

**ADJOURNMENT OF THE HOUSE**

*Ordinary*

**HON TOM STEPHENS** (Mining and Pastoral - Minister for Housing) [9.43 pm]: I move -

That the House do now adjourn.

*East Timor - Adjournment Debate*

**HON PETER FOSS** (East Metropolitan) [9.43 pm]: I have recently had cause to speak to a number of Australians who have been to East Timor as part of the various charitable and aid teams that have undertaken projects in that region. It is interesting that although Western Australia is so close to East Timor - ours is the closest State, although the Northern Territory is obviously closer - most of those who have carried out work in the area are from the eastern States. I had the opportunity to listen to a speech given by Mr Jim Dunn, the special rapporteur for the United Nations on East Timor. I knew some terrible things had happened in the area, but it was not until I heard him speak that I realised how devastating they had been and when they occurred. It was not until after the plebiscite by which the people of East Timor indicated that they would have independence that, as part of a planned exercise, the Indonesian forces - it is clear that the Jajaran Tentara Nasional Indonesia was very much involved in what occurred - destroyed about 90 per cent of the local infrastructure. That is an unbelievably large proportion of the hospitals, schools, shops, houses and bridges. These are the facilities necessary for what we see as modern life. They were just destroyed. Some 250 000 East Timorese were forcibly moved into West Timor, and they remain there now. I hope members have been reading in the newspaper the concern expressed by the East Timorese Government that pressure is being brought to bear on these Timorese refugees to say that they do not want to go back to East Timor. They are housed in refugee camps where they are subject to the depredations of the militia, which have been trained by the TNI and, in particular, by Kopassus, which is a combination of the special air service and the secret police. Members should think about the effect that would have in our society. What would it be like if 90 per cent of our infrastructure had been destroyed? How would we live under those circumstances? What would we do if such a vast quantity of our population had been forcibly removed, and remains removed, to another country? When we see it in those terms, we suddenly realise that we have a neighbour who urgently needs our help.

This State particularly should direct its attention to this issue, because we all feel a sense of guilt that when East Timor was invaded 25 years ago, we sat here and did nothing. I believe that is something for which we should feel extraordinarily guilty. If we believe ourselves to be Christians, the East Timorese are very definitely our neighbours. I urge every member of this Parliament to see what they can do to raise consciousness in our society so that people are a little more aware of our neighbours just across the Timor Sea who are urgently in need of our assistance. I urge members to think of perhaps going to East Timor and helping out. We must ensure that it does not become an issue that we read about in *The West Australian* and think that because there were 100 000 in that refugee camp, there must be something happening, and then turn the page and move on to read *Modesty Blaise*. I was very much affected by this speech. I confess that I have been a bit blasé. I now feel more significantly a sense of guilt at our failure to act for our close neighbours. It is at the other end of our State, but they are close neighbours and they urgently need our assistance. I ask members to pay attention to what I have said tonight. They should look in the newspaper tomorrow just in case there is something about what is happening in East Timor. They should not pass it by. If they have an opportunity to speak publicly, they should raise the issue of East Timor. If they have the opportunity to make a donation to East Timor, they should do so. My family has been asked and has responded generously, perhaps not as generously as I would have done had I experienced this earlier. We, more than anybody else in the world, bear a responsibility for our Timorese neighbours. We should have concern for their plight and do something about it.

*Bellevue Waste Control Pty Ltd Site - Adjournment Debate*

**HON J.A. SCOTT** (South Metropolitan) [9.48 pm]: I agree with the remarks of Hon Peter Foss. It is an incredibly difficult situation for those people and has been for a long time. It is amazing that their passion for a democratic, free society has survived all this time considering what they have been through.

However, I rose to speak about some answers I received to questions asked on 29 May - I was lucky that day; I asked two questions - and 30 May 2001. The questions concerned an explosion and fire at the Bellevue Waste Control Pty Ltd site. The company was found to have been operating outside its licence conditions. I asked -

- (1) Does the Department of Environmental Protection plan to establish a treatment facility for waste drums on the waste control fire site in Bellevue?

- (2) What process will be employed by the DEP to ascertain the risks to workers, the community and the environment posed by -
  - (a) the operations of the treatment facility; and
  - (b) on-site contamination?
- (3) Has the Health Department of Western Australia given advice to the DEP on the treatment facility proposal?
- (4) If yes, please detail.
- (5) If not, why not?

The answers I received were -

- (1) Yes.
- (2) Monitoring of volatile organics and dust, coupled with operational controls.
- (3) Yes.
- (4) The Health Department of Western Australia has written to the Department of Environmental Protection stating that it does not object to the management plan, subject to suggested additions to the monitoring. The suggested use of a photoionization detector has been accepted. Clarification was also sought on the dust monitoring to be undertaken. This clarification was also provided.
- (5) Not applicable.

I asked further questions -

- (1) Have the activities at the Waste Control Pty Ltd fire site at Bellevue been subject to an environmental impact assessment process?
- (2) If so, can the minister give details; and, if not, why not?
- (3) Has the Waste Control fire site in Bellevue been subject to any on-site soil testing?
- (4) If so, can the minister detail results; and, if not, why not?
- (5) What guarantee can the minister provide to the Bellevue community and the on-site workers at the Waste Control fire site that activities at the site will not pose an increased risk to their health and wellbeing?
- (6) Does the Waste Control fire site currently pose a risk to -
  - (a) the health of the Bellevue community;
  - (b) the environment; or
  - (c) the health of workers?

I received the following answers -

- (1) No.
- (2) The activities at the Waste Control Pty Ltd site are being conducted under the authority of a section 73 direction that is intended to prevent pollution arising from the fire of 15 February 2001. These activities were not referred to the Environmental Protection Authority due to the need for immediate action.
- (3) No.
- (4) Under section 73 there is power to address only off-site contamination. Further, the site is privately owned, so the Department of Environmental Protection cannot unilaterally undertake any testing on the site as this is the responsibility of the owner.
- (5) The proposed method of drum treatment poses minimal risk to the Bellevue community due to the design of the treatment equipment, which incorporates several pollution-control features, and the smaller quantities of waste being handled at any time.
- (6) (a) I am informed that the Waste Control site poses minimal risk to the health of the Bellevue community.

- (b) The risk posed to the environment is being determined.
- (c) The health of workers on the site is a matter for WorkSafe WA, and I have referred this matter to the Minister for Labour Relations for reply.

I found the answers interesting as I would have assumed that if the Department of Environmental Protection was going onto a site to try to control pollution, it would have used a section of an Act that enabled it to carry out tests of the soil to see which contaminants it was dealing with.

I was also told that the site was privately owned, so it was not able to unilaterally undertake any testing on the site, and that it was the responsibility of the owner. I would have thought that, given the circumstances, the DEP would have selected a section of the Act that would have allowed it to test without the permission of the owner, considering that there had just been a disaster on the site.

After looking at the Act and being unable to determine why such action was prevented, I asked whether the DEP had approached Waste Control Pty Ltd, the company that ran the site, for agreement to test the soil on the site for contamination. The answer was no; it had not. The soil was not tested because it was privately owned and the owner's permission had to be gained. I asked -

Which provisions in section 73 of the Environmental Protection Act 1986 prevent the DEP undertaking soil testing on the site and require the DEP to seek permission from the owner-polluter to carry out soil tests on the site?

How can the DEP ensure the safety of workers on the site without knowing the extent of soil pollution on the site?

I should also have asked about the type of pollution. The answer I received was -

The Department of Environmental Protection does not have the power to require soil testing under the Environmental Protection Act 1986.

I refer to some sections of this Act. Section 73 is headed "Power in respect of discharges of waste and creation of pollution", and states -

- (1) If any waste has been or is being discharged from any premises otherwise than in accordance with a works approval or licence -

Clearly, this was the case at Bellevue. It continues -

or a requirement contained in a pollution abatement notice, or a condition of pollution is likely to arise or has arisen, an inspector or authorised person may, with the approval of the Chief Executive Officer -

- (a) give such directions in writing as the inspector or authorised person considers necessary to such person as the inspector or authorised person considers appropriate -
  - (i) to remove, disperse, destroy, dispose of or otherwise deal with the waste which has been or is being discharged; or

That section seems to give sweeping powers to do anything; it is very wide. It continues -

- (ii) to prevent the condition of pollution from arising or control or abate that condition if it arises,  
as the case requires; or
- (b) with such assistance as he considers appropriate -
  - (i) remove, disperse, destroy, dispose of or otherwise deal with the waste which has been or is being discharged; or
  - (ii) prevent the condition of pollution from arising or control or abate that condition if it arises,  
as the case requires.

Again, there are significant powers to deal with that however they like. Subsection (4) states -

If any waste has been or is being discharged from any premises or a condition of pollution is likely to arise or has arisen, the Chief Executive Officer may -

- (a) cause the waste to be removed, dispersed, destroyed, disposed of or otherwise dealt with, or the condition of pollution to be prevented from arising or, if that condition arises, that condition to be controlled or abated; and
- (b) recover the cost of the removal, dispersal, destruction, disposal or other dealing -

I could go on, but they have huge powers to do whatever they want on that site. How on earth can the Health Department and the Department of Environmental Protection say that those workers and the community are safe; they have not even tested the soil to see what pollution it contains. When that place was constructed, many materials went on site that were not supposed to be there.

When the fire brigade arrived at the site it had no record of what was there; the fire brigade did not know what type of apparatus it should use. In fact, a local activist - Lee Bell - had done a lot of research on that site and he provided the fire brigade with a list of the materials that he knew were on site to assist them that night. I do not know why the department or somebody else did not provide the fire brigade with that information. I have received answers that they could not test the soil because of section 73, when in fact they could have. This answer is simply not true. Under that section of the Act there are wide powers to do those things. I have checked with a legal practitioner, and he believes that the Act provides the powers to test the soil on that site. People working on that site will be put at risk because they do not know what is in the soil, not to mention the run-off from the site. How can they control or abate the pollution if they do not know what is in the soil and may leach away, whether it is fixed in the soil or how toxic it is?

*East Timor - Adjournment Debate*

**HON BARRY HOUSE** (South West) [9.59 pm]: The comments by Hon Peter Foss prompt me to make a few remarks about East Timor. Western Australians are working in East Timor right now and making a difference in their own way. I inform the House about a couple who live in Margaret River, Bruce and Margaret English, who have put together a program in a private capacity to make a difference. Bruce English is a former Special Air Service and fire services officer. He came to my office about June last year with a proposal which had two facets: to help out in East Timor with the establishment of an emergency, ambulance and fire service and to do that by using recently retired former fire services officers and army personnel in Western Australia who had the time and money and who were inclined to help wherever they could. I introduced Bruce and Margaret to the then Minister for Emergency Services, Kevin Prince, and the Fire and Emergency Services Authority. In August last year, the three of us spent a week in East Timor. We spent most of the time around Dili, but we also visited Baukau, Aileu in the hills and various other centres. We found that the devastation was every bit as bad as it appeared on our television screens. Quite frankly, it was a shock to see a country so badly devastated by people who were seen to be merely out for revenge and who did everything in a totally vindictive and destructive way. The country is devastated. Its restructure is coming from a very low base. However, we persevered. If I had a useful purpose, it was to open a few doors and get introductions to the right people; that is, the United Nations Transitional Administration in East Timor, the Australian Embassy and various other people.

We discovered among the carnage the rudiments of a basic system of fire and emergency services - which had been established by the Portuguese - called the Bomberos. There were three fire stations in the country: in Baukau, Aileu and Dili. They were totally under-resourced and inadequate for the needs for which they might be required, but at least it was a beginning. We put together a plan. After returning home to Western Australia we worked with the Fire and Emergency Services Authority and voluntary organisations to gather some support, which has come through. Some monetary support has been provided from bodies like the Lions Club in Cowaramup. The Fire and Emergency Services Authority of Western Australia, through its contacts throughout Australia, was able to identify some equipment that was surplus to requirements, and that is ready to go to East Timor.

Bruce and Margaret English went back to East Timor in January as United Nations volunteers and are still living there. They are in their 60s and not in the prime of health, but they have been prepared to make an enormous personal commitment to this exercise to help people who have virtually nothing. Living in Dili, they have established various contacts and have put in place a program, and the surplus equipment from Western Australia and other parts of Australia will help rebuild East Timor's fire, ambulance and emergency services. Along the way, Bruce and Margaret have helped provide a school with a roof. That school has nothing else. They have helped in many other ways. This work has been done independent of the major aid organisations. It has not always been easy, but at least in a small way, Western Australians are making a difference. Other Western Australians are involved in all facets of rebuilding the country and helping with its administrative structure, which was destroyed. In addition to the capital infrastructure, the country's whole system of administration was destroyed. Its entire education support was completely devastated. The country also requires a massive amount of support with health, law and order and other areas. Hon Peter Foss's comments have given me an opportunity

to salute at least a couple of Western Australians who have made a magnificent effort to better the lives of the East Timorese in some small way.

There is a wealth of support and appreciation for Australia in East Timor. As we all know, much of that emanates from the outstanding work carried out by the forces led by Peter Cosgrove after the ballot in 1999. However, prior to that during the Second World War, Australians had much for which to be grateful to the East Timorese, including the generosity shown to many Australian servicemen. There is an affinity between the two nations.

Darwin is very close to East Timor, which encourages continual liaison between Darwin and Dili. Small strides are being taken in the rebuilding of that country. It is still an uneasy and, in many ways, unsafe nation. It faces huge challenges in determining how it will be governed, who will take leadership roles and, more importantly, where it will find the resources to help in the rebuilding of their country. I share the sentiments expressed earlier that Australia can and should take a role in assisting. It can be done, even in a minor way. The two people to whom I referred deserve a mention in this place for the terrific commitment they have made.

*Nedlands By-election - Adjournment Debate*

**HON GIZ WATSON** (North Metropolitan) [10.07 pm]: I cannot let the opportunity go by this evening without commenting on the result of the Nedlands by-election. It was a historic outcome for the Greens (WA). Although we did not win the seat, just over 1 000 votes separated our candidate and the Liberal candidate.

Hon Barry House: Were they primary votes?

Hon GIZ WATSON: I thank Hon Barry House. That was the result after preferences had been distributed. It was, nevertheless, a significant outcome. I am sure the Liberal Party is concerned about the continuing swing against it. In this by-election we had an excellent team and an excellent candidate in Steve Walker. The initial response from the media, which was perhaps not expecting a run-off between the Greens and the Liberal Party, was that the Liberal Party had won from the Labor Party, which has been the tradition. However, it was heartening to see a historic shift - to my knowledge this is the first time, certainly in Western Australia - to a situation in which a Greens (WA) candidate was the closest contender after the distribution of preferences. As reported in the ABC news this evening, until the very last distribution, our candidate was a strong contender for that seat.

The other point I make about the outcome of this by-election concerns the combined environmental vote. If we consider the success of our candidate and the successes of the Australian Democrats and the liberals for forests, which ran a candidate under an independent banner but who represented that party, the combined vote was about one-third of the overall vote. I make that point to both major parties. The Premier was quoted as saying that he thought the outcome indicated that electors had recognised that the Labor Party had taken on board environmental issues and, therefore, the Labor Party's vote had increased. From a final analysis of the figures, I argue that a more pure environmental vote for parties that are clearly identified with environmental outcomes, including the liberals for forests and the Greens (WA), was significant. That augurs well for the federal election campaign and it has done an enormous amount to hearten environmentalists around Australia to realise that the environment, and particularly issues of clearing forests and greenhouse gases, will be a part of the federal election.

Without wishing to take up any more time, because members wish to go home this evening, I put on the record that for Greens (WA), this has been an exciting by-election and one that has shown that we will continue to be a major force in politics in Western Australia.

Hon N.F. Moore: What percentage of the vote did you get?

Hon GIZ WATSON: After the preferences were distributed?

Hon N.F. Moore: No, the primary vote.

Hon GIZ WATSON: We got around 40 per cent of the primary vote.

Hon N.F. Moore: How many did you get?

Hon GIZ WATSON: Personally?

Hon N.F. Moore: Yes.

Hon GIZ WATSON: In conclusion, it is obvious that it is only a matter of time before the Greens (WA) will also have a presence in the Legislative Assembly, and we look forward to that day.

*Bellevue Waste Control Pty Ltd Site - Adjournment Debate*

**Extract from *Hansard***  
[COUNCIL - Tuesday, 12 June 2001]  
p910b-915a

Adjournment Of The House; Mr Tom Stephens; Hon Peter Foss; Hon Jim Scott; Hon Barry House; Hon Giz  
Watson

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**HON TOM STEPHENS** (Minister for Housing) [10.12 pm]: I take this opportunity to indicate that I will refer to the Minister for the Environment and Heritage the comments of Hon Jim Scott that will appear in *Hansard*. I will ask the minister to make available to me a response to the member's comments so that I can put them on the record of the House at the earliest opportunity; there was a time when that was a regular custom in this place. I hope to do that whenever possible, certainly with reference to my own portfolio and the portfolios that I represent. I will try to extend that opportunity to members of this House. If there is an issue about which there is disagreement, and Hon Jim Scott wants some claims to be assessed, I will ask for a formal response either from agencies for which I have responsibility, or ministers that I represent. In my case, I will make sure that I respond to the comments. In the case of ministers I represent, I will ask them whether they will be prepared to do so.

Question put and passed.

*House adjourned at 10.13 pm*

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