

Yeelirrie Uranium Mine Assessment — Public Inquiry — Adjournment Debate

HON SALLY TALBOT (South West) [10.08 pm]: Some months ago now, BHP Billiton submitted an application to develop and operate an open-cut uranium mine at Yeelirrie. In looking at that application in a preliminary way, the Environmental Protection Authority, as it is required to do, had to set a level of assessment. The EPA at that early stage decided to set the level of assessment at the level of ERMP—that is, Environmental Review and Management Programme. Many people in our community, including the Labor opposition, felt that that was not an appropriate level of assessment. As well as from the Australian Labor Party in Western Australia, appeals were put in to the Appeals Convenor from Hon Robin Chapple; the Conservation Council of Western Australia; the Wilderness Society; the Australian Conservation Foundation; UnionsWA; the Anti-Nuclear Alliance of Western Australia; quite a new group that I helped launch a couple of months ago called Ban Uranium Mining Permanently; the Fremantle Anti-Nuclear Group—these groups incidentally have wonderful acronyms such as BUMP and FANG—the Medical Association for Prevention of War; People for Nuclear Disarmament; and the Ngalia Foundation. The Conservation Council, the Wilderness Society, the Australian Conservation Foundation and UnionsWA put in a joint submission. That totalled nine appeals against the level of assessment. All those appeals were based on the argument that, with such a fundamental and important change to public policy in Western Australia—that is, the introduction of uranium mining and the transport and export of uranium in Western Australia—a public inquiry was an appropriate mechanism at which to air all the issues associated with it. I point out, certainly in my submission, which I made on behalf of the Labor Party, that to appeal the level of assessment and suggest that a public inquiry was the appropriate level of assessment was not to predetermine the outcome of that inquiry. Whether one is pro uranium mining or anti uranium mining, it seemed to me to be a fairly logical step to endorse the proposition that a public inquiry was a suitable forum in which to air the issues.

Hon Ljiljanna Ravlich: You would think so.

Hon SALLY TALBOT: We would indeed think so. It turns out that there were no arguments from industry, for example, for a public inquiry. Indeed, BHP Billiton was invited to talk to the Appeals Convenor, but was obviously pretty antagonistic to the idea of a public inquiry. Nevertheless, I make the point, as I made at the time, that to call for a public inquiry was not to predetermine the outcome of that inquiry. The minister rejected the calls for a public inquiry on the grounds that, and I quote at this stage from her media release at the time, “a public inquiry is not a level of assessment”. That is an interesting interpretation of the act. I am aware that that was exactly the argument BHP put to the Appeals Convenor. BHP advised the Appeals Convenor that all nine appeals should be rejected out of hand on the basis that they were calling for something that was not a level of assessment.

Hon Donna Faragher: Did you read my letter?

Hon SALLY TALBOT: I did indeed read the minister’s letter very carefully. I am about to refer to several paragraphs in it. It is perfectly clear from section 40(2) of the Environmental Protection Act 1986 that a public inquiry can be instituted. The act states —

The Authority may, for the purposes of assessing a proposal —

- (a) require any person to provide it with such information as is specified in that requirement;

I will leave out subparagraph (aa) because it is not relevant —

- (b) require the proponent to undertake an environmental review and to report thereon to the Authority; or

This is the key —

- (c) with the approval of the Minister and subject to section 42, conduct a public inquiry in such manner as it sees fit or appoint a committee consisting of —

- (i) Authority members;
- (ii) Authority members and persons other than Authority members; or
- (iii) persons other than Authority members,

to conduct a public inquiry and report to the Authority on its findings on the public inquiry.

There clearly is provision under the act for a public inquiry. I have asked the minister twice in different forms in this house on what grounds, having decided essentially that she has taken BHP’s legal advice on this matter, or having agreed with BHP that a public inquiry is not a level of assessment, what does she think the provisions in section 40 of the act apply to? I have asked the question twice now. I will read my question today —

I refer the minister to her response to my question last week about BHP Billiton's Yeelirrie uranium mine. Given that the minister has accepted the advice that a public inquiry is not a level of assessment, in what context would the minister consider authorising a public inquiry under the Environmental Protection Act?

I do not think that is a very complicated question. I am genuinely trying to understand what the minister thinks section 40 of the act is there to do. If I were the minister—I am sure that I am not alone in this—my thinking would go like this: if the advice given to me, as the minister, was to go for an environmental review and management program because a public inquiry is not a level of assessment, would not my first question to my advisers, my experts and my bureaucrats be, "What is a public inquiry for? I need the answer to this question because it is the first thing that people are going to ask me when I go out there. What is a public inquiry for?" The simple fact is that the minister cannot answer my question. She does not have a clue. If she has read section 40 of the act, it has clearly just whisked past her. Either she does not understand how important this is, or she is deliberately trying to conceal something from us. Under what circumstances would the minister have a public inquiry? That is what I want to know and that is what all the other eight people who appealed against this provision want to know. That is what the entire community of Western Australia wants to know.

The minister has now shown this house twice that she cannot answer the question; she does not know the answer. However, I want to know who made the decision to take BHP Billiton's advice that a public inquiry is not a level of assessment. What is a public inquiry for? I wonder whether perhaps it might have been the Minister for Mines and Petroleum, who is clearly on a mission to remove some significant powers from the Minister for Environment and from the Department of Environment and Conservation. That has become perfectly clear during the whole process over the past 12 months of looking at this inquiry that the government has instigated into so-called speeding up of approval processes. Perhaps it was the Premier, the minister's great protector on high, who made the decision. Either way, it is very unclear to me now where we go for an answer to this question about when we might expect the minister to direct the Environmental Protection Authority that a public inquiry should be held.

There are a number of other important environmental issues on which the minister clearly has no intention of opening up discussion. There is Roe Highway stage 8 going through the Beelir wetlands, there is the Fitzgerald River National Park road, there is the whole future of shack communities, there is the shipment of lead through Fremantle and there is the liquefied natural gas hub in the Kimberley. Now we have uranium mining, and the minister is saying that this is not a suitable subject for a public inquiry. I want to know what is.