

# Copper smelter case proves government cover-up

## Why the recommendations of the Workers Inquiry must be implemented

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Port Kembla resident Helen Hamilton's partial victory last Friday in obtaining a court order for the release of secret Environment Protection Agency (EPA) documents on the reopening of the Port Kembla copper smelter further exposes a concerted cover-up by the state Labor government. For three years this government has sought to deny the connection between industrial pollution and the abnormal levels of leukaemia, cancer and other serious ill-health in the Wollongong region.

The Carr government fought a court case for more than 12 months to prevent the release of the EPA documents, and will now almost certainly appeal to the Supreme Court. It is desperate to keep hiding the truth, particularly about its role in riding roughshod over the concerns of workers and residents who live and work in the shadow of the smelter's giant chimney stack.

The District Court has now ruled that the EPA, acting under government guidelines, illegally withheld 219 documents that may be vital to public health. First, the documents reportedly show that the true level of pollution to be emitted by the revamped and enlarged smelter will be far higher than the government has stated.

Because of the government's likely appeal, the documents have still not been released to the public. However, Hamilton's barrister Tim Robertson has previously revealed that the documents indicate that harmful sulphur dioxide levels will be double the government's predictions and the lead emissions will be four to six times higher.

Secondly, the documents show that successive state

governments--Liberal and Labor--interfered in the workings of the EPA. Both were determined to prevent any disruption to the profit margins of major polluting companies such as Rio Tinto (the former copper smelter owners) and BHP.

The District Court judge said one document reflected 'political interference' in EPA decision-making. She said the community was entitled to know if the EPA had been 'subject to political influence'.

The documents confirm that the Labor government overrode initial EPA objections to the terms of the smelter's licence. In 1993 an EPA Pollution Reduction Program required the company to stop exceeding World Health Organisation guidelines for sulphur dioxide emissions. Yet the 1995 licence allowed up to 150 exceedences a year. After secret government negotiations with the smelter consortium, a level of 75 exceedences a year was set.

Another government document, previously released to Helen Hamilton, shows that the EPA informed Environment Minister Pam Allan that in the smelter's last year of operation, it exceeded safe levels of sulphur dioxide 4,000 times. Yet no prosecution was launched.

In ordering the release of the documents the judge spoke of a need to 'maintain community confidence in regulatory agencies'. She said EPA regional director Joe Woodward had candidly agreed that the EPA's failure to halt the smelter's fumes during the early 1990s had caused a loss of public faith in the agency. To put it bluntly, the main concern of the courts is to seek to restore the discredited reputation of the EPA, which, together with other agencies such as the regional

Public Health Units, plays a vital role in creating the myth of official concern with public health.

Whatever the final outcome of Helen Hamilton's court case, the Labor government's ongoing cover-up confirms the central findings of the Workers Inquiry into the Wollongong Leukaemia and Cancer Crisis, initiated by the Socialist Equality Party last year.

With the help of steelworkers, residents and concerned health professionals, we proved that the report prepared by the Carr government's Illawarra Public Health Unit into the shocking number of leukaemia and lymphoma deaths among young people was a whitewash, based on data provided by BHP itself.

We demonstrated that the official report was simply designed to appease the public outcry and then come to the pre-arranged conclusion that it did: that the deaths were a mystery that would never be solved

Our inquiry established a direct geographic link between the fumes emitted by the BHP steelworks and the copper smelter and the cancer toll. We issued a detailed set of recommendations as a bare minimum essential to protect public health. These included:

- \* The permanent closure of the copper smelter, the BHP steelworks number 3 coke ovens and BHP's nearby Dump 21 toxic waste site, as well as the relocation of the Corrimal cokeworks, all without loss of pay or entitlements of workers.

- \* Relocation of schools, homes and community facilities beyond a 5 km buffer zone around the steelworks and other heavy industry, with residents given the choice of alternative, high quality housing or full compensation.

- \* Comprehensive free health checks and surveys for all industrial workers and local families.

- \* The reopening of Port Kembla Hospital and the upgrading of Wollongong Hospital to provide full cancer and leukaemia treatment.

It is now just over a year since our recommendations were issued on September 9, 1997. The Labor government's silence on our report over the past 12 months matches its prolonged efforts to silence Helen Hamilton and Port Kembla residents.

The saga of Helen Hamilton's court case shows that this government will stop at nothing to stop the facts emerging and to protect corporate investments, regardless of the human cost. Her case, under the

Freedom of Information Act, was the second major legal battle that she has had to mount.

In July last year the government rushed through emergency legislation to halt Hamilton's initial legal challenge to the smelter's approval. By shutting down her court case at the last minute it prevented the release of the EPA documents, which Hamilton and her lawyers from the Public Interest Advocacy Centre had already obtained under subpoena.

With the full backing of the Liberals (and every single Labor MP) it trampled over the fundamental legal and democratic right of citizens to challenge government decisions in the courts. Simultaneous legislation extended the ban on legal challenges across the state. Cabinet ministers now have absolute powers to grant development applications.

Neither this government nor any other big business government--state or federal--can be trusted with people's health. The working people must start to take matters into their own hands, as hundreds of people did through the Workers Inquiry. We need to build our own mass political party to take control of society, including production, and reorganise it along democratic, socialist and egalitarian lines.

See Also:

*Industry link to leukaemia and cancer confirmed*  
Australian Workers Inquiry answers government challenge

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