

EDUCATION AND HEALTH STANDING COMMITTEE

INQUIRY INTO THE CAUSE AND EXTENT OF LEAD POLLUTION IN THE ESPERANCE AREA

TRANSCRIPT OF EVIDENCE TAKEN AT ESPERANCE THURSDAY, 3 MAY 2007

SESSION TWO (A)

Members

Dr K.D. Hames (Acting Chairman)

Mr T.G. Stephens

Mrs D.J. Guise

Mr T.K. Waldron

Mr M.P. Whitely

Dr G.G. Jacobs

Mr P. Papalia

Hearing commenced at 11:20 am**NORRIS, MRS PAMELA****Private citizen, examined:**

The ACTING CHAIRMAN: Ladies and gentlemen, we will now start with submission from Pam Norris.

This committee hearing is a proceeding of Parliament and warrants the same respect that proceedings in the house itself demand. Even though you are not required to give evidence on oath, any deliberate misleading of the committee may be regarded as a contempt of Parliament. There are questions here that you answered before in the previous submission, so we do not need to go through those again. On this occasion you have made a submission in your own right, and we have read that. Do you wish to make any further comments regarding your submission?

Mrs Norris: I guess the only other comments I want to make are that this submission was made initially when I was extremely angry and extremely upset, which is probably fairly obvious by the wording of it! The first draft was even worse. Since then I have done a lot of reading, done a lot of investigation, joined with the LED group because I felt so strongly about the issue, and tried to assist wherever I could in making sure this is exposed and that it never happens again. In some of my research there is one issue that stands out alone, which I just cannot understand; that is, the economic issue. We have heard a lot from the port and generally about how important the port is to us economically and there have been media releases from, I think, the Goldfields Development Commission to reiterate this, to say how important the port is to our economy and so on and so forth. What I cannot understand is why the port would risk its whole operational licence, including the operation of all the other exports, for less than one per cent of its throughput. Lead comprises such a small element of that economic package that no number cruncher would have said it is worth the risk. That is without considering the risk to the community. So I find this very hard to understand. This is from my personal point of view. Apart from that, I think I have gone through the various issues I have raised in the personal aspect of things, things that I have personally observed, things that I have personally cleaned up, including dust coming from holes and dust gathering on our boat on a regular basis. I think LED has covered most of the other issues I wanted to bring up, so I certainly invite any questions you have of me.

The ACTING CHAIRMAN: Thanks, Pam. We have chosen at this stage not to make submissions public, but it is your choice, of course. I think it is good to have components of them made public. Of course, you are free to make it public of your own accord. If people ask you for a copy you may feel free and happy to give it to them. You have here some conclusions and a list of 10 recommendations. I do not think it would take long for you to read those into the record if you wish to do so.

Mrs Norris: Yes, that is fine. I am quite happy to bring up the main elements of the submission, just as an introduction more than anything else. The main elements were that we were poisoned; our water tank was 14 times over for lead, and for nickel it was 0.11, which is about five and a half times the recommended level. My blood level was seven and my husband's was 16. These were horrifying figures for us. I was relieved in one sense that at least our children had grown up and they were not living with us, but then horrified for any other child in the town. I have observed various processes and practices at the port, as I have said in the submission, whilst being on a boat in the yacht club marina, which is probably no more than a third of a kilometre from the berth. I have seen iron ore and nickel being loaded. It may have been lead but I did not know as a resident that lead was being exported through our town. That might be my own ignorance but I certainly was not aware of it. I have seen the holds being loaded and the chutes going into the holds and dust

billowing up from the holds, so you can visibly see dust. I have been on a boat and seen the dust billowing out of these holds and blowing towards the boat. Basically that is quite obvious; we collected quite a lot of dust on the boat.

The ACTING CHAIRMAN: Could that have been iron ore dust or are you fairly certain that it was at least nickel as well?

Mrs Norris: There is quite a difference in the two dusts; iron ore dust is obviously very red. There is gravel dust also that collects on the boat. The gravel dust is a similar colour to the iron ore dust, but when you wash it off it washes off; it dissipates. When you try to wash iron ore dust off, it leaves a slight pinkish tinge on the boat, and we still have it there today. The nickel dust is quite obvious and different from the iron ore dust; it is quite a dark black dust. The two are quite identifiable. That dark dust may have included lead but, not knowing what lead looks like or being able to identify it separately, I would not have a clue.

The ACTING CHAIRMAN: When you say you saw it billowing, the port authority says whenever there was visible dust while loading lead, and I think it was saying the same for nickel, it stopped. Are you fairly certain that the dust you saw coming out of ships was not iron ore on any occasion?

Mrs Norris: Some of the dust, on the occasions that I have seen it - one was from the new iron ore berth, which I think they call berth number three, which is directly opposite the viewing from our boat. Where the big ships go I have seen iron ore dust coming from that hold. I have also seen - I presume it was nickel dust because it is not red. I will clarify that: when I say I observed the iron ore dust from the big iron ore berth where nothing else is exported but iron ore, it is distinctively red. You can see the colour of the dust. When I have observed dust from berth number two, which I presumed was nickel dust, it was a dark blackish colour. So I would definitely have said that it is not iron ore.

The ACTING CHAIRMAN: Sure. On roughly how many occasions would you have observed that to occur with nickel or lead, whatever it was?

Mrs Norris: At least two and maybe more, but there are two that I can recall. I have tried to search my memory banks, which are not fantastic, to recall the dates, but unfortunately I cannot relate it to what I was doing at the time so I have not been able to tie that down.

The ACTING CHAIRMAN: Thanks. Perhaps if you proceed with the words that you have here.

Mrs Norris: The dust continually gathers on the boat, so much so that in summertime if I know that there has been a sea breeze, a south-easterly, I will need to go down and clean up the boat if we are going to go out and not get it all over us. We have had occasions where - to my horror now - we have had children on the boat and I have been quite cranky at them because they have picked up this dark dust, which I presumed was nickel, and carted it all around the boat, because there is carpet in the boat - on the outside of the boat - where this dust has settled. So I have been quite annoyed with them, not realising that I could have been contaminating them.

The ACTING CHAIRMAN: Picked up in what sense?

Mrs Norris: Picked up on their shoes and feet and walked around the boat, and I presume off the side of the boat. I have always been quite conscious of going down and cleaning the boat up on a regular basis.

[11.40 am]

Also as far as our house is concerned - I am just trying to think when we painted - the windowsills of the house were off-white and they were continually covered in this dark dust. We have since painted them grey, so it is a bit hard to see it now, but I am presuming it is there. I have yet to have the house tested.

After our blood levels were reported, we still have not received an official report. There was a phone call about three days after our tests were taken, to ask us - basically I was not spoken to, only my husband - about what other issues may have caused these high dust levels. There has been no contact from the health department or from DEC to come and look at our house. I have actually put requests in for someone to come and examine the house, examine the windowsills and examine any other contamination, but I have had no replies.

The ACTING CHAIRMAN: How long ago?

Mrs Norris: It would be at least three weeks ago that the blood test results came back. At this stage, we are farming and we are seeding. We have a house at the farm, so luckily we have somewhere else to go before our house, which I presume is still contaminated, is cleaned up.

The ACTING CHAIRMAN: You have got a list of one to 10. Do you think it would be good to get those read in?

Mrs Norris: Okay. I will just read it as I have put it.

We as a community have been let down by a lot of people: Magellan owners and management, the transport contractors, senior management of the port authority, the government-appointed members of the port authority board, the harbourmaster, the shire representative on the port authority board, and the Department of Environment and Conservation personnel and management.

Due to this complete failure at all levels and our personal contamination, I have no faith in the Esperance Port Authority, Magellan, the licensing and environment process, and any of the governmental watchdogs to ensure our future safety. As such, I do not support lead coming through the port in any form whatsoever.

For any faith to be restored in the Esperance Port Authority, there will need to be an immediate thorough independent investigation and rigorous environmental assessment of all current and planned activities at the port; rigorous and continuous dust monitoring by DEC - not the port - with high volume dust monitors, which LED has gone into a lot more detail about; and daily results of such to be published on the Internet for all community members to see. I make this point because we have had such a failure of anybody to tell us what is going on; that we need to be able to find out these things without relying on other departments.

Rigorous licensing requirements for the port to report all spills and all other incidents which are potentially pollutant or pose an environmental threat, within 48 hours. Again, the community has access to such reports.

A method of independent monitoring and overseeing of the port's activities in which a person or persons has access to the port's records, is represented on the board, and has the ability to investigate, inspect and stop from time-to-time operations of the port should it be deemed necessary. This should be backed up by a good legal framework and rigorous licensing conditions with very stiff penalties should pollution occur.

Given the contamination of the town, I would think it appropriate that all mining companies exporting through the port and the port authority, lodge an environmental bond with the Shire of Esperance to fund all independent monitoring, any clean-up that may be needed, and any medical treatment and long-term health monitoring that may be required. This type of bond is not without precedent around the world and is an incentive for all parties to act responsibly.

A dramatic change in the amount and detail of information about the port's activities and the way that it is communicated to the town. Internal newsletters produced by the port telling us all the good stuff is not what I had in mind.

A change in the port's senior management and appointed board members.

Extensive community consultation and proper health and environmental assessments for all future expansion or new activities planned at the port and through the transport corridor.

A change in the attitude of the port, the port board, the DEC and our minister and state government to give paramount consideration to our community's health. It seems to have been completely overlooked in this whole process.

I would also hope that the inquiry will have the courage to find out who or whom were responsible for this disaster, hold them accountable, make recommendations which will have real teeth, and make substantial changes to the way all toxic and other materials are exported through our town; through any town or any port.

The ACTING CHAIRMAN: Thanks very much, Pam. There are some very good concepts within those recommendations. Member for Bassendean.

Mr M.P. WHITELEY: I think I recall that yesterday the Esperance Port Authority said they had an obligation to shut down any shipments, any loadings that were occurring when dust was leaving the port. It was obvious that dust was billowing up from the ship, but you said that you saw what you presume to be nickel being loaded. I am asking, did the loading continue? I mean, did it happen for a short time you saw the stuff coming out? Did it then cease or did it continue?

Mrs Norris: To my knowledge, no; the loading did not cease, and when I was observing, certainly I could see the dust. I then went back about my duties. I was doing some maintenance and various things on the boat, so I was there for some time.

Mr M.P. WHITELEY: Did it leave the site like a plume, like a smoke plume, or does it just dissipate?

Mrs Norris: Saying that it was a plume is probably not necessarily a good description. It was visible dust. It is a bit the same as if you put your hand in powder; the dust will rise and then perhaps settle again. It was not like a huge cloud billowing, and perhaps some of the language I have used is exaggerating that, but it was certainly visible dust. It was visible to my naked eye.

Mr M.P. WHITELEY: I know it sounds like an absurdly technical question, but was any of it visible leaving the boundaries of the port?

Mrs Norris: I mean, there can be a lot of conjecture of what are the boundaries of the port. It was certainly leaving the boundaries of the ship. It was depositing itself on our boat. I guess that is leaving the boundaries of the port.

Mr M.P. WHITELEY: Absolutely. Thanks.

The ACTING CHAIRMAN: Member for Peel.

Mr P. PAPALIA: I was just smiling at you, Chairman; I did not actually have a question.

The ACTING CHAIRMAN: You are always telling me off for not giving a call in your direction, so I thought I would anticipate.

Mr P. PAPALIA: My apologies; I misled you.

The ACTING CHAIRMAN: I am not sure if you answered this question when we were talking before with the LED group, but can you tell us when you first became aware that lead concentrate was going to be exported through the port?

Mrs Norris: No, I did not actually answer that because the others - Michelle - had been to the consultation. I did not know. The first time I became aware of it was when the birds started dying. I had no idea that lead was being exported through the port.

The ACTING CHAIRMAN: I presume not even then, because it was not until later that it was found that it was lead that killed the birds.

Mrs Norris: That is right. I mean when I say that birds were dying, when we were first informed that it was lead that was killing the birds.

Mr T.K. WALDRON: You mentioned the dust in your home.

Mrs Norris: Yes.

Mr T.K. WALDRON: Are you aware of similar dust in houses around you; and how far do the houses go away from the port where that similar dust is, do you know that?

Mrs Norris: No, unfortunately I do not. I was meaning to find time to do a bit of a survey of the street, but I have not done that as yet.

Mr T.K. WALDRON: Okay, that is all right.

Mrs Norris: Sorry, can I just go back to the community consultation or my knowledge of the lead? Certainly, I was not aware of it. If there was any advertising, I did not pick up on it, and without having a process whereby we could make submissions, I felt that process was completely inadequate.

[11.50 pm]

I would like to bring up a matter on which I have asked for advice and been told it was okay. DEC has now called for a review of the port's licence. Ben, through LED, received a letter from DEC saying it wished to invite submissions from the community to include our issues in the review of the licence. I have not found anyone who knows about this. This letter is dated 26 April, and these submissions must be in by 14 May. My concern is, here we go again. I do not believe there has been enough advertisement or enough knowledge of the fact that we have a chance to make a submission about the current port licence. The submissions close on 14 May.

The ACTING CHAIRMAN: That is the first I have heard about it. I do not know about any other members of the committee, but I suspect it is the first they have heard of it, too. It has been said that DEC was reviewing the licence. However, it seems to me, I guess, to be fairly inappropriate that in the midst of an inquiry into the operations of the port it is, firstly, trying to renew the licence; secondly, not waiting for the recommendations of the committee before renewing its licence; and, thirdly, not even telling the committee that is inquiring into the operations of the port that it is planning to do that and sending out such a letter. The same issue relates to the advertisements. If it had been properly advertised, we, of all people, would have been the ones to take notice.

Mrs Norris: I rest my case. The letter details the areas that DEC will be reviewing. I do not know whether you want me to read it.

The ACTING CHAIRMAN: Please do. We have not seen the letter.

Mrs Norris: The letter states -

The licence review will assess the emissions and discharges from the current and future operations; the environmental protection measures required for appropriate bulk loading and unloading operations at the port; monitoring and reporting requirements and a risk assessment of activities taken. The new licence conditions will be drafted as an outcome of this process. DEC wishes to invite submissions from the community in order to include your issues and concerns into the review process. An opportunity to have input will occur at this early stage, prior to the drafting of the environmental assessment report and draft licence conditions. Once again draft documents have been prepared.

The ACTING CHAIRMAN: Thank you. I will ask you to table that for the committee so that we can have it officially incorporated into the transcript. I guess one thing to consider is that there is lead within the shed of the port, and it must deal with that. I do not know whether this may in some way relate to the fact that it may want to wait until we report in mid-August before it deals with the

lead in the shed now. We will certainly have a close look at that, and we will fairly certainly be asking questions about it.

Mrs Norris: My major concern here was that it was all happening again. We are not being allowed a reasonable period of time, and with proper notification, to have input into it.

Mrs D.J. GUISE: I want to get this on the record if at all possible. Pam, are you aware of whether this community consultation period was advertised anywhere in the community? It certainly was not part of anything that I have seen today. I realise now that it has put out some information into the community, but I certainly have not seen anything in relation to this. Are you aware of anything at all other than this letter addressed to Ben?

Mrs Norris: No, I am not. There could well be, but I have been doing a lot of extra reading, so I have not necessarily been keeping up with the local paper and so on. To my knowledge, I do not believe it has been advertised.

Mrs D.J. GUISE: As part of the licence review, it is obliged to do certain things. Given the circumstances at the port, it must go through this. I am quite happy to put on record that this process is less than satisfactory, as is the period it has allowed for community consultation. We will follow that up.

The ACTING CHAIRMAN: Without wanting to pry too much into your personal social circumstances, you did not know the lead was there. Are you involved with social clubs, sporting groups or community groups at which parents talk to each other and where there would normally be an opportunity for someone to say, "Hey, there's lead going through the port"? I am trying to get a concept of whether the wider community with whom you might mix would also have no knowledge of it either, because you are perhaps in groups and nobody has ever mentioned it. If you are fairly isolated socially and do not mix with groups, then there is no argument.

Mrs Norris: Some people might say so, but not generally. I am a farmer, and we are involved with various farming organisations and other social groups around the town. There was probably ample opportunity to find out. I am not necessarily saying that it was not my own fault that I did not know about it.

The ACTING CHAIRMAN: No; I was not leading in that direction. I was leading more to the fact that if you are a fairly normal active, social person, and there has been community knowledge that lead was being exported in the port, you would expect that someone would say something somewhere among all those social events. If you did not hear anything, I suspect that most people did not know either.

Mrs Norris: Once the story broke, my husband did inform me that he knew.

The ACTING CHAIRMAN: Okay.

Mrs Norris: We do talk from time to time, but he was still as mortified. I go back to the point I have made about this feeling of being lulled into a false sense of security. He was aware that lead was being exported through the port, but he did not have concerns because of the initial process, or the way in which the port had portrayed itself to the community.

Dr G.G. JACOBS: Thank you very much, Pam. Can you take us through the issue of high-volume dust monitors. We received some information from the port about what it seemed were quite infrequent and sporadic operations of high-volume dust monitors. Can you run us through your understanding of when you thought the port started using high-volume dust monitors, and also, for the record, the issue of why that had not been a program that was ongoing?

Mrs Norris: I first noticed the high-volume dust monitor after it was announced that lead shipments had stopped due to the bird deaths. I walked down to the boat in the marina, and there was a high-volume dust monitor that had appeared underneath the start tower at the Esperance Bay Yacht Club.

Dr G.G. JACOBS: Can you describe that for us?

Mrs Norris: It is a large machine, about so high, that obviously required power, because there was power going into the start tower, with some sort of intake valve on the front of it. At the time I did not know what it was. It did not have anything on it.

Dr G.G. JACOBS: Where was that located?

Mrs Norris: It was located under the start tower of the Esperance Bay Yacht Club, so it is on the Taylor Street marina. I have been a yacht club member for a long time. We have had a boat in the marina for two years and have been walking backwards and forwards there. I can categorically say that there was never any dust monitor there until that particular point in time. When I went to the open day, I quizzed the port about it. I asked the Department of Environment and Conservation about this machine, which I presumed was some sort of monitor, but I did not know what it was. DEC explained to me that it was a high-volume dust monitor and that it had been placed there at DEC's request.

[12.00 noon]

When I asked why it had not been there before, it really did not give me a satisfactory answer, or any answer at all. I then spoke to the port about why there were no high-volume dust monitors prior to this occasion. I was told that when iron ore initially started, it had high-volume dust monitors, but they were too high maintenance, so they were stopped after a couple of months, I think they said. When I asked why it was not put back in when lead was commenced; I was told that it did not deem it necessary. That is really as much as I questioned. I could not get a lot more out of the Department of Environment and Conservation.

Mr T.G. STEPHENS: On another issue, Pam, you probably notice that we have been busy this week and our focus has been entirely on this issue. For the purpose of the public record, we received a submission on Monday from the Department of Environment and Conservation. It was on page 20 of that submission, on which I have now refreshed my memory. I want you to know as well that we have been advised by the Department of Environment and Conservation formally that it was subjecting the Esperance Port Authority licence to the environmental assessment port approach. This inspection report for the port has been referred to. It indicates that the department, in its review of the licence, will include an environmental assessment report. It will include community engagement so that it has the opportunity to raise any issues it considers should be covered on the licensing conditions. It does indicate that in carrying out the review, the Department of Environment and Conservation will liaise with the Department of Health on public health risk, and with the port authority regarding its planned future product handling intentions. It also indicates that it does not expect that the revised licence will provide for the shipment of bulk lead carbonate - I want you to comment on this issue - although a mechanism needs to be established for removing the existing lead carbonate stored in the shed at the port. I have been refreshing my memory from the earlier submissions. Quite clearly, there is the issue of how we deal with the lead carbonate stored in the shed.

Mrs Norris: Yes, which is certainly a huge issue. It cannot just stay there. Something must be done to it. It has to be removed safely. My opinion is the contamination or pollution effects from wherever it is unloaded, wherever that may be, need to be considered as well.

The ACTING CHAIRMAN: I need to add my comments to those of the member for Pilbara, and probably apologise to DEC for my earlier comments that we were not informed.

Mr T.G. STEPHENS: It was no reflection on you, Mr Chair. We have had a lot of submissions.

The ACTING CHAIRMAN: That is right. My comments that we were not informed were obviously incorrect. I gather, from what we have been told unofficially, that LED is aware that there is further consultation to occur, so I guess we need to follow that very closely in terms of the

consultation process to ensure that the same situation does not occur that has occurred in the past. Are there any further questions, members?

- **Mr P. PAPALIA:** This is not so much a question, but I want to provide a little further information regarding the change of port and the process by which the minister authorised that change without the full proposal going ahead. I have that approval here, and I thought it might be worth while, because earlier it was indicated that the minister thought it was unlikely to result in any significant changes to the environment impacts, so that is why the proposal went ahead. Under the Environmental Protection Act, there are a couple of processes - one is the full proposal, and the other one is this amended one. I will read it -

On the advice of the EPA I understand that:

- The detrimental environmental impacts associated with the variation to export through the port of Esperance are not considered significant; and
- The handling, transport, storage and ship loading activities can be managed by the existing conditions of Statement 559

That is the original proposal. I personally, and probably most of us, do not agree with those comments. However, just as an indication, the EPA provided that advice, which leads us to further investigations, obviously. We have not talked to the EPA directly, but we have questioned the DEC earlier in this process.

The ACTING CHAIRMAN: I think it is fair just to get that on the record, because it was not meant on my part as a criticism of the minister, because we have seen written evidence of advice given to her at the time. Really, it is that process, and that recommendation, that is the biggest concern for us; that is, the recommendation, that was given to the minister.

Thank you again for coming and presenting information to us on both occasions. A transcript of this hearing will be forwarded to you for correction of minor errors. Please make these corrections and return the transcript within 10 days of receipt. If the transcript is not returned within this period; it will be deemed to be correct. We will break now for lunch and will return at 12.45 pm for the start of our next hearings.

Hearing concluded at 12.05 pm
