Easter weekend. However, the inspection reports about which the member has asked and to which I refer were written before a link between the bird deaths and lead was established, and form part of the current review of the port's licence and investigation into any release of those reports. For these reasons the department sought advice on Monday from the State Solicitor's Office about whether the release of the inspection reports was likely to compromise any prosecution. Given the interest in these reports, I asked for the request to be expedited. I am pleased to inform the member and the house that the advice received today from the State Solicitor's Office is that the release of the reports would not prejudice any prosecution. Therefore, I now table them.

[See papers 2578 and 2579.]

**Mr D.A. TEMPLEMAN:** There have been two inspections of the port since it began receiving and shipping lead carbonate. The first was on 26 May 2005. Some lead carbonate had been received at the port in the previous month, but the first lead shipment occurred at the beginning of July 2005. The second inspection was not until 1 February 2007. I appreciate that questions need to be asked regarding the gap between those inspections and why the inspections did not detect whether lead was being shipped in non-pelletised form. These matters will be addressed in the following ways. The Director General of the Department of Environment and Conservation has taken steps to commission an independent review of the department's audit and inspection processes for the Esperance port to identify what is required to improve those processes. In addition, as the Minister for Planning and Infrastructure has already highlighted, the house will debate a motion to refer this item to an appropriate committee for investigation.