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 ONE

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 9.00 am

JAMIESON, MR DAVID KYM
Shipping Support Officer, Esperance Port Authority, examined:

The ACTING CHAIRMAN: It being nine o'clock, I officially declare the proceedings open. Welcome ladies and gentlemen. It is good to be back in sunny Esperance! Welcome David; thank you for appearing before the committee today. The Hansard reporters will record everything that is said. You will get a copy of the transcript later to check to ensure you are happy with what has been written. Please speak loudly and clearly so that they can hear everything you say.

This committee hearing is a procedure 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. Have you completed the "Details of Witness" form?

Mr Jamieson: Yes, I have.

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

Mr Jamieson: Yes, I do.

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

Mr Jamieson: Yes, I did.

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

Mr Jamieson: No.

The ACTING CHAIRMAN: We have a series of questions to ask you and in hour in which to do so. We will need to proceed relatively quickly. When we did the port inspection, you showed us through the induction procedure and then we looked at issues around the port. When we went into the shed to look at the ore that was there, I remember that it had been stored, once export had been stopped, for about three or four weeks. It had become drier through that process. I want to talk to you about how you determined the moisture content once it was in the shed and what happened with the mixing and loading and dust conditions in that shed. Can you start by telling me a bit about the ore, how long it was normally stored in the shed and what you did to mix it when you determined the levels?

Mr Jamieson: First of all, we do not do any of the mixing inside the shed; that is not our responsibility. That is done under contract to Brambles, which works for the shippers. We do not handle any of the ore coming into the port; that is handled by Brambles as a direct contract to the mine. They also put it into storage. We go into the shed the least amount of times possible, because of opening and shutting doors. The only time we are required to go into that shed is if we have to do any repairs to the loading equipment to out load. I am not certain -

The ACTING CHAIRMAN: Who does go in the shed? Who in the shed determines whether the moisture content of the ore is adequate?

Mr Jamieson: That is up to the mine site, the shipper's representative, who is employed by the mine.

The ACTING CHAIRMAN: Our understanding was that he works in conjunction with a port representative, because you have responsibility for the TML of the ore that goes onto the ship.

Mr Jamieson: Exactly. The TML is completely different to, say, a level of what would be a dust extinguishing level of the ore by the bulk cargo carrying code and also marine orders navigation act 1932. As stevedores we cannot load a vessel that is over a TML - a transportable moisture limit. Ours is not worrying about the lower limit; ours is worrying about the upper limit, otherwise we completely endanger the ship and all personnel because the ore itself can liquefy if its gets past its flow point.

The ACTING CHAIRMAN: Your only testers for that ore are on the conveyor belts. Surely, you would not wait until that ore is on the conveyor belt before deciding whether it is too moist or too dry.

Mr Jamieson: We are given a statutory declaration by the shippers, which states what is currently laying in at the shed in storage.

The ACTING CHAIRMAN: So by that contract person who comes and works in the shed?

Mr Jamieson: He comes from the shippers.

The ACTING CHAIRMAN: We know that Magellan provides a declaration about what the TML is when it leaves the Magellan mine site. However, my understanding is that it has no mechanism for testing the moisture content in the shed. Have you seen it doing testing? Has it got the equipment to test it?

Mr Jamieson: I think the shippers rep has a probe in his office.

The ACTING CHAIRMAN: So you would almost never go into that shed?

Mr Jamieson: That is correct. The only time that we do an independent check on the cargo is when a shipper's declaration states that it is currently lying at what we deem to be a low average.

The ACTING CHAIRMAN: What happens when it is being loaded and your measurement on the conveyor belt shows that it is too dry and that dust is going everywhere, as we know there was on some occasions?

Mr Jamieson: Basically -

The ACTING CHAIRMAN: Are you saying that you only worry if it is too moist, not if it is too dry?

Mr Jamieson: No, I am not saying that. I am saying that that is when we put into play our procedure. Our procedure is that if it is too dusty, the first thing we do if it starts to generate dust at the ship's hold is we apply water. We apply water at certain points in the system. If that fails, we stop loading altogether. We call in the shipper's representative and he has to condition the product to such a state that we can recommence loading.

The ACTING CHAIRMAN: So nobody from the port is in the shed with him when he makes that decision?

[9.10 am]

Mr Jamieson: No, not that I know of. He will actually bring in certain - he might say, "Well then, we'll stop loading and wait till a train comes in that has got a high moisture content and we'll mix the product", or he will instruct the product to be wet down and Brambles would then be in their front-end loaders and they turn it and mix it.

The ACTING CHAIRMAN: Dave, when we went with you in the shed and I made the comment that it was too dry, your response to me was "hang on a sec" and you dug a hole -

Mr Jamieson: That is right.

The ACTING CHAIRMAN: - into the ore to see if it was too dry because there could be more moisture inside. Then you said, "Well, yes, it is too dry". Is that a routine procedure that you would do to test moisture within a pile?

Mr Jamieson: Yes, if we went into the shed. Our routine procedure would be like it was done in the very first - at the beginning of - shipping, which the shippers, or Magellan, provided someone from Alfred Knight who came down and did what was called constant sampling to get an overall view of what the cargo was laying at in the shed, what its condition was. Basically it was in very good condition. They had done core sampling and they checked it and it came up very, very close to our end sampling. It is a very accurate type of sampling. They usually use it in weight determination - how much wet weight there actually is when they get to the other end of the containment.

The ACTING CHAIRMAN: I have to say, David, it looked as though you had done that procedure of digging in the pile on a few occasions before. It looked like a familiar activity for you.

Mr Jamieson: Well, that is a general sort of thing, if anything. If you have got a pile that has been laying there for a time, basically, the skin of the pile will dry out, obviously, just through natural air ventilation inside the shed. Then, once you go into the pile, you can actually put your hand in and get more moisture. You can actually form a -

The ACTING CHAIRMAN: I understand that would be a thing, but it seemed a familiar procedure for you. You said a minute ago that you hardly go in there -

Mr Jamieson: That is right.

The ACTING CHAIRMAN: - yet, it would seem that you do that relatively often.

Mr Jamieson: No, not relatively often. It is just a common point over the course of your career; that you can have a look at it, and just have a look at it into a tub or anywhere, and say how dry it is.

The ACTING CHAIRMAN: How often would you do that, do you think? Roughly; you do not have to be accurate.

Mr Jamieson: Roughly ten times a year, maybe.

The ACTING CHAIRMAN: You know that I copied you and did the same. Do you know that the lead goes through those gloves?

Mr Jamieson: Yes, those gloves are not usually the general ones that are used for working in the shed. They were only on a point of inspection and I did not know that you wanted to actually handle the cargo.

The ACTING CHAIRMAN: Nor did I, in fact, before I did it!

Mr Jamieson: But basically -

The ACTING CHAIRMAN: In retrospect I probably would not have.

Mr Jamieson: - it was good to show you how it does leave a mark on your skin, but it easily washes off.

The ACTING CHAIRMAN: Yes, except provided you know so. I would have to say that I did not even notice until someone else who had done the same showed me their hands and they were covered in dust. I guess it is -

Mr Jamieson: Well, it was not actually dust because it did not fall off your hand.

The ACTING CHAIRMAN: So, what do you mean?

Mr Jamieson: Well, basically, did you go like that and shake your hand and it fell off?

The ACTING CHAIRMAN: No.

Mr Jamieson: No, because it was not dust. It was actually a slight moisture film, which comes through your gloves.

The ACTING CHAIRMAN: But it was the same colour as the ore.

Mr Jamieson: Yes, true. If you handle iron ore; it will give you a colour on your hand.

The ACTING CHAIRMAN: But that is iron ore; that is on your hands.

Mr Jamieson: It is iron ore. If you handle nickel; it will give you colour on your hand. If you handle flour; it will give you colour on your hand. So, what I am saying is that it is not necessarily dust; it is material.

The ACTING CHAIRMAN: But I do not understand. Do you think of dust as a sort of separate entity to the ore itself?

Mr Jamieson: No, dust is actually fines. It is fine particles of the product that when it gets agitated it creates airborne dust. Right? The only main way that you can quell the dust is the use of water or the use of a reagent which binds the material. So, that is fines causing dust.

The ACTING CHAIRMAN: Yes, okay, all right, I think I have got that.

Mr P. PAPALIA: Dave, I am just going to refer to some evidence that was provided by the port. A lot of information was given, and over time our staff have worked their way through it. I am referring to an incident report from 4 July 2005, which they will be able to provide you with a copy of. I do not expect you to memorise every report but it provides an account of a problem with the air conditions - the part that we are concerned about - being full of dust and blowing dust into amenities fans and tops of equipment very dirty. The question we have is: do you know what caused the dust? Were any samples of the dust taken and analysed?

The ACTING CHAIRMAN: Remember, this was July 2005, so this was at the time of the first shipment of lead.

Mr P. PAPALIA: That is another question.

The ACTING CHAIRMAN: Sure, but I want him to know that.

Mr Jamieson: I am not completely aware of this. This is put in by Longey and basically, I would very much doubt that this has got anything to do with lead dust.

Mr P. PAPALIA: Who put it in?

Mr Jamieson: Gary Longbottom. He is the ventilation officer - air ventilation for the port - so you would have to refer to him about what it was about. But I would say that this, where the air conditioners are actually put through, that would be more than likely be probably dust spill, iron ore dust possibly from the dumper from the RCD, which is just at the back of the amenities. I very much doubt it would be anything to do with lead, but he would be the one to refer to.

Mr P. PAPALIA: Okay.

Dr G.G. JACOBS: Dave, thanks for coming today. In the port's environmental performance report - it is a report of 2004-05, in pages 6 and 7 - under section 5.5, marine sediment monitoring, it notes that the monitoring berths 2 and 3 had evidence of presence of elevated levels of nickel. What do you think would cause those levels?

Mr Jamieson: Hard to say what would make it elevate, I suppose, because basically, the possible fallout from underneath CV5? Small amounts of fallout from CV5 during loading, on the basis that there has been elevation in nickel. What date was that, sorry? 2000 and -

Dr G.G. JACOBS: 2004-05.

Mr Jamieson: Well, there had been elevation in nickel loading probably at the time.

Dr G.G. JACOBS: So, can you explain to us the CV5? In fact, that is the same system that later on was used for loading lead, is that true?

Mr Jamieson: That is correct: exactly the same system and it is the same ship loader. Basically, when you are out loading you are coming through CV2 or - depending on what shed, you have got you have got a map in front of you there - so, CV2 is the main carry belt which feeds off all those sheds, which are Cosmos, Black Swan and the Magellan.

The ACTING CHAIRMAN: And that goes directly into the ships?

Mr Jamieson: It goes on to a CV3. CV3 then comes across through a tripper goes down on the CV5, 6, 7 and to the shed.

The ACTING CHAIRMAN: Member for Peel, you wanted to ask relating to that -

Mr P. PAPALIA: With regard to a loading question, Dave, because of your responsibilities I just wanted to check what your view is. Did you have any concerns with using the same system that had been used for loading nickel? The port was aware that nickel had escaped from that loading system as a result of the process; the use of the same system that you then intended using to load lead - did you have any concerns with regard to that prior to starting to load lead?

Mr Jamieson: I think everyone had concerns about that particular part, but knowing well the condition of the product and what we had in place, we did not see it as being a major concern because we knew that we had actually upgraded quite a bit of that system that still needed further upgrading before it was going to be absolutely foolproof. Unfortunately, even though everything is in place or being put in place, it is not as easy to get these things through government departments, etc and also to get the right people to be able to do the upgrading.

The ACTING CHAIRMAN: What do you mean getting it through government departments?

Mr Jamieson: Well, for funding; all that sort of stuff.

The ACTING CHAIRMAN: We were told that there was never any application for funding from the port that was rejected or even made in terms of -

Mr Jamieson: Well, that is virtually not up to me. That has gone up to management who applied for that.

The ACTING CHAIRMAN: So, you would have requested those things?

[9.20 am]

Mr Jamieson: We had brought it to attention that there were certain things that required doing. I will give you an example. You have a ship loader on the berth, which has certain dynamics. You do not just think, "I'm going to put belly plates on CV5" because you change the dynamics because you change the weight factor. To actually have that engineered, which we have done and have finally got WBM after finally getting them, you cannot just pick up a phone and say, "Can you come down here and do this for us?" because it just will not work. These people are highly trained in their fields and they are not easy to get your hands on, and if you do, it could be three or four months before they can give you a time to come in and do a complete survey of your machine and then go back and analyse it and tell you what weight factors and how it has to be designed and put on, and then you go through the next step.

Mr P. PAPALIA: You are talking about belly plates on CV5, but you know that CV3 is not enclosed, is it?

Mr Jamieson: The CV3 is generally clean. Basically, it works through a scraper. They all work through scrapers and collectors, but down at the east end, the return belt is scraped and it goes down a chute into a holding tank, which is then cleaned out by Mobi Vac every shift. It puts the hose in there and sucks it all out and puts it back in the shed.

Mr P. PAPALIA: Were you aware of the Riseborough and associates report - the consultants who came in to do an assessment?

Mr Jamieson: No.

Dr G.G. JACOBS: Dave, you are saying that the benthic levels of nickel in those inner-pocket harbours, particularly the one where the nickel loader is, are a result of leakage or spillage from the belt in CV3. Is that what you said?

Mr Jamieson: Not from CV3.

Dr G.G. JACOBS: Where do you think the -

Mr Jamieson: CV5.

Dr G.G. JACOBS: That is the belt that goes out over onto the ship.

Mr Jamieson: There has never been anything washed off our berth or anything like that into the water. There could be some scraper return. It could be from years - I do not know how long they have been there. I am not an environmental person and I do not handle that part, so I cannot really give you an answer to your question.

The ACTING CHAIRMAN: However, you would have seen any spillage that occurred, I presume, since you are the supervisor.

Mr Jamieson: Yes, I have, and I have never, ever seen any spillage of any sort of magnitude whatsoever.

The ACTING CHAIRMAN: Yet it was still there in the benthic levels, so you presume it must have happened.

Mr Jamieson: Yes. I would say that a lot of it might have come from previous years when there were not so many environmental controls, considering that the port has been shipping nickel for a lot of years.

The ACTING CHAIRMAN: Yet it is there with the lead as well.

Mr Jamieson: Lead I cannot answer. I would not know.

The ACTING CHAIRMAN: It is. I am telling you. The time period is not so much a factor because in the two years of exporting lead, those same elevated levels are in those same sites.

Mr Jamieson: But what sites are you exactly speaking about? Are you talking about stormwater outlets, directly under the ship-loading area at berth 2?

The ACTING CHAIRMAN: Yes.

Mr Jamieson: Like in a range -

The ACTING CHAIRMAN: We know that at the water outlet there were elevated levels, but they were only after that storm. There were significantly elevated levels in the area of the ship loading prior to that.

Mr P. PAPALIA: Berth 2 and berth 1, but berth 2 particularly in October 2006 had highly elevated levels.

Mr Jamieson: Like I said, I have not seen that document. That is not my position to work on that document; it is up to our environmental person.

The ACTING CHAIRMAN: We will ask them when they come.

Dr G.G. JACOBS: Mr Chairman, can I ask about another part of this that talks about the stormwater outflow point and the interceptor pits?

The ACTING CHAIRMAN: No, because I think that is somewhere else.

Dr G.G. JACOBS: In the port's environmental performance report, during May 2005 monitoring was undertaken at berth 1 in the vicinity of the stormwater outflow point. It comments that although this stormwater passes through interceptor pits prior to discharge, there was a potential for water to be contaminated with nickel and lead from the wash-down areas. Could you comment on that? You took us through some of that when we had our inspection and we were concerned about how that system worked and whether it led to -

Mr Jamieson: What you have said is a key word - "potential". It does not mean that it is going to be, but there is a potential. There is always potential in the case of a huge storm. We had the 100-year storm. It washes everything clean. It washes the roads clean. It washes your gardens clean. It washes everything clean. You just need to look at what it did to Bandy Creek and you can see the spill-out from there. I am not saying that it happened in the part of the port, but in our case, all those inception pits are checked and pumped or sucked by Mobi Vac.

The ACTING CHAIRMAN: The time goes so fast that it amazes me. We will move much more efficiently, if you could try to keep you answers as concise as possible.

Mr Jamieson: Sorry.

The ACTING CHAIRMAN: No, it is not you fault. We keep interfering.

Mr T.K. WALDRON: Dave, we will try to move through these ones quite quickly. In an incident report dated 8 September 2005 - do we have a copy of that? - a white sediment is noted as appearing at the east end of berth 2. Did you observe that substance?

Mr Jamieson: Never. I have not even seen the incident report.

Mr T.K. WALDRON: If you have not observed it -

The ACTING CHAIRMAN: The other questions are still relevant.

Mr T.K. WALDRON: In the same report it states that water was left on washed lump again in shed, more sealing of lead shed required and the Black Swan shed at the east end. Do you know what happened as a response to this report? It says that water was left on washed lump again in shed.

Mr Jamieson: Yes. What that means is water was left on top of the piles of washed lump again in the shed. That is talking about iron ore. Virtually, someone had left the water sprays on instead of turning them off, which is nothing to do -

Mr T.K. WALDRON: Do you know what happened as a response to that?

The ACTING CHAIRMAN: More sealing of the lead shed was required. Why would they say that?

Mr Jamieson: I have no idea. I do not know what it referred to.

Mr T.K. WALDRON: Obviously, I think it would refer to - did they feel the shed was too open, there were gaps etc? Do you know what happened as a response to that?

Mr Jamieson: I cannot answer it; that is not in my department.

Mr T.K. WALDRON: Okay. Also in that same report, there seems to be a concern over the material safety data sheets, with the comment that MSDS for all products handled should be in a file in crib rooms. I understand that that is in the mines regulations. Do you know why they were not in the crib rooms?

Mr Jamieson: Once again I have no comment on that, other than we did have MSDSs for all products, even though the one we had from Magellan was only at that stage generic. It was not an actual for the product. That was not actually given to us as far as I know until -

Mr T.K. WALDRON: Where were they kept?

Mr Jamieson: They are kept in our supervisor's room where they can see them any time they like.

Mr T.K. WALDRON: I think I will move on to the next question. How did you determine what personal protective equipment, which you showed us when we went through, to have there? What was the process there?

Mr Jamieson: The process is that before we brought lead into port, we had a doctor come in - actually, he was an OH&S expert who had been in the field; he was brought in by Magellan - and they went through what sort of protective equipment we would require, but we went one step further with the air stream helmets and things like that to make sure that when we are working in confined areas, say, inside -

Mr T.K. WALDRON: So you followed what they recommended and implemented that in your PPE?

Mr Jamieson: And research as well. We went further to bring in people from Ryco, who then put all our workers through the use and operation of the Ryco air stream helmet. It is a general process like that to make sure that everyone was aware of and trained in the proper use of PPE.

Mr T.K. WALDRON: Dave, on 18 October 2005, in an email to Kevin Ross at Magellan regarding worker elevated lead levels, you also asked for product information. Kevin responded on 19 October 2005 with a copy of an MSDS that he says was provided to you earlier. This gives a classification of dangerous good 9, now known to be incorrect, and some advice on blood monitoring. Were you concerned with the lead levels, and did this raise issues with the product handling?

Mr Jamieson: I do not recall that email. Did I send the email or did someone else?

The ACTING CHAIRMAN: You sent it.

Mr Jamieson: Yes. I sent it to -

[9.30 am]

Mr T.K. WALDRON: Regarding work-elevated lead levels, you obviously had a concern.

Mr Jamieson: Yes.

Mr T.K. WALDRON: I just wonder: did this raise issues with you with the product handling at the port?

Mr Jamieson: It is not so much the product handling. It was simply because what we had was a generic MSDS. We did not have a specific; in other words, one was never given to us by Magellan that was actually site specific. The product it was getting from its site - we had one from Ivernia in Canada - had two, because I got two that virtually were not the same as what would have been Australian for the site.

The ACTING CHAIRMAN: You know that now it has been officially classified as a 6.1, a dangerous good. I think it was Magellan that told us that would not change the way that you were handling it at the port, because you were already treating it as a dangerous good. Is that accurate?

Mr Jamieson: From the very beginning of the inception of lead, we reviewed all the procedures and classified all concentrates as heavy metals. Therefore, we worked on that to protect everyone in the port. People say it is overkill, if you ask the workers to wear this - but you have to. We said that we realise the possible dangers of this product even not knowing, until we finally got the proper MSDS, how dangerous it actually was. There were other materials in that lead that were dangerous.

Mr T.K. WALDRON: You were still treating it that way; as a dangerous good?

Mr Jamieson: Yes.

The ACTING CHAIRMAN: Do you know that under its current classification, the requirement for the classification for the respirators you are using is different from the ones you are actually using? It is a higher requirement of respirator under its correct classification, which is 6.1.

Mr Jamieson: No, I am not aware of that.

The ACTING CHAIRMAN: It is listed in the dangerous goods.

Mr Jamieson: We have got P3s, which is in the glyco airstream helmets and P2 and a halfs.

The ACTING CHAIRMAN: I think the P3s are adequate but they have to be worn by everybody, whereas you are using P2s, is it?

Mr Jamieson: P2 and a halfs.

The ACTING CHAIRMAN: That is fine for classification 9, but not for 6.9.

Mr Jamieson: That is information we did not have.

Dr G.G. JACOBS: Being a shipping man, Dave, what is the appropriate TML for loading lead carbonate?

Mr Jamieson: It varies.

Dr G.G. JACOBS: What determines that variation? How does it work?

Mr Jamieson: The actual mine site would send it to someone like SGS, which is an analysing body, and they would put it through a flow point test. So they would actually dry the samples they have out and then they would weigh them and then they would probably - I am not a chemical man - wet the pipe up until it became a solution, where it would actually move or float. Once they got that they would do a determination. Ten per cent under that would be a safe transportable moisture limit. You could probably get a lot more from Magellan about that.

Dr G.G. JACOBS: Okay, what are the levels for a TML?

Mr Jamieson: A TML, on average, around about nine. So the flow point of the product is 10.

Dr G.G. JACOBS: In the loading of the motor vessel *Echo Chaser* on 26 October, at about 2040 hours the chute became blocked. Perhaps you can give a report on that? Again the loading stopped at 2225 hours, after a hatch change and a blocked chute. Can you explain how the ship loader chutes were cleaned along CV2 and 3 and the ship loader?

Mr P. PAPALIA: Along with - the ship loader is separate.

Dr G.G. JACOBS: What is the process of cleaning the belt plus the ship loader?

Mr Jamieson: Whereabouts is it? In loading rights? Okay.

The ACTING CHAIRMAN: What time was it, sorry? Twenty past 10?

Dr G.G. JACOBS: It was 2040 hours and 2225.

The ACTING CHAIRMAN: So, 20 to nine and 25 past 10.

Mr Jamieson: Sure - blocked chute. Cleaning ship loader chute. We clean them straight into the ship.

The ACTING CHAIRMAN: That is the ship-loading chute, but what about others along -

Mr Jamieson: We would not have to clean them because they would run straight into the ship. What the guys were seeing with that consideration is that product was probably very moist - right near its TML - and it would have started to stick in the chute. They would have stopped the loading. There would have been no overspill or anything like that. They would have cleaned the chute by just putting water down it or cleaning it out into the ship and then we would recommence loading.

Mr P. PAPALIA: Dave, did you say earlier that you had never seen a spillage of lead? Is that what you were saying?

Mr Jamieson: No, I have seen one which was on our own site - on top of CV40 - when we were upgrading the breaking system on berth 2 of the loader.

Mr P. PAPALIA: Where is CV40?

Mr Jamieson: CV40 is underneath CV3.

Mr P. PAPALIA: Underneath CV3; so it is on the wharf?

Mr Jamieson: Yes, it is on the wharf. When we are doing the upgrade - I will quickly explain it - they changed the motor control centres.

Mr P. PAPALIA: What happened to the lead that spilled?

Mr Jamieson: It was sucked straight into the Mobi Vac and put into the shed.

Mr P. PAPALIA: Okay.

The ACTING CHAIRMAN: On Sunday, 14 January 2007 - January this year - the *Shimani Star* appears to have been loading lead concentrate from Magellan. A request was made for a bobcat with a broom attached, along with five workers to work from eight in the morning to 5.30 in the afternoon. Do you remember that incident?

Mr Jamieson: No, I cannot recall the *Shimani Star*. To do what?

The ACTING CHAIRMAN: It has been suggested to us that there was a spill during the loading of that ship and that five workers were required to work the day to clean it up.

Mr Jamieson: I doubt very much it would have been port workers. If it was a spill - unless it was cleaning somewhere on the berth - it would have been Mobi Vac and Mader who came in to do the wet sweep.

The ACTING CHAIRMAN: If you could just have a read of this?

Mr Jamieson: This is not even to us. This is for fertiliser. The company is named Toll - Western Stevedores - *Shimani Star*. That is for fertiliser and that is to clean up the berth of fertiliser. That is completely irrelevant.

The ACTING CHAIRMAN: Okay, thanks, Dave. Tell us about Mobi Vac.

Mr Jamieson: We have two cleaners.

The ACTING CHAIRMAN: Has it ever been out of action?

Mr Jamieson: Yes, it has been.

The ACTING CHAIRMAN: For what time?

Mr Jamieson: We had Mader do the job - Craig Mader. We have got two wet sweeping - Mobi Vac mainly does all the systems because it has high suction with the pipes. It can go into our systems and suck all the systems. Craig Mader has got the water suction vacuum truck which virtually wet sweeps and sucks the berth. Mobi Vac go on and make sure they suck the rails. As you know, the rails are on the berth, so they make sure they get it out. We use them in conjunction. They are used all the time. Mobi Vac are doing two shifts a day and going to three shifts a day at the port. Craig Mader is on site all the time.

The ACTING CHAIRMAN: There is an email from someone who appears to be a port employee dated August 2006 stating that the vacuum truck is not working - that must be the time you are talking about - and questioning whether it is appropriate to conduct heavy metals loading when there is no vacuum truck to clean up spill. What do you think of that? Did it precede loading when there was no vacuum truck available when it was out of action?

Mr Jamieson: I cannot answer that, because I do not know who sent the email or what the email refers to.

The ACTING CHAIRMAN: Just in general terms.

Mr Jamieson: In basic terms, we have two types of cleaners to clean up the spill. If the spill goes on to the berth, that is where we have it cleaned up. Mader would handle that, no problems at all. If not, we would pick it up with a bobcat and put it into a kibble. We would sweep it up to assist and they would come and wet-sweep the rest and get rid of it so there was nothing left on the berth. I do not see that as being an issue.

The ACTING CHAIRMAN: It is not necessarily. We have just got a whole pile of emails and things and we do not know the ins or outs of where they came from or what they are about. That is why we have you here to clarify these things for us. It has been a big help. We will go to question 8 - the member for Wagin.

[9.40 am]

Mr T.K. WALDRON: Dave, in the port submission to the inquiry - document C3 - in a report dated 2 October 2006 there is a heavy metals handling summary. That features a handwritten note at the top, which reads "summary for port board". The report describes an incident involving the loading of a shipment of lead on 10 October 2006. According to the report, the product was "very dusty and resulted in a visible plume emanating from the hatch". A list of actions follows, which states: obtain more information about the product that is arriving at the port and the product scheduled to be loaded to ensure best preparation is done to ensure minimal dust during out loading; install polo citrus on the out loading circuit; install water metres on the water spray circuit to accurately know how much water is being added to the product. Who undertook to respond to these actions? How would the event be reported to the management of the port and to the DEC?

Mr Jamieson: This is a summary for the report board. I suggest it was written by Shelley Grasty, who is the environmental officer. She would report direct to management and management would handle her report.

The ACTING CHAIRMAN: Do you have any responsibility for that yourself in terms of what comes down and gets done on the port facility itself? Are you part of the loop that works out what things need to be done to fix problems like that for dust?

Mr Jamieson: Yes, we all problem solve; the whole lot of us. We just offer it up through our normal channels. They say we need to do this and this and sometimes we get it and sometimes we do not.

Mr M.P. WHITELY: I want to get my head around this. Basically you are saying that she would report to management. You have also said that when it is too dusty, it is not really your concern. Operationally, what happens?

Mr Jamieson: It is our concern. Operationally we have a procedure. The procedure says - it is like, if we see dust, we treat it. If we cannot treat it and it is still dusty, we stop. That is it.

Mr M.P. WHITELY: So what happened in this case regarding the shipping of lead on 10 October 2006?

Mr Jamieson: I cannot comment because I was not there on 10 October. However, I know it was a particular type of ship. I think it was referred to as the *Lemmergracht*, which has a different configuration than a normal bulk carrier. I do not know whether you have been given any information on those types of ships. That was the first ship of that type we have had of that configuration. Therefore, obviously it was decided that it was no good to load, because of the configuration of the ship.

Mr M.P. WHITELY: Because it was lower, basically?

Mr Jamieson: No. It is completely open. It is subjected to other forces of nature such as wind etc because it is so open.

Mr P. PAPALIA: The port then went ahead and did another one anyway.

Mr Jamieson: Once again, that is not my department.

Mr P. PAPALIA: That is a fact though.

Mr Jamieson: That was brought to the attention of the harbourmaster immediately after by our port operations manager. Basically, he went back to the charterers, but as far as I understand from it - you will have to ask him - they had already nominated and accepted two vessels that were back carrying. They were worked in with RNO, which was bringing over the empty containers and then they were going to back load. These vessels are suited to container trade because they are open.

The ACTING CHAIRMAN: When the ore is on the conveyor belt and is heading towards the ship and you are doing the moisture content there, is that your direct responsibility, or is it somebody else's responsibility?

Mr Jamieson: No, the moisture level is never our responsibility; it is always the shipper's responsibility to have that product in good condition.

The ACTING CHAIRMAN: You said before that they have got to have the stuff ready at the right moisture level before, but when it is heading for the ship - once you are loading it on to a ship and you have measured the moisture content then, which I know you do, on the conveyor belt - if it is not your responsibility, why do you measure it?

Mr Jamieson: We cannot measure the moisture immediately in three seconds. There is a sampling procedure. For lead, the sample has to be in the oven for one hour. Immediately, if that sample came out lower than in what we suspect could be a dust emission product, it does not prove it is emitting dust; it just gives us a reading of the moisture.

The ACTING CHAIRMAN: But you are saying that you are testing it and therefore you must have some responsibility for the moisture content going on to the ship.

Mr Jamieson: We do because we are testing for the TML to make sure that it is not too wet.

The ACTING CHAIRMAN: What I am asking is: is it your personal responsibility to make sure that TML is not too moist, or is it the responsibility of another worker at the port?

The ACTING CHAIRMAN: No, it is in our procedures that the monitoring is reported to me and I report straight to Ian Harrod, who makes the final decision on whether the cargo can be loaded.

Mr T.K. WALDRON: Who makes the final decision?

Mr Jamieson: Captain Ian Harrod.

The ACTING CHAIRMAN: When the two ships were being loaded when there was a dust problem, the moisture levels were very low. You say that you just worried about it being too moist and not too dry because the moisture levels were only 6.9.

Mr Jamieson: 6.9 may be acceptable, according to what the TML is. That is, the difference between the TML and the actual moisture of the product. What I have said is that basically if you are loading and there is dust, we treat the dust in our systems with water - CV3 and CV5 - and, if we can, we use a loading spout. If that is not effective, we stop. Once we stop, it is up to the shipper's representative to come in and condition that product. We might start loading again and if it is still dusty, we will stop again.

The ACTING CHAIRMAN: Have you ever been given advice about the chemical nature of lead carbonate material to know that it is not the visible dust that is the problem but it is the very fine, almost silica-like particles that will float when it is too dry, without there needing to be any visible dust whatsoever? That is still a major problem. Have you ever been told that?

Mr Jamieson: No, I have not been, but then again I think it is probably like fire; you do not know that there is a fire unless you see smoke. Unless you see dust, you cannot stop it. If it is invisible, it is invisible. You cannot see it and I cannot see it.

The ACTING CHAIRMAN: That is the issue of having dust monitors; that is their job.

Mr Jamieson: It could be the issue of dust monitors.

Mr T.K. WALDRON: You said that Captain Ian Harrod makes the decision to stop.

Mr Jamieson: No.

Mr T.K. WALDRON: You said that when we have a real problem, we just stop. Who makes that decision to stop?

Mr Jamieson: The cargo supervisor does it straight away.

Mr T.K. WALDRON: The cargo supervisor?

Mr Jamieson: Right. To put you in the picture, we have a crew of five handling that particular out loading.

Mr T.K. WALDRON: So it is someone from the port?

Mr Jamieson: Yes. The cargo supervisor monitors the loading. He gets the information from the hatch man, who is on deck with the control box to control the load out. He would say, "It's starting to get dusty up here. Okay, can we apply water and CV3 and CV5 in the chute? It's fine now. Everything's good. Look, there is still plenty of dust; let's stop."

Mr T.K. WALDRON: So he makes the decisions?

Mr Jamieson: Yes.

The ACTING CHAIRMAN: On 4 December 2006, a heavy metals workshop was held at the port. Were you present at that workshop? What was the purpose of it and did all the participants undertake a heavy metals induction?

Mr Jamieson: They did not all go because not all of them went into the sheds. At that particular workshop they were not going into the sheds. The workshop was to talk about the odour issues like we were experiencing with Black Swan and Anmean nickel, to bring them all together to find out how Cosmos nickel, which has not got an issue, treats its product so that we have not got odour.

The ACTING CHAIRMAN: You discussed at that workshop issues of dust with lead loading, did you not?

Mr Jamieson: I cannot remember talking much on lead because it was mainly for the heavy metals for the odour issue at that time, but there were representatives from Magellan - Laurence and the environmental officer. Then we went on to further discussions with them about product coming in if it comes in too dry, you know.

The ACTING CHAIRMAN: Were you told at that workshop or at any other stage that some of the dust monitors had shown increased levels of lead?

Mr Jamieson: I have not been told.

The ACTING CHAIRMAN: You have never been told at any stage that those monitors showed high lead readings?

Mr Jamieson: No. All I have ever been told is that the actual monitors we work with are inside DEC guidelines. I have not been told any different.

The ACTING CHAIRMAN: It is a shame because that is not true. You were not working inside the DEC guidelines.

[9.50 am]

Mr P. PAPALIA: Just going back to where you saw spillages occur in the loading train, was it always associated with the actual CV5 area? If there is a spillage, is it cleaned up straight away?

Mr Jamieson: Yes. Basically, when you go for CV5 vats, that is the part that spans virtually across the water into the ship, right - CV5, 6, 7. So, if we had any spillage, it would be stopped. Anything we could see on the ground would be cleaned up. It is always cleaned up in between hatch changes anyway. However, the spillage is very, very minimal.

Mr P. PAPALIA: You did not have spillages anywhere else further back in shore on the conveyor system?

Mr Jamieson: No. In the system - like in 2 - that is all belly-plated. It is mainly at the transfer points.

Mr P. PAPALIA: I am referring to an email between yourself and Shelley Grasty. I have a chain of emails regarding a complaint made to the port about lead dust spillage in December 2006. You were referring to one of those vessels that was a problem vessel. You said it started off okay, but strong, hot northerly winds, low product moisture - 6.67 per cent - created fugitive dust emissions to be blown during the loading to the B2 amenities - I am assuming that is your amenities building -

Mr Jamieson: That is right.

Mr P. PAPALIA: - channelled down the corridor between the Western Mining and Black Swan sheds.

Mr Jamieson: That is correct.

Mr P. PAPALIA: That is when the loading was ceased. That is a fairly extensive area that it has spread over, by the sound of it.

Mr Jamieson: Yes, but under certain conditions - for example, I am not there in the early hours of the morning for certain ships to monitor it; it is the cargo supervisor. The cargo supervisor was working at that particular time, and it was dark. There was no light. So, as soon as he realised the extent of the fallout from underneath there at that particular time, he stopped loading.

Mr P. PAPALIA: I see later on in that same email you say that the fugitive dust emission situation unfortunately occurred during the middle of the night; therefore, it is difficult to gauge the intensity of the incident until daylight. So, what you are saying is, when did he stop? That could have been an extensive spillage, and dust being spread fairly extensively.

Mr Jamieson: If you look at the log, according to that, it will tell you that he really realised the product was starting to get dusty. If I remember rightly, it was around about two o'clock in the morning.

Mr P. PAPALIA: When did the loading start?

Mr Jamieson: At one.

The ACTING CHAIRMAN: I want to go to question 10, because that links in with this. Were you aware that the outgo water sprays were not working on December 22 and still not working on 7 March 2007? You talked before about how, when there was this bit of dust, you used the outgo water sprays, yet our evidence is that they were not working for a significant period of time over summer when some of those ships were being loaded.

Mr Jamieson: Once again, I cannot answer this, because I do not know what is being referred to. It does not say which outgo water sprays it is talking about. Which one was it?

Mr P. PAPALIA: I am actually assuming it is on the chute -

Mr Jamieson: We have got another loading chute.

The ACTING CHAIRMAN: Does it say on there which one it is?

Mr Jamieson: It says Briggs guide, outgo spray is not working, fault in valve.

The ACTING CHAIRMAN: Does it talk about which ship?

Mr Jamieson: No; it does not talk about a ship at all.

The ACTING CHAIRMAN: Would you normally have that? If you are a work employee and you are recording that an outgoing spray was not working for a significant period of time, surely you would say which one it was.

Mr Jamieson: I think this is by Briggsy. I reckon this would be with the dumper. I am afraid this is the RCD, because we have got outgo water sprays working there.

The ACTING CHAIRMAN: Were you aware at any stage that the outgoing water sprays were not working on the lead loading facilities?

Mr Jamieson: I am aware of them not working for a short period of time, when we actually reconnected them direct, instead of sealing a solenoid.

The ACTING CHAIRMAN: About when was that - any idea?

Mr Jamieson: I cannot recall. I could not tell you.

Mr P. PAPALIA: Your concern was the TML and not exceeding it for the shipping. Was it ever the case that the water spray ring on the loading chute was shut down because of fear of increasing the TML beyond its safe limit?

Mr Jamieson: That has always been a fear.

Mr P. PAPALIA: Yes, but was it ever the case that you turned that off and loading continued?

Mr Jamieson: No. Once again, if we cannot use the chute - if we were not allowed to use the sprays, that would be determined by the ship's crew, or the ship's master. As you would know, they have got to raise a concern about the product. If they see any water at all on the product, they think it is going to alter the product. We cannot explain that you need to put, like, a tonne of water on it, or whatever. Then, if there was still dust, we would stop and just say we are not going to use it. Then we would call in perhaps Ian Harrod, the captain, to come down and explain to the master that we need to use those sprays.

Mr P. PAPALIA: So it has never happened that you shut them down because of TML fears and continued with the loading?

Mr Jamieson: No, not that I know of.

Dr G.G. JACOBS: There was a report on 10 October 2006 about this small vessel with the open hatches that was loaded, which was a problem with the dust. The product representative did not want Brambles wetting down the product in the shed due to the effect it might have on the TML. Are you aware that there was a concern in October about the TML and there was a need to wet the product but the representative of Brambles did not want that done?

Mr Jamieson: I am not aware of it, but, basically, as I said, it is their product. Where did that actually come from?

Dr G.G. JACOBS: It is an incident report and a summary of the MV *Lemmergracht* in Esperance in October 2006.

Mr P. PAPALIA: It is also included in Shelley Grasty's heavy metals handling summary, which was given to the port manager.

Mr Jamieson: As far as I am concerned, it is their product once it is in the shed, and, basically, if there is a problem with dust, they have to condition it, so they would have to water it, knowing well that if there is dust, it cannot be anywhere near the TML. I would have said the issue might have been if it was close to the TML, but then we would not have had any visible dust.

The ACTING CHAIRMAN: Dave, when the *Jin Pei* was loaded on 5 March 2007, an incident report noted that the dust was everywhere up to the amenities, work utes were covered, ground etc, and onto the gravel. According to the report, the damage was done in the first 100 tonnes, because of a dry product and an inadequate loading system. It was noted that the CV2 and CV3 are in a terrible state in regard to the sheeting condition. Can you talk to us about that?

Mr Jamieson: Once again, there is not much I can say about it. It was put in by Gurs.

The ACTING CHAIRMAN: Would they not come to you?

Mr Jamieson: No.

The ACTING CHAIRMAN: If you are the manager of the loading for the port, surely these incident reports would be things that you would see.

Mr Jamieson: They are not. They go to our safety officer, and they go to our port operations manager. He then takes them straight up with management.

The ACTING CHAIRMAN: Why do they not tell you? That seems a pretty serious statement that CV2 and CV3 are in a terrible state in regard to the sheeting condition. Do you not have some responsibility for that?

Mr Jamieson: Well, due to the incident report, that was replaced - all the sheeting was replaced. The sheeting has been replaced.

The ACTING CHAIRMAN: That is CV2 and CV3, is it? That is not the shedding, is it?

Mr Jamieson: No. That is the sheeting.

The ACTING CHAIRMAN: Oh, the sheeting.

Mr Jamieson: Yes. If you go there now, you will see that it has been replaced.

The ACTING CHAIRMAN: Okay. That was March. It has been suggested that it was in a terrible state in March. It was in a terrible state for a while before that.

Mr Jamieson: Well, not necessarily, otherwise we would have had more blue forms in. You would have had 100 of these indicating that there were holes everywhere, but there was not.

The ACTING CHAIRMAN: How long does it take for sheeting to become "in a terrible state", would you think?

Mr Jamieson: Well, it depends. This was obviously after the storm. There was damage from the storm we had, right, which was temporarily fixed up. Some of that sheeting up there has been up there for a very, very long time, and it becomes paper thin because of the sulfur content of the nickel. It does not take very much to happen for it to look as though it is in a terrible state, because you start getting some holes.

The ACTING CHAIRMAN: The storm was in January. This is in March, so you would think that if it was the storm that did it, it would have been in a terrible state for two months. You particularly loaded that second ship in that time period.

Mr Jamieson: Once again, you would have to ask Gurs about this one, because basically it continues to be in a terrible state.

Dr G.G. JACOBS: Sorry, who is Gurs? Can you explain who Gurs is?

The ACTING CHAIRMAN: We do not know.

Mr Jamieson: Gurs is his code. It is his last name - Gurswich. It is Neil Gurswich

[10.00 am]

The ACTING CHAIRMAN: What does he do?

Mr Jamieson: He works on Steve Hawkins' team, team C. He is a shiftworker.

The ACTING CHAIRMAN: So he was there working and he put in an incident report about some sheeting that you - who has overall management of that?

Mr Jamieson: I do not have overall management of the systems.

The ACTING CHAIRMAN: No.

Mr Jamieson: My particular job is importing and exporting cargoes. It is not the maintenance of the systems. This would have come up in a planning meeting, which I am not a part of, and which involves the safety officer, etc. This would have been discussed and a timeline would have been put in there - when they were going to replace this, etc.

The ACTING CHAIRMAN: I presume that if you are responsible for the loading, you would get to see the conveyer belts and all those things when you are going about the normal course of your week. Is that so?

Mr Jamieson: I do not necessarily inspect the systems. If the committee gets the structure of the report, it will see that what happened was the guys on the shift who are multiskilled do shipping. We have boilermakers and fitters as well, who can effect these repairs during the course of the period when there is no shipping in. We also have a maintenance crew. Any of the stuff that comes in is put into place in the same way. The materials are purchased, they are brought in, and then the repairs are effected.

Mr T.K. WALDRON: Is there an ongoing program of sheeting replacement? Is there a period when you would say, "We have that sheeting, but in a period of time we would inspect that and probably replace it because of salt," for example?

Mr Jamieson: Once again, I cannot answer that either. I am not really sure how they are planning that replacement.

The ACTING CHAIRMAN: Because we have now finished our time, I want to go back to the final issue of the shed and who inspects the stuff in the shed. You say you only go in there about 10 times a year?

Mr Jamieson: I go in there only when necessary - absolutely required.

The ACTING CHAIRMAN: Why would you need to go in there? Why would it be absolutely required that you go in there?

Mr Jamieson: I may need to go in there if there is an inspection, such as when the committee wanted to do an inspection. I have to go in with a shipper's rep when there is something wrong with one of the feeders, or whatever else, and show them what the problem is. Those are about the only times that I would actually really need to go in there, unless I had grave concerns, through a shipper's declaration that I had received, that the product was very low and I knew that even before we started there would be a major dust issue.

The ACTING CHAIRMAN: Did that happen?

Mr Jamieson: No, because I never received a shipper's declaration stating that what was stored in the shed was at what I would class as a low percentage.

The ACTING CHAIRMAN: The people in that shed would be the Brambles worker in his loader?

Mr Jamieson: Exactly, and also -

The ACTING CHAIRMAN: The Magellan representative?

Mr Jamieson: Yes.

The ACTING CHAIRMAN: Someone representing the port?

Mr Jamieson: No; no-one representing the port.

Mr M.P. WHITELY: When is the shipper's declaration is prepared, is it prepared on the mine site or when it gets down here?

Mr Jamieson: I do not know. It is given to me as a document. The committee would have to ask Magellan. It has been prepared and it is done through SGS, and then it is sent through to me. It is a statement telling us what is currently lying at the shed.

Mr M.P. WHITELY: You do not know if it is prepared at that end or not?

Mr Jamieson: I do not know.

Dr G.G. JACOBS: Dave, a general report sheet of lead loading for March 2007 reads -

> Stopped loading due to excessive dust. Followed procedure & tried to ring appropriate people. Dave Jamieson, Ron Padgurskis, Karl Brierly, Brant Grundy. After 2 phone calls to all the people and leaving messages finally spoke to P.O.M. who told me to keep trying others. 1 hour passed & finally Ron Padjurskis returned a call & I got hold of JAMO.

Mr Jamieson: That is right; that is me.

Dr G.G. JACOBS: It continues -

> I take note of time, Public Holidays & morning after concert but still should not have to wait 1 hour plus to receive further instructions:

What do you say about that response time?

Mr Jamieson: I say it is perfect, because I got back to him at 6.30 in the morning. He called at 20 to six. I came down at 6.30 and he actually called me on my home phone. Basically, he had stopped loading. He was asking, "Hey, I've stopped loading; what should I do? I can't get anyone else." He had done everything right; he had stopped loading. As you go on to read the log, he finally got hold of Ron and then we had to wait a long time for a train to come in for the product to be mixed. He did not do anything wrong.

The ACTING CHAIRMAN: We have to finish it there, Dave. We are going into the time for our next group. I have some things to read to you in closing.

Thank you for your evidence before the committee today. 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 a transcript is not returned, we will assume that everything is correct. Thank you very much.

Mr Jamieson: No worries.

Mr T.K. WALDRON: Thanks, Dave.

Hearing concluded at 10.06 am