

CHEMICAL USE BY THE AGRICULTURE PROTECTION BOARD

Standing Committee on Environment and Public Affairs Inquiry - Motion

HON ROBIN CHAPPLE (Mining and Pastoral) [2.02 pm]: I move -

That in relation to the use of 2,4,5-T and related toxins (the “chemicals”) by the Agriculture Protection Board (the “APB”), the Standing Committee on Environment and Public Affairs inquire into and report to the House on the following -

- (a) the sources of supply, and the terms and conditions under which the chemicals were supplied to or acquired by the APB;
- (b) the purpose and extent of the use of the chemicals by the APB;
- (c) the form and content of the regulatory regime, and the physical conditions, under which the chemicals were supplied, stored, transported, handled, and disposed of by the APB;
- (d) the extent to which, and the means by which, the APB knew, or could reasonably be expected to know, of the dangers to human health associated with exposure to, or the use of the chemicals, and the degree of diligence exercised by the APB so as to ensure the currency of its knowledge;
- (e) the measures taken by the APB from time to time to protect its employees or contractors from unnecessary or potentially harmful exposure to the chemicals, and the criteria adopted by the APB in developing appropriate safety standards;
- (f) the response of the APB to health-related complaints from former employees or contractors allegedly caused by their exposure to or use of the chemicals; and;
- (g) any other matter relevant to the matters contained in the preceding paragraphs.

I think Hon Kim Chance and Hon Tom Stephens will be well aware of the issues I will speak about today. Both have been very supportive. I have previously heard the very eloquent and emotional words of Hon Tom Stephens about the fate of, and the problems suffered by, the workers affected by herbicides.

In moving the motion, I wish to articulate that it is not my intention to take anything away from the study by Dr Harper or the work currently being done and referred to as the Armstrong report. To that end I have had discussions with my colleague Hon Jim Scott to significantly amend the motion to reduce the depth of the inquiry to more specific issues.

Having spent a considerable amount of time in the Kimberley and Derby with the workers and seen the issues they face, I can say this has become a very sorry saga. This has been borne out in statements made by other members of this House. We need to run through some of the history. In initiating the Harper inquiry, the Government started down the path of resolving many of the issues. That is to be commended. The missing link is how this all came about. There have been a number of attempts to find stored material or remnants of stored material, but to little effect. The Harper report involved several inquiries and I understand that the Armstrong report is looking into sources of material. We need to go back somewhat further than that and develop a chronology of how we believe this all came about. The material that the Derby herbicide workers used is what is referred to as 2,4-D, 2,4,5-T and MCPA. These are referred to as phenoxyacetic herbicides. They were discovered in the early 1940s. In 1944, 2,4,5-T was demonstrated as an effective herbicide. In 1951, the first tests involving 2,4-D were conducted and it appeared to be quite successful in weed control. During the 1960s dioxin impurities were discovered in 2,4,5-T but were not considered harmful if it were used with proper precautions. This was the first time that the whole issue of dioxins became apparent and we became aware of the issues pertaining to the damage that they could do to the reproductive system and/or the immune system.

In 1969 the use of Agent Orange in Vietnam peaked. This was an element of 2,4,5-T and contained significantly higher levels of dioxin. As many will be aware, there have been many issues pertaining to the concerns of returned soldiers from the Vietnam days about Agent Orange sickness. Approximately 3 700 pounds of 2,4,5-T was imported from Singapore into Australia during 1969-70, mainly into Queensland but also into Western Australia. There are many indications, which I will talk about later, which identified that this material was allegedly imported from Vietnam after having been stored in Singapore. Many comments were made that this material was a derivative of Agent Orange and was surplus. It was interesting that at that time we would not have been aware in any way, shape or form that this material had entered Australia had Union Carbide Australia Ltd not lodged a complaint against Chemical Industries (Kwinana) Pty Ltd, Farm Chemicals Pty Ltd and Nufarm Ltd for importing this material into Australia from Singapore. The reason that Chemical Industries (Kwinana)

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and others tried to dodge the tariff that was normally imposed on the importation of this material was that it had been damaged by fire in Singapore and was therefore considered to be of a lesser standard - it was fire-damaged stock. That inquiry basically led to the understanding that this material had indeed ended up in Western Australia and Queensland. There have been many inquiries about where this material went over time. I will talk about that a little later.

I will progress through the time line. In 1971 there was uncertainty about further quantities of 2,4,5-T and other chemicals being imported into Australia from Singapore. In 1972 the Tariff Board held an inquiry, which was conducted in Sydney, to follow up UCAL's complaints. It concluded that charges that this material had been dumped in Australia were justified. In 1975 the Agriculture Protection Board initiated a special works program for Aborigines, with nine trainees. That program included herbicide spraying and was conducted in the Derby area. Herbicide spraying subsequently occurred in Kununurra, Carnarvon and other locations within Western Australia. In November 1977 a memo to the APB chair advised that the use of 2,4-D and 2,4,5-T would be restricted in the Ord irrigation area due to the potential damage to the sugar and cotton industries. Some controls began to be placed on the use of this material because of its effect on other flora. There is anecdotal evidence that fauna was also suffering as a result of the spray in that area. In March 1978 the Department of Agriculture released a press bulletin which stated that 2,4,5-T was quite safe to use. In 1978 the ABC *Four Corners* program documented the use of 2,4,5-T in Victoria and cast doubts about the safety of the chemical. The Minister for Agriculture would be aware of some of the issues around Yarram. We are currently revisiting the Yarram inquiry and the nature of the problems suffered by the workers in that area. I will describe at some length a little later the work of Selinger and Hall and how they discovered birth defects throughout Australia and the link between these and the time frame on the importation of this material.

In 1978 the annual Australian usage of 2,4,5-T was estimated to be between 250 and 300 tonnes, and for 2,4-D it was estimated to be 2 000 tonnes. In 1978 the National Health and Medical Research Council reported that the use of 2,4-D posed no risk to human health, but recommended that dioxin concentrations be reduced as quickly as possible. At the same time the *Noogoora burr* campaign reported the first ill health effects among workers. In 1979 the Australian Council of Trade Unions placed a union ban on the use of 2,4,5-T in Victoria, again as a result of the Yarram implications. In 1979 the Shire of Manjimup banned the use of 2,4-D and 2,4,5-T. Around 1979 - I am not sure of the date - a page from APB board minutes records a large purchase of 340 litres of 2,4,5-T for the spraying of *Parkinsonia* on Christmas Creek station. In May 1980 the commonwealth Standing Committee on Environment and Conservation conducted an inquiry into the effects of agricultural chemicals on the environment. In June 1980 samples taken from blackberry sprayers found high levels of 2,4,5-T in their urine. In March 1981 the testing of hair and urine samples from sprayers found particularly high concentrations of 2,4,5-T in their urine. In 1981 Selinger and Hall published an article in *Chemistry in Australia* detailing the quantities of chemicals dumped in Australia. In August 1981 severe skin conditions were reported in three Aboriginal herbicide workers. The report noted that no protective equipment had been provided to the crew. In September 1981 questions were raised in Parliament and confirmed that Chemical Industries (Kwinana) produced 3 840 litres of 2,4,5-T containing four times the allowable concentrations of dioxins. In January 1982 the *Government Gazette* reported that 2,3,7,8-tetrachlorodibenzo-p-dioxin levels in 2,4,5-T must be less than 0.1 milligram per kilogram. On 30 June 1982 the APB terminated the special works program for Aboriginal workers. In September 1982 questions raised in Parliament showed that Chemical Industries (Kwinana) had reprocessed 348 litres of 2,4,5-T containing four times the allowable concentrations of dioxins. In December 1982 allowable TCDD levels in 2,4,5-T were reduced to less than 0.01 micrograms per kilogram. The first of the workers to die was Cyril Hunter in 1983. In 1984 the APB bimonthly report noted that two employees were on sick leave suffering possible adverse affects from the use of 2,4,5-T.

In 1885 the Agriculture Protection Board reported that Carl Drysdale had resigned. Carl Drysdale was at that time one of the team leaders in the spraying of 2,4,5-T and 2,4-D in the Kimberley. In 1885 an internal letter from the APB stated that 2,4,5-T was no longer in use by the APB. In June 1986 the Health Department advised all government departments to restrict the use of 2,4-D and 2,4,5-T in catchment areas because of the impact on run-off for fisheries and flora. In June 1999 the *Broome Advertiser* reported that Kimberley herbicide workers were calling for an inquiry with the support of the State Opposition. In June 1999 the Western Australian Legislative Council Standing Committee on Public Sector Administration began gathering information on the Kimberley herbicide sprayers. The committee was chaired by the now Leader of the House, Hon Kim Chance. In 1999 an article entitled "Agents of Death" appeared in *The West Australian*. The article was quite lengthy and went into many of the issues that I will touch on today. In 1999 the Legislative Council Standing Committee on Public Sector Administration stopped taking information and elected not to continue the inquiry. I believe that happened because of the prorogation of the Parliament.

Hon Kim Chance: Yes.

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Hon ROBIN CHAPPLE: In February 2001 the state election brought the Australian Labor Party to power under Premier Geoff Gallop, and I commend the Leader of the House for then initiating, as Minister for Agriculture, an immediate inquiry into the issues surrounding the health and safety of those workers. In October 2001 Dr Andrew Harper was appointed to conduct an independent review of the Kimberley APB sprayers and subsequently spent a number of weeks in the Kimberley interviewing the health workers. That was to try to paint a picture. The Harper inquiry did an immensely good job and made a number of significant recommendations. I will not touch on those today. I want to deal with the one thing that has not been dealt with so far in either the Harper inquiry or the current inquiry - for the moment I cannot think of the name of the gentleman who is conducting that inquiry - and that is not the impact on workers, but whether Australia imported material that was highly suspect. I want to deal also with whether Chemical Industries (Kwinana) acquired this material; and, if so, whether it knowingly or unknowingly distributed that material not only in this State but also to other States as 2,4,5-T in some modified or original form.

Chemical Industries (Kwinana) is one of the companies that comes under significant scrutiny in this matter. An article in the *Daily News* of September 1983 states that Chemical Industries (Kwinana) has maintained a closed-mouth policy during its stormy history. I will itemise some of the points that are raised in the article. It states that in 1981 about 4 000 litres of 2,4,5-T that had been sent by Chemical Industries (Kwinana) to the New South Wales Department of Agriculture was recalled because it contained excessive levels of dioxin. We need to remember that this is very shortly after the importation into this country of what is alleged to be a rogue batch of Agent Orange; and I will talk more about that connection shortly. In March 1982 ground water pollution at Kwinana was revealed. It states that the manager of CIK, John Telford, refused to reply to press questions. In May 1982 urine tests showed high levels of 2,4-D and 2,4,5-T in Chemical Industries (Kwinana) workers. Mr Telford again refused to comment. I am told Mr Telford had a pretty vigorous reputation in operating Chemical Industries (Kwinana) in so much as he was reported as having repeatedly chased agency staff and members of the media off his property with a big stick. In 1992 the then Minister for Water Resources, Andrew Mensaros, told the company to stop dumping waste in an open pit. The then Metropolitan Water Authority and public health officials said the company had been difficult to deal with. In July 1982 MWA officials released details of ground water contamination near the plant. The officials said Mr Telford had been more cooperative lately. He is getting better! In August 1982 the State Government spent \$100 - it is interesting how prices have increased - on further urine tests at CIK. However, levels were still high. Again Mr Telford refused to comment. The company also began pumping waste into a salt-water aquifer. I understand that eventually the pipe that the company was using to pump waste into that salt-water aquifer broke and the material remained in the pond well beyond the required date. There was some conjecture that that material might have been consumed by other methods, such as by merging it with some of the dioxins that the company was producing. In 1982 the Australian Council of Trade Unions occupational health director, Mr John Matthews, was refused an inspection tour of the Kwinana plant. In January 1983 the State Government announced that CIK would spend \$1 million on a 1 100-metre bore to pipe waste into a deep aquifer. Mr Telford again refused to comment. He is going back to his old ways. In March 1983 Mr Tonkin, who was at that time the new Minister for Water Resources, said he was satisfied that the bore plan was environmentally safe. In 1983 the then Mayor of the City of Cockburn, Mr Miguel, said that there should have been an environmental report before the bore plan was in place. Mr Telford again refused to comment. In June 1983 the TLC and the ALP's administrative committee called for a full investigation of the company's Kwinana operation. Mr Telford refused to comment. On 26 August Mr Tonkin warned the company that it must start drilling within a week. Again in August, Mr Tonkin refuses to renew the effluent disposal notice.

This is all around the time of the supposed importation of material. How we came by the knowledge of the importation of this material is quite interesting. I will refer to an article by Peter Hall, of the Department of Statistics, and Ben Selinger, of the Department of Chemistry at the Australian National University published in April 1981, in volume 48, number 4 of *Chemistry in Australia*. They were carrying out some basic survey work on infant mortality and chemical induced illnesses in the population. Suddenly, during 1969-70, they encountered a huge spike in birth defects, deformities and aborted fetuses. After some investigation, they discovered that in 1969-70 there were major imports of the material into Australia through Queensland. Some of this material came through to Western Australia. For example, in 1970-71, Queensland imported 289 524 pounds, and Western Australia imported 22 400 pounds. The Australian Bureau of Statistics kept records, although it did not name the importers, so further distribution of the material was difficult to trace. The article states -

However, there are not many chemical companies in Australia involved in processing halogenated phenols. On 4 September 1980 we approached the Department of Business and Consumer Affairs for further information on the imports, but without success. In the process we warned them of the apparent irregularities in the import-export statistics.

A book entitled *Chemistry in the Marketplace* by Ben Selinger, under the heading "A chemical detective story" reads -

It all started with a search for a suitable example for a student exercise. I was looking for a piece of chemistry involving statistics with a social aspect.

He looked at abnormally high birth regularities in Yarram, Victoria, and the link to herbicide use as a suitable candidate. After that, when clarifying the details of that research, he called in Dr Peter Hall. The book continues -

... there was, for Australia as a whole, a statistically significant tendency for the rate of neonatal mortality (that is, infant deaths) from congenital abnormalities of the central nervous system to increase over the period 1968-1977. We could not link this to herbicides because in fact 'proof' of a cause is impossible to obtain without direct human experimentation on a very large scale.

But in searching for herbicide usage data in Australia in the early 1970s, we stumbled on a fascinating story, which we hinted at in the first article and expanded in the second one, published in *Chemistry in Australia*, and later in a letter to *Nature*. (We asked Professor Charles Kerr and Dr Barbara Field to join us in writing this letter because of their concern about this problem.) The second article looked at two birth abnormalities, spina bifida and renal agenesis, which were of concern at Yarram and which had been linked to the herbicide. Only mortality data were available on a significantly wide basis. Incidence data are much more sparse. This introduces some problems, which we considered in detail. These abnormalities show a highly significant tendency to increase between two five-year periods, 1968-1972 and 1973-1977. In addition we tracked down some large imports of related material (as defined by the SITC code) into Australia from Singapore in the earlier period. These were listed in Australia's import statistics, but *not* in Singapore's export statistics

I am assuming this is a figure multiplied by 1 000, to tabulate with other data. In 1969-70, Singapore exported 370 000 pounds, and in 1970-71 it exported 312 000 pounds to Australia. The United Kingdom was exporting at that time, as was the United States, and there were other exports as well, but the significant proportion of the material was coming in from Singapore. We know that, at times, Singapore was in receipt of huge quantities of agent orange as a result of that material having no further use in Vietnam. I quote from the article again -

There had been considerable dumping on the Australian market of phenoxy acid herbicides (2,4-D and 2,4,5-T) and the precursor of 2,4,5-T which is 2,4,5-trichlorophenol (TCP), when the use of Agent Orange and other sprays ceased in Vietnam (1969-1971). This dumping was stopped by a number of anti-dumping gazettals in the Commonwealth Gazette but no Customs Department investigation was ever carried out in Singapore itself. We speculated that Agent Orange may have been 'factored' through Singapore, and we carried out a sustained investigation of this and published what we had established. We believed that was as much as we could do.

However, amongst the voluminous correspondence we had with the bureaucracy was the suggestion that we should look at the relevant tariff report on the dumping and related transcript of public evidence. This gave us a critical clue.

There was a very large import of potassium 2,4,5-trichlorophenolate (KTCP). This compound was produced in Singapore from TCP in order to avoid the tariff duties on TCP and its sodium salt. The lawyers had failed to include the potassium salt in the tariff regulations -

As such, by its very nature, it had dodged being picked up as an import requiring tariff regulation -

and it came in duty-free for a couple of years. When this was discovered by a large multi-national competitor, -

I referred to Union Carbide Australian Ltd earlier on -

that company agitated for an inquiry and the whole matter was considered by a tariff inquiry.

This revealed, as a side issue, a large shipment of *fire-damaged* KTCP. To the tariff officers, the significance of this was merely that the declared value of the import was less and hence the duty should be lower.

It was mere luck that the tariff inquiry resolved the very nature of the material that had been brought in.

I now go back to Chemical Industries (Kwinana) and to the point I am trying to make. We know that Derby herbicide workers and others have been impacted by chemicals. We are aware that no records seem to be available from the time that the chemicals were distributed by the Agriculture Protection Board, but I understand - I look to the Leader of the House to confirm this - that further investigation is being sought through the Armstrong inquiry to ascertain whether we can obtain any of that data. Notwithstanding that data, the

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department may or may not have acquired material from Chemical Industries (Kwinana) in good faith. It is my assumption that the material provided by Chemical Industries (Kwinana) may not have been exactly kosher. I will come to that shortly.

It is important that, while we work our way from the impact of the damage to the herbicide workers back down the trail to establish where the chemicals came from, we look at the other end; that is, how it was introduced and distributed by the chemical corporations, because that might provide us with the link of cause and effect and how the APB acquired - maybe - contaminated material. In that regard, the Greens will seek to change this all-encompassing motion to a more specific motion that will focus on the importation of the material, the corporations that acquired it and what they did with it. Was it left in ponds aboveground at Chemical Industries? Was it sent to New South Wales, Queensland and other States, only to be rejected because of the high dioxin levels, or was it dispersed, somehow, within the Western Australian 2,4,5-Trichlorophenol that was being used by many people in the State? It is interesting to note a newspaper report - I do not know its date, but I think it is 25 October 1983 - about a worker from a Chemical Industries (Kwinana) factory who was treated for chemical fumes in a hospital. It reads -

Others are recovering from the effects of the fumes at Chemical Industries (Kwinana) Pty Ltd.

The man in hospital is a factory worker at CIK.

Staff at a nearby factory, Polymains Pty Ltd, were affected by fumes and some were treated for eye irritation.

The fumes are believed to have come from the chemical bromine which has a similar function to chlorine.

The Department of Conservation and Environment was told at noon yesterday by Polymains Pty Ltd that the staff had been overcome.

Subject to that, the chemical firm was to be charged. An article also written on 25 October 1983 states -

A spokesman for the Crown Law Department said today the company had not yet officially been informed . . .

that it was to be charged for the illegal handling of material.

I will move on to where and how this material travelled. It is interesting to note that the material arrived at Chemical Industries (Kwinana), that the department identified high dioxin levels from time to time and that other States also identified that some material had a high dioxin level as a result of being sold material by Chemical Industries. A test that was carried out by the federal Government into the nature of the material that Chemical Industries (Kwinana) supposedly received seems to indicate that a tad of dodgy business might have been going on. I refer to a question that was asked of the Minister for Business and Consumer Affairs in the House of Representatives by Mr West on 6 May 1981 - it was put on notice on 19 June 1981 - which reads -

- (1) Were samples of suspected fire-damaged KTCP (potassiumtrichlorophenolate, a potassium salt of 2,4,5,-T (*sic*)) sent by the Industries Assistance Commission to the Australian Government Analytical Laboratories for analysis during or about March 1981.
- (2) If so, has it been analysed and what are the results.
- (3) From where did the IAC obtain the sample.
- (4) Is he able to say if more of the sample is present in Australia; if so, where is it.
- (5) What does the IAC propose to do with the sample?

Mr Moore, not our Hon Norman Moore but a Mr Moore in the federal arena, replied -

. . . The answer to the Honourable Member's question is as follows:

The Chairman of the IAC has advised me that:

- (1) A sample which the Commission then believed to be fire-damaged KTCP was forwarded to AGAL during March 1981 for analysis.
- (2) Yes. The analysis showed that the sample was mainly isobutyl ester 2,4,5,-T with a lesser amount of the n-butyl ester. The sample does not contain KTCP or 2,4-D. Dioxin (TCDD) content of the sample is 19 mg/kg, which is equivalent to 26 mg/kg on a 2,4,5 -T acid base.
- (3) The sample of about 130 mL was received about January 1973 from Chemical Industries (Kwinana) Pty Ltd as part of its evidence in relation to the Tariff Board inquiry into 2,4,5,-T products and 2,4,5-trichlorophenol and its salts (Dumping and Subsidies Act).

- (4) The sample was forwarded to AGAL.
- (5) See [the answer to](4).

It is interesting to note that it appears the Australian Government Analytical Laboratories sampled 2,4,5-T. Yet, it was sent to those laboratories as an example of the fire-damaged KTCP, of which Chemical Industries (Kwinana) Pty Ltd was in receipt. We know Chemical Industries (Kwinana) received a sample. However, the sample sent from this rather roguish man, who seems to not like many people or to make many comments, does not appear to have been received. It also points to the fact that the sample of this fire-damaged KTCP was reported to be held by Chemical Industries (Kwinana), and therein lies the rub. It is very pertinent that we inquire into the nature of the material held by Chemical Industries (Kwinana); what the purchasing officers of the Agriculture Protection Board and/or the Department of Agriculture and other agencies such as Department of Conservation and Land Management thought they were buying; and what people who may have worked for Chemical Industries (Kwinana) knew about what they were supplying. Certainly, if the company was producing 2,4,5-T at the regulated amounts, it would not have had material shipped back to this State from other States for being well over the allowable dioxin levels. The key question is: what material was the department supplied with over time? We must then understand the importance and the validity of the work done by Selinger and Hall and the mere fact that they provided principle evidence on the use of pesticides to the Australian Senate Standing Committee on Science and the Environment, which examined the impact of Agent Orange on returned Vietnam veterans. This is the fundamental key to finding out if there were any damaging chemicals, if Agent Orange was ever mixed with or distributed amongst 2,4,5-T, and, if it was, how it ended up going to the Yarram or Kimberley workers. It is interesting to note that 95 per cent of the chemicals supplied to workers at Yarram, who are now currently under investigation in that State, came from Chemical Industries (Kwinana). This is an absolute link between two areas suffering the most chemical damage to workers. Yarram and the Kimberley were both supplied indirectly by Chemical Industries (Kwinana).

If this matter goes to a committee of inquiry it is my hope that the committee will call in and advertise for people involved with Chemical Industries (Kwinana). It will be able to call in and speak to the purchasing officers of the APB who were around at that time with a view to determining what is known about the material that was handled in those early days. I hope that in his response the Leader of the House will indicate to a degree how far the Armstrong inquiry into the use of these chemicals can go, given the statutory nature of a committee versus that of an inquiry being handled by Mr Armstrong. The fundamental difference between the two is that a committee has some powers of call on various people to provide evidence.

I am waiting for my colleague, who has an amendment to the motion that will substantially reduce its intent, to come into the Chamber. The basis for that is that the Armstrong and the Harper report have covered many of the aspects that we sought to inquire into in this original motion. However, the key issue that is not covered by the Harper or the Armstrong report will be the very nature, source and investigation of where that material may have come from.

I will talk about the Armstrong report, which was not my exact intention at this time, and my concerns that may lie with the Armstrong report. Dr Andrew Harper submitted his report in June 2002. Everyone who has read that report will commend it for being an incredibly good one. It came up with a number of key recommendations that state -

- 1. It is recommended that as a basis for further action it be accepted by the APB that unresolved and socially relevant problems exist as a result of the Program -

That is the spraying program -

conducted in the Kimberley between 1975 and 1985.

...

- 3. It is recommended that consideration be given to offering compensation to those who have been exposed to herbicides through the Program and have experienced loss or disability as a consequence. . . .
- 4. It is recommended that those who are currently unwell with illness associated with exposure to the herbicide have made available to them medical care from doctors experienced in the particular area of their complaint. . . .
- ...
- 8. It is recommended that consideration be given to establishing a statistical mechanism to document chemical exposure among new cancer cases in Western Australia. . . .

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There were many other recommendations but those were the key ones. Although I support the report, I am concerned that we are now waiting for the Armstrong report, which, I understand, is due to be released in about two weeks -

Hon Kim Chance: It could be a little later than that. It was certainly due in two weeks but the time on that has gone back a little.

Hon ROBIN CHAPPLE: I am concerned that that report will, in many ways, consider the same material that Andrew Harper examined. It is clear from Andrew Harper's report that it will be very difficult to prove cause and effect. If the Armstrong report has been charged - I understand it is part of its brief - to validate the cause and effect, then it is going to be extremely difficult to do that. Having reviewed the reports at Yarram that tried to do that, it was clear - as Andrew Harper stated - that over this time frame it is difficult to do that. It concerns me to a degree that we are going down the path of the Armstrong report. I wait to be pleasantly surprised by the outcome, and hope that if the report contains a view that cause and effect cannot be identified quite clearly, over time Governments will not abrogate their responsibility to ensure that compensation is paid or recourse made available to the many people whom both the honourable Leader of the House and I have met and spoken with in the Kimberley and who are indeed in dire straits.

On that basis, I welcome my colleague Hon Jim Scott to the Chamber. In the light of what I was speaking to earlier, I now believe that my colleague will move an amendment to motion No 15 to reflect the narrowing of the focus of the inquiry that I wish the committee to undertake.

HON JIM SCOTT (South Metropolitan) [3.01 pm]: The amendment that I intend to move to motion No 15 that is before the House has already been foreshadowed. I will give a brief explanation. A number of these areas have been covered by other inquiries, and also the dates to be covered by the inquiry were not included. Therefore, we would have been dealing with a period with no end, so to speak. Hon Kim Chance pointed that out; therefore, I have drafted an amendment in that regard that I will spell out in a moment.

Another issue was - this is in the light of my experience as a member of the committee that conducted the Alcoa World Alumina Australia inquiry - that the inquiry as proposed by my honourable colleague would have taken the committee probably about three sessions of Parliament to complete. Once we get into the area of chemical injury, we are dealing with huge complexities, particularly given the passage of time and the doubts about the purity of certain chemicals, the difficulties in tracing those impurities and whether they have been in batches that have been sprayed by certain people. It is a complex issue that would take a great deal of time to examine. Hon Robin Chapple's colleagues suggested to him - I was one of them - that perhaps we should try to simplify this, so that the committee would examine how this may have happened and some ways in which it could be prevented from occurring in the future.

Amendment to Motion

Hon JIM SCOTT: I move -

To insert, after the phrase "(the "chemicals")" the following -
1970 to 1985

To delete all words after "on the following" and substitute the following -

- (a) the sources of supply, the terms and conditions under which the chemicals were supplied to or acquired by the APB and the destinations of the chemicals;
- (b) the purchasing arrangements and sources of chemicals supplied to the APB and if material sourced from overseas was supplied to and/or included in material provided by chemical companies to the APB;
- (c) what accounting systems were used by the APB to track the quantities and location of chemicals and how those systems might be improved to ensure accurate information is readily available and so that better information is available for protecting worker and community health.

Paragraph (a) is only slightly different from the existing paragraph (a). Paragraph (b) will allow tracking. If the House decides that this inquiry should be undertaken, this amendment will enable the committee to get past some of the problems. We are all aware of the problems that have arisen with holes being dug all over Dwellingup and in different parts of the world to try to find some of these chemicals. Basically, the information has come from people's memories rather than from records. Had decent records been kept, a large amount of work and time may not have been used up, as it was, and there may not have been as many concerns about this issue. I certainly know that there are great fears in Dwellingup about chemicals getting into the water supply. All Agriculture Protection Board workers who used these types of chemicals all over the State have great fears. If there had been a decent tracking system - maybe a decent tracking system is in place today - this inquiry

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would not be necessary. However, if the sort of system that does not show where toxic materials are ending up and who is using them is still being used, we could have a lot of trouble.

I hope that these amendments will enable the committee to more quickly examine these issues and to make some valuable recommendations about putting in place systems of accounting that will ensure that in the future every toxic chemical will be able to be located, and information will be available on where it was purchased and where it ended up - that is, whether it was sprayed on a paddock or put through a furnace or whatever - so that, in that way, there will be added safety for the environment and for community and worker health. Furthermore, if in fact somebody provides batches of chemicals that are deficient and cause harm, it will enable the department to take action to retrieve the situation in the context of the responsibility for it.

In the light of what has happened with this chemical in the Kimberley and in other States, it is important that good accounting systems are put in place, if the department has not already installed them. First, I hope that this motion will pass and that the committee will examine the issue and come back with some good ideas about ways in which to improve the system to protect community health and the environment. I hope members will support this amendment.

HON KIM CHANCE (Agricultural - Leader of the House) [3.08 pm]: I hope I am not cutting off anyone else. Having just received the amendment to the motion, it is a little awkward for me to be quite clear about the Government's position on this. The Government intended to oppose the original motion. I am still coming to terms with the meaning of the amended motion. Indeed, before the opportunity arose for me to speak, I was discussing the nature of the changes with Hon Robin Chapple. At this stage, rather than giving a clear view, I favour the amended motion over the original motion. It has become somewhat clearer to me what the Greens (WA) collectively, and indeed Hon Robin Chapple and Hon Jim Scott individually, are setting out to do. I will summarise that and I am sure they will correct me if I am wrong.

It seems that their intention in the amended motion - and probably the original intention through the original motion - is to use the persuasive powers of a parliamentary committee system to compel the release of material that could shed light on this situation that otherwise would not be available to a departmental inquiry or an inquiry such as the Armstrong inquiry. On that basis, and without giving an indication of what the Government's final view might be, I am inclined to support the amended motion. That is because - I must be careful not to be personal about this; I have been involved in this issue for a very long time - there has been, at least potentially, an element of gross injustice. The people who worked for the Agriculture Protection Board at the time feel a sense of gross injustice about the way they were initially treated and later ignored by the process. Also, the current Government promised them something and they do not feel that it was entirely delivered, although I would not agree with that.

I will go through the process. For my benefit as much as for the rest of the House, I will clarify what it is we are dealing with. One of the proposed amendments puts a time scale on the motion. The original motion was deficient because it did not have a time scale. It did not include a time scale because we have been living with this issue for so long that we tend to think in that time scale and assume that everybody knows what we are talking about. Hon Jim Scott has now proposed a time scale - indeed, at my urging - from 1970 to 1985. Under the original preliminary inquiry by the former Standing Committee on Public Administration, the Government considered a time scale between 1975 and 1985. After discussions with Hon Jim Scott, I can see why 1970 is a more appropriate starting time. When considering that time scale, one starts to get an idea of the immensity of the problem faced by people who have tried to bring some justice to this situation.

Similarly, we are dealing with a group of Kimberley workers whose health demographics we know are not good. We know that there has been a high morbidity and mortality rate among that group of workers since the late 1970s and early 1980s. However, we also know that morbidity among men - they are principally men - of that age in the Kimberley is also high. The background mortality rate is high. We do not really know much about the problem we are facing. What we know is highly personalised. We know that a man who is ill believes he is ill because of his exposure to a herbicide in the past and we feel immediate human sympathy for that person - even more so for those people who are not with us any more. Fit, young, healthy athletes died prematurely. Women who were members of the family of these workers lost babies. Families had babies who were disfigured. We know this happens also in the background community. What we do not know is whether there is evidence that it happens more among this group of workers. Even if that can be shown, how can we be certain that the herbicides caused it? The only way to get any certainty in this issue is to conduct research to establish the likelihood of these occurrences being caused by the use of herbicides. That is the task of the committee which Hon Robin Chapple has referred to and which will report soon.

I will answer Hon Robin Chapple's question about the purpose of that committee. He accurately defined its role in attempting to establish a causal link between the use of herbicides and the health issues that those people are facing. It is difficult to establish that causal link, which the member accurately identified, because of the number

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of workers compensation claims afoot. The Government has encouraged and assisted those workers compensation claims because that is the most appropriate way to compensate for an occupational health outcome. The establishment of a causal link and the outcome of the review of the committee of experts will greatly assist those workers in making a workers compensation claim. It is possible for the workers to either individually or collectively make a different type of claim for compensation outside of the workers compensation framework, but it is also immensely difficult. All members recall the enormous difficulties that people affected by asbestos diseases went through for decade after decade. We tried to learn from that process to find an easier, less complicated and indeed less painful path to resolve the issue. I hope that we can do that. I anxiously await the report of the committee of experts.

The enormous difficulty of dealing with the epidemiology, toxicology and medical history of persons involved in this case cannot be set aside. It is now 2003. These issues probably had their genesis as long as 33 years ago. Relevant blood tests, liver biopsies, urine tests or bone marrow tests cannot be conducted. They will not be relevant to the toxicology report 33 years later because the body has long since gotten rid of those toxins. We must work on probabilities and what epidemiological evidence might be valid in the circumstances in front of us. These are not easy issues to deal with. Nonetheless, in facing this difficulty, the Government has put up its hand and has recognised that, on the evidence available, things were wrong with the way in which this program was carried out. One does not have to be a rocket scientist or need a heap of proof to understand that. The Government recognised that immediately upon the release of the Harper report.

We then come to the rather more difficult task of determining what we can do to help. We can help in a number of ways. I will go into the detail of that in a moment. We can help firstly by recognising that there are health issues that need to be dealt with. We can help in terms of workers compensation claims and trying to assist that process. Mr Harry Neesham has been to Derby to speak to the people there and to try to obtain a better outcome than was originally thought.

We can also help by trying to come to terms with what really did happen. That is where this motion properly fits. It is not the Government's first priority; its first priority is to try to assist the health of the remaining former workers. We need to come to an understanding about what happened in the Kimberley during those years to really understand how it happened. The real benefit of that is not just the comfort of the knowledge of what went wrong but that the cover-up is finally swept out from under the rug. What we can learn from the process is that if it went wrong, what went wrong, and whether we can stop it from going wrong again.

Hon Jim Scott: That is the most important thing.

Hon KIM CHANCE: Yes. I had to have confidence to say, "No, everything has been so changed that it could never happen again." Obviously, that would be nonsense. It probably will not happen again in exactly the same way. We now understand much better the long-term health effects that can accrue from the things we use in our daily lives. We all understand very clearly that when we are told that something cannot possibly hurt us we now know to distrust that statement. The workers were told that. They were told they could drink the stuff and it would not hurt them. We know that if someone drinks the stuff, it will eventually kill him. There are so many things we do not know. Hon Jim Scott referred to digging holes all over the State to try to locate where the material might have been dumped. The Government did that for two very good reasons. I was anxious to locate some hard evidence anywhere in the Kimberley - although when some was found it was in the south west - of an Agent Orange-type concentration of dioxin. Even getting the truth about Agent Orange is difficult. There has never been an admission from Dow Corning that Agent Orange, or at least the 2,4,5-T component of Agent Orange, was made as a weapon of war. There has never been an admission that the 2,4,5-T component of Agent Orange had artificially enhanced levels of dioxins. We will never get that admission because that would be an admission of a war crime. Clearly, the dioxin that was dumped on Vietnam is having a health effect on the Vietnamese people to this day and will do for the intermediate to long-term future. In my view, it was a weapon of war. It was also a war crime in my view. But that is only my view. We will never get the admission. Was that the chemical that found its way to Singapore and finally to Queensland? If that was the case, did any of the Queensland chemical find its way to Western Australia? I do not know. We might be able to find out through this process. There is a general good in trying to find that out. The chances of doing that, even with the use of the power of a parliamentary committee, is probably as slim as about one in 20. I do not think the chances of doing that are good. The tracks are well and truly covered by now. The first step in the process, which was the shipment of the chemical from Vietnam to Singapore in 1969 - if it did occur - is something that we will not find evidence of because if it did happen, it probably happened illegally. It was probably done on the black market at that time.

Hon Robin Chapple: By way of interjection, I understand that the CFMEU has reopened an inquiry to find evidence of the transportation from Singapore. It may be possible to trace because there was some fire damage. It is believed 390 pounds went to Queensland and 27 000 pounds to Western Australia.

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Hon KIM CHANCE: Yes. So far I have been speaking in my capacity as the Leader of the House. I will change hats and speak as the Minister for Agriculture. In respect of the amended form of the motion, the first part will require the Agriculture Protection Board to provide evidence of the sources of supply, the terms and conditions under which the chemicals were supplied to, or acquired by, the APB and the destinations of the chemicals. That is something that the Department of Agriculture will be able to do readily. However, I fear there may be gaps in the information. The second part requires details of the purchasing arrangements and sources of chemicals supplied to the APB, including overseas supplies, if they existed. Again, that is something that the Department of Agriculture will willingly supply. The same applies to the third part, which refers to the accounting systems used by the APB at the time and those currently used. I have confidence that the information can be supplied and that the nature of the information systems we have is adequate. Traceability is now an important component of all our agricultural and veterinary practices because our markets now insist on it. The Parliament has a right to insist that the Department of Agriculture demonstrate that. I am sure it will be happy to do so. As the Minister for Agriculture, I do not have any difficulties. Since the position of the Government has changed a little between the original and amended form of the motion, the House needs to consider this further. I am placing Hon Barry House, as chairman of the committee and acting Leader of the Opposition, in some difficulty. He may wish to move an adjournment. That would be reasonable given that the Government is taking another view. It may be appropriate from all points of view that we stop and consider our position on this a little longer. I understand that Hon Barry House will move an adjournment. I believe I have made my point and I will resume my seat.

HON BARRY HOUSE (South West) [3.29 pm]: I am in a bit of a difficult situation at the moment because I am wearing about five half hats. As members know, the Leader of the Opposition, Hon Norman Moore, is absent on parliamentary business, as is Hon Peter Foss. The Opposition is a little at a loss to know what our current position is on this amendment. My inclination, along with that of the Leader of the House, is that we will support the amendment. I was a member of the Standing Committee on Public Administration, which the Leader of the House formerly chaired. That committee did some preliminary work a few years ago in response to a referral from another member. I guess it was one of the bit part inquiries into this whole scenario. That has been my only personal exposure to this situation. I recall from that time that there seemed to be some clear evidence that people in the Kimberley region and around Derby had experienced exposure of some sort to these chemicals and were suffering adverse effects. From my recollection of the work that the committee did at that time, there was severe difficulty in tracking down the records, even at that stage.

Hon Kim Chance: Hon Frank Hough wants to speak on this motion, so perhaps you will not adjourn the debate straightaway.

Hon BARRY HOUSE: Sorry Frank, I did not know. There was some clear evidence at that time that it was difficult to trace the records of the Agriculture Protection Board and the Department of Agriculture. A lot of the records were incomplete and perhaps unavailable. Nevertheless, that does not negate the need for an inquiry such as this. There is value in holding an inquiry like this. A parallel situation that I know a little more about is the impact of organochlorides on the agricultural industry and the wider community. That was a raging issue when I was first elected to this place in 1987. I suppose there is a parallel with that scenario. In that case, a lot of the chemicals, such as DDT and dieldrin, were privately applied, particularly in the potato and vegetable industries.

Hon Kim Chance: And on the former tobacco land in Manjimup.

Hon BARRY HOUSE: That is right. To this day large areas of land are effectively quarantined from some agricultural activities. My brother has a farm that used to be an old potato farm. He cannot graze cattle on parts of that farm. He has had to use parts of the property for sheep or to grow vines because of the impact of the organochlorides on the cattle. International politics were probably tied up in that issue too. The Americans jumped on the bandwagon and used that excuse to send back some shipments of Australian meat. A person would have had to sit down and eat about two bullocks at one sitting for it to kill him. Nevertheless, there were some definite impacts on the wider community as a result of the use of chemicals on private properties. The Government was involved as well, because government agencies such as the State Energy Commission of Western Australia were applying some of those chemicals around the base of their poles, which affected people's properties and caused them to be quarantined. There were some major effects. I recall going to a Boyanup cattle sale at that time at which there was almost mass panic, because virtually everybody could have been affected in some way, shape or form. There was talk of class actions being brought against government agencies. I do not think it ever came to that. That situation was probably exposed earlier in the piece than this seems to have been. This has come out perhaps later in the day and some years after the application of the chemicals. Nevertheless, I am sure there is a case for a proper inquiry to be held into what happened and to provide an analysis of why it happened. It could point the way towards the future, in that we have to be a bit careful.

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Another personal anecdote is that I rented a house on a property near Busselton in about 1979. The owner of the property had grown potatoes there for many years. He had to move off that property because of the impact, in particular, of dieldrin, which he had used when growing potatoes. He used to swish his arms around in the chemical and treated it as though it was water. It was obviously not water. It had a cumulative affect. That had a pretty severe impact on his health, so much so that he had to move away from his property to recover.

My inclination is that the Opposition will support this amendment. I am aware that Hon Frank Hough wants to make a few comments. That may be wise before the matter is adjourned, perhaps until the next sitting of the House.

HON FRANK HOUGH (Agricultural) [3.36 pm]: I thought that I should say a few words in support of the motion and in particular of the amendment, which makes the motion a lot easier to handle. This is a fairly important motion because of the effect on people who used these chemicals years and years ago and the way in which they were treated. Hindsight is a wonderful thing. The motion seeks to send this matter to the Standing Committee on Environment and Public Affairs, of which I am a member. At the time I guess this was just something that happened. I think I heard the Leader of the House say that dieldrin was said to be safe enough to drink. That was many years ago. That is what the chemical companies told us. I can remember handling it with my bare hands while gardening and God knows what else. There were no fears about doing that. It was the same with asbestos. Who would have thought that asbestos would ultimately become a killer? Hindsight is a wonderful thing. It builds a foundation for the future; we can look back at what we should never do or the problems that were created and ensure that they do not happen again.

We have been talking about the chemical problem in the north. We can look back at many things. I remember growing up as a kid and standing in the sun. As kids we had to get burnt three or four times and lose three or four layers of skin before we got a good tan. If a boy had a good tan, all the birds thought he was wonderful. My wife said that she married me because not only was I good looking, but also I had a fantastic tan; I was very dark. I now look at the skin cancers on my hands that I regularly get burnt off, and I get the odd one showing up on my back. Whoever suspected that when people sunbaked on the beach some would ultimately kill themselves? Hannes Gebauer, a prominent skin specialist and good friend of mine - he runs Fremantle Dermatology - was speaking to me one day when I was getting some stuff cut out of my hands. He said that one night he had been playing squash at the Curtin University squash courts. He said that usually he did not have a shower after a game but would shower when he got home. However, on this particular night he and his squash partner had decided to go out on the town - I suppose I should not be speaking about Dr Gebauer like this - and while he was having his shower he happened to notice that his squash partner had a bad mark on his back, so he told him that he would like him to come into his surgery in the morning. His squash partner was subsequently operated on, but unfortunately he died nine months later. I remember back to when I used to handle dieldrin. It was no big problem in those days, but these days we have to wear masks and rubber gloves, and we fear that we will harm ourselves. However, we do not think one step further about how it may go into the ground and ultimately we may end up drinking it.

This motion should be supported, particularly in its amended form. I have read a bit about the people who were affected by dieldrin in the initial stages and how when they came out of the woodwork they were told that they were imagining things and were treated with absolute contempt. There is no question about that. I think the Government at that time went into a state of denial and ignored them, and they were left to fend for themselves. However, ultimately the Government realised that there was a problem. It is important that we as members of this Parliament look at what has happened and make sure that the future is different. We have a responsibility to offer a solution. It is no use our saying that the committee has finished and we agree with the benefit of hindsight that what happened in the past was bad. We have a responsibility to go forward on this issue and make sure it never happens again.

Multiple chemical sensitivity can affect people from all walks of life. The Standing Committee on Environment and Public Affairs heard during the Alcoa inquiry from people who have developed multiple chemical sensitivity from whatever - the exact substance has yet to be found - and are very sick. There are probably a few people who could drink dieldrin without getting sick, but a great percentage of people find that they are affected by chemicals in some way. Some people are affected by perfume and aftershave. I used to wear an aftershave called Kouros. When I first wore it, I walked into the room and my daughter had such a bad reaction that she just about vomited. I thought it smelt good, and it lasts all day; it was damned expensive, too.

Hon Kim Chance: What is it?

Hon FRANK HOUGH: Kouros. It is in a white container with silver around the edge. However, my daughter said from about 100 yards away that if I got any closer she would throw a bucket at me.

Hon Robin Chapple: Of dieldrin!

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Hon FRANK HOUGH: Yes! Multiple chemical sensitivity affects people in different ways. Some people do not have the physical ability to repel this type of thing and get sicker than other people. We need to cater for people across-the-board. As the minister said, it would be difficult today to ascertain whether damage has been caused to people's kidneys, livers, hearts and arteries from this disaster that occurred 30 years ago, because God knows where they may have been since that time; they may have left the chemical situation in the north and taken part in the Gulf War, or whatever. We have a responsibility to deal with this matter to make sure that the future is safe. Without taking any more time, we support the motion in its amended form.

Debate adjourned, on motion by Hon Alan Cadby.

Sitting suspended from 3.45 to 4.00 pm