

EDUCATION AND HEALTH STANDING COMMITTEE

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

**TRANSCRIPT OF EVIDENCE TAKEN
AT PERTH
TUESDAY, 5 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 4.10 pm**LYNASS, MR IAN****Manging Director, BIS Industrial Logistics, examined:**

The ACTING CHAIRMAN: Welcome. 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.

You are the only witness, but you have your lawyer with you. Have you completed the details of witness form?

Mr Lynass: Yes, I have.

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

Mr Lynass: Yes I did.

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

Mr Lynass: Yes, I have

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

Mr Lynass: No, I do not

The ACTING CHAIRMAN: For those who might not know BIS's role what is your role in connection with lead?

Mr Lynass: I am the managing director of the division responsible for the division to head office in Sydney. All the contracts, including the contract with Magellan, are within my control.

The ACTING CHAIRMAN: The point I would like you to make clear is what your company actually does in relation to Magellan.

Mr Lynass: We are responsible and contracted to haul lead concentrate from site to the Leonora rail site, transfer the kibbles onto the rail and unload the kibbles at the Port of Esperance into the shed.

The ACTING CHAIRMAN: In that final unloading process, what is your relationship with port staff and on issues to do with proper management and dust control at that end stage?

Mr Lynass: We are responsible for only the unloading of the kibbles from the train and the discharge of the product from the kibbles into the shed. Coordination is through the port authority. We have our own procedures in place for that process. We have no control and are not required to control dust in that environment. The product we deliver is delivered in a semi-wet state, not in a dry state.

The ACTING CHAIRMAN: We have a series of prepared questions. It will be reasonably free-flowing event with other members. Did BIS have a copy of the material safety data sheet for Magellan's product?

Mr Lynass: BIS has a material safety data sheet from Chem Alert, and that was the data sheet we used commensurate with the contract.

The ACTING CHAIRMAN: What does that data sheet indicate concerning the classification of the products you were carting.

Mr Lynass: Chem Alert's material safety data sheet for the Magellan lead contract, of which I have a copy for the committee, states that it is class 9.

The ACTING CHAIRMAN: Which is?

Mr Lynass: I am not an expert on dangerous goods. I would have to give you the detail later.

Dr G.G. JACOBS: It is a dangerous good?

Mr Lynass: It is a class 9 dangerous good.

Mr T.K. WALDRON: Were you made aware of that right from the start?

Mr Lynass: No we were not. Our original information was that the product was yet to be assessed, and that it would be assessed as a non-dangerous good. That was the information we were provided with directly through the process.

The ACTING CHAIRMAN: Do you have evidence of that statement?

Mr Lynass: I do not have a written document. I was not in charge of the division at the time this contract was put in place. I recently returned from Europe to take control of this part of the business. We can provide managers' statements to that effect and the parties involved in those discussions.

The ACTING CHAIRMAN: We would like those provided if you could. I also want a copy of the Chem Alert report, if you have that with you.

Dr G.G. JACOBS: You said it was a category 9 dangerous good.

Mr Lynass: Correct.

Dr G.G. JACOBS: But you said in response to the member for Wagin that it had not been there since the beginning of the operation, or you implied that it had changed or you were not aware that it was a dangerous good up to a particular time.

Mr Lynass: We identified that it was a dangerous good through Chem Alert, which is the body of authority that we use to assess goods that are being transported. That identified to us that it was a class 9 dangerous good. We then put in place procedures around that.

Dr G.G. JACOBS: You were aware that it was a dangerous good right from the start of the transport of the product?

Mr Lynass: Correct. The document I provided you with states on the fifth page that it is a DG class 9, packing group 3.

The ACTING CHAIRMAN: We might go into that later. I will run through the questions we have first, and then we can branch out. You said you had the MS data sheet right from the start.

Mr Lynass: We generated that through our research with Chem Alert, which we use as a body of authority to advise us.

The ACTING CHAIRMAN: Is that a requirement for transport of goods for protection of your employees I presume.

Mr Lynass: That is correct.

[4.15 pm]

Dr G.G. JACOBS: I am a little confused. In your earlier remarks, you said that Magellan declared that it was still having it assessed or it was non-specified.

Mr Lynass: That is correct, Dr Jacobs. We were advised in the early stages of site visits and negotiations for the contract that the material we were to haul would be reclassified as a non-dangerous good. We did not treat it like that. We continued to pursue the Chem Alert MSDS.

The ACTING CHAIRMAN: Why did you not get a material safety data sheet from Magellan?

Mr Lynass: Part of the contract, which I believe you have a copy of, requests Magellan to provide a copy of that. We received a copy of a material safety data sheet on 22 May this year. Up until that point, one had not been provided, is my understanding.

The ACTING CHAIRMAN: And you did not chase it? How long have you had the contract for?

Mr Lynass: We did not chase it because we had Chem Alert's. The Chem Alert document actually states Magellan lead concentrate; it is not done for us. It is a chemical alert. It is a material safety data sheet specifically for the Magellan product.

Dr G.G. JACOBS: Who initiates that process?

Mr Lynass: We initiate the search for it. I think you will find that, according to the back page, the actual work is done by Risk Management Technologies, which prepares the MSDS.

The ACTING CHAIRMAN: When did your contract start with Magellan?

Mr Lynass: In 2005.

The ACTING CHAIRMAN: Roughly the date?

Mr Lynass: August, I believe.

The ACTING CHAIRMAN: This Chem Alert is dated 21 March 2006, so it is well after your contract started and this is the one you obtained.

Mr Lynass: That is the recent print of it.

The ACTING CHAIRMAN: It says here that it was reviewed on 21 March 2006 and the date it was printed is 11 April 2006.

Mr Lynass: I could not tell you whether this is the original copy of it. It is a copy that I retrieved from our files.

The ACTING CHAIRMAN: It has copyright 2006.

Mr Lynass: Yes.

The ACTING CHAIRMAN: What I would like you to do when you get back is look through and provide us with the original copy that you must have got in order to get the contract. As you say, it is a requirement, so you must have got an MSD sheet in 2005 when your contract started.

Mr Lynass: We did not receive a copy from any other source, other than the one I have given you.

The ACTING CHAIRMAN: No, but you got one. I would like evidence from you to show us that there is a version of this that has a date of 2005 on it.

Mr Lynass: Certainly.

The ACTING CHAIRMAN: In the material safety data sheet of 12 April 2005, Magellan identified its lead carbonate as a toxic material that was harmful to the environment. Why did BIS not identify the lead carbonate for the purposes of road and rail transport as a dangerous good? As you know, DOCEP has only recently classified it as a dangerous good for transport purposes. It is a toxical. You are aware of that.

Mr Lynass: I need clarification on that, please.

The ACTING CHAIRMAN: The Magellan sheet says that it is a class 9 dangerous good. It has not been listed by DOCEP as a dangerous good for the purposes of transport. It is a hazardous good, not a dangerous good. In the past month or so it has been classified as a dangerous good. Evidence given to us today by DOCEP is that that puts a whole new range of requirements on the transport. Given that you were treating it as a dangerous good, have you been doing all those things that would have met that requirement of a dangerous good or not?

Mr Lynass: We believe so.

Dr G.G. JACOBS: Can you run through them for us?

Mr Lynass: In terms of protecting our employees, I can again provide you with a copy of our internal documentation based from Chem Alert as well that identifies the personal protective clothing required for our employees, the training systems that we use, and the health hazards for the product. This clearly identifies the PPE of coveralls, rubber PVC gloves, eyewear and dust masks or respiration masks only when in contact or when handling the material.

The ACTING CHAIRMAN: Do you transport any other dangerous goods through the state?

Mr Lynass: We do transport other dangerous goods, yes.

The ACTING CHAIRMAN: Can you give me an example?

Mr Lynass: We transport products for other organisations such as anhydrous ammonia via road-rail, sulfur via road-rail and some ISO containers to the north west.

The ACTING CHAIRMAN: Are the procedures that you follow the same for both?

Mr Lynass: Yes, very similar. Each product has different requirements, obviously.

The ACTING CHAIRMAN: We want to talk about the kibbles later. We have a series of questions about the kibbles. I will finish going through these questions first. Why does BIS procedures require the dust vacuuming in the hopper for unloading the kibbles to be turned off while unloading takes place? The procedure states that it is to be started only if dust is being generated, and this would presumably be a reference to visible dust. There is no other means available to test whether dust is being generated.

Mr Lynass: Just for clarification, are we talking about in the port?

The ACTING CHAIRMAN: In the port for unloading the kibbles, as you know, there is a vacuum extractor above the hopper.

Mr Lynass: The dust extraction system, yes.

The ACTING CHAIRMAN: Our understanding is that your requirement is that it be turned off while it is being unloaded.

Mr Lynass: I have a document here that is a train unloading log, which we do for every load into the port of Esperance and out. It clearly states on a checklist that the dust extraction must be on, and our people are trained in that process. This also provides -

The ACTING CHAIRMAN: Have you been there yourself?

Mr Lynass: I have not been to the port of Esperance site, no.

The ACTING CHAIRMAN: The advice we have - we are just getting a copy of that - is that the policy in the port is that it be turned off, not on.

Mr Lynass: I have no knowledge of that. I can tell you only what we train our people to do; that is, part of the procedure is to have the dust extraction unit on.

The ACTING CHAIRMAN: We will talk about that when we have that evidence. You were going to say something else.

Mr Lynass: No, I was just saying that this form also covers the other dust mitigation issues that we have self-identified in our processes.

The ACTING CHAIRMAN: Such as?

Mr Lynass: Such as checking for wind, moisture content, wind direction and stacker position, and checking hopper for cross-contamination issues. All those things are part of the procedures for load discharge.

Mr P. PAPALIA: Mr Lynass, can you tell us how your personnel determine the moisture content of the carbonate at the time of unloading?

Mr Lynass: It is a measure from one to five of dry to wet; dry being dust form and wet being that the product becomes quite sticky and difficult to get out of the kibbles.

Mr P. PAPALIA: It is not related to the seven to nine per cent moisture content that the port claimed was necessary for safe management?

Mr Lynass: No. This is simply a visual identification of how wet the product is.

Mr P. PAPALIA: It is just an estimate based on experience or something like that?

Mr Lynass: It is. Clearly, it is just an arbitrary measure between one and five; one being very dry and five being very wet.

Dr G.G. JACOBS: How is that assessed? Is that the squeeze test or do we just look at it?

Mr Lynass: No; it is by sight. Also, when the product is wet, it is very sticky; it will not fall out of the container readily.

The ACTING CHAIRMAN: Is there not a requirement, though, for shipping purposes for the moisture content to be at eight per cent?

Mr Lynass: I could not tell you that. That is not part of our contract.

The ACTING CHAIRMAN: It is. You do not have any requirements in terms of wetting along the way?

Mr Lynass: No, none at all.

The ACTING CHAIRMAN: You are just the transporter.

Mr Lynass: That is correct, yes.

Mr P. PAPALIA: It is of some interest. I am trying to recall, but I thought that the port told us that BIS was the one that confirmed the moisture content prior to unloading and it was accurate to between seven and nine per cent, or whatever the requirement is for shipping.

The ACTING CHAIRMAN: I thought it did, too.

Mr P. PAPALIA: That is why we are asking.

Mr Lynass: I can certainly check that.

The ACTING CHAIRMAN: We have the document here. It has a heading "Nickel Group: Unloading Heavy Metal Tubs into the Hopper" by Brambles Industrial Services", which is obviously you. I will show you this document as soon as I have finished reading it. It has activity responsibility and at the bottom of the page it says -

Unloading Magellan & Nickel Tubs into Hopper:

Prior to commencing unloading of tubs, the operator is to check that the stacker in the shed is in the correct location. . . .

Note: The dust extraction unit is to be switched off

The word "off" is underlined.

Mr Lynass: I will verify that. I am not aware of that.

The ACTING CHAIRMAN: Is that in the shed or the hopper?

Mr Lynass: It is in the hopper.

The ACTING CHAIRMAN: I know, but is that what that document says?

Mr Lynass: I will have to check why that is the case.

The ACTING CHAIRMAN: It just seems an unusual requirement. Not only does it say there that it must be switched off, but also the word is underlined.

Mr Lynass: I would need to come back to you about the reference to that.

The ACTING CHAIRMAN: Do you have an alternative document with you that says that it is supposed to be on?

Mr Lynass: I do. This is the checklist that is used on-site when it is loaded.

Mrs D.J. GUISE: Are we definitely talking about the same thing?

Mr Lynass: I am not sure that we are.

Mr T.K. WALDRON: Whose document is it that says that it has to be turned off? Is that the port authority's document?

Mr Lynass: No, this is ours.

The ACTING CHAIRMAN: This was supplied by BIS as part of the submission.

Mr T.K. WALDRON: That is why I asked the question.

Mr Lynass: This was not supplied by me.

The ACTING CHAIRMAN: Nevertheless, even if it was supplied by the port, it has your heading at the top of the page.

[4.30 pm]

Mr Lynass: I am not querying that it is ours; it is our document.

The ACTING CHAIRMAN: Can you just confirm that is your document?

Mr Lynass: Yes.

The ACTING CHAIRMAN: I think we will need to leave that and it is something that you will need to follow up.

Mr Lynass: We will come back to you about that, absolutely.

The ACTING CHAIRMAN: That was obviously a surprise to all of us, that that should be the case. The checklist is dated 19 January 2007.

Mr Lynass: That is simply the updated version of it. I can produce the original document, which was done at the start of the contract, for you. It comes up in our system. The quality procedures require it to be printed and dated at the time it is printed.

The ACTING CHAIRMAN: It is awkward when our research officer wants me to ask a question that I do not comprehend!

Mr Lynass: I will take that question on notice.

The ACTING CHAIRMAN: Kick these neurons a bit and get them cracking.

Mr M.P. WHITELEY: There was an internal email from the port, which BIS was copied in to, dated 1 February 2007. It said -

Please prep the product and make sure its not dusty!! Also, we need to have shed doors closed during outloading.

Clearly, that second part does not relate to you. It seems unusual that they know that there is an inspector coming down from the Department of Environment and Conservation on that particular date and they communicate to you and say that they want to make sure that it is not too dusty. Why would they take that unusual step? Did they often give you advice on how moist the product should be?

Mr Lynass: Certainly not that I am aware of, but I will take that question on notice. I have not seen the correspondence.

Mr M.P. WHITELEY: Sorry, that email is dated 31 January 2007.

Mr Lynass: And addressed to?

Mr M.P. WHITELEY: I am not sure. BIS staff at the port.

Mr Lynass: I will take it on notice and come back to you.

Mr M.P. WHITELEY: What I am mainly interested in is: what level of instruction did the port give you about how the product was delivered? Clearly, you have said that they did not give you -

Mr Lynass: I can provide that to you and I can provide you with the processes by which we interact with the port. It will outline it.

The ACTING CHAIRMAN: I am sorry to ask you a question that you have no knowledge of, or have not seen, the documents. We will be happy to provide a copy so that you can see it.

Mr Lynass: We are more than happy to provide you with all the communication structures in the port and what we are responsible for.

The ACTING CHAIRMAN: At the port, are you responsible for what happens inside the storage shed?

Mr Lynass: No. The only part of the storage shed in which we provide a service to the port via the Magellan contract is to load the concentrate on direction from the port. We do not choose when, or in what state, that is loaded.

The ACTING CHAIRMAN: Therefore, you load it in the shed?

Mr Lynass: We operate the front-end loader to pick up from the stockpile into the hopper. It is in the shed.

The ACTING CHAIRMAN: This issue of moisture level within the shed, who determines that? Is it the port authority itself or you? Do you have any involvement when you are loading as to what moisture content is in that stack?

Mr Lynass: To my knowledge we do not have any obligation to test or verify the moisture content of the product.

Mr P. PAPALIA: Mr Lynass, I am trying to visualise it because we did not see loading operations taking place. When the kibbles are being unloaded and tipped into the hopper, who cleans any of the spillage, if there is any? We understand that water was used to wash residue into a sump.

Mr Lynass: I can comment on the interaction of the front-end loader. The kibbles are offloaded by a specially designed forklift that rotates the kibble and empties the product onto the floor of the shed. It takes the kibble back and places it ready for return.

Mr P. PAPALIA: Okay, so it does not go into it.

The ACTING CHAIRMAN: There are two options: one is that the kibble gets unloaded directly into the hopper -

Mr Lynass: Into the shipload hopper.

Mrs D.J. GUISE: No, no.

Mr T.K. WALDRON: The hopper that takes it into the shed.

Mr Lynass: That is correct: both are by the same means.

Mr P. PAPALIA: That is what you were talking about.

Mrs D.J. GUISE: Can I just reiterate that? I just wish to clarify. From the inspection of the port, I got the impression that the only way the lead got into that shed was via that hopper. Are you now telling me that it can go directly into the shed by a means other than by that hopper?

Mr Lynass: I can confirm for you the detailed loading procedures in that shed that will clarify it.

Mrs D.J. GUISE: Please, that would be most helpful.

Mr T.K. WALDRON: You said that you are responsible for loading from within the shed with the front-end loader?

Mr Lynass: That is correct.

Mr T.K. WALDRON: And one of your staff members drives that front-end loader?

Mr Lynass: That is correct.

Mr T.K. WALDRON: What does he wear?

Mr Lynass: Inside the front-end loader?

Mr T.K. WALDRON: Yes. Is the front-end loader sealed?

Mr Lynass: The front-end loader is completely sealed and air-conditioned and filtered. He still has the same PPE requirement for anyone coming into contact with or handling lead concentrate; that is, overalls that are either disposable or material, respirator, goggles, hard hat -

Mr T.K. WALDRON: That is all I want to know, thank you.

The ACTING CHAIRMAN: The member for Roe is going to ask a series of questions, which other people can come in on, about kibbles.

Dr G.G. JACOBS: Just another clarification about when the kibble comes on the rail car and then is inverted to fit into the hopper. It has been described to us, by a personal submission, that when the kibble was inverted, the operator of that loader had to duck to try to avoid the cloud of dust that went above him. Was that operator also in a contained, air-conditioned, fully enclosed loader or is he exposed to the cloud of dust?

Mr Lynass: I am not aware of why an operator of the front-end loader would need to duck. It is a full ROPS and FLOPS cab, which is a rollover protection cab, so it is an enclosed cabinet in the front-end loader.

Mr P. PAPALIA: It is a forklift that tips the kibble though, is it not?

Mr Lynass: It is a forklift that tips the kibble.

Mr T.K. WALDRON: He is in that forklift, is he not?

Mr Lynass: The forklift is enclosed as well. I am not sure why anybody would need to duck.

Dr G.G. JACOBS: It was described for us by a gentleman in his submission who is actually a previous employee and was the driver of one of those operating front-end loaders.

Mr Lynass: I can provide you with pictures of the units to show you why I am surprised that they say that.

Mrs D.J. GUISE: Is it 10 degrees?

Mr T.K. WALDRON: Yes, he stated 10.

Dr G.G. JACOBS: Do you know if the kibbles with the canvas tarpaulin are adequate to transport the lead carbonate, understanding that it has been classified as a dangerous good?

Mr Lynass: We believe so; plus, we understood the classification to be dangerous goods class 9.

Dr G.G. JACOBS: You are aware, of course, that that tarpaulin is a stretch tarpaulin, but it is not actually a sealed unit.

Mr Lynass: I am fully aware of that, yes. The product that we were carrying was never a dust; it was always a very wet product.

The ACTING CHAIRMAN: Just in relation to that, have those kibbles been inspected by DOCEP as being suitable for the transport of a dangerous good?

Mr Lynass: I do not believe so, no.

Dr G.G. JACOBS: Would you say that it was always a wet, or a very wet product?

Mr Lynass: Very wet product.

Dr G.G. JACOBS: Is it likely though, that in the transport of that product 950 kilometres to Esperance, that in fact when it got there, or part way along, or three-quarters of the way there, that it actually would not be a very wet product?

Mr Lynass: I could not comment on that. We transport it from site 360-odd kilometres to Leonora rail siding and then transfer it onto ARG's rail system for transporting to the port. I can advise that in the port, when we have gone to tip the product out, certainly in the early days of this contract, it was extremely difficult to evacuate the product from the tubs because of the moisture content.

Mr T.K. WALDRON: Was a change made there to the nature of the agglomerate?

Mr Lynass: Sorry, the change made on-site or -

Mr T.K. WALDRON: You just said then that it was particularly wet.

Mr Lynass: That was when the site moved to solar drying.

Mr T.K. WALDRON: Sorry?

Mr Lynass: The site moved to solar drying onto the drying pit - again, certainly nothing within our control.

The ACTING CHAIRMAN: I just want to jump in here to review this issue of who is responsible for the moisture content. This is a message from Shelley Grasty from the port to Jim Rimmer. Do you know Jim Rimmer, SHEQ manager, Great Eastern Highway, Kalgoorlie.

Mr Lynass: That is the Kalgoorlie SHEQ manager at the time, I believe - in 2004-05. He is not employed by us any longer though.

The ACTING CHAIRMAN: It says -

Hi James,

Attached is the Brambles load-out procedure, revised with some of our suggested changes.

...

With regards to your note about wetting down the Magellan lead, where you have added in the load out procedure "under the direction and supervision of the Esperance Port Supervisor", after discussions with our personnel, I have modified this back to being a Brambles responsibility: "Product should be maintained in a state suitable for loading -

On that there is a legal requirement about the percentage moisture content for ship loading which is 7 to 9 per cent. Is it eight to 10? Something in that order -

including any required pre-wetting of product prior to loading to prevent dust entering the atmosphere.", as we understand that the product is under Brambles control from the time of entry into the port until the product is on the outloading belts.

Mr Lynass: Again, I am not aware of that piece of correspondence. Our contract services are not with the port authority. I could not comment on that until I actually both see and review what our response was.

The ACTING CHAIRMAN: This is your original contract with Magellan -

The Contractors scope concludes at the point when the Carbonate is loaded onto the conveyor ship loading system.

That does not cover moisture.

Mr Lynass: No. We discharge the kibbles and then we load onto the devices -

The ACTING CHAIRMAN: Onto the belt.

Mr Lynass: - as directed.

Mr T.K. WALDRON: By the port?

Mr Lynass: By the port authority.

The ACTING CHAIRMAN: What you are saying is that, in your view, you do not have responsibility for the moisture content?

Mr Lynass: Yes, that is correct. I will confirm that piece of correspondence. If I may receive a copy of it, I will confirm our response to that that was given at the time.

The ACTING CHAIRMAN: In your view currently, you do not have responsibility for the moisture content of the product, and the port's view, from that email, is that you do have responsibility.

Mr Lynass: I will confirm that for you.

The ACTING CHAIRMAN: Yes. I am confirming with you now that that is the port's view. Whether it is, your view is different from that.

Mr Lynass: I appreciate that.

Dr G.G. JACOBS: Mr Lynass, is it true that some of the kibbles used to transport lead carbonate were damaged?

Mr Lynass: Through the course of the operation there is potential that some of the units could be damaged. I could not confirm as to whether they actually were. They are steel mechanical apparatus that require repair from time to time.

Dr G.G. JACOBS: We actually managed to inspect those. There have been submissions to suggest that kibbles that were damaged and discarded were actually, in times of need, brought back and recycled, if you like.

Mr Lynass: I believe during the site visit that you may have sighted several containers that are discarded. We have more than 200 up on the Leonora siding that are no longer in use. We decommission them as soon as they become either uneconomic to repair or damaged beyond repair. Our processes are that the kibbles are inspected regularly, and if they are damaged, they are taken out of service to be repaired. For this particular operation, we actually purchased 150 brand-new kibbles at the start of the contract. Those kibbles have also had in excess of \$22 000 a year spent on maintaining them.

The ACTING CHAIRMAN: Were the kibbles cleaned prior to being sent back by train to the truck and mine site?

Mr Lynass: I cannot confirm that. I will have to take it on notice.

The ACTING CHAIRMAN: We need that. When we were on the site and looked at the height from which those kibbles were filled with a semi-moist product, the view was how on earth was any dust going to get out of that? However, some evidence given to us since is that through the long trek of going down there obviously there is some bouncing and some dust. They are saying that a layer of dust forms on the underside of that tarpaulin. When they are emptied and they on their way back, as you know, wind can get up, and, as it is not sealed at each end, there is significant potential

for remnant dust under the tarpaulin to get back out into the atmosphere, given that they were not cleaned on site -

[4.45 pm]

Mr Lynass: I cannot say -

The ACTING CHAIRMAN: I guess it is fairly important. Okay. There has also been some suggestion of tears to tarpaulin. None of the ones we saw in use when we were there appeared to be torn. Certainly some of the ones that were not in use any more were torn.

Mr Lynass: Tarpaulin tears do occur in an operation, but we had a standing order, an open order, with Magellan and ourselves that tarpaulins would be replaced immediately upon damage. We have a stock of 10 to 15 tarpaulins at any point in time in the operation - and still do today, although they are not all in use. It was not the only site that we use these kibbles on.

The ACTING CHAIRMAN: Where are the tarpaulins kept once they are finished with - what happens to them?

Mr Lynass: That are damaged?

The ACTING CHAIRMAN: The ones that are taken off and replaced?

Mr Lynass: They are removed at site - and at Leonora siding.

The ACTING CHAIRMAN: At the port?

Mr Lynass: I could not confirm if they are removed at the port. We have only one gentleman down there, and we do not have the capacity to do them ourselves. We would have brought in subcontractors to do that, and the tarps would have remained in port while that was occurring.

The ACTING CHAIRMAN: Do you keep records or have information on the number of kibbles used for the transport of the product that require repairs to the tarpaulin?

Mr Lynass: Yes.

The ACTING CHAIRMAN: Could we have those, please?

Mr Lynass: Yes.

The ACTING CHAIRMAN: Is it true that if the tarpaulin on the kibble was damaged, another kibble was loaded into it for the return journey?

Mr Lynass: I could not confirm that. I can ascertain that.

The ACTING CHAIRMAN: Try to confirm it.

Mr Lynass: I will try to confirm that for you.

The ACTING CHAIRMAN: That is what is being said to us by some people.

Mr Lynass: I will take it on notice.

The ACTING CHAIRMAN: I would like you to find out.

Dr G.G. JACOBS: In the unloading procedure, once the kibble arrives at the Esperance port, while the kibble is standing off waiting to be loaded into the hopper, how many kibbles do you uncover at any time before they are unloaded?

Mr Lynass: Again, I will take that on notice and confirm with you the common practice. I cannot tell you here what that practice was. I can confirm for you what our procedures were; I will send them in.

The ACTING CHAIRMAN: I want to refer back to an issue involving the storing of the stockpile in the shed. Your contract says that the contractors will provide adequate stockpile management

while the carbonate is in the storage shed at the Esperance Port. What does that mean? You are saying that you just do the loading -

Mr Lynass: That is the piling and the facing of the stockpile. It is to make sure that the stockpile remains grilled and within the confines of the shed - that is all. It is all done with a front-end loader and nothing else.

The ACTING CHAIRMAN: Our impression when we got there - remember that the lead had been stored there for a considerable time when we did the inspection; far longer than you would normally expect - but when we looked at it and said that the stockpile looked particularly dry, the port guy dug a little hole in the side and said, "Not necessarily." When he got further in, he said, "Oh, yes - it's dry." It seemed to me that his procedure for checking whether it was wet or not was to dig into the pile and see how moist it was further in. Given that that is not your area of management in terms of moisture, they said that where it is a bit dry on the outside, it is all mixed in together. Were your staff doing that mixing?

Mr Lynass: I would be very alarmed if any of my staff put their hands into a stockpile -

The ACTING CHAIRMAN: It was not your staff; it was port authority staff. They did it while we were there, in fact.

Mr Lynass: I cannot comment on that.

The ACTING CHAIRMAN: I am saying - were your staff responsible for mixing with the front-end loader if it was deemed to be too dry?

Mr Lynass: I cannot confirm, but I will confirm the procedure for you. I do not believe so, but I will confirm it.

The ACTING CHAIRMAN: What about watering in the shed itself? Were you involved in that in any way?

Mr Lynass: I do not believe we were contracted to do that at all. Whether our guys down there may have helped out from time to time, I cannot confirm; but I will find out.

The ACTING CHAIRMAN: What do you think that statement in the contract means - "responsible for the management of the stockpile in the shed"?

Mr Lynass: To us, it means exactly what it does on every other stockpile that we manage throughout the resource sector: it is the physical management of the stockpile in there. It is not dust suppression; that is quite separate, and generally specified as a separate scope because of its nature. It is not only for lead, but also for any other product.

The ACTING CHAIRMAN: I want to clear up the number of kibbles. We have had various reports at times about how many kibbles are left open or uncovered at any one time.

Mrs D.J. GUISE: Graham just asked that.

Mr Lynass: Mr Jacobs just asked that. I said I would come back to him on what is the common practice.

The ACTING CHAIRMAN: I am sorry; I must have been talking while you asked.

Mrs D.J. GUISE: I would like to ask a question about any concentrate or residue around the side of the damaged kibble. Would that have meant that at any stage, if there was any damage, it would be exposed; and, if so, for how long?

Mr Lynass: Certainly, there is the possibility that it would be exposed, but for how long, I could not tell you. Again, it is something that I would prefer to come back on.

Mrs D.J. GUISE: Most of those, I take it, are returned to the minesite for repair, or is it to Leonora?

Mr Lynass: It is both.

Mrs D.J. GUISE: Okay; so you undertake repairs at both.

Mr Lynass: Predominantly, we would seek to do the majority of repairs at the Leonora site.

The ACTING CHAIRMAN: What sort of repairs would you normally have to do?

Mr Lynass: It could be steel plate repairs. It could be tarp mechanism repairs or tarps themselves. It could be metal damage or metal deflection damage from a forklift contacting it.

The ACTING CHAIRMAN: Certainly there would be some dust. If you do not wash out the kibbles in the port, then you assume that there would be dust, at least lining the underneath of the tarpaulin from the trip back.

Mr Lynass: I cannot confirm that. I will confirm our cleaning procedures in port before we send them back. I cannot comment on that.

Mrs D.J. GUISE: Can you advise how long - the estimated time, and the actual time, if you can - the loaded kibbles are left at Leonora on the siding before they are loaded onto the train?

Mr Lynass: That is dependent on the rail cycle or the rail schedule. But I can come back to you with that detail because we record that.

Mrs D.J. GUISE: Can it vary?

lyna: It can vary, yes.

Mrs D.J. GUISE: We understand that there was an instance of the rail delay that meant it was there for some 36 hours, but it seemed to be an episode rather than a way -

Mr Lynass: It would not be the norm.

Mrs D.J. GUISE: No.

Mr Lynass: The rail deviations to the schedules are out by hours, rather than days.

Mrs D.J. GUISE: If you could give us an idea of that -

Mr Lynass: I can give you an idea of the schedule.

The ACTING CHAIRMAN: We heard evidence earlier about the effect of xanthate material. Xanthate was involved in the lead product, the same as there in the nickel product. I understand that xanthate can cause damage, particularly to conveyor belts and the like. Is there any evidence of xanthate damage with your kibbles?

Mr Lynass: I cannot confirm that - I am not terribly sure what xanthate does or what was its reaction.

The ACTING CHAIRMAN: It smells.

Dr G.G. JACOBS: Like rotten eggs.

Mr Lynass: We will find out. We will take that on notice.

Mrs D.J. GUISE: One last one on this type of questioning: when the kibbles were returned from the port because the concentrate was too wet, we were advised that that happened -

Mr Lynass: That does happen.

MRS D.J. GUISE: - where were these kept? When there were instances that the concentrate was too wet and they were then returned from the port, where were they kept?

Mr Lynass: They were returned directly to the site.

Mrs D.J. GUISE: It was directly to site.

Mr Lynass: That is correct. They go back onto the train and we transport them back to site.

Mr T.K. WALDRON: So you have to off-load at Leonora back onto the trucks -

Mr Lynass: That is correct.

Mrs D.J. GUISE: Do you keep a log of that sort of activity?

Mr Lynass: Absolutely.

Mrs D.J. GUISE: So can you advise us of that at all, if there was some returned and kept on the siding?

Mr Lynass: There - certainly.

Mrs D.J. GUISE: Thank you. We would appreciate that.

The ACTING CHAIRMAN: We are aware of at least one instance when it was returned because it was too wet. Has it ever been returned because it was too dry?

Mr Lynass: No. Not to my understanding.

Mr M.P. WHITELEY: Presumably, the commercial pressure would be on if it was too wet, but not if it is too dry.

Mr Lynass: I do not know that the commercial pressure would come into it. It is simply the simple processing of the product. If we cannot get it out of the container, the only place to get it out of the container is back at the site.

Mr M.P. WHITELEY: Well, commercial or operational pressure, it does not really matter -

Mr Lynass: Having too dry a product would equally cause concern to operators if they rolled back the tarps and there was excessively dry product.

Mr M.P. WHITELEY: Do you want to elaborate on those concerns?

Mr Lynass: I can actually come back to you with procedures for what would occur in that circumstance.

Mr M.P. WHITELEY: What were the specific concerns?

Mr Lynass: It would be tipping the container - and dust generation.

Dr G.G. JACOBS: Mr Lynass, I return to the issue of what happens with empty kibbles. I suppose this comes from our little study about the Broken Hill and Port Pirie study. The issue was that it was dusting the small towns along the rail route. It was thought initially that it was the ore going to Port Pirie, but it was found to be the road remnant dust from the empty kibbles going back that actually did the damage. So I ask: were the tarpaulins put over the kibbles on return or were they left open on the way back -

Mr Lynass: I will confirm the procedures and what the common practice was. My understanding is that it is a requirement that the tarps go back on.

Dr G.G. JACOBS: But there was no other cleaning or washing of the kibbles -

Mr Lynass: I have already said that I will confirm the procedure in situ in Esperance.

Dr G.G. JACOBS: The understanding that we have is that.

Mr Lynass: I appreciate that; I am happy to provide whatever information I have got on it. We have a procedure in port for what happens to the kibbles once they are there. I am happy to provide it.

Dr G.G. JACOBS: You might have said this, and I am sorry if you have already answered it: how often do you test your workers for lead levels and residues? How many employees are we talking about? Do you have any profiles about their lead levels and the approach to their levels?

Mr Lynass: We have several operations that are involved in lead and blood with lead. We test on a regular basis - in some cases weekly; in most cases monthly. We test lead in blood. We have control limits. If they are exceeded, we remove the individuals from the workplace to protect them. We have found that most issues to do with lead levels come from personal hygiene, either through ingestion or inhalation - either from smoking or eating. We have had two instances in the duration of this contract where we have removed two employees from site for contamination above 30 -

The ACTING CHAIRMAN: Micrograms.

Mr Lynass: Yes. That was to manage them back well below the acceptable level.

Dr G.G. JACOBS: What were they doing in the operation? Were they transport drivers or loaders or unloaders?

Mr Lynass: They were in the Esperance port; they were loader operators, and it was found - I can advise you of the incident reports to give you the details.

The ACTING CHAIRMAN: Do you know how many people you have working at the port itself?

Mr Lynass: Two.

The ACTING CHAIRMAN: Do you know how many people you have had with elevated blood levels?

Mr Lynass: Two. Not those two - there have been several people over the period.

The ACTING CHAIRMAN: Who had what levels?

Mr Lynass: No. There have been two people who have had blood levels beyond 30. There have been several people employed at the port.

Dr G.G. JACOBS: You mean you have a turnover of people.

Mr Lynass: That is correct. Yes.

Mr T.K. WALDRON: Have you had any lead spills along your transport corridor?

Mr Lynass: I do not know. I will have to let you know. We have records if there are. We have procedures in place to mediate those, but we will have those as incident reports in the system.

The ACTING CHAIRMAN: In terms of the assessment of the personal protection equipment, do you have a role in ensuring that that protective equipment is adequate?

Mr Lynass: In terms of the company and our assessment - yes, we did. It is our assessment. We do not take anybody else's assessment on PPE when it comes to protecting our people.

The ACTING CHAIRMAN: Would it surprise you to know, then, that the gloves that you provided do not stop lead getting through to your skin?

Mr Lynass: I would have to confirm that. Which gloves in which area?

The ACTING CHAIRMAN: I confirm it for you. I touched the lead and took the glove off, and there was lead on the fingers.

Mr Lynass: I do not know what you were provided with.

The ACTING CHAIRMAN: It was the same stuff as everybody else. We went through the proper safety inspection and training procedure.

Mr Lynass: That was on your visit -

The ACTING CHAIRMAN: Yes.

Mr Lynass: - to Leonora?

The ACTING CHAIRMAN: To the port.

Dr G.G. JACOBS: It was in the shed.

The ACTING CHAIRMAN: The PPE equipment was provided at the port.

Mr Lynass: Did we - BIS - provide that to you?

MRS D.J. GUISE: No.

The ACTING CHAIRMAN: But used presumably by your employees.

Mr Lynass: I would not presume that at all. I will ascertain exactly what is provided to our employees because we do not get it from anybody else.

[5.00 pm]

Mr T.K. WALDRON: To clarify that, you provide your own -

Mr Lynass: We do. All our personal protective equipment is provided by our company for our employees to our standard.

Mr T.K. WALDRON: That is separate from what is provided by the port?

Mr Lynass: That is correct. We provide all of our own PPE. That is not to say that at times client PPE cannot be used. However, we provide, without any restriction at all, the PPE required by us for use in operations.

The ACTING CHAIRMAN: I return to blood levels. Why are there blood level results for only five employees, and only one of those covers the period prior to the lead going through the port until March 2007?

Mr Lynass: The committee has me at a disadvantage again. It has data that I am not aware of, and I do not know from which source it came.

The ACTING CHAIRMAN: This is information from the report by the port. This is information you should have, and I will explain why. This is information from the port. It is the results of all lead testing taken. It includes all the blood group reports from everyone working at the port. It lists -

Mr Lynass: These are all the reports that have been provided to the port?

The ACTING CHAIRMAN: All blood tests that have been done by the port on anyone working at the port, including Brambles. I have a list of Brambles people here and their blood level results; not the individual people, but the time periods.

Mr Lynass: I have no idea what data the committee has or what has been provided and why.

Mrs D.J. GUISE: The port authority has an obligation to advise your company of the blood levels of your employees when it undertakes testing at the port. Maybe that is a better question.

Mr Lynass: Again, I can say that if testing of our personnel is conducted by the port, it is obliged to advise us of those levels, yes.

Mrs D.J. GUISE: Have you received information in the past regarding the blood levels of your employees?

Mr Lynass: Yes, we have. We also do our own testing. I can provide details of that.

The ACTING CHAIRMAN: We have information that the BIS employees working at the port originally tested at blood tests conducted by port staff, but this changed so that BIS organised the blood-lead testing from October 2005. Perhaps you could explain why that changed in October 2005. What led you to make that change?

Mr Lynass: I can provide the committee with the documentation for that. I cannot advise the committee directly, as I was not involved in that decision. However, we have documentation on why that occurred. Generally, we would not allow testing to be done unless it is conducted by a reputable external provider. The health of our employees comes before everything in our business.

We would want to control and make sure that they are getting the best possible care and tests. It may be one suggestion, but I can directly advise the committee why that decision was made.

The ACTING CHAIRMAN: There is a suggestion that the port had trouble accessing the blood testing results for your staff. Can you comment on that?

Mr Lynass: I cannot comment on that, no.

Mr T.K. WALDRON: If the concentrate was too wet when it went into the hopper, would that block the hopper up? How was that cleaned out? Was that your responsibility? Do you know how that happened?

Mr Lynass: I do not know of any blockages of the hopper. That could possibly have occurred; I can certainly find out. We record any incidents that occur. I can find the procedure for the committee, should that have occurred.

Mr T.K. WALDRON: Earlier you mentioned cross-contamination. The hopper takes nickel and lead. When the committee was at the port, if I remember rightly, it was told that they do not clean it between one and the other. Is there a problem there? I suppose it concerns you.

Mr Lynass: Contamination between nickel and lead would obviously concern us. I will also provide information to the committee as to the procedures for cleaning the hopper, and whether it is cleaned in between. I cannot tell the committee whether it is cleaned. It is not our responsibility.

Mr T.K. WALDRON: It is not your responsibility? If it is not your responsibility, that is what I need to know. You mentioned cross-contamination earlier and I jotted it down. I cannot quite remember why you mentioned it.

Mr Lynass: It is part of our contract to ensure that cross-contamination does not occur. That relates more to kibbles that may have been used for nickel or lead, or vice versa, being changed between businesses.

Mr T.K. WALDRON: The fact that they do not worry about it in the hopper -

Mr Lynass: I do not know that they do not worry about it in the hopper -

Mr T.K. WALDRON: I seem to recall that that is what they told us, but I might be corrected by the members.

Mr Lynass: I can certainly provide the committee with anything we have.

The ACTING CHAIRMAN: I have a question that I missed. Were you aware that on 22 February 2006 - a bit over a year ago - an inspector under the Mines Safety and Inspection Act found the change room facilities for BIS personnel at the port to be inadequate and requiring considerable upgrade? This was after the arrangements had been in place for a number of months, I gather. Are you aware of that?

Mr Lynass: I believe there was a notice served at that time. I will have to check our incident reports. Again, we can provide them. I recall that there may well have been -

The ACTING CHAIRMAN: It raises some concern if you are saying that you have your own personal equipment to make sure that your workers are totally safe, yet an inspector says that your facilities at the port were inadequate.

Mr Lynass: I do not know what was in that report or what was said, or what the context of it was. I can provide the committee with an incident report. This is not the only lead operation we are involved in. We have many employees at the Port Pirie site in particular who have been there for more than a decade and who have blood-lead levels well below anything we have seen here. I can provide the committee with that incident report.

Mrs D.J. GUISE: Mr Lynass, the committee would appreciate that. I think it would be an obligation of the port; if those facilities are within the port, it has an obligation to advise you of that

inspection, what the result of the inspection was and what action would be taken to make sure that employees, including your own, would be safe. Would that not be the case?

Mr Lynass: We would respond to it from our perspective without waiting for any other authority or body to do anything, and we would generate an incident report internally, which would then have its own actions and resulting outcomes.

Mrs D.J. GUISE: So it would not have just been the port that would have been advised? You would also have been advised as part of that action?

Mr Lynass: I have not seen the notice. I recall seeing something in the files with respect to that.

Mrs D.J. GUISE: The committee would appreciate that advice. Thank you.

Dr G.G. JACOBS: Can we have an undertaking from you to provide some documentation about the profiles of lead for your employees?

Mr Lynass: Absolutely.

Mr T.K. WALDRON: You mentioned a minute ago that you have been dealing in Port Pirie for quite some time, and that the lead levels are a lot higher in your workers at Esperance than at Port Pirie.

Mr Lynass: Not in our employees. We have had lead-in-blood levels of 30 at Port Pirie as well, but the majority of people who have been there for many decades have managed well below 15, generally, and it all has to do with personal hygiene.

The ACTING CHAIRMAN: When you had the two incidents mentioned, did that raise concerns with your company?

Mr Lynass: Absolutely. That is why they were removed from the workplace. They were removed for their own protection until their lead-in-blood levels were brought back into satisfactory limits.

Mr T.K. WALDRON: Were you concerned about why they were high in Esperance but not in Port Pirie?

Mr Lynass: I personally was not there then. I certainly would have been concerned, yes. Every time we have investigated these incidents, we have found that respirators have not been used. However, again, there would have been incident reports raised.

The ACTING CHAIRMAN: How long have you been operating in Port Pirie?

Mr Lynass: 13 years.

The ACTING CHAIRMAN: What lead product is that?

Mr Lynass: It is a lead concentrate going through a refinery into lead ingots as an export product.

The ACTING CHAIRMAN: Is it a sulfide?

Mr Lynass: It is a sulfide.

The ACTING CHAIRMAN: Thank you very much. I need to read something to you before you leave. I need to advise you that 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 this period, it will be deemed to be correct. New material cannot be introduced by these corrections and the sense of your evidence cannot be altered. Should you wish to provide additional information or elaborate on particular points, please include a supplementary submission for the committee's consideration when you return your corrected transcript of evidence. I also ask you to provide within 14 days those items you offered to provide as additional material.

Mr Lynass: Is it possible to get the transcript first, to make sure we have got everything we said we would provide?

The ACTING CHAIRMAN: The transcript comes fairly quickly; you will get the transcript within about three days. That will provide that information in case it is not all written down.

Mr Lynass: It is just to make sure that we have not missed anything.

The ACTING CHAIRMAN: Thank you.

Hearing concluded at 5.10 pm
