

EDUCATION AND HEALTH STANDING COMMITTEE

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

**TRANSCRIPT OF EVIDENCE TAKEN
AT PERTH
THURSDAY, 28 JUNE 2007**

SESSION FIVE

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

Hearing commenced at 2.20 pm**McCORRISTON, MR KEITH PATRICK****Deputy Branch Secretary (W.A.), Maritime Union of Australia, examined:**

The ACTING CHAIRMAN: Thanks for coming today. I need to read to you a little information first. 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. I have a few questions that I need you to respond to so that Hansard can record them. Have you completed the "Details of Witness" form?"

Mr McCorrison: Yes, I have.

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

Mr McCorrison: I do.

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

Mr McCorrison: I did.

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

Mr McCorrison: No, I do not.

The ACTING CHAIRMAN: We have received your submission, and thanks for that. I just ask if you would like to start us off by making any comments to the committee.

Mr McCorrison: I general terms, I have spent the last couple of days down here talking to our members who are employees of Esperance Port Authority over this inquiry. I just want to make a couple of points. Our submission was basically on the grounds that we want to supply a summary of the concerns from those people who actually work for the port authority.

The ACTING CHAIRMAN: Would you like to expand a bit on the specifics? I know you have got it all in the report, but perhaps you could just tell us in general terms what your impression is of things that the port have been worried out, looking back on what has happened.

Mr McCorrison: Looking back in terms of the feedback I have had, my responsibility from the union is probably to look after the industrial issues of the workers and the port authority covered by the certified agreement. I have got to say that in the process of all these issues that have actually happened, the members have raised a number of concerns going back as much as two years ago. The employees originally were of the understanding that lead was to be transported in a prill form and was actually going to be safe to handle in that mode. I also raised a number of concerns with the export of lead with the actual port authority. I have got to say that the members also, only as late as yesterday, raised with me, which I have not submitted, documentation on all their views leading up to this. If I could, I could probably respond later and actually document those, once I get confirmation, that actually were written by some of the employees. If the committee wishes me to, I could read some of those submissions that were put to the OH and safety committee and the port authority prior to the engagement of the lead.

The ACTING CHAIRMAN: How many people do you represent at the port? How many of those are members of your union?

Mr McCorriston: How many? Probably the majority of the employees in the port authority work under that certified agreement and are members of the Maritime Union. In terms of numbers, I would say that it would be approximately around about 40.

The ACTING CHAIRMAN: The reality is that people who are still working there at the port in some ways would almost inevitably feel constrained about what they can say publicly and what they can say to us, so I think this is a great opportunity to hear what they have been saying with you as the person who gets to say it rather than them having to say it and, therefore, be identified. If you could, I would like you to go through some of those key issues that they have raised in expressing their concerns.

Mr McCorriston: I think you are correct. In terms of talking to people on an individual basis, or a process with a meeting with a number of employees, a lot of employees probably feel a little bit intimidated or scared to raise particular issues with management. I understand that there is a process in place with the actual committee - it is a safety committee down there. With as much confidence as I have got with the people involved in those committees, I think they are good, but what I have summed up here, I am a little disappointed in the fact that the union was not contacted to be part of these committees and to have some input in the actual process, because I think we can put some more constructive and positive input into these actual reports. Unfortunately, the whole process, whether it is a government department or a port authority, is actually lacking in that area, the way I sum it up, because a lot of things I have been handed over the last couple of days are a little bit surprising, but I had to wait till this time before they actually handed it to me. I will run through some of the issues that the members raised with me. One is obviously the issue about the lead process and how it is supervised. We have acknowledged the fact that no code of practice in stevedoring exists. There is no dust monitoring and procedures on the vessels put in place when the stevedoring operations actually happen. We as a union have identified this nationally, and we have also taken this up with the Australian Maritime Safety Authority and the relevant WorkSafe state bodies around Australia, including the federal and state government ministers and stevedoring corporate operations.

We feel that the reports obviously took onboard that the port authority does come under the mines act and regulations, but in terms of where it goes to the stevedoring side of it, it lacks a lot of those areas. The members reported back to me that they were disappointed with, one, the fact that they do not believe their concerns that were tabled through the committees and through the port authority were taken seriously. They also feel that the relevant departments did not actually have any consultation with them or, probably more importantly, us as a trade union movement. What they did raise with me when all this came out was the fact that they asked questions - I do not pretend to be an expert in these areas - about what are the actually safe, acceptable levels and blood testing procedures. There was conflict in the reports on what actually the acceptable levels are for exposure in general working operations. The other questions were: what are the acceptable levels and what are the long-term effects of the actual exposure to lead? Those questions have been floating around, but I have done some research myself. As I say, I do not pretend to be an expert in the field, but some of the research I have gone into - we say that blood levels complying with Australian OH and safety guidelines that are so-called safe, we do not believe that. We believe that it is inadequate and it really does not take on the effect of what is actually happening with those actual guidelines. We also asked: why is it that currently the Australian government has no public health policy on lead? We understand that the Western Australian Department of Health have much clearer guidelines and advice on the particular issues.

I come to the point about the other concerns. With the code of practice, it is dust monitoring on the vessel, and a number of these vessels that actually trade in the other port. There seems to be a point with the mines act and regulations covering all the areas, and the OH and safety committee actually covers all the areas, up until the wharf, and once it gets to the wharf then there is nothing; there is no code or practice - nothing. Some of the issues the guys raised with me were the exposure

through the leaks on the conveyor belts during the loading and the operations. The health department obviously did not have any consultation with those members at a given time. As I indicate, there were a number of things that the guys did table. As I said, if I need to read some of those things out, I will.

The ACTING CHAIRMAN: We are not taking submissions any more, but I think it would probably be appropriate. Before when we have had extra information required on questions, we have had people provide those within 14 days, so perhaps if we could ask you to do that as though we had asked questions, asking you to please detail all the reports that have been given to you by the members and asking you to give us a copy of that with 14 days, I think that will handle it. Have you finished then with those statements?

Mr McCorriston: The only other thing in some of the things I was trying to raise was the concerns about the shipping operations in that process, because at the time of the loading on these lead vessels and the different ships that come into these ports, a lot of these vessels are flag-of-convenience vessels. Now, we over a number of years have obviously raised that issue about these vessels trading in and out of Australian ports, and we feel they have been ignored over those years. A lot of these ships are registered in nations like Panama, where they are avoiding tax and regulatory requirements, as well as bypassing local labour, health and safety laws. I also include the underpayment and mistreatment of foreign crews, as we have seen in the past. We are saying that incidents like these are actually happening. A number of questions have come out from these vessels that were actually loaded with lead. What happened to dust and the spillages on vessels after they sailed? Where were the ships' holds cleaned prior to the berthing? Who monitored these operations and who was accountable? If you look at a bit of the history about the Australian coast and the amount of vessels that have actually come to grief over the years, these things continually happen. We are saying that a lot of these vessels should be looked at a little bit more diligently from the appropriate statutory bodies. I have only got to mention vessels like the *Sanko Harvest*, which ran on a reef here a number of years ago; the *Korean Star* off Carnarvon; the *Kirki* off the Western Australian coast; and, more recently, the *Pasha Bulker*, that is sitting off the Newcastle coast up there at the moment. Those are the sorts of issues we want to raise, because it is a serious concern about everything up to the wharf is okay, once they are here they are loaded on these flag-of-convenience vessels. We do not think they are the correct vessels. We just feel it is lacking in that particular area in terms of the transport.

[2.30 pm]

The ACTING CHAIRMAN: Although that does not quite fit within our terms of reference, the member for Bassendean has a particular interest in that area and would like to ask a question about it.

Mr M.P. WHITELY: I was going to start with a national code of practice, because it relates to that. In your submission you referred to the absence of a national code of practice. The transport of lead and other heavy metals is not new to Australian ports. It is surprising that one does not exist. What sorts of things would you like to see in a national code of practice?

Mr McCorriston: The code of practice in terms of stevedoring and operations in some areas is lacking. A lot of these things are covered under marine orders 32. They lack in the bulk sectors, in terms of bulk commodities and whether it is import or export commodities. We want to sit down with the relevant WorkSafe and AMSA and also the relevant stevedore companies and put down a set of guidelines and rules that cover safe operations in those particular operations. As it stands at the moment, the wharfies and foreign seafarers on these vessels are all exposed. Some of the wharfies are using the PPE gear, which is okay. However, the foreign seafarers are not protected - there is nothing covering them. In general terms, we want to sit down and work out the code of practice and the safe operation on these commodities, whether it is discharge or loading.

Mr M.P. WHITELY: Do other similar codes of practice exist for the operation of wharfs?

Mr McCorriston: In some areas they do. In general terms, of the terminals around the country, safe operational requirements are put in place on the wharfs and that. In terms of the stevedoring, there is nothing.

Mr M.P. WHITELY: We have heard evidence that due to the fall of some ships, the chute is too short and it blows around in the wind. Would you have a different approach if you had non-flag-of-convenience vessels?

Mr McCorriston: I think if there is a standard in terms of what the shipping is and what sorts of ships would use the particular products, a lot of those things could be eliminated in terms of the different types of hatches and the different ways that ships are built. Around the world, various types of ships are built for various products. For products like this, this is just an open book. Whenever a ship is available, "Get it in here and we will load it up and away we go." Unfortunately, that has happened in a number of areas, whether it is wheat, lead, nickel and things like that. Those are the sorts of things we say should be looked at.

The ACTING CHAIRMAN: Are you aware of lead exports from other ports in Australia? Have you had much involvement with the condition of those ships and the procedures on those wharfs etc?

Mr McCorriston: I am aware of the situation in South Australia. However, I am not up to speed in terms of having involvement with those processes.

The ACTING CHAIRMAN: Obviously, the union is concerned about the workers. However, I presume you are also concerned about workers' families and children. When you look at other places where lead is being exported, there are significantly higher levels of lead in the blood of workers there and particularly in children around those ports, particularly in places where there are smelters. Does the union have an Australia-wide standard of acceptable levels for not only workers but also families? Is the union taking action on other ports with regard to the contamination of the port itself?

Mr McCorriston: Nationally, we are looking at where these sorts of incidences may be happening. This is all new to me. As I indicated, I am not an expert on the subject. I have to say that I am alarmed by members' individual reports in terms of where their blood levels are at the moment. Since 2005, the port authority has been monitoring the situation with blood tests and all that. The average down at the port is roughly around about five or six, but in some of the reports individual members have given me, some of those levels are as high as 52. There are some around 40 and a couple around 34, which is very alarming.

Mr M.P. WHITELY: Would you like to see a national code of practice have specific levels, so once somebody gets past 10 -

Mr McCorriston: There has to be some sort of input by all parties to determine what are safe levels. The way I look at it, I do not think there is a safe level in terms of exposure to lead. It is a little bit one sided when we are saying that people can be exposed and this is happening here, but the reality is that there should not be any exposure in terms of safe levels.

Mr M.P. WHITELY: The reality is that the tolerance in the workplace is different from the tolerance for people outside the workplace. Is that appropriate?

Mr McCorriston: No, I do not think it is appropriate. The levels that come under WorkSafe or any other statutory body are outdated. The Australian government must seriously look at it on a national level and sit down with all parties and work out what are safe levels to work under that particular act.

Mr M.P. WHITELY: So consistent inside and outside the work place.

Mr McCorriston: That is right.

The ACTING CHAIRMAN: The problem is that if we were to report that zero level is the only acceptable level and that was reflected nationally, half of the places in Australia exporting lead would have to shut down. We are looking at the levels of members of the community, including children, that are accepted as standard in other places in Australia for longer term contamination. Personally, I do not find those levels acceptable. However, in other places that seems to be the norm and nobody pays too much attention.

Mr McCorrison: I think, generally speaking, what concerns me is that there are too many unknowns. This may be another asbestos situation that we have seen in the past. If we turn back the history of what happened with asbestos, no-one raised the issue. There was a bit of a concern around it, but we had to wait 20 or 30 years before we knew about its effects. What we are seeing here today, if people have been exposed to lead levels, whether it is two, 10, 20, 40 or 50, we will not know the outcome. All the reports that are around at the moment are conflicting in terms of what effect lead will have on people's health. I have read reports from the American health organisation or something along those lines. In 10 or 20 years' time, this may have a flow-on effect to the detriment of the health of everyone in Esperance or those people who have been affected by it.

Mr P. PAPALIA: Keith, have any of your members expressed concern about nickel?

Mr McCorrison: Yes, they have raised the same circumstances with me. They have had an issue with that for a long time. When they raised it back in 2005, they reckon they had problems with nickel, let alone taking on the issue of lead. In their 2005 reports, a number of people raised that issue. It is an issue for the workers. Again, I hope it has not fallen off the table, because it needs to be discussed so we know what will happen in the future with nickel export.

The ACTING CHAIRMAN: In your discussions with the workers as a group, has anyone suggested that people have seen things happen, like significant dust spills, and that there is a culture of not wanting to report it to this committee for whatever reason?

Mr McCorrison: Yes. It has been indicated to me that there have been a couple of spills and leakages from the conveyor belt system. People felt that it was just the norm and did not take much heed of the fact that it was an issue at the time.

[2.40 pm]

The ACTING CHAIRMAN: The fact that now we are here and there is an inquiry, is there a sense of wanting to tell our committee about those things, or not wanting to tell our committee and keeping quiet?

Mr McCorrison: I do not think the guys have been backward coming forward in terms of what they raise as issues. As I said, it goes back in 2005 in their submissions here that they gave to me last night. They were raised with the port authority and raised with the committee to actually table it, so it is not as if they are saying that they waited until the actual problem happened; they identified those issues prior to the actual export of lead.

The ACTING CHAIRMAN: The workers expressed concern before lead was coming here and went off and did an inspection. The impression I got from the four health officers was that they were fairly reluctantly agreed at the end of the day. Again, did you get any impression that they were browbeaten or forced into accepting something they did not really want to accept?

Mr McCorrison: I think back in 2005, they formed a committee and apparently the committee went to Magellan mines and went up there for the purpose to look at the operations and how the lead was going and things like that. I just feel that although that committee was formed by members of the Esperance Port Authority, a number of the issues that were actually raised by the workforce were not really addressed, whether it was by the port authority or the health department or whatever. The feedback I am getting from everyone is that it was just a rush job to get the product through the port and shipped out and a lot of things were not sort of taken on board.

Mr T.K. WALDRON: Keith, you mentioned before about a committee formed by the workers in the port.

Mr McCorriston: Yes.

Mr T.K. WALDRON: Who did they take their concerns or their complaints to?

Mr McCorriston: This is the agents; the safety committee.

Mr P. PAPALIA: It is the guys we met this morning.

Mr McCorriston: Yes.

Mr T.K. WALDRON: I just thought you were talking about another committee; that is all.

Mr McCorriston: No, no; it would have been through the safety committee.

Mr T.K. WALDRON: Sorry, I thought you were referring to just a committee of concerned guys.

Mr P. PAPALIA: Can I just say, in fairness to those four blokes, that their report, which we have seen, raised a whole lot of issues and did not indicate that they were satisfied, and suggested reluctantly that they continue with the process of deciding to go ahead with it, but as long as a whole list of things were rectified. When we met them today, my impression was that none of them were ever satisfied completely that it would happen. I did not want you, as the union rep, going back and saying to those blokes there that their blokes did not stand up for them, because, as far as we can see, they put their arguments forward and whether they were acted on is not very clear.

The ACTING CHAIRMAN: I thought they were very good.

Mr P. PAPALIA: They were very clear this morning when they gave their evidence.

Dr G.G. JACOBS: Keith, when was your union aware that the lead carbonate going through the port of Esperance was a dangerous good?

Mr McCorriston: It was not until the actual product actually first came through the port. I had a couple of phone calls from a couple of members. In turn, I contacted the Esperance Port Authority and asked them where they were with this business; a couple of issues raised. The response of the port authority was that they had taken on board all the issues from the workers, they had had a safety committee organised that had meetings with the board and also the relevant departments, and they were saying that everything was going to comply with all the OH and safety regulations and requirements by all those departments, and it was an ongoing process. The only question that I put to the port authority at the time was that although I have got enough confidence in the committees, and the members who are on those committees, whether it is management or the workers, I just felt why was not the union contacted from those departments or port authorities to have some sort of input into those actual discussions. I think that because, as I have said, I have got enough confidence in some of the members but at times the members need some guidance and support; in terms of expertise we can actually help assist those sorts of procedures.

Dr G.G. JACOBS: Do you have any knowledge of how it would have been handled differently having been finally classified as a dangerous good? I mean, do you have any issues from a union perspective, from a workforce perspective?

Mr McCorriston: The way I would have dealt with it, obviously I would have got some advice from people who have probably got more expertise in that particular issue, but I think there are a number of areas that we could have had some sort of input that would have been constructive and positive through the processes. I have got to say that at this stage we are currently, with the port authority and with Magellan mines, actually sitting down at the moment trying to work out a plan and a process. We have got some input in that at the moment, sort of going forward. That is okay, but, I mean, that never happened going back two years ago.

Dr G.G. JACOBS: Have you any knowledge of how lead is handled in other ports and at other sites?

Mr McCorriston: Not on the actual subject of lead. A lot of other bulk commodities I have been involved with myself, in terms of I was a stevedore and employee for a number of years with PMA, but no, I have not had any dealings with lead; it is the first time I have ever been involved with it.

Mr T.K. WALDRON: Keith, there have been a number of incidents at the port that could have affected the workers' health. Are you aware of those major incidents and do you want to comment on any of those?

Mr McCorriston: I am not too sure what your reference to the major incidents is. All I can say is that the ones that have been raised with me have obviously been the exposure to the lead.

Mr T.K. WALDRON: Have major spills been raised with you?

Mr McCorriston: I have actually seen photo evidence of spill, of some of the lead on the actual hatches of the ships. That was not through one of the workers; that was through another source.

Mr T.K. WALDRON: Have your workers raised issues with you about spills at the port itself, on the port?

Mr McCorriston: Not necessarily major spills or anything like that, it was just the concern of the dust and the actual leakages through the conveyor belt systems and stuff like that.

Mr T.K. WALDRON: Question 4 reads -

On July 4 2005 the Port's incident report provides an account of a problem with the air conditioners being "... full of dust and blowing dust into amenities fans and tops of equipment very dirty ... Were you aware of the incident and what action did you take or would you take if known?

Mr McCorriston: Okay, I was not aware of it; I was not informed of it. My first reaction would have been, if I would have obviously got this information, to make more inquiries on exactly what was happening down there. I would probably more than likely come down and talk to the port authority and the members about it. I am just reading here now that "blowing ... amenities" blah, blah, blah. I think we would have taken the appropriate action, obviously talking to the port authority and moving my workers away from that area and discussing the process and how they are going to fix it and things like that, you know.

Mr T.K. WALDRON: So a report such as that would alarm you and you would be taking action on that?

Mr McCorriston: I would have done, yes.

Mr M.P. WHITELY: The occupational health and safety officers who were in today were quite an impression, and they seem pretty switched on, but also I just think they are employees, right?

Mr McCorriston: Yes.

Mr M.P. WHITELY: Now, it would seem they passed their concerns up the chain and they were not particularly happy with how they were handled. It seems that there is a need to have somebody representing them at the top, dealing with board level, if you like.

Mr McCorriston: Yes.

Mr M.P. WHITELY: Have you got any thoughts on that?

Mr McCorriston: Yes, I do. I am very critical of the fact that with OH and safety committee - I have got all the confidence in the world having committees established - but I feel that exactly what has happened here today is that the guys have gone to that level and then, because they are employees, they probably feel a little bit intimidated, and they probably feel that if they raise too many issues of concern it is going to jeopardise their future employment arrangements and career

paths and stuff like that. That happens right the way around the country and that is why we say that the responsibility is from a trade union official; that is, the next step that we are involved with, where we go and sit down and debate and discuss the issues with the relevant management, and that is what we do. Sometimes we do not agree; sometimes we disagree but at the end of the day, we have got to have that process put in place so if it does come to the point where it has got to be argued, then that is a responsibility that we see, as an official of the union, to represent the members and their interests.

Mr M.P. WHITELY: Is there a chance for a more formalised process; would that happen at a union to board level?

The ACTING CHAIRMAN: Given that you say that you have got 40 members down there, why do you think nobody came to you when all these incidents were happening?

Mr McCorriston: I felt that the guys had enough confidence at the time with the safety committee, that they were obviously tabling the issues and that they just probably felt that they were going to be addressed and have a sort of positive response coming back. They probably felt that they were okay with that at the given time, but now they have realised that that process fell away.

[2.50 pm]

The ACTING CHAIRMAN: The safety committee had the same concerns.

Mr McCorriston: Yes. I am a bit alarmed that the safety committee did not raise these issues with myself to be honest with you, because there is an expectation that it would have.

The ACTING CHAIRMAN: There was a heavy metal workshop held on 4 December 2006 to discuss all those issues. Were you at that workshop?

Mr McCorriston: No. I was not aware it was on.

The ACTING CHAIRMAN: It certainly had people from just about everywhere else.

Mr McCorriston: In all honesty, I think you are probably right. There are that many departments and I think that what a lot of boards and these departments have to look at are two areas where we are lacking in a number of areas. One is the community and one is the trade union movement. If you are going to invite people to represent whether it is the working class or the community, they need to take that on board. It is all good and well bringing in the departments and their expertise, but I think you also have to take on board the views of the community and the actual workers.

Mr T.K. WALDRON: Do you think the fact that you were not contacted, that the union was not involved, yet the concerns were obviously there, was that there may have been a sense that it was going to be looked after? Do you think they felt satisfied that it was going to be looked after and therefore did not contact you? Why were you not contacted, do you think?

Mr McCorriston: I do not know why I was not contacted, to be honest with you. I feel that the guys had enough confidence in the committee, but I do not think they had a lot of confidence beyond that, whether it was the department, the port authority or whatever. They had no confidence in anyone else.

The ACTING CHAIRMAN: Thank you very much for coming in. 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 working days of mailing. If the transcript is not returned within that period, it will be deemed to be correct. You do not have to send it back if you are happy with it.

Hearing concluded at 2.52 pm
