

LINA BRAYLEY — DEATH AT STATHAM'S QUARRY

Statement

HON SALLY TALBOT (South West) [10.10 pm]: Like all honourable members, sometimes I come across cases that not only move me but also shock me. I want to bring one of those to the attention of the house tonight. A few weeks ago I received an email from Nigel Brayley, who wanted to bring to my attention a situation concerning his wife, Lina, who died on 26 February 2011 when she fell in Beelu National Park at Statham's Quarry up near Mundaring.

The conclusion that Mr Brayley is trying to work towards is that a 180-metre safety fence needs to be erected in Beelu National Park and that signage warning people of a steep drop needs to be in place to prevent fatalities from occurring in the future.

What shocked me was the lack of response that he has had over the past 16 or so months in trying to make this point to the minister, so I want to go through some of the points relating to this case tonight in the hope that the minister will take heed of some of these important issues. Mr Brayley's problem is that he believes that the minister is not in possession of the full facts of the case, and that is why he has contacted me—not to score political points, but to try to get some information through to the minister. Mr Brayley's wife, Lina, was killed, as I say, in February 2011. She was taking photographs at the quarry in Beelu National Park. I will use a lot of Mr Brayley's words in making this statement because he says things in the clearest possible way; I cannot do better than this. Mr Brayley says —

It is my belief that my wife's death was avoidable had the Western Australian Department of Environment and Conservation ... followed Policies, Procedures and best practices in relation to duty of care, risk management, hazard identification and work practices.

Mr Brayley is not unqualified to make these observations. He has a master's in environmental occupational health and safety, a postgraduate certificate in emergency management and a diploma in training and assessment, and he also has health and safety auditing qualifications. He is a certified motor vehicle crash investigator and a certified accident–incident root cause analyst. When something terrible like this happens to a person, they often look around for something to do, and what Mr Brayley has been doing now for some 16 months is go through thousands of pages of information that he has requested through freedom of information applications about the management of Beelu National Park. I will take honourable members through some of the things that he has put together. He has looked at more than 2 000 pieces of paper with a date range between 1999 and March 2012. He has identified many, many factually incorrect statements in that paperwork. His comments are based on the 25-page report that DEC prepared some days after the incident on 26 February. That is the document on the investigation into the fatality in Statham's Quarry in Beelu National Park on 26 February 2011. I will just take honourable members through some of the contradictions and errors in the document.

There is the wrong time of Mrs Brayley's arrival at the park. The wrong camera settings were identified. This is terribly important because in the investigation report, it makes comments along the lines that Mrs Brayley would have been very aware of the danger of the uneven surface in the park. She would have been aware of the missing risk sign because she had spent some hours in the park prior to falling over the edge of the quarry. Mr Brayley is absolutely certain that her estimated time of arrival is incorrect, and he has taken this from time settings on her camera that showed that she was many kilometres away at the time when the report states that she arrived at the park. The wrong areas are shown in the drawings. The area shown in the drawings suggests that the risk is far less than in fact it is because of the gradients and the cliff heights. The drawings attached to the investigation report have the wrong locations of risk signs. There is no reference in the investigation to the fact that there are cut-off star pickets at ground level. The area is used by a rock-climbing club and it had asked for the star pickets to be removed. Not all the star pickets have gone and many of the ones that are left have dangerous bits protruding above the ground surface. The investigation wrongly claims that Mrs Brayley had prior knowledge of the quarry area. Again, that is to substantiate the point made in the report that she would have been well aware of the dangers. Mr Brayley says there is no evidence that she knew the area at all.

I should point out that Mr Brayley's report is many, many pages long. He has prepared a sworn statement, which has gone to the minister and the various other agencies that are investigating Mrs Brayley's death. This is a signed, sworn statement setting out the facts as Mr Brayley sees them. It is very, very detailed. I am happy to provide a copy of the report to any honourable member who wants to see it. I know the minister has already got a copy. I am, of course, doing all this with Nigel Brayley's permission to talk about these circumstances.

Mr Brayley points out all the confusions and contradictions about the annual visitor risk management reports prepared by the Department of Environment and Conservation over many, many years. He refers to a missing geotechnical assessment of Statham's Quarry, which was commissioned in May 2007. When Mrs Brayley died

in February 2011, DEC then put a deadline on that report of 31 May 2011. That was, of course, after the death. Mr Brayley states in paragraph 61 of his statement —

Once the report was finally received, remedial action was performed and a loose 150kg and 100kg rock along with other various medium sized rocks ranging from 5–15kg were removed and allowed to safely drop to the quarry floor.

That occurred only after that report was received, some months after Mrs Brayley's death. Other bits of misinformation he has identified include that no risk information is conveyed to visitors on the website, which is contrary to the visitor risk management plan and DEC's other guidelines; that there are unsubstantiated comments about the removal of a key warning sign and about the timing of its removal; and that there is no risk-sign register, which is again contrary to DEC's policies.

I want to share with honourable members a couple of paragraphs at the end of Mr Brayley's sworn statement that give a summary of where we are up to now. He states —

- 171. Since Lina's death I have had to continually fight the DEC to gain answers into events related to her death. Had I not pushed for further answers and clarification's then DEC would have closed the case on my wife's death and accepted its factually flawed Investigation report.
- 172. This continual action to get to the root cause of Lina's death has come at a great cost to myself both emotionally and financially (over \$10K) with the DEC doing everything legally possible to hide its inaction's and as such, its failure to meet its legal and moral obligations which contributed to Lina's death.
- 173. Unfortunately the Minister responsible for the DEC (The Honourable W R Marmion ...) has backed away from his original position —

Mr Brayley sent me his two letters. Mr Marmion's original position, as quoted in Mr Brayley's statement, was —

... "as the Minister responsible for DEC, I will ensure you receive the department's fullest cooperation during the various lines of inquiry that are open to you".

That has changed now to a very legalistic response, which clearly indicates that the minister has received some sort of advice that he should not be communicating with Mr Brayley. The statement continues —

- 174. Since raising inaccuracies with the Investigation report the Ministers position has changed as he now states that "it is not appropriate for me as the responsible Minister for DEC to further respond to your questions. The facts and circumstances of your wife's untimely death at Statham's Quarry will be properly determined by the Coroner ...

I appreciate Mr Marmion's caution, but I say to the minister that he will not compromise anything in terms of his or DEC's legal liability over this death if he erects the fence. The latest thing is that DEC has conveyed to Mr Brayley the information that the safety fencing work has been done, but in fact there are still 50-metre drops and the fence is up to 66 metres away from the edge. I am simply asking the minister to have another look at this tragic case.

House adjourned at 10.18 pm
