

LEGISLATIVE COUNCIL ENVIRONMENT AND PLANNING COMMITTEE

Inquiry into recycling and waste management

Melbourne—Tuesday, 6 August 2019

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WITNESSES

Ms Sue Vittori, Chair, Anti-Toxic Waste Alliance

Ms Jane Miller, Secretary, Anti-Toxic Waste Alliance

Ms Dorothy Bruck, Anti-Toxic Waste Alliance, and

Dr Marion Cincotta, Anti-Toxic Waste Alliance.

The CHAIR: Good morning. My name is Cesar Melhem. I am the Chair of the Environment and Planning Committee. I declare open the Environment and Planning Standing Committee public hearing. I just remind everyone that all your mobile phones are to be switched off or turned to silent. I would like to extend my welcome to the members of the gallery and the media present here today. It is a great opportunity today to hear from the various communities who are affected by the recent events of fires in Coolaroo and Footscray and also in relation to recycling and waste in Victoria. The committee is hearing evidence today in relation to the inquiry into recycling and waste management. The evidence is being recorded, and also it is broadcast live on the Parliament website.

I welcome our first witnesses for the morning from the Anti-Toxic Waste Alliance: Ms Sue Vittori, the chair; Ms Jane Miller; Ms Dorothy Bruck; and Ms Marion Cincotta. I thank you for making yourselves available. All evidence taken at this hearing is protected by parliamentary privilege as provided by the Constitution Act 1975 and further subject to the provisions of the Legislative Council standing orders. Therefore the information you give today is protected by law. However, any comment repeated outside this hearing may not be protected. Any deliberately false or misleading evidence given to the committee may be considered as a contempt of Parliament.

We have allowed for 5 or 10 minutes to get an overview from you. We have got your submission as well. After that we will go to questions. We have got a limited time and we have got a large committee, so we will try to accommodate all members so they are able to ask questions. Who wants to lead?

Ms VITTORI: Thank you, Cesar, and I will preface by saying we may speak for a little bit more than that, but it is time this community's voice was heard loud and clear. I am Sue Vittori, and I am the founding chair of the Anti-Toxic Waste Alliance. Firstly, I wish to acknowledge the traditional owners of the land on which we are meeting today and pay my respects to their elders past and present. I also want to thank the Environment and Planning Committee for giving us the opportunity to present evidence at this crucial Parliamentary inquiry. We trust that at this time the community's concerns are actually being heard and will be acted upon rather than falling on deaf ears, as has happened so many times in the past.

Castor Murillo's wife was heavily pregnant when SKM's Coolaroo recycling compound erupted in flames in July 2017. Any local will tell you that fires at the site are a regular occurrence. However, this fire was different. It continued to burn for 11 days. The massive fallout of toxic smoke and fumes forced more than 100 families to evacuate their homes. Castor's home was just outside the forced evacuation zone. They were renting and had no money to pay for emergency accommodation. However, the fumes from the fire were badly affecting the family; they were feeling nauseous and dizzy and finding it difficult to breathe.

Castor, his wife and their four young children moved into the family car. They drove to a safe location and lived in their car for the next three days in the middle of winter. Finally Hume City Council managed to find them two days of relief accommodation. Six days after leaving they returned to a home that had been completely infiltrated by smoke, soot and toxic fumes. Soot is made up of the impure carbon and tar particles created from the incomplete combustion of hydrocarbons. Exposure to soot has been linked to cancer and lung disease. Castor's family had to clean their home themselves, as did everyone else affected by this fire. They were offered no assistance, and it took many days to get their home clean again. I have been told that the local council gave affected households a small domestic cleaning kit, and that appears to be the only support anyone got. Can you imagine, committee members, if this happened to your home? Castor was subsequently diagnosed

with carbon monoxide poisoning, as were many other victims of the Coolaroo fire. Last week a \$1.2 million compensation payout was awarded to 210 residents and business people affected by that Coolaroo fire. The lead plaintiff in the class action was Castor Murillo.

So why weren't the victims of the Coolaroo fire better supported? Why isn't there a fund that the state government can draw on to pay for emergency support such as accommodation and commercial cleaners for the helpless victims of toxic fires like this one? We want the Victorian government to immediately step in and support people during these emergencies, because they just keep happening. The costs can be recovered from the offending companies afterwards.

The Anti-Toxic Waste Alliance was formed in April this year to voice the collective concerns of people living and working in Melbourne's northern and western suburbs. It is about time we found a collective strong voice, and now is that time. Despite being only three months old our alliance already has 35 member organisations with the collective ability to directly reach and engage with more than 40 000 members of the Victorian community. Our members include environmental groups, residents action groups, local pollution focused Facebook communities, unions and a school in Coolaroo. We are a non-party-political community alliance and we galvanised in our commitment to having our community safe from the threats posed by toxic and hazardous waste. Members of this alliance are feeling angry and fearful because of the recent toxic fires and the subsequent discovery of multiple illegal chemical stockpiles dotted across our community. We do not feel safe in our suburbs anymore. How can we possibly feel safe when we learn that more than 32 Olympic swimming pools worth of dangerous chemical waste have been allowed to disappear off the grid at the hands of rogue operators and allegedly organised criminals and reappear in unstable stockpiles close to our homes, our workplaces and our schools?

We feel betrayed and ignored by our elected leaders and let down by our so-called Environment Protection Authority. We keep being told that everything is going to change for the better when the EPA's new legislative powers come into force next year. It is good to know there are tougher laws arriving soon, but as we have learned through hard experience, the law is worthless if it is not being properly enforced. The EPA has been missing in action for years. It has been allowed to be missing in action. Everyone has known it has been toothless for decades. Members of the alliance will finally start trusting our environmental regulator when it actually starts living up to its name.

Let us go back to Thursday, 30 August, last year. That was the day the roof literally blew off this whole ugly mess, the day the West Footscray warehouse packed with illegally stored toxic chemicals exploded. Like thousands of other people who live in Melbourne's inner west I was woken at dawn by the sounds of explosions and witnessed the terrifying sight of thick, black plumes of smoke in the sky over my neighbourhood. I later found out how incredibly toxic that smoke was and how fortunate we all were that the plume was kept high by the weather conditions that day. What would have happened if the smoke had instead blanketed our homes like it did in Coolaroo in 2017? Even so, chemical-sensing smoke alarms were triggered in some homes. One Brooklyn woman, the mother of two young children, told me that 90 per cent of the plants in their garden died that day. As the secretary of the Friends of Cruickshank Park, which follows the path of Stony Creek in Yarraville, I also witnessed our creek being turned into a cocktail of toxic chemicals that day. The creek is only metres from the warehouse, and everything downstream was completely decimated by the massive volume of toxic run-off from the fire. It stunk to high heaven for weeks, and for months every time it rained the smell would come back, retraumatising local residents.

Despite intensive recovery efforts, one year later the creek sediment is still full of hydrocarbons, PFAS and other pollutants. Fifty schools and kindergartens were evacuated across the inner west that day. The artwork that was on display here was created by three and four-year-old children from one of the early learning centres that had to be evacuated, Gowrie Clare Court early learning service in Yarraville. You can see one of them up there by a young girl called Holly. That is her depiction of the black smoke she saw that day.

Soon after the fire in September last year educators at the kindergarten used proven art therapy techniques to help the young children make sense of their frightening experience and the loss of their beloved creek and everything that once lived in it. The creek runs right past their preschool and they wanted to understand why they were not allowed to go there anymore—they are still not allowed to go there—and what had happened to all the water creatures they knew by name. When I first saw their mural artwork, which was hanging on that

board over there—a copy of it—on the kinder wall a couple of months ago it completely winded me. These young children had expressed my own fear and sadness better than adult words ever could. That is why we included their artwork in our written submission and video submission to this inquiry.

I wish to table as further evidence examples of their post-fire drawings and comments as well as drawn and written submissions from several older children affected by the West Footscray and Campbellfield fires.

Angela's story is representative of the experience of local residents living along Stony Creek. She lives in Charlotte Street, Yarraville, directly overlooking Cruickshank Park and the creek. This is how Angela described her experience to me last week:

From the loud explosions and amount of smoke I actually thought a plane had crashed in Geelong Road. The smell from the pollution that came down the creek continued for weeks after. Everyone in our street had headaches and felt really awful, but nobody came and told us anything. The EPA did not respond to my calls. Nobody gave us any indication, and still to this day no-one has ever done us the courtesy of contacting us directly and telling us what these chemicals were. What is it that we've all ingested? Not even a flyer in the letterbox—nothing.

About two months after the fire another dog chased Angela's staffy, Chilli, into the creek. When Chilli came out of the water her legs and belly were covered in a thick, black, tar-like substance. Angela scrubbed her with dishwashing detergent, and the tar still would not come off. She told me—I quote:

The smell was just horrific, like the really strong smell of wet bitumen. Chilli was distressed about having this stuff on her, and I just couldn't get it out from between her paws, and again I don't know what it was and how it might have affected her health.

Angela told me one more story. She is involved in the Yarraville Community Garden, which is about 15 metres from the creek. One day a few weeks after the fire some EP officers were talking to some people at the community garden. The residents said the creek still smelled terrible and asked the EPA officers to walk down to the creek with them. The response stunned everyone. I quote Angela again:

They said, 'No, we're not going near it. It's toxic. We're not smelling it'. But they let the community walk past there every day and live beside it.

Angela's story highlights a major issue we wish to raise with this committee. From many years of hard-learned lessons, Victoria's emergency service agencies have significantly improved how they coordinate efforts during a bushfire emergency, including how they communicate with local residents. However, unlike their country counterparts, very few metropolitan residents in my experience are aware of Emergency Victoria's website or app. I certainly was not. And apart from a couple of town hall meetings there has been no direct door-to-door communication with the most affected residents on the day or any time since the West Footscray fire, and there still has not been. It is negligent not to keep people well-informed during potentially lethal emergency situations such as the ones people on our side of the city have been experiencing on a regular basis. The lack of information only serves to fuel further confusion, fear, anxiety and anger. Let me reiterate this: when the Environment Protection Authority is not doing its job properly, the health and safety of everyone living in this community is put at risk.

Dr Marion Cincotta from the alliance's research group will now tell us more about the wider public health risks from badly managed toxic and hazardous waste.

Dr CINCOTTA: Thank you very much. I would like to thank the committee for gathering here to hear our views about this vital life-and-death matter of managing urban waste. I am Dr Marion Cincotta. I am an epidemiologist, and I lecture in public health at Australian Catholic University in Fitzroy.

As a cancer widow with a PhD in pharmacology and research experience in disease prevention, I am going to give you three points. One: people who were previously healthy and clean living die young when they have been exposed to toxic organic solvents, but unexposed people have a much lower risk of getting cancer. Number two: the public health system, particularly here in Melbourne, is world-leading in cancer care, but despite the great investment of taxpayers dollars and the best efforts of medical experts, many cancer patients die. Number three: politicians of Victoria, you have legislated authorities and instruments that are supposed to regulate and control toxic and hazardous waste, but the evidence that we have just heard is that efforts have been ineffectual for far too long.

Our community has experienced these terrible toxic fire events that expose suburban populations to potentially lethal pollutants. Seeing news reports about the seriousness of these fires and their fallout sets major population health alarm bells ringing, so I joined the Anti-Toxic Waste Alliance. I have to speak up about what is happening in our community. Elected representatives have got to stop being complacent about this. I watched my husband die a slow and painful death far too early in his life. That was following workplace exposure to toluene. This volatile material is in the fires, it is in the dumps, it is in the leaking toxic landfills. The present and future negative public health risks are just too great to ignore.

I am going to go to some of the peer-reviewed literature now. We have got international published research, and that shows us that chronic exposure to air pollution is an important risk factor for cardiovascular—heart disease. Particles smaller than 2.5 micrometres, or PM_{2.5}, are the main culprit. Long-term exposure to elevated PM_{2.5} also contributes substantially to type 2 diabetes, increasing the risk by 10 per cent for every 10 micrograms per cubic metre increase in PM_{2.5}, and that is across the developed countries. Short-term exposure to PM_{2.5} increases hospital admissions, myocardial infarction, stroke and heart failure. Even where World Health Organization air quality standards are met, higher permissible levels of PM_{2.5} are associated with increased risk of stroke. In Memphis, in the USA, an 11-year-long study showed spikes in PM_{2.5} are associated with asthma-related emergency department visits and inpatient admissions and hospitalisations of children. Also, children living within a 2.5-kilometre radius—2.5 kilometres—of individual PM_{2.5} emissions sources are three times more likely than those further away to have chronic asthma.

Residents' mental health suffers from feeling unsafe due to such threats. A train derailment in Louisiana—again in the USA—spilt toxic chemicals, leading to explosions and fires. Compared to the unexposed control group, those exposed to the fires had more psychological distress in the form of increased anxiety and depressive symptoms for months afterwards. There is extensive research to show that chronic anxiety and distress experienced by people who do not feel safe where they live and work contribute to more serious mental health problems and associated physical health conditions and diseases.

Outside Napoli in Italy illegal burning of waste by organised crime has created a region called Terra dei Fuochi, the land of fires. This burning releases dioxins as well as mineral oil, lead, mercury, aluminium, arsenic and tyre residues. There is toluene in the groundwater, meaning they cannot use the wells. The fallout from these fires has been causing congenital malformations in infants, liver and lung cancer in adults and higher overall mortality than in the surrounding region. Is this where Melbourne is headed?

The CHAIR: Dr Cincotta, sorry to interrupt, because I believe there will be other contributors as well. Can I ask you to make it short. If you have got more to say—

Dr CINCOTTA: Thank you so much.

The CHAIR: No. Just let me finish. If you have got more stuff, I am happy for you to actually table that to the secretariat so that we have got all that covered. That will be published as well as part of the process. We have got a very tight schedule. We have got about a dozen witnesses between now and 4.00 p.m. and we are trying to accommodate everyone, so I do apologise.

Dr CINCOTTA: That is excellent.

Mr DAVIS: And the material you have referred to, the studies, if you could provide copies of that, that would be appreciated.

The CHAIR: That would be excellent. We really appreciate your contribution, so please do finish.

Dr CINCOTTA: Thank you so much. I think it is time to hear from Jane Miller.

The CHAIR: I did not mean to cut you off.

Ms MILLER: Thank you for the opportunity to speak to the committee. I am speaking as founding secretary of the alliance and a member of the Friends of Merri Creek. I am deeply worried about the threats these issues bring to our waterways. All waterways running through industrial and urbanised landscapes are damaged by the results of the waste management and recycling industry crisis. As well as the chemical load,

litter harms through visual and material pollution and microplastics entering our ecosystems. Aquatic and semiaquatic living organisms rely on these waterways as habitat or drinking supply. All are part of the ecosystems of the catchment and each relies on others for balance, sustainability and growth.

Our waterways and corridors are cherished community assets, as the pressures of urbanisation make the natural environment and its proximity even more precious. Their positive impacts on mental health and physical wellbeing for all ages are well documented. Councils, Melbourne Water and other grant-making bodies have provided funding for ecological rehabilitation projects to support biodiversity, building the amenity and values of these sites. Healthy waterways are crucial to this.

We have seen this work undermined by the failures of the waste management and recycling systems. The business as usual of industry and proximity to waterways and residential areas is but one part of the picture that regulatory frameworks must address. The waste industry, toxic or otherwise, legal or illegal, is at another level and carries with it issues of compliance, stockpiling and consequent fire hazards. The recent fire sites have all been on the regulatory radar, but still there were disasters. All fuel sources become toxic risks to community and environmental health through air pollution and the run-off of fire water into drainage systems. Not least is the cost of these exercises. The community pays as funds are diverted to remedy the disaster.

Separation distance guidelines establish buffers between industrial land uses and sensitive land uses. The alliance believes these measures, mostly between 250 and 500 metres for various waste categories, are grossly insufficient. They are not for safety in the event of fire, and they do not save waterways. Infrastructure investment is required for their protection. Land use planning must end the proximity of waste facilities to residential suburbs and waterways. Constructed wetlands and other water-sensitive urban design features can provide solutions to toxic flows, as greater heavy metals, hydrocarbon concentrations and insecticides originate from industrial and new residential areas. Drains from industrial areas need interception points to collect fire water and chemical spills to pump them out before polluting a downstream waterway. A rigorous regulatory and compliance regime must complement the remedial undertakings of councils and agencies as they attempt to address the harms done by illegal waste practices and industry.

The alliance believes the risk to our communities and waterways from fires and inadequately managed industrial sites is unacceptable. Current EPA guidelines for combustible and recyclable waste materials are, to quote:

Less prescriptive, focusing on providing options for industry to build their own solutions to comply with the policy.

Written in a workbook format and outlines a process that industry can follow to establish their fire risk management framework.

We believe that self-regulation has failed and that a range of solutions is required. Dorothy Bruck will now speak about solutions.

Ms BRUCK: I know we are running a bit out of time, so you will be pleased to know I have cut my talk down by half and it will only be a couple of minutes, but I hope that they will be good minutes. I am an accidental activist. I live a few hundred metres from Stony Creek and have lived and worked in the western suburbs for over 30 years. I am an emeritus professor at Victoria University in the area of health and psychology, a founding member of the alliance and part of its research team.

I am here because I am angry that Stony Creek has become a toxic drain as a direct result of the current waste management crisis. I am also here because I want no more adverse health outcomes from anything to do with toxic waste in Victoria. I am proud that Victoria is a leader on renewable energy, but I do not want to see increased climate change emissions from poor waste management policies.

When thinking about solutions, let us first consider what outcomes do the community expect from waste management solutions. It is always good to start with the outcomes. We believe the answer includes the following four outcomes: fewer or no greenhouse emissions; no toxic emissions or discharges; no disaster incidents related to waste; and a focus on reducing, reusing and recycling waste. We the alliance see these outcomes as not negotiable. That is where we want your waste management strategies to take us.

So let us go to the waste-to-energy initiatives that I know there is a lot of talk about. We support the cool technology initiatives, which include composting and anaerobic digestion, but they need to be carefully monitored and regulated. We read the December 2017 report called *Waste to Energy Consultation and Case Study for Melbourne's West*, which focused on the hot and thermal technologies. The alliance particularly agrees with the first point summarising the community consultations, and I will just quote it:

Consultees noted that more needs to be done to respect the waste hierarchy and promote waste avoidance, reuse, then recycling and only then the disposal of residual waste. Victoria needs to move toward a circular economy. The government collects considerable amounts of money from landfilling and this is supposed to be reinvested into these activities.

We are concerned about many aspects of the thermal waste to energy. It is expensive to set up. Then they need lots of feedstock—that is, waste—to realise a return on their investment. Their needs reduce the momentum for reducing, recycling and re-using waste. They are polluting, and they need expensive emission controls to even meet basic standards. The emissions include greenhouse gases. In fact they may produce more greenhouse gas per energy unit than coal. That is well worth thinking about. Emissions are likely to also include highly toxic and carcinogenic pollutants. They need regular and extensive monitoring of pollution compliance. It is a worry that the Victorian Auditor-General's March 2018 report concluded that the EPA is failing to monitor air quality across Victoria properly and uses outdated methods—17 years old. If the waste-to-energy plants are not located close to where the waste is generated, then this increases their cost significantly. However, they must not be near residential areas due to pollution and safety concerns.

So how do we achieve the four outcomes I began with? Firstly, we want comprehensive monitoring and transparency of all waste-related data for the community so we know what is not working and what is working. Secondly, we want the government to use the powers and resources at its disposal to adopt a carrot-and-stick approach to waste management. This should include regulations, laws, subsidies, incentives, taxes, educational campaigns plus investing in research and start-ups that focus on reusing and recycling. The \$500 million Sustainability Fund should be fully spent rather than being stockpiled, and it should only be used for the top three most environmentally desirable strategies in Victoria's waste hierarchy—that is, avoidance, re-use and recycling. There is much that can be done; it just needs government will and good strategies. The money should not be used to encourage or prop up thermal commercial waste-to-energy facilities. If the government chooses to allow such facilities, they should be seen as transitional. Under no circumstances should they hinder the development of extensive and innovative recycling and re-use strategies. Moreover, they must be deemed to be major hazardous facilities needing substantial buffer zones from residential communities and waterways, rigorous monitoring of their emissions—hopefully none—and a zero-tolerance approach to regulatory breaches.

Given all that we have heard this morning, you cannot blame us for being sceptical about adequate safeguarding of the community. Thank you.

Ms VITTORI: I have some very short closing comments.

The CHAIR: Do you want to exercise that right now?

Ms VITTORI: Is that okay, Cesar?

The CHAIR: Ms Vittori, yes, please.

Ms VITTORI: Thank you, at your indulgence. The people of Victoria cannot afford to have this committee, this Parliament and this government focus solely on the easy, quick-fix solutions to this crisis—the bright shining things that are so attractive to ministers and governments. From the evidence we presented this morning it is clear that the consequences of getting this wrong are far too great. We have laid out the alliance's clear expectations and non-negotiables in this respect. Strongly mandated, bold and decisive governments—like we currently have in Victoria—also have the power to bring about rapid and transformative change.

When I was a young journalist there were huge debates in our office union meetings about the rights of smokers amongst us to smoke at their desks. I inhaled a colleague's Winfield fumes all day, every day. Then the government legislated to ban smoking in all workplaces and enclosed public spaces, and voila!—transformative change—no more office debates and no more involuntary passive smoking at work. I ask you:

how is this different? Rogue recycling and waste companies that continually pollute our environment are just like the office smokers of the past, only on a much bigger and far more insidious scale. They exploit their licence to operate because they have little or no regard for public health and safety, only their own commercial interests. It is the same with manufacturing, packaging and retail companies that continue to produce and sell the glut of single-use plastics destined for toxic landfills, incinerators and our oceans.

It is not good enough to leave the health and wellbeing of the Victorian community in the hands of private enterprise. It is not good enough to leave the direction and development of Victoria's waste management system up to commercial market forces, light-touch regulation and the parochial needs of individual municipal councils. What would Melbourne's transport system have ended up like if its development had been left to similar forces? It is not good enough to under-resource and undermine the one organisation responsible for enforcing Victoria's environmental protection laws—the organisation that is meant to be keeping us safe from the threats of toxic and hazardous waste. And it is not good enough to stockpile the hundreds of millions of dollars paid into the state's municipal landfill levy in a Sustainability Fund that is used to prop up the state budget rather than protect the state's residents.

Victoria is at a major crossroads. The decisions made and the actions taken in the next three years will be crucial. The alliance wants to see more leadership and investment in a strategic, transformative waste management agenda from this Victorian government, supported by a non-partisan Parliament. Our current government has strong agendas for improving transport and education amongst other essential services. We call on the government to recognise waste management as an essential service—it clearly is—and direct and invest in it accordingly. We ask you—I say that again—we ask you to get it right. We need you to get it right. Our very lives depend on it. Thank you.

The CHAIR: On that note, thank you very much for the passion you all showed in the presentation and content as well. It was quite an impressive presentation, and that is why, just for the record, I allowed time to go over time because I think—

Ms VITTORI: Thank you for that, Cesar.

The CHAIR: we have got some really valuable information. I suppose it is a note to next witnesses: we might not be able to extend too much time. I am going to have two quick questions, and then, because we are running out of time, we will probably have another 10 minutes. My first question is you mentioned, Ms Bruck and Ms Vittori, in your submission the new laws which come into effect next year. Apart from the implementation date, if you can offer what you think about these laws—do they go far enough?

And the second question—I might as well ask the two questions at once. You mentioned something in relation to a better emergency service response or coordination, something similar to the bushfires emergency service response in community education and sending out alerts et cetera—I think you were referring to that—so can you expand on that as well? You can pick who is going to answer these quick questions, and very briefly if you can.

Ms BRUCK: Well, you are referring to the new laws for the EPA that are going to come in next year. I am not an expert on them. It is good to see new laws, but we have had laws before. What is going to actually make a difference? Is it going to be enforced or are we going to allow self-regulation of industries which Jane talked about? So the proof of the pudding will be in the eating. We need very close monitoring and accountability, and then I guess we will see. But so far the community has not seen very much. There have been some improvements, I believe, with the way the EPA operates, but we are not seeing it on the ground with these fires over the last three years et cetera. So we are worried.

Ms VITTORI: In relation to the bushfire emergency question, after the West Footscray fire, when I was talking to representatives from the EPA, from Melbourne Water—who obviously had carriage of the creek—and from Maribyrnong City Council, I was repeatedly told that they could not really do much or engage with the community because the Metropolitan Fire Brigade had carriage of the incident. The incident was at a West Footscray warehouse. The residents living along the creek were a long way removed from that warehouse. There was clearly a great deal of handballing or confusion between the emergency services involved around what they could do and could not do. So there certainly needs to be a good look, when there is an emergency in

a metropolitan area, at how those things are handled and how particularly the interests of the local affected residents and people in workplaces and community centres are being handled. The community was left completely cold. There were people who were looking over their back fences seeing Melbourne Water workers wearing hazmat suits and gas masks working in the creek metres from their homes, and no-one had anyone doorknock on their homes. No-one was telling them whether it was safe or not. And on top of that, there was just no direct communication with anyone. If you heard that there was a town hall meeting, you were lucky and you went along if you could. So I guess that is—

The CHAIR: Thank you. Now we are going to go around the table. Can I ask members to actually, if we can, just restrict it to one question each. And then we can come back and do another round.

Mr HAYES: Thanks very much for that great presentation. I very much sympathise with what you have all gone through there in the affected suburbs. It is really a state disaster that was not handled as a state disaster with all the resources that should have been applied.

Ms VITTORI: With due respect, it is an ongoing state disaster, Mr Hayes.

Mr HAYES: Yes, it is. It is still going on. Look, my question is: you know I absolutely agree with the reduce, recycle and reuse approach to waste management, but if we are left behind with some toxic waste—and there will be some, I imagine—does anyone have a really good idea or a suggestion as to what can be done with the remainder of the toxic waste?

Ms BRUCK: Look, we are not technical experts. I understand the panel has had lots of technical experts come, and you will have more. I prefer to take the approach that we want no emissions—we want no greenhouse emissions, no toxic emissions—and we do not want any disasters. That is what we want. We want the experts to tell us how they can deliver it, but that is what the community expects.

Mr HAYES: I understand that. We have had a lot of suggestions as to how to handle toxic waste, but you do not have anything that you can particularly point out that achieves those goals, which I fully agree with?

Ms BRUCK: Unfortunately I am not an expert in that area. I can answer questions on mental health, but not on toxic waste.

Mr HAYES: Okay, thank you very much.

Ms VITTORI: I think we would probably just caution the committee. Obviously you will have a lot of representations from industries, and a lot of—naturally—commercial interests will be wanting to further their own interests through this crisis. It is a great opportunity to promote the benefits of incineration measures and plants. We can be pragmatic about this. There may in the short term, as Dorothy said, need to be some intractable waste taken and dealt with through hot technologies, but they need to be well away from residential areas. The Laverton industrial precinct is not well away from residential areas. It is in the middle of a growth corridor, 1 or 2 kilometres from schools and homes, and yet that is where at least two significant operations are being mooted. I just think we need to look at where these things go and especially making sure the EPA is equipped and capable to monitor them. We want air quality monitoring up and downwind of these facilities, and we want a zero-tolerance policy to dangerous emissions and activities.

Dr RATNAM: Thank you so much for your presentation and for the hundreds, if not thousands, of voices I know the alliance represents. Do you think in the aftermath of the fires—and the various fires that you have touched on—the agencies that have been responsible for the health, wellbeing and safety of communities have responded appropriately, both in the immediate aftermath but also I am interested in the ongoing aftermath a year after the fires?

Ms BRUCK: No, not at all.

Ms VITTORI: I think that agencies like the EPA and Melbourne Water—and the City of Maribyrnong and WorkSafe—are doing the best they can with the resources that they have. I think there are decades of neglect of some of those, particularly of the EPA. I think, as I said, there are a lot of jurisdictional grey areas about who is responsible for what, and our community got caught up in the gap that that created—certainly in Yarraville and

West Footscray. There was certainly a lot of buck-passing. The community interest needs to be put first. It was not put first. The focus was on fighting a fire and fixing a creek but not actually informing the community.

Mr LIMBRICK: Ms Vittori, thank you for your presentation. It was very great to hear about all these stories. Is it still the case with regards to Stony Creek that you have been provided no information about what possible contaminants are in the creek, what are the possible risks and ways of mitigating those risks? You have not been provided any information like that from Government authorities?

Ms VITTORI: I will not say that we have not been provided information about that risk. That is how a lot of residents feel. It is there on the EPA website if you know what to look for and if you have a degree in chemistry. We have recovery meetings—and I have attended some of the early ones—and there are, I guess, those sort of council-EPA-Melbourne Water groups. A small number of community groups are represented on those. They took a little while to get going. The problem is being in the epicentre of any crisis people are traumatised, and sometimes—one of my backgrounds is community engagement. I am a certified community engagement practitioner and I worked in the public service for a long time in communications and community engagement. And when you are at the epicentre of a traumatic experience it only deepens your trauma when you are not being well informed, or at least having someone—you do not have to have the answers; you just need someone to knock on the door and say, ‘We’re doing everything we can. This is what we recommend you do right now’. It is just basic decency, but it is also a responsibility and accountability to caring and having a duty of care.

So as I said there is information, but elderly migrants do not know how to go and—that is terrible. Actually my mother-in-law is an elderly migrant and she is more familiar with a lot of this stuff than I am, so I am sorry for that gross generalisation. A lot of people do not know how to access information on the internet; a lot of people are not as well connected to community networks as others. I feel horrified at a lot of the information I have been privy to about this waste management train wreck that has happened in this state, but a lot of that information I have been privy to is because I am connected into community organisations and am actively interested. There are a lot of people out there that are scared and frightened and frustrated and they do not know what is going on. I am not sure that having all the knowledge makes you feel any less scared, actually.

Ms BATH: Dr Cincotta, I would like to acknowledge your loss in a past time and thank you for your understanding and expertise in this area. My question goes to the identification and health of affected areas, affected individuals. I would like to understand what you know or the alliance knows about the health of people in the affected area and also potentially what longitudinal studies should be done in relation to their ongoing health and monitoring that and supporting that.

Dr CINCOTTA: Thank you so much because that sounds like some science jobs, so that is great. Where there has been some wonderful epidemiology being done by Monash University is the follow-up to the two-week fire that took place down in Gippsland. I am not aware of the follow-up and the rates of ill health in this particular area, so could I take that on notice and I will look that up and try and get you the regional stats?

Ms BATH: Yes, certainly. And certainly I am aware of that and I know that in Gippsland the health alliance has certainly been working on that, but I guess it is also anecdotally. What do you know of the health and wellbeing of that community, your community, in relation to this catastrophe?

Dr CINCOTTA: Do you want to go, Sue? Sue is more of a local. Thank you.

Ms VITTORI: I was just going to say that one of the concerns we have, and it has been raised around the alliance table, is the need to have health studies funded in areas where we have had these toxic fires and pollution incidents. Otherwise the people involved—the victims of these incidents—have no way in the future, in 10 or 20 years time, if they start to have health implications, of having it documented that they were exposed at this point in time formally. There is a number of issues with things like GP clinics not knowing to record these things when there has been a crisis, councils not having structures in place or systems in place to record it, so we would really very much like to see a better approach to documenting health concerns.

The people of Coolaroo—you only have to read the personal case studies and then understand what was in that toxic soot to know and to worry about what lies ahead for many of those people. Is that being documented formally and studied formally? I do not know. It is not something I am aware of.

The CHAIR: I think on that issue we did hear from the health department and I think we are doing some follow-up in relation to that. I think that the comments were that we were lucky with the way the weather was on these days; it sort of went to high altitudes. But I think that is a fair point and we will follow that up.

Ms VITTORI: And the one thing I would say to that is: how many of our nine lives have we gone through and what will the next one be?

The CHAIR: Absolutely.

Dr CUMMING: I would also like to thank the alliance for coming here today and just bring up on that point that I was one of the people—I was a teenager—when Coode Island occurred. I have lived through a lot of those fires, living in the west and West Footscray, and I would have to agree with others that have mentioned today that there is not enough done to actually look at and to actually collect the data off our community in the way of how this actually affects people and their health, so I thank you for bringing that up today. I would also like to just touch on maybe three of the things that you had raised.

One, talking about the particulates in the air and the air quality, if anyone would like to expand on that—being that what I have heard from the community over many years is that the current Australian standards, or how the EPA collects their data, is of a very low level compared to the World Health Organization's levels—and to touch on that. I have also heard from the community that they are obviously not happy, especially when it comes to the West Gate Tunnel, being that they have not got the highest standards in air filtration on that and that obviously the community is distrusting of that if we were to go down the path of having a waste-to-energy facility. In Europe they have the highest standards of air filtration systems and quality standards on those facilities. The community is distrusting that we would lower our standard to bend to a cheaper product or a cheaper air quality standard for commercial reasons—if you would like to expand on that.

My other point that I have heard, and if you would like to expand on, is around the EPA. But obviously you touched on, Sue, that all of the authorities did their best. My understanding is that the EPA is under-resourced. It does not have the staff that it really needs to be able to go out when these things occur, especially when it comes to air quality. When people wish to complain at night that they can smell the smelters from Altona or the like, there is no-one really going out there and testing the air quality at that immediate time. It is almost like a nine-to-five service—if you would like to expand on those points.

The CHAIR: You have got the questions. I know it has been a long statement.

Dr CUMMING: I am sorry. I am so sorry.

The CHAIR: I just remind members: can we please refrain from making long speeches and just basically get to the questions because of time?

Dr CUMMING: My apologies, Chair.

The CHAIR: That is all right.

Dr CINCOTTA: A very quick response to Dr Cumming. Thank you. I completely concur: Victoria's standards as far as particulates are not as strong a standard as they have in Europe. I have talked about the health problems of having those particulates. A whole heap of observation. We had a spike. A whole heap of observation—we want intervention. What you said about particulates rings true with what I have read in the research.

Dr CUMMING: Thank you.

Ms VITTORI: And standards do not lead to enforcement. You have to have both.

Dr CUMMING: And staff to do it.

Ms VITTORI: And people to do it.

Mr DAVIS: Can I also thank you for your submission today but begin by agreeing with you that the enforcement of the standards is the critical step. Indeed the EPA act as it is now, section 13, has enormous and sweeping powers. I would say, and you may agree or disagree—I am interested in your response—that with the regulation in this area the government should simply get on with it and make these things safe. There is no reason that they cannot now. Those powers are there in the current act and the EPA simply should do its job.

Ms BRUCK: Sounds like you should be on our side.

Mr DAVIS: Well, I am.

Dr CUMMING: I think we all are on your side.

Mr DAVIS: My second point relates to the powers of the chief health officer, and, Marion, you have laid out a number of key points around the epidemiology and the steps there. The chief health officer also has enormous and sweeping powers which can be used to assist communities in these exact sorts of times. Is it your view that the chief health officer and the department ought to have acted in 2017 and 2018 to protect the community and that they ought to have acted to do the follow-up studies, which are patently not occurring?

Dr CINCOTTA: I have to agree with you, but I am going to defer to the local.

The CHAIR: Do any of the locals want to offer a comment?

Ms BRUCK: Specifically what were you asking?

Mr DAVIS: So in terms of the chief health officer, under the relevant health act they have enormous powers to intervene, require actions and require communities to be protected. Now, they did not do that in this case in 2017 or 2018.

Ms BRUCK: No.

Mr DAVIS: And they have not undertaken the monitoring following the incident. So my point is: is there a responsibility by the department and particularly the chief health officer to act under the powers they currently have?

Ms BRUCK: Well, I would say yes, absolutely. I live a couple of hundred metres from Stony Creek. We have never heard anything. If you bury deep down into some website you might find something, but as far as the community information there is absolutely nothing.

I might just report an anecdote. There is one family that does not live very far away from the West Footscray fire, and their young child went from being a very, very occasional asthmatic—maybe once or twice a year needed a puffer—to now needing it twice a week, and that they pinpoint directly to the exposure to that West Footscray fire. So at an anecdotal level we hear these sorts of things, but nobody is collecting the information.

Dr CUMMING: No-one is collecting the data.

Ms BRUCK: The GPs are not alert to it. They are not putting things together, because there has been no overarching strategy requiring that sort of data collection.

Mr DAVIS: Well, I would say that the government response via the EPA and the chief health officer has been missing in action.

Ms BRUCK: Missing in action.

Mr DAVIS: They needed to act on these, and they still should.

Ms BRUCK: Yes.

Mr MEDDICK: I thank you all again for appearing today and for your very passionate testimony here. My question will be very brief, and I suspect I already know the answer and it will be a very brief answer from you, but when all these sorts of incidents occur—with the situation with SKM, for instance, declaring bankruptcy this week—there is a certain amount of anger also in the community and there is an expectation that there will be not just laws enforced but also sufficient punishment for those who are at the heart of these things. Too often we see, particularly in a monetary sense, where the government may be able to recoup some of the expense the community is left holding the bag. So my question is: do you feel that perhaps, then, the government needs to explore increasing their ability to be able to bring these people to some sort of monetary restitution given that a lot of them hide behind family trusts, a lot of the assets of these companies are shifted into parent companies or subsidiary companies, and that the people then walk away with millions in their own personal bank account and are not held to account for that? What would your response be to that?

Ms VITTORI: Pretty outraged, actually. A few weeks ago we were very pleased to read that the government was planning to introduce tougher penalties—fines and periods of incarceration—for people who seriously flout our waste management laws. The talk around the table at the alliance at the next meeting was very much, ‘That’s great’, but the line in the media report had said that none of it will be retrospective, which means that the person or persons at the heart of the worst of the toxic chemical stockpiles and issues that we have been experiencing in the last 12 months may not be able to be brought fully to account for what they have done to this community. It is just incredibly disappointing.

Mr MEDDICK: Yes. I guess I am referring to seizure of assets and/or bank accounts where they have been siphoned off.

Ms VITTORI: Yes. Obviously I understand that law enforcement people are looking into all those things, but the question I have is: is there any way—is there any way—that laws such as this, these punishment laws, these new laws, can be made retrospective so that they can be applied to some of the people involved in this, and if not, why the hell not?

The CHAIR: On that note I think that that particular issue will be debated by a number of people—about the for and against retrospectivity of laws—and we have different opinions, but point well made. On that note I want to thank you very much on behalf of the committee for the evidence you have given us. It has been a great contribution. If you have any further information that you would like to send to the committee, as I know Mr Davis mentioned one or two issues, can you please forward those to the secretary. We are grateful for your time and contribution and the work you do for our community. Thank you very much.

Ms VITTORI: Thank you for providing us the extra time you have.

The CHAIR: Absolutely.

Witnesses withdrew.