

EDUCATION AND HEALTH STANDING COMMITTEE

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

TRANSCRIPT OF EVIDENCE TAKEN AT PERTH WEDNESDAY, 6 JUNE 2007

SESSION TWO

Members

Dr K.D. Hames (Acting Chairman)

Mrs D.J. Guise

Mr T.K. Waldron

Mr M.P. Whitely

Dr G.G. Jacobs

Mr P. Papalia

[1.32 pm]

MacCALLUM, MS CATHERINE RACHEL

Senior Environmental Officer, Department of Environment and Conservation, examined:

The ACTING CHAIRMAN: Thanks for coming in, Catherine. To start off, I have to read some formal stuff first, so I will just do that. I have to read this to everybody who comes in. 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 contempt of Parliament. I have to ask you a series of questions and you need to answer as the Hansard staff record all this.

Ms MacCallum: Yes.

The ACTING CHAIRMAN: Have you completed the "Details of Witness" form?

Ms MacCallum: Yes, I have.

The ACTING CHAIRMAN: Did you understand the notes at the bottom of the form?

Ms MacCallum: I did.

The ACTING CHAIRMAN: Did you receive and read an information for witnesses briefing sheet regarding giving evidence before parliamentary committees?

Ms MacCallum: I did.

The ACTING CHAIRMAN: Do you have any questions relating to your appearance today?

Ms MacCallum: No, I do not.

The ACTING CHAIRMAN: Would you please state the capacity in which you appear before the committee?

Ms MacCallum: The capacity that I am here is I was the environmental officer for Esperance and Ravensthorpe during some of the time dealing with the nickel and lead issues in Esperance port.

[.....]

The ACTING CHAIRMAN: And obviously that letter from the health department has become an important issue, so we will get to that later. First, we just need a bit of background information. What was your experience and training to undertake that role as environmental officer?

Ms MacCallum: I have done a Bachelor of Science in environmental and marine science. I have also honours in marine science, so I have got a broad environmental background. I started the position of environmental officer for Esperance and Ravensthorpe in 2003. Previously I had been working with the Water and Rivers Commission in the capacity of Ribbons of Blue and Rivercare officer. The particular training that I did, once starting the environmental officer position, was the inspectors training course that the department runs, and throughout my time I have had mentors from other officers within the department who had experience in licensing matters, and also a number of internal training exercises like investigations, workshops that we had and things like that. I have got a list if you would like to have that information.

The ACTING CHAIRMAN: You were based in Albany, were you not?

Ms MacCallum: I was based in Albany, yes.

The ACTING CHAIRMAN: One thing I forgot to do at the start was ask whether you wanted to make a statement before we start. Did you want to make one?

Ms MacCallum: No, I am okay.

The ACTING CHAIRMAN: Okay, we will just keep going. What was the nature of your duties and the extent of your responsibilities as an environmental officer in Albany?

Ms MacCallum: I was part of the new Department of Environment side of things. In my position for Esperance and Ravensthorpe, 50 per cent of my time was to deal with part V industry regulation for the Shires of Esperance and Ravensthorpe; so all regulatory matters dealing with part V of the Environmental Protection Act and associated regulations for those areas. So there were a number of premises and things like that that I dealt with; and also the other 50 per cent of my time was dealing with water resource management issues, particularly in the capacity of land-use planning matters and providing advice on the groundwater protection areas and things like that in Ravensthorpe, Hopetoun and Esperance.

The ACTING CHAIRMAN: What information did you have available to you about the properties and toxicity of lead carbonate when you were involved in the licensing and monitoring of Esperance port for the export of that product?

Ms MacCallum: For the lead?

The ACTING CHAIRMAN: Yes, for the lead.

Ms MacCallum: The port approached me originally saying that they were interested in handling the lead carbonate. I had said to them with dealing with the lead, "You will have to adequately show that you are going to be able to manage the dust emissions." That was the primary concern with that sort of operation. The information that I had given to me was those that are outlined in the application we received for an amendment to the licence, so I was not given any specific details from the port or Magellan regarding the toxicity or things like that of the actual product, but was provided the information that was in the application.

The ACTING CHAIRMAN: Did you do any research yourself about lead and the effects of lead toxicity on people?

Ms MacCallum: No, I did not; not at the time.

The ACTING CHAIRMAN: Did you advise the Shire of Esperance in April 2005 that lead carbonate was not soluble and therefore not likely to be a high risk?

Ms MacCallum: No, I did not. The issue - because there were two issues going on - there was the nickel issue that was happening and the lead. The nickel - that was dealt with as nickel sulphide, and I had spoken to the Department of Health people and had advice on that when that issue had come up in late 2003 and 2004; and that information was that nickel sulfide was not seen to be - I have lost the word that I need - soluble in water and would not pose a health risk.

The ACTING CHAIRMAN: In the inspection in May 2005, tell us what you do in conducting a port inspection?

Ms MacCallum: Okay. The main thing for an inspection is to address compliance with the licence conditions. So we would have a look around the sections of the facility that relate to the licence conditions and sit down with the port and go through their licence conditions, and they would bring up any issues they had, and we would bring up and discuss any issues we had and go through those licence conditions. Then, if there were any further points brought up, we would go and have a look at anything that needed to be looked at after that.

[1.40 pm]

The ACTING CHAIRMAN: You did the inspection in May 2005?

Ms MacCallum: Yes, I was one of the four officers who were there at the inspection.

The ACTING CHAIRMAN: Were you told at that time, or at any other time in 2005, that the so-called pelletisation or agglomeration of the lead had failed?

Ms MacCallum: No, I was not. We discussed, as part of condition G1, the materials that the lead would be handled as, and at no time did the port bring up any issue that the lead was being dealt with in any other way than what had been discussed at the point of time when we were doing the licence amendment.

The ACTING CHAIRMAN: So you thought that it was still being agglomerated?

Ms MacCallum: Yes, in a combined, compacted, pelleted form.

The ACTING CHAIRMAN: There is criticism of the inspection at a later stage, that people did not go into the shed to inspect the lead. Did you do that at that May inspection?

Ms MacCallum: No, I did not go into the lead shed. I was given no reason to think that there was a requirement to go in there. In all my dealings with Esperance port, they had maintained a good environmental performance and had to my knowledge been open and honest with what they did. We had a good working relationship, and at no point in time did they bring up any issues that made me think I needed to go into that lead shed. As a secondary thought, I do not have any experience in managing hazardous substances and things like lead carbonate. I was not aware of the correct personal protective equipment that I needed to be able to go into that shed, so I chose not to.

The ACTING CHAIRMAN: What did you have in your head at the time, in terms of what the product might be like? Do you remember seeing that original licence application that called it “pelleted” in the preamble and talked about it later being agglomerated? What was your recollection of your thinking of it?

Ms MacCallum: When I did the licence amendment with the application, the information they gave me did not have “pelletised” or anything; it was the wet agglomerate balls. Through discussion and negotiation with the port during that amendment process, I had clearly said to them, “Look, the management of dust is going to be very important here, and I want to clearly nut out what these agglomerate balls are, and an appropriate word that could be used to really underline the fact that it was compacted material that was less likely to produce dust when handled.” The port had also put in an application for prilled sulfur that it was going to be handling, and I indicated that we wanted a word that can describe a similar sort of formation to what the lead would be like, as that was my understanding of what the lead product would be handled as - that it would be a compacted, pelletised compound.

The ACTING CHAIRMAN: Why the word “pelletised” rather than “agglomerated”? The word “pelletised” that actually appeared in the preamble of the licence was not put forward by either Magellan or the Esperance Port Authority. That came from somewhere in the Department of Environment and Conservation.

Ms MacCallum: I have email correspondence between me, Shelley Grasty at the port and also a representative of Magellan - I think it was Trevor -

The ACTING CHAIRMAN: Watters?

Ms MacCallum: Yes - about what to call it. Our licences are publicly available items and it needs to be clearly understood by all parties as to what is being dealt with, and the opportunity arises in the preamble of the licence to clearly set out the intent of the licence, and I wanted to make the idea clear that the compound they would be working with was going to be a compacted form.

The ACTING CHAIRMAN: I have talked to the others when they first came, and I think of a lead pellet when I shoot an air rifle; it has a lead pellet. I would not think of it as what it turned out to be, which was an agglomerate.

Ms MacCallum: Yes; think of it as a process like kitty litter or that sort of thing, where you are actually compacting a product, a similar sort of thing to what they do with the sulfur as well. It is a compacted product, which means it is less likely that dust is going to arise from the handling of the material.

Mr P. PAPALIA: We have seen the email train between the three of you. Prior to that email traffic, did you have a meeting face to face where you explained to them that you wanted the concentrate to be transported in that form, and this email train was a follow-up, or was that the only conversation?

Ms MacCallum: I did meet with the port and Magellan prior to that application. I cannot give you the exact time; I can take that on notice and provide those details at a later date. I did have a number of phone conversations with the port.

Mr P. PAPALIA: What did you say in those conversations?

Ms MacCallum: I had indicated to the port that they really needed to show that they were going to manage the dust issues, and part of that was how the lead was going to be together and pelletised, so it needed an easily understood word.

The ACTING CHAIRMAN: There was nothing in the rest of the licence agreement that prescribed that it should be in that way, other than the preamble.

Ms MacCallum: That is correct.

The ACTING CHAIRMAN: Is it normal to do that? Would you not say that you would do it as an agglomerate, and this is what the agglomerate must be like and it must have these characteristics?

Ms MacCallum: In licence conditions, we do not tend to be that prescriptive, and that is the form of the preamble. It basically sets up the intent of the licence and sets up the prescriptive idea of the licence.

The ACTING CHAIRMAN: Is that standard practice?

Ms MacCallum: It was at the time, yes.

Mr T.K. WALDRON: You mentioned before the word “prill”. We have heard that from other people who have come before us. Why would you not describe it as “prill”? Is that different from “pelletised”? I am trying to work it out in my mind. We have heard a lot of people talking about prill that they use for different substances.

Ms MacCallum: I am not sure as to the process that they use to come up with a pelletised product or a prilled product. I only put it to the port and Magellan to come up with a word that adequately described what they were going to be doing.

Mr T.K. WALDRON: Did they come up with a word?

Ms MacCallum: They did; they came up with “pelletised”.

Mr T.K. WALDRON: Was that the port or Magellan, or between them?

Ms MacCallum: It was between Magellan and the port, so I could not tell you exactly which one of them came up with the word.

The ACTING CHAIRMAN: They did want to call it an agglomerate earlier. Why was that not accepted?

Ms MacCallum: I do not think the general public would understand what an agglomerate was, so I felt that it needed further clarification.

Ms MacCallum: So you said “Agglomerate is not okay; give me another word”?

Ms MacCallum: Yes.

Dr G.G. JACOBS: So they came up with “pelleted”?

Ms MacCallum: They came up with “pelleted”.

Mr P. PAPALIA: So, in the end, was it your understanding that if they could not make it into that form, they should have told you?

Ms MacCallum: Yes, because that would have been quite a substantial change to their original application for amendment to the licence.

The ACTING CHAIRMAN: I guess it is a bit unreasonable to ask your view on why they would not have done that. They did not seem to regard it with anywhere near the same importance that you did. They said that it was just a word.

Ms MacCallum: In my dealing with the port we had in the background the issue of the nickel going on, and I was aware that lead carbonate is a hazardous material, and it was my personal opinion that it needed to be adequately and appropriately managed and the form of the lead needed to be clarified.

The ACTING CHAIRMAN: It is the view of the legal eagles that having it in the preamble is not a binding condition on a licence.

Ms MacCallum: That is correct.

The ACTING CHAIRMAN: If it was only in the preamble, as you say, that is standard practice and the company does not have to do anything if it does not follow what is in the preamble.

Ms MacCallum: They also need to make sure that they meet the requirements that they have set out in their application and what they have said to the department that they would undertake and do in the handling of that product, which is what they did in the application. I would see, as a licensing officer, that that was what the company needed to do.

The ACTING CHAIRMAN: I have to say, though, that I have sort of formed the view that they probably could have got their licence anyway, if you think about it. They applied to put it out through Geraldton, as the product it turned out to be in the end, and they got their licence to do that. Frankly, the facilities at Geraldton are not as good as the ones in Esperance. So they had got a licence to do that, and now they have come back and applied for a licence to change ports, to a port that was better. Do you agree? Why would not they have got the licence to put it out as it was through Esperance? The agglomeration thing came about because they volunteered that. They said “we are going to do an agglomerate”, and of course everyone said “Well, yes, that should be better.” If they had never mentioned the word “agglomerate”, do you think they would have got that same licence to export through Geraldton?

[1.50 pm]

Ms MacCallum: I cannot comment on that because I was the licensing officer for the south coast region and not privy to the discussions dealing with the Geraldton port.

The ACTING CHAIRMAN: Would that have turned you off? If you had known that they got a licence for Geraldton and then applied for exactly the same licence for Esperance, would it have put you off in some way knowing, as it turned out to be, lead carbonate in the form of kibbles, a moist product, was involved?

Ms MacCallum: If they had indicated to me that that is what it was going to be like, I would have had problems with it being dealt with through Esperance port.

The ACTING CHAIRMAN: I asked whether you thought it was important that the word “pelletised” be used. Why was it not a specific condition of the licence that it be pelletised?

Ms MacCallum: I did not put it into the licence. I felt that they had given me enough information in the application and that was the intent of what they were doing and how they were going to handle the product. I just put lead carbonate in as G1 for what they were handling.

Dr G.G. JACOBS: Catherine, thank you for coming today. You were concerned about the definition of this product because of how it implied there were dust issues. In your site inspection of the Esperance port on 26 May 2005 with others, under section G2, which is about the dust monitoring conditions, you had a comment that said “need to add in incidents and complaints and monthly reports of complaints to be faxed to the SC office”, being the south coast office. Did you get those?

Ms MacCallum: No, we did not. I had some concerns and discussions with the port about adequately giving information about complaints that it had received. The Esperance port tended to have quite a good relationship with the community and people felt quite comfortable coming to the port to lodge complaints. There were a couple of incidents where complainants rang me up and said that they had spoken to the port and felt nothing had happened. The port had not raised those issues with me. In doing the inspection, we discussed the need to more formalise that arrangement in that the port would regularly keep me updated with issues arising from complainants. I suggested they send a monthly fax to the south coast office, which is in Albany.

Dr G.G. JACOBS: I was going to ask you about the nature of those incidents and complaints but obviously you did not receive them. What did the port mean by incidents and what was the nature of those incidents? Were you talking about spillages?

Ms MacCallum: In that inspection report I was talking about general incidents or complaints. If they came up and people raised them with the port, I wanted to be notified about them.

Dr G.G. JACOBS: But that did not happen?

Ms MacCallum: No, they did not regularly notify me.

Mr P. PAPALIA: Were there four people on that inspection?

Ms MacCallum: There were four, including myself.

Mr P. PAPALIA: Did any of those people have any experience with loading facilities at wharves, shipping or anything of that nature?

Ms MacCallum: I cannot comment on the details of their experience.

Mr P. PAPALIA: Did any of you notice that the conveyor belt for loading the lead that runs along the wharf and goes to the loading arm that goes into the ship is not covered underneath, there is no tray underneath it, it is open at the base, at the bottom of it? The conveyor runs along the wharf and underneath it is open to the air. Did you notice that at all?

Ms MacCallum: No, I did not notice that at the time.

Mr P. PAPALIA: And no-one else in the group noticed it?

Ms MacCallum: No.

The ACTING CHAIRMAN: Were you present during a loading at any stage?

Ms MacCallum: I had been present during the loading of iron ore but not during the loading of nickel.

The ACTING CHAIRMAN: Or lead?

Ms MacCallum: The port had not started loading lead during the time that I was the licensing officer.

Mr P. PAPALIA: I have another question about the inspection. In your audit report of May 2005 you refer to Brambles managing the nickel while the port was to moisten the lead. Can you remember if this was because the spray system was not working in the lead shed?

Ms MacCallum: I am not aware whether the spray system was not working. From my understanding at the time of the inspection, all the spray systems were working. The Esperance port had contractual arrangements with Brambles to handle the nickel and the port was handling the lead itself. It was not contracting that arrangement out.

Dr G.G. JACOBS: During that same inspection, does A2 ring a bell with you? It is about the washdown area and water treatment options.

Ms MacCallum: With the particular outcomes from the inspection?

Dr G.G. JACOBS: Yes, that is right. You made a comment about sump options.

Ms MacCallum: The port was talking about upgrading its sump underneath that berth so that after loading had occurred, material from the washdown area would go down into a collective area underneath the wharf. The port would need to deal with how it would dispose of that concentrated material. I imagine it would be a type of slurry, a mixture of solid and liquids.

Dr G.G. JACOBS: So some options were discussed. Do you know whether those options were settled on?

Ms MacCallum: I understand that the port was going to upgrade that berth, which from recollection is berth 2. It was going to have that collection sump underneath the wharf with the run-off directed to that sump.

The ACTING CHAIRMAN: Are you aware that the Department of Health letter of 29 September 2005 that was addressed to you describes the lead carbonate as highly soluble and posing a serious health concern if there is dust?

Ms MacCallum: Yes, I am aware of the content of the letter.

The ACTING CHAIRMAN: That same letter states that the EPA licensing conditions are inadequate. What did you do with that letter and the important information that it contained?

[2.00 pm]

Ms MacCallum: I will give you some background from that whole period. I initially asked for advice from the health department because there had been ongoing issues with nickel being loaded at the port. We discovered that there were elevated nickel levels in rainwater tanks in some residential areas in Esperance. After we were made aware of that, I spoke to the port about developing a rainwater tank monitoring program to assess whether it was just around the vicinity of the port or whether there was a wider issue around Esperance. It was found to be roughly within a kilometre radius of the port so it undertook continued sampling of that area. At the time we put out a media release, together with the Shire of Esperance, the Esperance port and the Department of Environment and Conservation, making residents aware of the issue. We thought there was an ongoing build-up of nickel because the results that we had from the dust depositional gauges had not shown any trend in increasing nickel.

That was our assumption. With the continual rainwater tank monitoring after the port had cleaned out people's tanks and cleaned roofs, it appeared that there was continual nickel arising in the rainwater tanks. I had a particular complainant earlier in 2005 - in March-April - who was concerned about the nickel and whether that was causing blood noses. With the continual concerns I had with the nickel, I had asked, as part of my inspection, for the port to do a risk assessment to find out exactly where the nickel was coming from through its loading operations. They initially said to me that they thought it was from the trucks that were coming in, because the nickel was coming in in two forms, in both kibbles and trucks. I had concerns that maybe we needed to have a

better understanding of the potential health impacts from the nickel, and with the lead being loaded out shortly, I also thought that I needed to get advice from the health department on that as well. After doing the inspection in 2005, I felt that the licence conditions probably did not adequately meet controls for nickel and lead - it was very much focused towards iron ore - and that a licence review needed to happen, so I wrote to the Department of Health asking for advice, with a copy of the dust management plan that I had received from the port, which I also felt did not adequately address some of the issues that I thought should be addressed in the dust management plan. I wrote to the health department to get that advice and that advice would be incorporated into the licence review.

The ACTING CHAIRMAN: So what happened?

Ms MacCallum: I left the position in October 2005.

The ACTING CHAIRMAN: What did you do with that letter? It was obviously a pretty significant answer from the toxicologist saying that things were nowhere near good enough.

Ms MacCallum: Yes, and needed to be improved.

The ACTING CHAIRMAN: The person who took over after you seemed to do nothing with the letter either, and certainly did not, by all reports, pass it on to anyone. Had you passed it on to anybody else?

Ms MacCallum: I did a handover with several officers before I went up to Christmas Island, because that was part of my new role, at the end of October. I went up to Christmas Island at the end of October-November. I did a handover with the officer who initially was going to take on part of the Esperance port regulatory function.

[.....]

The ACTING CHAIRMAN: What was your view on what would happen then as a result of that letter from the health department?

Ms MacCallum: My view was that that would be incorporated into a licence review, whereby an environmental assessment report would be done by the licensing officer that addressed and looked at all the risks and emission sources, both point and diffuse, at Esperance port and look at the appropriate management of all those emissions and the drafting of new licence conditions to appropriately manage the risks.

The ACTING CHAIRMAN: It recommended new dust monitors, did it not?

Ms MacCallum: The health department advice would be incorporated within that environmental assessment report and then it would be up to the licensing officer to go through our risk matrix that we have for EARs to then determine what sort of appropriate licensing conditions needed to be placed on a licence.

The ACTING CHAIRMAN: Can you remind me what date you left for and what date you came back from Christmas Island?

Ms MacCallum: I left the position in October. I remember officially taking up the position for Indian Ocean Territories on, I think, 23 October 2005. I then went over to Christmas Island primarily through November, because I was on Christmas Island for three weeks and Cocos Island for a week and then came back after that. It would have been in December that I was back in the south coast office and did a handover then.

The ACTING CHAIRMAN: Were you surprised that nothing had happened in those two months?

Ms MacCallum: There was not any clear person to take on my role at that particular point in time, and they were very short staffed with what was going on with licensing.

The ACTING CHAIRMAN: After your second briefing in December, were you surprised that still nothing had eventuated as a result of that letter? Was there still a licence review?

Ms MacCallum: My understanding would have been that a licence review would have started in December after I had done that handover.

The ACTING CHAIRMAN: Why do you think that did not happen, particularly in view of that letter? Any ideas?

Ms MacCallum: I cannot comment on that. That was after I had finished with that position.

The ACTING CHAIRMAN: Were the line managers actively participating in that handover meeting or were they just sitting there?

Ms MacCallum: They were sitting there for reference while I briefed the officer on what was going on.

The ACTING CHAIRMAN: So they were listening to the points that you raised?

Ms MacCallum: They were listening to the conversation, yes.

Mr P. PAPALIA: Did you have a copy of the actual Department of Health letter at the meeting?

Ms MacCallum: I had files there.

Mr P. PAPALIA: With the letter in it?

Ms MacCallum: Yes, the letter was placed in the file.

[.....]

The ACTING CHAIRMAN: That is obviously fairly critical - that that letter just seemed to disappear. After your meeting nothing happened, there was no licence review, and no-one else saw that letter. I presume, then, that it is still in the file.

Ms MacCallum: I would presume, yes, that it is still in the file.

The ACTING CHAIRMAN: Gathering dust. We will give you a copy of what the department has said so that you can have a look.

Mr P. PAPALIA: You personally at no stage talked to the port or Magellan about the contents of the letter?

Ms MacCallum: Not specifically. I received that letter at the end of August, and I had been involved with the Indian Ocean Territories work at that stage, so I was dealing with a lot of things and I had not had a chance to do that.

The ACTING CHAIRMAN: Nici will show you the comments and we will give you a chance to read those. Do you have any comment to make about what the department has said?

Ms MacCallum: I am not aware of the actual intricacies of what happened after I left, so if that is what the department has said occurred after I left, that is what it said.

[2.10 pm]

The ACTING CHAIRMAN: It seemed, on the surface of it, a little strange that there was a major issue like the letter, and suddenly you were bundled off somewhere else. However, from what you say, I gather it was unrelated.

Ms MacCallum: It was.

The ACTING CHAIRMAN: You were not shipped out somewhere to keep you quiet?

Ms MacCallum: No, they did not do that!

Mr P. PAPALIA: We were worried about you!

Ms MacCallum: The position I took for the Indian Ocean Territories was actually a level 5 position - a higher level. It was a promotion.

The ACTING CHAIRMAN: What level were you at the time?

Ms MacCallum: Level 2/4.

The ACTING CHAIRMAN: Level 2/4. Do people understand that? I know what a level 2 is.

Ms MacCallum: There are six levels to level 2/4, which go through level 2, level 3 and level 4. At the time I would have been at level 4.

The ACTING CHAIRMAN: Level 4 of 2?

Ms MacCallum: Of level 2/4.

The ACTING CHAIRMAN: As I understand it, you are going to be involved again. Can you tell the committee about that? Now that the export has stopped, what will you be doing?

Ms MacCallum: I have been asked to be part of the licence review team, a team of people from the department who will go through the licence review for the port. I have been asked to be involved because of my history with the port at the time that I was involved. I also undertake licensing issues and deal with dust issues in Christmas Island.

The ACTING CHAIRMAN: Are you going back up there, or are you now down here?

Ms MacCallum: In my current role I provide environmental and water services for both the Department of Environment and Conservation and the Department of Water for the Indian Ocean Territories - Christmas Island and the Cocos Islands. I basically deliver all the functions there that the former Department of Environment used to. I am based in Perth for two months and I go up to the territories for a month. I will not be in Perth in a full-time capacity, and I still have the responsibilities I need to undertake for that role, where I will be providing assistance and being part of the team for the licence review when I am in Perth.

The ACTING CHAIRMAN: You have retained your promotion, I gather?

Ms MacCallum: It is only an acting position for four years, while I am doing the contract. After the end of that four-year period, my substantive position is with the Department of Water at level 2/4.

The ACTING CHAIRMAN: You said that you had marine biology studies as part of your background.

Ms MacCallum: Marine science.

The ACTING CHAIRMAN: Marine science. You are aware that there are issues to do with benthic lead deposits around the port. However, prior to that, there were also significant nickel deposits around the port during your time operating at the port. You were aware of that, I presume?

Ms MacCallum: I was aware that there were some issues. That was beyond my role as a part-time licensing officer. That was dealt with primarily through ministerial conditions, which are dealt with through part 4 of the Environmental Protection Act, so it would have been taken up by the audit branch of the department. It dealt primarily with that issue.

The ACTING CHAIRMAN: I guess the thing that worries me a little - we have raised this with other departments - is that here we had a port exporting nickel when there was already evidence of benthic nickel around the port. There was already evidence of dust having escaped, through the presence of nickel in rainwater tanks, and yet they were going to use the same system to export the lead as they had for the nickel. When you were performing the re-licensing process, did it concern you that those issues had been happening?

Ms MacCallum: I was not aware of the level of contamination to the benthic area at the time of doing that. I was not aware of the level of contamination.

Mr P. PAPALIA: That is why you wrote to the Department of Health, though, is it not - because of the rainwater tank?

Ms MacCallum: That was a rainwater tank, not a benthic marine area.

Mr T.K. WALDRON: That was my question. When you were talking about the nickel in the rainwater tank, you made the comment that because of that you wanted to get health advice. Is that because you straightaway thought, "Gee, we've got this nickel and this is happening, and they are talking about having lead," and alarm bells rang and you thought, "I need some advice"?

Ms MacCallum: It did, yes.

Mr P. PAPALIA: You are the first person to have done so.

Ms MacCallum: I had several conversations with Shelley Grasty at the port and I said, "It appears we have nickel continually going into people's rainwater tanks; the last thing I want to see is lead in people's rainwater tanks".

The ACTING CHAIRMAN: What did she say?

Ms MacCallum: She said, "Yes - that would not be a good thing". As part of the process I had put monitoring for dust depositional gauges for lead on there, prior to their handling it, so that there would be background levels of lead - which we did not have for nickel and iron ore - and so that we would know what the background levels were prior to them handling the lead. That would indicate whether there was dust going beyond the premises boundaries. I also asked for them, that was a voluntary process that the port was undertaking with the rainwater tank monitoring, and I asked the port to put lead in the rain water tank monitoring prior to its handling as well so we had background data for it.

The ACTING CHAIRMAN: Were the file notes you had from that period typed out by you at the time or were they prepared by someone else later?

Ms MacCallum: Which file notes are you referring to?

The ACTING CHAIRMAN: The original ones;

Mr P. PAPALIA: The person she was handing over to?

Ms MacCallum: I did not have any handwritten notes when I did my handover; I did it verbally.

[.....]

The ACTING CHAIRMAN: On the file note there are handwritten notes of discussions, apparently by you.

Ms MacCallum: Yes. I would have made handwritten notes on the file on particular issues and noted things down in my personal notebook that I had as well at the time of conversations with people.

The ACTING CHAIRMAN: There is a typed version as well. Did you do that?

Ms MacCallum: Are you referring to the inspection report?

The ACTING CHAIRMAN: For example, there were conversations with the shire and the Department of Health?

Ms MacCallum: Yes; I would have handwritten those notes.

The ACTING CHAIRMAN: There are typed versions of those conversations. Do you remember doing that?

Ms MacCallum: Yes, for instance, when a complaint came in - the one I am particularly referring to happened in March-April 2005 - I spoke to the complainants, spoke to the port and spoke to the health department and handwrote notes. I would have logged those complaints into our ICMS

system - incident complaints and management system - which then generates an electronic copy of what is said.

The ACTING CHAIRMAN: Any further questions? No.

I thank you for coming. What you have told us is particularly important in that on such a simple thing, you have taken the right initiative and got that extremely important letter done and made the correct hand over. There is no good explanation to my satisfaction from the department that you did all that, and told everyone; yet, if that had been followed through, I think we would not be in the situation we are in today. Certainly, we would expect significant changes to have been made if that had progressed from where you left it. I congratulate you on doing the right thing in those early stages?

Ms MacCallum: Thank you.

The ACTING CHAIRMAN: A transcript of this hearing will be forwarded to you for correction of minor errors. Please make those corrections and return the transcript within 10 working days of mailing. If you do not return it, we will assume it was correct in the first place. Hansard's transcript is a word-for-word recording of what you have said. You cannot introduce any new material. If you read something that you feel is slightly wrong and you should have said it in a different way, you cannot correct it to say what you would have liked to have said. However, you can correct that by an addendum saying what you should have said or what you meant. Thank you.

Hearing concluded at 2.19 pm
