



DAVID MORRIS MP

Member for Mornington

Increased Penalties for Waste Dumps – Why has it taken two Years?

Posted on 11 September 2019

Mr MORRIS (Mornington) (17:18:49): I am pleased to join this debate on the Dangerous Goods Amendment (Penalty Reform) Bill 2019, which, as the title suggests, is about increasing the penalties on a range of offences and creating a new offence of reckless conduct in respect of dangerous goods.

I think it was interesting listening to the member for Footscray. You get a sense of the impact of each of these incidents on the affected communities, and I think that is probably one of the reasons why so many people remain so frustrated—and I certainly remain frustrated—that we are now so far down the track and so little has been achieved, because this whole crisis has gone on for way too long.

It is a crisis in respect to toxic waste and it is a crisis in respect to general waste, which can potentially turn toxic. I think it is quite telling that in fact the minister that has brought in this legislation is the Minister for Workplace Safety, not the minister who has charge of the Environment Protection Authority Victoria (EPA).

That has been part of the ongoing problem. We have had basically: 'Problem? What problem?'. And then: 'Oh no, it's local government's fault'. Then the next week it was the federal government's fault. Today in question time it was industry's fault. The buck stops with the EPA. The buck stops with the people that are supposed to do the job, including the minister. There has simply, sadly been no action.

So I am delighted to see the Minister for Workplace Safety take a small step in the right direction, because that is the first time in two years we have had any action.

It is now over two years since the first Coolaroo fire on 13 July 2017. Since then we have had the West Footscray fire a year ago, then we had the Campbellfield fire earlier this year. But it is not just those three fires, of course.

There is the tyre dump at Stawell and 50 million litres of toxic chemicals in the ground at Kaniva. We have got the Lara stockpile and 13 industrial sites in the north of Melbourne. There are at least nine SKM facilities. Four now have been resolved by burying the material in the ground; the other five we know there is still a problem with.

When you dig into the detail of those sites, the numbers are frankly mind-boggling. If we look at Lara: 350 000 cubic metres of waste, by some reports 4000 used tyres and several

drums of oil, and we know that for an extended period stockpile heights were routinely exceeded. The CFA expressed concerns about fire safety. Nothing happened.

We have had the interim report from the Legislative Council committee. With regard to the task force WorkSafe told that committee that between 16 million and 25 million litres of illegally dumped chemical waste had been discarded. I think that statement is a problem to start with: between 16 million and 25 million litres. That is a 9 million-litre gap—of very, very dangerous chemicals—and we do not know? Come on.

The second and equally concerning aspect of that is that 65 per cent—again, according to the committee—of the chemicals discovered at that site are class 3 flammable liquids, which means they combust at 60 degrees Celsius. During the run-up to Black Saturday I can remember driving along the Tullamarine Freeway, coming back from Bendigo, and my car thermometer was indicating 52 degrees. What it is going to be like inside that warehouse? That is pretty scary.

Perhaps even more concerning, than the 16 million to 25 million litres was the time that has elapsed since the stockpile was discovered. The committee reports that by 13 July this year only 5 million litres had been removed. So possibly as little as 20 per cent of that stockpile has been dealt with in a period of many, many months.

I mentioned Kaniva. Back in July this year, ground-penetrating radar was used on a drone to identify 20 areas at a property where chemical waste had been buried in pits. I will just go back to the figure: 50 million litres in one site. I know it is a largish piece of land, but it is horrendous. I know, as I am sure the member for Lowan will mention, that it borders prime agricultural land.

I do not often agree with the Australian Workers Union. I do not set out to disagree with them, but we quite often have a different view of the world. But they gave some evidence to the Council committee and suggested that recyclers are given adequate notice of intended visits from the regulators, which, in their words, 'allows the dodgy operators to move products off-site or allow it to be hidden from site'—and that happened at Campbellfield as well.

Peter Stafford from the Metropolitan Fire Brigade talked about the mix of chemical waste and building and construction materials. In his words:

... co-mingled recycled stuff, chemicals, tires, construction and demolition material. It does not matter what industry and what material you look at, they use the same process: stockpiling lots of stuff, making lots of money and then just leaving it for us to clean up.

A witness who I think, from memory, worked for the Hume council but is also a local resident was talking about Bradbury's and said that the EPA waited until Bradbury's had got to onsite storage of 450 000 litres onsite—three times what they are entitled to store. Then they were suspended, and they got the volume down to 300 000 litres—then the fire. Imagine what it would have been like if the fire had started at 450 000 litres.

There are obviously occupational health and safety issues, and they are significant.

And again the EPA talked about the capacity to suspend a licence to accept waste as a strong regulatory tool. I would suggest it is a strong regulatory tool if the company is in a position of trading in an ongoing manner and it is concerned about the consequences of actions, but when they are financially strapped and their back is to the wall, as has been the case with at

least two of these companies, then the risk of a licence suspension is frankly a slap on the wrist.

The AWU again said it is:

... inadequate for the EPA to suspend the licence without enforcing a timetable for the removal of the excess waste and ascertaining exactly what type of waste was being stored.

I could not agree more.

The other point about this is the EPA gave evidence that once they know that the licence conditions have been exceeded it takes two weeks to go through the process before they can start to enforce it. Well, without trying to be melodramatic about it, people could die in that time. It is a problem.

The issue is the whole waste system is broken, and it has taken two years to get to this point where we have an eight-page bill. It is a disaster waiting to happen, and it is a disaster which has almost happened. We have gone awfully close. Frankly, we dodged a bullet. But that is not going to keep happening. It is a comprehensive failure of the waste management system.

The member for Ferntree Gully has moved an amendment which is intended to require the minister to report on the storage, transfer and disposal of dangerous goods; to disclose the number of persons who have stored or transferred dangerous goods without authorisation in any year; and to disclose the addresses of the premises where dangerous goods have been stored, the quantity of goods, the number of inspections carried out and so on.

Until the public is aware of the extent of this problem, and until the department, the EPA and every other regulator is answerable for their failure to enforce these rules, we are going to continue to have problems.