

ECONOMICS AND INDUSTRY STANDING COMMITTEE

**TRANSCRIPT OF EVIDENCE TAKEN
AT THE MIDLAND TOWN HALL, MIDLAND
FRIDAY, 10 AUGUST 2001**

EIGHTH SESSION

Members

Mr McRae (Chairman)
Mr Day (Deputy Chairman)
Mr Bowler
Mr Masters
Mr Murray

STEWART-ROBINSON, MR CHARLES MICHAEL,
Bellevue Residents and Ratepayers Association Inc,
examined:

The CHAIRMAN: Welcome. Thank you for agreeing to attend this hearing today. Please note the following -

1. The Committee hearing is a proceeding of Parliament and warrants the same respect that proceedings in the House itself demand.
2. Even though you are not required to give evidence on oath, any deliberate misleading of the Committee may be regarded as contempt of Parliament.

Have you completed the "Details of Witness" form?

Mr Stewart-Robinson: I have indeed.

The CHAIRMAN: Did you understand the notes attached to it?

Mr Stewart-Robinson: I did.

The CHAIRMAN: Did you receive and read an information for witnesses briefing sheet and guidance note regarding giving evidence before parliamentary committees?

Mr Stewart-Robinson: I did indeed.

The CHAIRMAN: Did you understand all aspects of that information?

Mr Stewart-Robinson: I believe so.

The CHAIRMAN: Thank you very much for your submission, which we received on 25 July. Do you wish to propose any amendments to it?

Mr Stewart-Robinson: I have some additions.

The CHAIRMAN: Do you wish to amend the text of it? Is it your wish that it be incorporated as part of the transcript?

Mr Stewart-Robinson: It is.

Mr MASTERS: Approximately how many members are in your association?

Mr Stewart-Robinson: I will have to ask my treasurer. She is not here today, but there are more than 50.

Mr MASTERS: That is all I needed to know.

Mr Stewart-Robinson: Since sending in the original submission, we have had various general meetings and I have some notes on this disk that I shall read.

The CHAIRMAN: If you like they can be incorporated as transcript evidence to this committee. All that would be required is for you to speak to them in general terms rather than read them.

Mr Stewart-Robinson: They are important and tend to emphasise our original submission as well as some additional points drawn to my attention that are considered to be important.

The CHAIRMAN: I understand.

Mr Stewart-Robinson: The 10 points are as follows -

1. High community concern as to why this industry was ever allowed to operate in the first place especially with regards to: -
 - Why a highly toxic chemical industry should be allowed in such close proximity to residential areas
 - Why the licence to operate did not have higher constrictions placed upon it knowing such chemicals could cause an extreme environmental danger if things went wrong. Murphy's law '**What can go wrong will go wrong**'
 - Why is the environmental side of the regulations always coached in terms that "providing the business meets the regulations set down then no objection will be raised" Whereas in actuality it is rare that all regulations are met.
 - Why is not the moral side ever looked at? The local community should always be consulted on a regular basis and in conjunction with local authorities they should have the last say not on appeal to any higher authority.
 - Why the City of Swan uses rules and regulations as the reason they did and would not object to such an industry. The site is zoned as 'General Industrial' and such a business under the rules and regulations is permitted.
2. *High community concern that this industry was allowed to continue to operate with:* -
 - The government authorities knew that this business was constantly breaking its licence conditions
 - The City of Swan cleaning up acid spills
 - The DEP removing drums of chemicals
 - Other government departments, Fire, Worksafe, DME etc constantly informing the operator to '**clean up his act**'. This being seen in various prosecutions on the operator
3. *High community concern on the responsibilities of overseeing government departments:* -
 - The City of Swan passing on responsibilities to other government departments in the name that '**they did not have the expertise**' so they leave it to those government departments that do. Where is the **MORAL** concern for the community as a whole.
 - It appeared to the local community that the government departments that had the expertise, and therefore being defacto '**Watchdogs**' for the community, DME, DEP, Worksafe and Fire departments, did not regularly communicate unless they thought they had an existing problem.
 - If the business was having problems, which this one was for a number of years, why any of these government bodies do not have the power to **IMMEDIATELY** close the business down until made safe.
4. *With regards to initial regulations:* -
 - The community feels that with all the rules and regulations from numerous government authorities that nothing is cohesive. If a local community person has a complaint he/she usually go to their local authority, but the local authority tell them to go to another government department as they have not the expertise and do not set the rules and regulations. The community feels that there should only be one authority at all times. I.e. the DME are the only authority on Mine Sites but they second personnel from other government departments [SEC}

If I apply for a mining exploration lease I have to give a bond, if I apply to build a treatment plant for a mine I have to give an actual **DOLLAR** bond set by DME, so as if anything goes wrong i.e. bankrupt, then the government has the monies to correct any environmental damage. **Why does not the DME impose the same regulations for industries that are in towns and cities?** Especially where the toxicity of some man made chemicals being used in the city environment could and do damage the environment considerably more to present and future generations of man and beast.

Why do the various government bodies that have input in the first instance on the granting of the licence to operate, not have the powers to close the business down immediately if regulations are not adhered to?

Why do the regulations pertaining to such toxic industries allow them to co-exist with residential areas? [See Section 1]

5. *With regards to how the fire started: -*

The community feeling in this regards is very high and they thank the lord that this fire started at the time it did and on such a day it did [calm weather and wind direction etc]

With the public remarks of the Fire Department '**we do no know of any natural reason as to how a fire like this could of started**' [Bellevue Residents & Ratepayers Meeting in Mechanics Hall Helena Street Bellevue]. The community has grave concerns as how this fire was started and as of yet have not heard of any result of any investigation into the cause of the fire.

The community has even higher concerns that if a reason can not be found, then again 'Murphy's Law' comes into play and thus giving even more reason that industries such as this should never be allowed in places like Bellevue but only permitted in designated industrial areas.

6. *The Health risk to the community: -*

The community is concerned that the Health Department is only brought into the scene when something goes wrong, when infact they feel that the community should be made fully aware of the health risk potentials of any industry in the first instance before any licence is granted. So full community awareness with open consultation.

The community feels that the Health Department should constantly monitor such industries and keep the local community up to date.

In any such disaster such as this fire, the Health Department should automatically start a health registrar of the local community and this to be kept for a lifetime.

The Government should guarantee full medical cover to those that are found to be effect now and in the future of those registered

The Health Department should fully inform immediately local health personnel of symptoms that may be sympathetic with potential ill-health of community members and not state that if local health personnel need to find out the potential health effects that they are to ring the Health Department.

7. *The Police Department: -*

The community questions as to why the Police Departments non-use of their automatic telephone calling system "COPS" was not used and various personnel from different government departments were used on a limited scale to warn the local community.

Why did the Police allow local personnel back into the restricted area when the Fire Department and DEP personnel were still using protective suits?

8. *Publicity and Communication*

It is felt by the Community that the government departments involved in the fire did a fairly good job of keeping the community informed. Although at times it appeared that the information being given was not understood by many of the local community, as it was in such a form that it appeared to be very academic. Not that anyone complained that it should not of been given in this form but that also it should have been given in a very simplified version as well.

It is felt that the authorities should have acted quicker to hold public a meeting and not to be invited to speak at a pre-set forum in the first instance.

It appeared that thought the DEP were given the authority to deal with the aftermath of the fire they had to rely on other government departments and that they did not appear to have the authority to just '**get on with the job**' as quick as possible.

The community felt that the clean up should have been quicker, as six months on it is still in progress

9. *Compensation*

A few people and business strongly feel that they should be entitled to compensation due to the effects of the fire. In normal circumstances compensation would have been argued between insurance companies but not in this case as the Insurance of 'Waste Control' does not stand up due to the operators business practices. So people naturally look to the authorities that oversee the correct implementation of such a business, and in this case various departments of the Government of Western Australia. What agreements have been reached is considered to have been too long in the implementation and not satisfactory. Again this raises the question of why does not the licence authority{ies} impose an actual DOLLAR bond, also why if the business insurance becomes invalid while in operation that this business is not shut down immediately. Possibly the insurance company of the business should be informed by the licensing authorities if they have any irregularities and not have the insurance company rely on the business operator to inform them.

It has been spoken within the community that the effects of this fire and previous toxic problems in Bellevue have considerably lowered the feelings of the larger community towards Bellevue. These being in the forms that people talk of Bellevue as a toxic dump and have potential long-term health problems. This has now put Bellevue into a position that people do not want to be associated with Bellevue. So when it comes to trying to sell a house or commercial block the dollar value has been greatly curtailed. And business trying to attract and keep workers is very difficult. All these need publicity to correct and improve the image of Bellevue and this is not considered to be only done by the small efforts of volunteer organisation such as the **Bellevue Residents & Ratepayers Association** and private community members. It needs far greater input and resources such as the State Government and City of Swan can supply.

10. *Summing up*

I have spoken to many people over the months and have asked at our various general meetings what the largest concern is for the local community is and without doubt it is – **why did it happen and why was this operation allowed to operate here?** It is realised in the community that we have industry and many of use have brought houses knowing this, and many have been born here and grown up with industry.

Nearly all of us love being in Bellevue for what it has to offer but nearly all of the people I have spoken to are angry at the apparent buck passing of authorities and the complete lack of moral concern when granting licences to operate various types of industries. As today it appears more and more so that a business can operate without any public awareness of the type of industry, i.e. under local councils **'Delegate Authority'** Policies. And it is only when a member of the public feels that they consider that an industry is at fault, and that they bring it to the knowledge of the authorities, that the very long and legal action starts to correct the mistake if there is one. I.e. the **'Woodyard'** in Clayton Street.

I will fill in the information on that later if the committee wishes. To continue -

We at the **Bellevue Resident and Ratepayers Association** have long been trying to improve the image of Bellevue and it seems that every time we take one step forward we are kicked 10 steps back. It is a constant struggle to keep people interested in the area with a positive view, especially in the light of the environmental disasters we are having, Omex and now the Fire. Unfortunately these are not the only potential environmental problems that we have and will cause problems for generations to come, and yet it would only take a small, but courageous step, to rectify many of these problems in a single step. **Change zoning laws.** Hopefully this Standing Committee will see that a commitment to open government at all levels will allow pass mistakes to be to be corrected. Especially in the areas were residents are effected by industries that should be well away from residential areas. We would also like to see that local communities have a much larger public say in what goes on in their area and not be dictated to by selfish business interests and decision makers who have no knowledge of the area

Points of Concern for the Bellevue Residents & Ratepayers Committee

Why is his type of industry permitted in such an area

How did this accident happen and was it preventable

Only one authority to issue a licence

These types of industries to be contained in defined environmentally suited places

Any licence issued, to be accompanied with a full and open consultation process with the local community

The business applicant to be made legally aware of their responsibilities and penalties if failure to do so

The same authority to take responsibility at all times for the licensees operation

The same authority to set down their policies and guidelines on any potential accident before an accident happens and to made aware to all people, government and private

The same authority to be given powers to enable it to close a business down immediately

Adequate insurance [bond and insurance cover at all times] in place before the licence is granted

Any licence given to operate not to be granted under **'Delegate Authority'** Policies. This Policy does not allow for any publication of the submission to be made public before or after a planning permission has been sort and/or granted by the local Planning Department if they consider that it does not warrant to go before council

Ongoing Government publicity to counteract the adverse effects of Omex and Waste Control Fire

Genuine compensation to those that have suffered loss on values to their house, business and/or land

The CHAIRMAN: Thank you, Mr Stewart-Robinson. Have any of your members discussed hearing any suggestions about how the fire may have started?

Mr Stewart-Robinson: Anything I say will be hearsay if that is permitted. I have heard that at about 10 o'clock at night people were seen on the premises before the fire started and half an hour after they left, the place went up in flames.

The CHAIRMAN: That is the first time I have heard that suggestion. Thank you.

Mr DAY: You obviously do not know who it was.

Mr Stewart-Robinson: No. Two people told me about someone being on the premises.

The CHAIRMAN: Did they observe people in cars or on foot?

Mr Stewart-Robinson: They both said they saw a car. A male saw the person coming out of the premises and get into a car.

Mr MASTERS: Has a report about that been sent to the police?

Mr Stewart-Robinson: I have no idea. If I heard it, I assume the police must have heard about it.

Mr MASTERS: I encourage you to encourage those people to consider making a police report. If the media is listening they may also make it public.

Mr Stewart-Robinson: When I was told about someone being on the premises, I advised the people who told me that they should tell the police about it. I do not know whether that was done.

The CHAIRMAN: Do those people live in the vicinity?

Mr Stewart-Robinson: Yes.

Mr MASTERS: Thank you for your submission. On the back page of your six-page submission you made some very good suggestions. You have also made some very useful suggestions about future practices in your verbal presentation a minute ago. At page 2 of your submission you state -

The problem is that we still have industries in Bellevue with the same potential as the Toxic Fire.

Can you give us any indication now or in written form of what they might be? Clearly we must examine whether this Bellevue situation is capable of being repeated in Perth.

Mr Stewart-Robinson: A claypit has been filled with waste tyres and been covered over from the asbestos contaminated ground from the East Perth power station.

The CHAIRMAN: Is that the Red Hill site?

Mr Stewart-Robinson: No; we are talking about Bellevue. This happens to be sitting on top of one of Perth's water supplies. That is what I mean in my other submission where I refer to the long-term effects on the community as well as the immediate short-term effects. The carcinogen breakdown of tyres takes a very long time, but it does happen.

Mr MASTERS: At page 3 you say that each department has its own agenda and does not communicate unless on a need-to-know basis. That is clearly something that must be addressed. Later on you refer to application notices being tucked away under "Public Notices" printed in small font. That is not a good way of letting people know what is happening in their community.

Mr Stewart-Robinson: I should have added that is provided people buy the papers.

Mr MASTERS: They are two good points. At page 4 you state -

the Fire Department stated that they knew of no way that the fire could have started by itself.

Mr Stewart-Robinson: Yes.

Mr MASTERS: Was that the Fire and Emergency Services Authority?

Mr Stewart-Robinson: Yes.

Mr MASTERS: Was that at the 27 February public meeting or the meeting in May or June?

Mr Stewart-Robinson: It was at our meeting in Bellevue, but I am not sure when it was. It would have been in March.

Mr DAY: What was your knowledge of or your association with the site prior to the fire if you did have any knowledge? What degree of concern did you have? Did you communicate those concerns to any government authorities?

Mr Stewart-Robinson: The concerns were passed on briefly to the government authorities that were dealing with it; and they claimed that everything was all right.

Mr DAY: When was that, roughly?

Mr Stewart-Robinson: I approached them on two occasions and other people have also asked questions. I would need to check the details. Last year when the City of Swan had to clean-up the acid spill there, I asked some council officers questions. They said that Waste Control was meeting the regulations and that it was an unfortunate oversight, but everything was all right and there was no potential danger.

The public is always being told everything is all right. In hindsight, I should have pressed the point more, especially as I am familiar with such chemicals.

Mr MASTERS: According to my street directory, the suburb of Bellevue extends south of Great Eastern Highway and to either side of Roe Highway. The urban areas are closer to Great Eastern Highway.

Mr Stewart-Robinson: The majority of the residential houses are east of Roe Highway. Although the west of Roe Highway is considered general industrial, a high percentage of residents with school children live above premises.

Mr MASTERS: Are the areas around Pauly Park residential, between Ferguson St and Moore Avenue just south of Great Eastern Highway, north of Elgee Road or is that industrial area?

Mr Stewart-Robinson: That is the industrial area. It is east of Bunnings Building Supplies Ltd on Great Eastern Highway.

Mr MASTERS: You mentioned people living above premises. Does the shire have any clear idea of the number of residents living west of Roe Highway?

The CHAIRMAN: Does the Bellevue Ratepayers Association have that number?

Mr Stewart-Robinson: Last time I counted 35 families were living west of Roe Highway, although the number today could be greater. I would not like to speculate on the legalities of the residents living there.

Mr MASTERS: That is a different issue.

The CHAIRMAN: Do you have any other points to put on the record today?

Mr Stewart-Robinson: No, thank you.

The CHAIRMAN: I pass on the committee's and my gratitude for the work you have done. I understand it is not a matter of self-interest but of a broader interest. We thank you for that. We may come back with some questions in due course. At this stage that is the end of your submission.

[The witness retired]