

Test case in Australia

## Resident fights for release of pollution documents

"The public has the right to know"

**Our reporter**  
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Helen Hamilton speaking at the Workers Inquiry last year

What could be a revealing court case opened in the Australian industrial city of Wollongong on Monday. Helen Hamilton, a lifelong resident of the suburb of Port Kembla, the site of the BHP steelworks, is suing the state's Environment Protection Agency under the Freedom of Information Act for the release of documents relating to the reopening of a copper smelter.

It is now more than a year since the state Labor government shut down her earlier court case challenging the government's approval of the smelter project. Hamilton, who lives 300 metres from the smelter, initiated the case because she and 7,000 other affected residents were not notified of the development application. Before the previous owners, Rio Tinto, closed the smelter for economic reasons in 1995, it had a proven record of pumping out tonnes of harmful lead and sulphur dioxide, as well as carcinogens such as cadmium and arsenic.

At 10 p.m. on May 28, 1997, the night before Hamilton's case was due to commence eight days of

hearings in the New South Wales Land and Environment Court, the Labor government introduced special legislation to halt the case. By lunchtime the next day, the government had rushed the Port Kembla Development (Special Provisions) Bill through the lower house of parliament with the bipartisan support of the Liberal-National Party coalition and every Labor MP, including local MPs such as Gerry Sullivan. The bill was accompanied by a second piece of legislation extending the same measures statewide, giving government ministers absolute powers to grant development applications.

In preparing for Hamilton's initial case, her lawyers subpoenaed confidential official documents showing that the health and environmental problems caused by the smelter's reopening would far exceed the government's claims. Ground level sulphur dioxide concentrations would be double the government's predictions and lead emissions would be four to six times higher. The government's abortion of the case had the legal effect of prohibiting the release of these documents.

Hamilton then applied for the documents to be made public under the Freedom of Information Act, only to be met by a barrage of objections and refusals by the government's agencies, particularly the EPA. Her concerns, and those of tens of thousands of other residents, were heightened by a rash of leukaemia deaths among young people in neighbouring suburbs. The measures taken by the government of Premier Bob Carr to silence her made a mockery of its own so-called investigation into the leukaemia crisis, because the

copper smelter and the nearby steelworks were the most obvious likely causes of the staggering incidence of the relatively rare disease.

Last July, Hamilton's experiences led her to join many others in testifying before the Workers Inquiry into the Wollongong Leukaemia and Cancer Crisis, initiated by the Socialist Equality Party. That inquiry demonstrated that the official leukaemia investigation was a whitewash designed to protect the interests of BHP and Rio Tinto, and issued a series of recommendations, including that the smelter not be reopened.

Speaking to the *World Socialist Web Site* on the eve of her latest case Hamilton explained that her efforts to uncover the documents all stemmed from the Carr government's unprecedented legislation stopping her challenge to the smelter.

'My lawyers obtained most of the information under subpoena and through legal discovery, but it could not be released once the case was shut down. The Department of Urban Affairs and Planning [DUAP] has released most of its documents but the EPA has refused on various grounds, such as that the materials are internal working documents.'

One DUAP document revealed for the first time that the copper smelter had exceeded World Health Organisation guidelines for sulphur dioxide emissions 4,000 times in one year. This alarming information, never divulged to residents, was contained in correspondence between environment minister Pam Allan and planning minister Craig Knowles.

'The government has gone to such lengths to prevent the release of the documents that one wonders what else is in them. People have the right to know what the government is concealing. Apparently one file records the EPA director general describing as 'madness' the government's proposal to allow the reopened smelter to exceed pollution guidelines 150 times a year.'

Hamilton detailed the many health concerns held by residents. Asthmatics are at risk; toxins are finding their way into homes, schools and gardens; poisons such as lead and sulphur dioxide are being pumped out; and known carcinogens are being emitted. 'There has been no proper health risk assessment for the reopening of the smelter. Even the mental anguish of worrying about our families' health is enough. We have to tell friends not to visit us for fear of what they might breathe in.'

She commented on the far-reaching implications of the Labor government's actions in blocking her legal challenge. 'I have a democratic right to have my case heard in the courts. The public has the right to know all the details. We are the ones who have to live in areas like this. Someone should know the truth aside from the politicians and the salespeople for the copper smelter.'

'Labor and Liberal are as bad as each other. The Labor government is doing everything it can to prevent the truth from coming out. We have been also asking for the release of the EPA's report on last year's explosion and fires at BHP, but the EPA says it is still in the hands of the legal department. The minister in charge of all this is Environment Minister Allan, a member of the Labor 'left'.'

She hoped her protracted efforts would contribute toward the development of a movement among working people. 'People will have more awareness of their role through my case and more of the truth will be revealed. People will start to take notice.'

Hamilton's case is set down for five days of hearings this week in the Wollongong District Court.

See Also:

Australia: Labor seeks to block pollution documents  
[31 July 1998]

*Industry link to leukaemia and cancer confirmed*  
Australian Workers Inquiry answers government challenge  
[7 April 1998]



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