

**STANDING COMMITTEE ON PUBLIC  
ADMINISTRATION  
AND FINANCE**

**TRANSCRIPT OF EVIDENCE TAKEN  
AT MANDURAH  
ON TUESDAY, 27 AUGUST 2002**

**SESSION 1**

**Members**

**Hon Barry House (Chairman  
Hon Ed Dermer (Deputy Chairman)  
Hon Murray Criddle  
Hon John Fischer  
Hon Dee Margetts  
Hon Ken Travers  
Hon Sue Ellery**

**MEEK, MR GARRY**  
**MEEK, MRS ROSALIND**  
**examined:**

**The CHAIRMAN:** Ladies and gentlemen, we will make a start. You see before you the Legislative Council Standing Committee on Public Administration and Finance, or at least some of us. The full committee has seven members. Three are here at the moment, and another one will arrive in a few minutes. We have a quorum, because it is a quorum of a subcommittee to hear today's evidence. You may not be familiar with the proceedings, but we are the members of the committee.

Will Mr and Mrs Meek come forward? I understand you have requested that some of your evidence be heard in private.

**Mr Meek:** Only one episode. I will let you know when.

**The CHAIRMAN:** We will make a start. On behalf of the committee I welcome you to the meeting. You will have signed a document entitled "Information for Witnesses". Have you read and understood that document?

**The Witnesses:** Yes.

**The CHAIRMAN:** These proceedings are being recorded by Hansard. A transcript of your evidence will be provided to you. To assist the committee and Hansard, please quote the full title of any document you refer to, and please be aware of the microphones in front of you. I remind you that your transcript will become a matter for the public record. If for some reason you wish to make a confidential statement during today's proceedings, you should request that the evidence be taken in closed session. If the committee grants your request, any public and media in attendance will be excluded from the hearing. Please note that, until such time as the transcript of your public evidence is finalised, it should not be made public. Premature publication or disclosure of public evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege. Would you like to make an opening statement?

**Mr Meek:** To state my case?

**The CHAIRMAN:** Yes.

**Mr Meek:** I am new to this; I am not a professional.

**The CHAIRMAN:** Just relax. It might appear a bit formal but we are fairly relaxed about it.

**Mr Meek:** My father originally had a bakehouse at Yarloop. As a young man I worked for him as an apprentice. Some 40 years ago, dad purchased this land in Waroona for grazing, and it had a small sand pit on it. This sand pit grew, and became more lucrative than the grazing as the small community grew. We never operated it; it was operated by a local carrier, and we received a royalty. Subsequently he took out the licence and the requirements of the operation of the sandpit. We had contracts drawn up under which we were indemnified against any actions, causes or whatever that could go wrong with the sand pit. We were not responsible for the operation of the sand pit. We purely received a royalty. As well as parts of the land already cleared, dad cleared another 70 acres. I have

documentation of formal bulldozing receipts that Mum asked me to burn years ago when dad died. I decided to keep all these just in case I needed them one day. I have receipts for the land that has been cleared. Dad fenced that land and set it aside for sand for the future. It is a strategic resource. We were there long before Alcoa and any of the sand companies had businesses. Western Power has been through the property and cleared strips that we did not want cleared for huge powerlines that supply power to Perth. Optus has been through with cables, for which we received no compensation. Several things have been done to us, over which we had no control and for which we received no compensation. Dad, being a gentleman, never bucked the system; he accepted that.

Dad passed away in 1991 and then mum passed away, and the land was left to my brother, my sister, and me. Our sister is farming in the Cuballing area, and she was not interested in the land - they were flat out with their farming over there - so my brother and I bought out her share of the land. I then suggested to my brother that we operate the sand pit ourselves. The last contractor we had was not doing the right thing. He was not doing any rehabilitation; the area was left in a mess, and rubbish was being dumped there. We decided to clean the act up. I applied to the shire in the relevant way. I did everything they needed me to do - surveys and the like - and we obtained an extractive industry licence, with the help of other people who told us how to go about it. I fulfilled all the requirements, and we obtained a licence. However, we had this 70-odd acres of land that dad had cleared for sand, but 30 years is a long time so there was regrowth. The cleared land had regrown.

The Harvey pipeline, which needed sand, was to come through, and we were also approached for sand by Milreece Pty Ltd, a Queensland company, to do that job. The Waroona to Pinjarra highway was our sand. Both of these were government jobs, and the quality of our sand and its proximity reduced the cost. Subsequently we thought we could clear more of our land - not a new site, but the extension of the pit. It is like the Pilbara when a minesite is to be extended. We did not want it all bare and blowing with sand, but to clear the topsoil a hectare at a time and to use the sand as it is needed. The land is cleared, but the topsoil needed to be removed. We were then told that we could not do this. We had a business running, and sand was needed for the Government. We had to lodge a notice of intent to clear, although I said that it had already been cleared, 30 years ago. It was 30-year-old regrowth. The topsoil had been disturbed and the land was not in its natural state, so it should not matter. I had to write to all these departments, and go through this lengthy process to get our own sand, which belonged to us, and which we had been mining. I had to get a botanist and a zoologist. Dr Libby Mattiske, a scientist, came down. I have had Bernard Bowen himself down. John Bradshaw has also been to have a look at the place. All this lengthy process was needed to have our own pit, which was there all the time. We were not starting a new venture. It has been there.

I was on the Scarborough ratepayers association, and I was discussing this with George Strickland. He said this was a strategic resource that was needed by the community for roads. I said to Kevin Taylor, that next time he went down to Bunbury he should not go down the South West Highway, because he would be driving on our sand. He should not drink the water from the Harvey pipeline because it had been laid in our sand. They expect the sand to come from somewhere else, but sand comes from hills. Sand cannot be taken from the front, under the regulations. Things have changed. We have the site, the sand, the proximity, and that is part one of the environmental protection. We are still fighting it. Bernard said the other day that

they were prepared to give us a couple of hectares, but we are going for our original 25 hectares, or over 60 acres - the original site that was set aside. We are in the process of a sweetheart deal, to fence off the property. Most of the property is bush, so if parts of the property are fenced off, and we pay for the fencing, that bushland can be reserved for the Government at our cost, and so on.

As I said, Western Power pushed through and Optus has pushed through. They have all done what they liked and cleared parts of the land we did not want cleared, but we have just been crapped on, by bureaucrats. We had to go through the Water and Rivers Commission, the Peel-Harvey catchment area, the local shire, the Environmental Protection Authority, the Department of Environmental Protection and the Department of Agriculture. All these people come in and look at the same thing, and all give opinions. I can look at it myself and say that there is nothing there. That is point 1. How long have I had?

**The CHAIRMAN:** Keep moving quickly, or we will run out of time.

**Mr Meek:** Point 2 is the main point. We had the licence for one year, which is like a drivers licence; you are initially tested for a licence and after that you pay a renewal fee. The Shire of Waroona told us to send the money and it would renew the licence. Then it said that we had not paid a bond. I wondered about paying a bond on my property because we owned it. It is different for other contractors because they could damage our property and they must to pay a bond. However, the shire said that we had to pay a ridiculous bond of \$7 000 like the people who had been there before.

**The CHAIRMAN:** Is that the Shire of Waroona?

**Mr Meek:** Yes. It gave back the bond money to the chap who had it before us and wanted \$7 000 from us. I said, "I'm not paying \$7 000. I'm not responsible for that previous three hectares." So, we gave the shire \$2 000 and subsequently when I got a big contract I rehabilitated the place for the others. Anyway, there was a lot going on there. The whole point is the shire did not give me the licence. I sent a cheque for \$300, which should have been only \$150 - I have all the documentation with me. I claim the reason I was not given a licence was because next door on our boundary - which is about 50 metres away - was a rubbish tip that devalued our land. In about 1985 on Buller nature reserve - crown land - the shire started a rubbish tip because we would not let them back onto our pits. It dug holes and filled them in and the rubbish has been blowing onto our property. There was a write-up in the paper with a photograph of me standing against the rubbish that we have to put up with. I will show the committee later the article on page 6 of *The West Australian* on Saturday, 12 January showing the litter on our property for about 400 metres by 50 metres, which the shire has never done anything about. It refused to issue us with a licence and for 18 months I have not had a licence and the pit has been closed down. That is item 2, by the way. It is operating and, in the meantime, next to the rubbish tip it started a sandpit, where an outside operator mines sand on crown land next to the fence line of our property. In 1991 it cleared virgin bush. I have been to the Department of Land Administration and seen the proof in aerial photographs. The committee does not have to believe what I am saying. Everything about the land that was cleared is at DOLA. A lot of people do not realise that land is photographed, so that when they are clearing they cannot get away with much these days. In 2000 I had to lodge a notice of intent to clear and fight the Government when the shire just went in and bulldozed virgin bush, whereas our land was only regrowth. The shire then started mining sand.

It got the first part of a job for the Harvey-Rockingham pipeline, which it should not have done; it should have come from our pit. They talk about the environment.

**The CHAIRMAN:** Who are they, the shire?

**Mr Meek:** No, the Environmental Protection Authority talks about the environment and all that.

**The CHAIRMAN:** But who started mining?

**Mr Meek:** I am talking about a beautiful hill on Buller nature reserve on which there are wildflowers. I remember my dad saying to us as kids that people used to go there to pick wildflowers. They never had scientists, botanists or biologists making assessments of virgin bush in those days. Our land has been cleared and grazed. The shire bowled it down, mined the sand, put rubbish on our property and just defied everyone. I have done my own research. The shire has taken more than 200 000 cubic metres of sand with the intention of backfilling it with rubbish. In the meantime, I sent a submission to the Local Government Association of WA in Perth about different things that the shire has done; that is, not renewed our licence and different things like not allowing certain local contractors into the tendering process. The shire was chastised for that and all it said was that it overlooked the matter. The father of one of the councillors is the biggest sand mining operator in the area. I have had her checked out but we cannot find enough proof of whether she leaves the chamber. We asked the Local Government Association in Perth, which said it would check with the Department of Mineral and Petroleum Resources. The council has been illegally mining sand on crown land, which it cannot do. It has no licence or rehabilitation plan, which I must submit, and it will be prosecuted. No-one knows that but it is in the hands of the Director of Public Prosecutions currently. The Shire of Waroona is just plain ignorant. It has said that it did not know about these things. The point is that it shut me down so that it could mine this 200 000 cubic metres, which should have come from our property, and it put an outside bloke in to operate on crown land. Its intentions are to backfill it with rubbish but that is wrong. It is taking out the Shire of Murray's rubbish and is thinking about taking Mandurah's rubbish and charging \$7.50 a cubic metre. The point is that I was told by the EPA that we are in the Peel-Harvey catchment area, and the shire wants to bury its rubbish next to our property. Part of a letter I wrote to the director general of the Department of Mineral and Petroleum Resources states -

... according to The Western Australian Government Response to the Select Committee Report on Recycling and Waste Management (1995) - July 1996 which supports the recommendation, No new landfill sites should be established on the coastal sand plain because of their potential to pollute groundwater. As our property is next door, what about our groundwater?

It is polluting our ground water and the Peel-Harvey catchment area. The letter continues -

Once again, the Shire are disregarding the law.

**The CHAIRMAN:** Were you, as an adjoining landowner, notified by the shire when it started that?

**Mr Meek:** No. The latest minutes, which we get from the Internet, state that the proposal is to start filling this new 200 000 cubic metres of space. We were not notified about the old one. Can I show the committee a colour photograph?

**The CHAIRMAN:** Would you be prepared to leave it with the committee?

**Mr Meek:** Yes. The photograph shows the rubbish on our property. It is 400 metres long by 150 metres deep, an area of four and a half acres.

**The CHAIRMAN:** For the benefit of *Hansard*, I can see from a distance that it is a bit of a mess.

**Mr Meek:** It has been like that for years. Peter Trott said much the same in an article in *The West Australian*; that is, four and a half acres of the surface of our property is covered in rubbish.

**The CHAIRMAN:** We will run out of time. Do you wish to make any other points? I am sure that a few committee members want to ask a couple of questions.

**Mr Meek:** Yes, about my appeal to the Government. The shire did not give me the right to appeal when it cancelled my licence. Therefore, the local government authority in Perth wrote to the shire and told it that Mr Meek has a right to appeal and it had not given me that right. The shire said that it did not have to give me a right to appeal. In 2002 it rescinded the meeting. Is that the right word?

**The CHAIRMAN:** Yes, rescind the motion.

**Mr Meek:** It rescinded the meeting of last September in February or April so that I could appeal. The appeal went through although it has taken three or four months. It is on the minister's desk at the moment. This is when I should ask people to leave.

**The CHAIRMAN:** Mr and Mrs Meek have requested that part of their evidence be heard in private. I ask the three people at the back to leave the hearing for a couple of minutes.

[The Committee took evidence in private.]

**The CHAIRMAN:** At any stage during your negotiations with either the Environmental Protection Authority or the shire, were you given written reasons for their decisions?

**Mr Meek:** The EPA indicated there could be endangered species.

**The CHAIRMAN:** There could be?

**Mr Meek:** Yes.

**The CHAIRMAN:** Did they identify that there was?

**Mr Meek:** We had a botanist and a scientist; and Dr Libby Mattiske and Bernard Bowen came down. No, they have not found any endangered species. It is not virgin bush; it is only regrowth.

**The CHAIRMAN:** This is important for our committee. The only reason you were given was that there "could be" endangered species; not that there were?

**Mr Meek:** Yes, that is all; there could be. They did not find any. In the Peel-Harvey catchment area there is only 20 per cent bush.

**Mrs Meek:** It is 25 per cent.

**Mr Meek:** There is only 25 per cent of natural bush remaining. I think that covers the catchment area from Perth to Bunbury. On our property we have 80 per cent of the 500-odd acres as bush. Why should I give my 80 per cent to cover the other 20 per cent? Does the committee understand what I mean? They said I cannot have it. I have to pay for the whole area.

**The CHAIRMAN:** That brings me to another question. Earlier you mentioned that you had been requested to trade off some of your bush. What form did those requests take? In other words, have you been requested to reserve a portion of your property as bushland and, if you do that, will you get your licence?

**Mr Meek:** Yes.

**Mrs Meek:** Not get your licence; that will allow us to clear.

**Mr Meek:** To re-clear our 60 acres. We have some beautiful she-oaks and other timber, which dad left, and we want it anyway. We have no intention of clearing that, but the cattle used to wander through. It was beautiful country. They want us to fence that off.

**Mrs Meek:** I actually pointed out to these people when they all came down - the zoologist and the botanist - that the fact of the matter was that the whole place was conservation anyway. Garry's dad had it for 40 years, and just this little corner has been for the sand. I said to them, "Just look around - the whole place is conservation." They wanted us to fence off a little bit at our expense, which they mentioned at the very end, but I pointed out to them that the whole place was conservation.

**Mr Meek:** We have probably got 150 or 200 kangaroos in there, which I just leave, and there is a little bit of grazing at the back which we have not used. We shift the cows around, but they do not go to the bushland; there is no feed there.

**Hon MURRAY CRIDDLE:** Garry and Rosalind, you have presented a letter from the chairman of the EPA indicating a different approach. Have you carried out that different approach, or do you propose to?

**Mr Meek:** No; that is the approach we are talking about. Do you mean this latest letter?

**Hon MURRAY CRIDDLE:** I am referring to a letter dated 11 October 2001, which is the latest letter we have, stating that you may wish to put forward another proposal or a modified proposal.

**Mr Meek:** People say they are going to clear -

**Hon MURRAY CRIDDLE:** That is what the letter basically refers to.

**Mr Meek:** How can you get sand off flat ground; you have to go into the water table. I am trying to think what the other proposal was. This sand was in a certain position.

**Hon SUE ELLERY:** The part of your evidence that I am interested in was that you had to go to six different agencies in the quest to use the land that your father had already cleared.

**Mr Meek:** Yes.

**Hon SUE ELLERY:** You referred to it being a lengthy process and - this is my term - which was not particularly user friendly. One of the things the committee might think about doing, for example, is making recommendations about how people such as yourselves might access the system in a more user-friendly manner. What do you think would have helped you to find your way through all the different agencies that you had to deal with?

**Mr Meek:** Nothing. They are bureaucrats and they are not from the country. In relation to rehabilitation, it is our land. If I thought I might be able to rehabilitate the land and put in some olive trees or something, that would be a change of land use. I

love olives; they would be for our use. We accept we have to rehabilitate. After the first year, I rehabilitated with some 680 trees -

**Hon SUE ELLERY:** Mr Meek, I do not want to interrupt you, but we are short of time. Is there something that you think could have made your dealings with the bureaucrats easier?

**Mr Meek:** No. They just do not want us to clear. That is fair enough with virgin bush and fair enough if it is a new project. If I wanted to start a new project today and said I wanted to start a sand mine, okay; but this is a business that has been there for 40 years. It is just an expansion of what was started.

**The CHAIRMAN:** Mr and Mrs Meek, another member of our committee, Mr Ed Dermer, has just joined us. Do you wish to say anything in conclusion?

**Mrs Meek:** I think there is just too much paperwork and too many bureaucrats.

**The CHAIRMAN:** How long have you been battling this process?

**Mr Meek:** The clearing and all that?

**The CHAIRMAN:** Yes.

**Mr Meek:** Probably three years.

**Mrs Meek:** It is 18 months since we have not had our licence.

**Mr Meek:** We say that is victimisation. The other episode with the shire means that they want to put us down while they are selling their sand - illegally. Check the law; they will be prosecuted. That is about it. They cannot shut down a business that is already operating. Sand is a strategic resource. We must have houses, roads and water. That sand will go towards this new pipeline. It has already gone to the Rockingham pipeline. As I say to politicians, "For God's sake, don't take the South West Highway, go some other way, because you are going on our sand; don't drink the water at Rockingham because those pipes are laid on our sand." That was clay country, and clay expands and contracts and would crack the pipes; the pipes must be laid in sand so that they are stable. They want to shut us down.

**The CHAIRMAN:** Thank you for presenting your case so well. I understand you have left some documents with the committee.

**Mr Meek:** Yes. I have photographs, and I have letters to ministers. That is my own law work, so if we ever need photographs for this minister or that minister or shire officers, we will have them if we end up in court. The next thing is to get the helicopters and the television stations involved.

**The CHAIRMAN:** Thank you for putting your case today.