

ALKALOAM, FUTURE LIABILITY

**1381. Hon J.A. SCOTT to the Minister for Agriculture, Forestry and Fisheries:**

- (1) Has an agreement been signed between the Government of Western Australia and Alcoa World Alumina Australia which indemnifies Alcoa from any future liability for human health and/or environmental damages claims arising from the distribution of Alkaloam, or red mud, as a soil-amendment product for agricultural land in this State?
  - (a) If yes, will the minister provide details of this indemnity agreement?
  - (b) If no, why not?
- (2) Does this indemnity require the Department of Agriculture to accept liability for any health or environmental damages claims arising from the distribution of Alkaloam as a soil-amendment product for agricultural land in this State; and if not, which government agency will be required to accept liability?
- (3) Has any upper limit been set by the State Government for damages payouts arising from potential negative impacts of Alkaloam on human health and/or the environment; and if yes, will the Government provide details?
- (4) Which animal health and human health studies were used as a basis for the claims in the Department of Agriculture media release of 22 January 2002, headed "Alkaloam no risk to farms and residents", that Alkaloam posed no risk to human or animal health?
- (5) Will the minister table these studies; and if not, why not?
- (6) Has the State Government signed any liability indemnity agreements with other companies that distribute industrial waste as soil amendments or fertilisers; and if yes, how many and with which companies?

**Hon KIM CHANCE replied:**

I thank the member for some notice of this question.

- (1) The State and Alcoa World Alumina Australia entered into a deed of indemnity on 6 September 1999 under which the State agreed to indemnify Alcoa against all actions, proceedings, claims, damages, costs and expenses that Alcoa might be liable for or incur in respect of the handling and transportation of the bauxite residue after its supply to an accredited contractor and/or the application of such bauxite residue.
  - (a) Yes, details of the indemnity will be provided to the member, although I do not have them with me now.
  - (b) Not applicable.
- (2) As stated, the deed of indemnity is between the State and Alcoa. The State is not required to accept any liability under the deed of indemnity.
- (3) The deed of indemnity does not refer to a monetary amount.
- (4) The Western Australian Department of Agriculture and Department of Health have conducted investigations into the use of Alkaloam in agricultural and home effluent systems. A large body of information on this aspect is available, including "Investigation of Mineral Profiles and Health of Cattle Grazing Pastures Top-dressed with Alkaloam in the Meredith Region of the Peel-Harvey Coastal Plain Catchment", a 1997 report by Dr Jeremy Allen, chief veterinary toxicologist, Animal Health Laboratories, Western Australian Department of Agriculture; "Monitoring the Mineral Status and Health of Sheep Grazing on a Rehabilitated Bauxite Residue Stockpile and on Alkaloam Amended Pasture", a 1998 report by Gerard Smith, Animal Health Laboratories, Western Australian Department of Agriculture; "Final report of investigation into the use of gypsum-amended red mud as a soil-amendment on horticultural properties on the swan coastal plain", by W.J. Robertson, I.R. McPharlin, and R.C. Jeffery from the vegetable production and water pollution on the Swan coastal plain project and published in 1994; "Dust Level Determination Report to Agriculture WA" on Alkaloam - red mud - test and control sites, prepared by MPL Occupational and Environmental Solutions and presented in 1998; and a material safety data sheet on Alkaloam, published by Alcoa Australia in 1996.
- (5) Yes.

- (6) The honourable member is requesting information on agreements signed by the State Government, and it will be necessary to check with all departments and agencies of the Government.