

EDUCATION AND HEALTH STANDING COMMITTEE

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

TRANSCRIPT OF EVIDENCE TAKEN AT ESPERANCE THURSDAY, 3 MAY 2007

SESSION TWO

Members

Dr K.D. Hames (Acting Chairman)

Mr T.G. Stephens

Mrs D.J. Guise

Mr T.K. Waldron

Mr M.P. Whitely

Dr G.G. Jacobs

Mr P. Papalia

Hearing commenced at 10.05 am

CURTIS, MR BENJAMIN

Member of Locals for Esperance Development, examined:

CRISP, MS MICHELLE

Member of Locals for Esperance Development, examined:

NORRIS, MRS PAMELA

Member of Locals for Esperance Development, examined:

The ACTING CHAIRMAN: Our next submission is from the group on my right who are called LED, which stands for Locals for Esperance Development. Welcome to the committee hearings. As a committee of Parliament, I just need to point out to any new people in the audience that you are very welcome to be here and we are glad that you have come. However, you are not permitted to participate, so can I please ask you to refrain from any involvement in the debate and I particularly ask that mobile phones be turned off. We have Hansard reporters on our left, so, members, when you speak, you need to speak directly into the microphone, and unfortunately you will have to share that one between the three of you.

I am required to read out some proceedings to start off with and it says the following. This committee hearing is a proceeding of Parliament and warrants the same respect that proceedings in the house itself demand. Even though you are not required to give evidence on oath, any deliberate misleading of the committee may be regarded as contempt of Parliament. There is a series of questions and I need you individually to answer so that Hansard can record that. Have you completed the "Details of Witness" form?

The Witnesses: Yes.

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

The Witnesses: Yes.

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

The Witnesses: Yes.

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

The Witnesses: No.

The ACTING CHAIRMAN: Thank you very much. We have received your submission, in which you detailed a lot of questions that I think were excellent questions. Hopefully we have been able to cover most of those questions during our time. Some of the questions, I noted last night because we did not have time to do all of our questions, are still important, and we will be making sure that those ones get answered as well. Do you want to make any amendments to your submission or, alternatively, if you just want to make a verbal submission to start us off, please feel free to do so.

Mr Curtis: We would just like to make a verbal submission to start off. I would like to have on the record that we appreciate the mass of information that you must have as a committee. I do not

envy your job in wading through it all and getting to the bottom of some of this. I would like to thank you for coming to Esperance, and giving the Esperance community the opportunity to speak with you.

However, we sit here before you with Magellan's lead in our blood, and tonight we will go home and we are going to worry if Magellan's lead is still contaminating our lives. Have we cleaned it up? Is it still entering our bodies during our daily activities at home? This feeling of being dirty from an invisible poison stays with you for 24 hours a day and is completely overwhelming, especially if you have a six-month child with blood lead levels well above the adult standards, as I do.

[10.10 am]

The ACTING CHAIRMAN: Sorry, what level was that?

Mr Curtis: Thirteen. We have been not only poisoned by lead but also poisoned by a process, an inadequate process, that does not seem to have a human face from what we understand, and a process, it seems to me, no-one is responsible for, but leaves the Esperance people exposed to a cocktail of poisons. No-one has taken due care, but someone needs to be held accountable. We want this fixed and we never want it to happen to us and our families again.

My name is Ben Curtis, and I, as well as with Pam Norris and Michelle Crisp, am going to be presenting to you on behalf of the lead group we formed to represent the Esperance community as a result of the crisis; so we are only a very young group. We were brought together when we first heard and discovered that thousands of birds in Esperance died and the residents had been exposed to high lead levels in the dust and drinking water. We have a rapidly growing membership and our aim is to assist in keeping the people of Esperance protected and informed of our issues relating to the port and the transportation corridor. We feel very concerned about the lack of protection our community has had to date. However, we are concerned not only about lead but also about nickel. We are very concerned about nickel. Esperance people have been exposed to nickel for a long time. Nickel tonnages and its pollution are increasing. Not only is nickel said to be a carcinogen, but also it comes to Esperance coded in a product called xanthate, which is a flocculant used to help extract the ore. We have been told that xanthate is not harmful, but it comes with a stench that makes people throw up, suffer nausea and have headaches and sinus problems. Xanthate breaks down into a product called carbon disulfide which, if you do a simple Internet search, will tell you it is very toxic; but xanthate itself is not. This is what we are smelling - the carbon disulphide - because xanthate does not have a smell, and that is why we are throwing up. We have suffered from this for a long time and, as I have already said, we have been told that xanthate is not harmful; but the people have to leave their homes to get away from the stench and what it is doing to them.

So, a question: what is happening here? We have been poisoned by lead, nickel is in our bodies and no-one can tell us how bad that might be, and residents are throwing up with the fumes of carbon disulfide that waft over town. Does anyone have control of this or does anyone care? Our port is growing, and we heard yesterday that the rapid growth of the port has made it difficult to keep up with adequate improvements to protect the Esperance people. That is on record. In fact, the port grew more quickly than any of us thought when they recently reclaimed land from the ocean. They had approval for eight hectares but created 15 hectares instead. When questioned, they said it was a surveying error; and this came without fine or punishment. We can only hope that there have not been other gross errors like this when it comes to duty of care and the protection of the Esperance people. Is the 15 hectares symbolic of how the Esperance people have been treated and not protected, 15 hectares that will rapidly be developed to export more product, which puts the port in a position once again of not being able to catch its own tail and not protect the people of Esperance? I have been told that the port now has further expansion plans on the drawing board. Is this port getting too big for a town that completely envelops it? This problem will not be fixed tomorrow and we are very worried that we might be here again in the future.

So, back to the issue of lead and our submission and what went wrong. We have given you a detailed submission about most of the information we could gather and we do not intend to go over that detail at any great length with our verbal presentation, but Michelle will expand on some of the points.

Ms Crisp: Regarding the lead in Esperance, we feel that the community consultation process was totally inadequate for a substance of this toxicity. We hear time and time again from residents that the first time they were aware that lead was being exported through Esperance was when the birds died. For future exports of this nature we recommend the highest level of environmental review with full community consultation involving stringent guidelines. Questions still remain unanswered with the approval process. Did Magellan make an application to have their original mining proposal changed from Geraldton to Esperance? If they did, what conditions did this approval contain? There is anecdotal evidence of how the port allowed our community to be contaminated; a large lead spill on the wharf in late 2006; substandard loading equipment; and dust escaping during loading due to the chute being too short to reach into the hold of small ships as recently as December 2006. The port has said that they are continually improving their infrastructure to prevent lead and nickel dust leaving the port. Their own dust monitoring data does not reflect this. We feel that the port's dust monitoring program and the DEC licensing requirements relating to this were substandard. The fact that we have 365 rainwater tanks exceeding the Australian drinking water standard, 274 blood lead levels over five micrograms per decilitre and thousands of dead birds is testament to this. We feel that the bird deaths highlight an acute exposure event rather than an accumulation over an extended period of time. Even though monitoring was inadequate, high levels of lead and nickel in marine sediment and dust gauges were still recorded and not acted upon. We recommend real-time dust monitors and high-volume dust monitors with trigger values that are acted upon be installed immediately if the export of noxious products continues. With high blood lead levels being recorded in young babies, experts are now concerned that the lead carbonate has been inhaled. We are aware of lead contamination in the community and are concerned about further exposure to lead from re-suspension of it. We also need to know the extent of the area of the township that has been contaminated. A particle-size analysis of the lead needs to be performed to give information on the product. High nickel urine tests in the community have been reported last week; 42 per cent of people tested were above the reference value, giving clear evidence that nickel is having an effect on our community too. Do we wait for the health effects to be evident before we clamp down on this?

Magellan have told us that they can handle lead safely in the future. They have also recently said that they thought they were handling their product safely through Esperance. Can we trust them again? I think we easily lose sight of the fact that products with adverse effects on human health have been and still are being transported through a residential area. Our group recommends that all lead exports through Esperance stop and that, effective immediately, nickel is handled only in containers. LED supports the idea of a purpose-built loading facility for toxic and noxious substances away from residential areas as a long-term vision for the state of WA. I still have concerns that there has been no evidence of contamination along the railway line. Anecdotes say that the rolling stock is not 100 per cent sealed, and dust can be seen emanating from the trucks. The port would have us believe that they have complied with the licence conditions placed on them. Perhaps they have, but where is their duty of care to the community? Why is monetary gain placed before the health of the community and the environment? I will now leave Pam to conclude our speech.

Mrs Norris: The evidence so far has shown that there has been a systemic and chronic failure by all parties. We need to know how this has happened and prevent it ever happening again. Our submission has presented evidence, asked many relevant questions and made positive suggestions for outcomes. The outcomes we are seeking come from a deep sense of betrayal and a complete loss of trust and faith in the participants and in the system. We currently have a petition circulating,

with many hundreds of signature, already asking for no lead through our town and nickel to be immediately containerised. We also have a letter to Mr McGinty asking him to examine the long-term effects of nickel exposure on the community. Many of us believe with good cause that we as a community need to be the watchdog to ensure our safety; we cannot continue to rely on the birds. The other very important question we would like answered is why this has happened. The toxic nature of lead carbonate and its method of poisoning is well known and extensively documented, and seems to have been known by all the parties.

The extent of failure by everybody is such that we are left wondering: was it just gross incompetence or were there conscious decisions made to proceed with lead transportation and export, regardless of the known risks to community health? Given this possibility, we would seek your recommendation for a further judicial inquiry into this mess. We are all here today carrying Magellan lead in our body, genuinely concerned and fighting for the ongoing health and safety of our community, our children and our environment. We thank the committee again for the opportunity to appear.

[10.20 am]

The ACTING CHAIRMAN: Okay, thanks very much for that presentation. It was very good, and I think you would find that amongst the members of this committee there is a lot of sympathy for a lot of the things that you have said in your presentation. I guess there are a couple of things that I would like to ask that you try to do in the future, particularly when we are looking at trying to identify the source of the dust contamination of the people of Esperance in terms of determining a location. We have been along the route, we have been to the mine, we have been to Leonora and looked at the loading facilities, and we have been to the wharf and seen what is there now. Of course, we have not been able to see an incident of lead being loaded. I think what would be of value to this committee is further submissions from those who have had direct visual evidence of occurrences along the way. In particular I refer to the kibbles. We have looked at the kibbles in Leonora, been told how full they are normally at, been shown where they are unloaded but have not been able to watch the unloading. We have read a report that talks about direct evidence of the unloading, but the anecdotal evidence that you give of dust being seen to come from the kibbles when they go back is very interesting. If the person who has actually seen that is identifiable and is able to make a submission saying what he has seen, that would be of great interest. For anyone that you are in contact with that has seen a spill on the wharf, and that may be someone working at the wharf, this can be done in confidence. Their name does not have to be released. All they have to do is request that this committee keep their details confidential and we can make a decision to do so. The same would apply for loading at the port. We have had evidence to say that people have seen dust blowing from the hold during loading. The evidence from the port is that whenever visible dust is present, the loading ceases, and so more evidence along those lines would be of interest.

Also of interest for us is what is happening now. What is happening in the Department of Environment and Conservation and the Department of Health in terms of how they are coordinating issues; how they are managing to get out and let people know when there are problems; what sort of information they are providing, and particularly health information - you and I have been able to go to the Net - particularly looking at levels under 10 micrograms per decilitre. We will be further investigating that in detail, but I would just like to have some feedback from you now before we start asking specific questions as to how you feel about what is going on now, and I guess also about how you feel about the detail in the actual consultation process that happened at the start; when you found out that lead was going to be exported; what the process was; what the advertisements were; what involvement your group has. Your group, LED, comes originally from LEAF, as I understand it.

Mr Curtis: A group called RED, which was Residents for Esperance Development, which was formed to deal with the iron ore that began to be exported from Esperance.

The ACTING CHAIRMAN: Sure, but you say at the start in your submission, "Led stands for Locals for Esperance Development and currently operates under the umbrella of a community group called LEAF".

Mr Curtis: I should clarify. We are unincorporated and LEAF is incorporated and we are acting under their umbrella.

The ACTING CHAIRMAN: Okay. I guess that the point of the question is LEAF is coming to make a presentation later, but as a community group you would obviously be watching the media for things, you would be watching issues in the community and listening to rumours, I suppose. I just want to know what action was taken as a community group; perhaps it was not by you. We will ask that question of LEAF, since it was there longer. Perhaps you could give me some feedback first on those issues.

Ms Crisp: Regarding the Department of Health and how it has given us data, originally it was pretty slow off the mark to get blood tests done and it was reluctant - the department came out with statements such as, "There is no evidence to suggest there is any public health issue in Esperance," so it really put people off going and having blood tests initially. We have problems with that. Then, when they did get the clinic up and going there was quite a delay from when we feel the incident originally happened in December, so the blood levels recorded were probably lower than they would have been at the time. Also, the department has always gone, as you said yesterday, with the level that is regarded at the moment as the normal level, or the target to be lower than 10 micrograms per decilitre, which is the recommended standard at the moment for blood lead levels. There is mounting evidence to show that should be lower. The Department of Health has only ever given out information regarding those levels that are over 10 and we had to ask specifically for those that were between five and 10. In Sydney a background level of three micrograms per decilitre would have been expected. Therefore, it is warranted in Esperance to look at those values between five and 10. As I said, 274 people had those values above five as against the 28 that would have been over the value of 10. They are playing down the extent of the issue. I know we do not want hysteria in the community, but we also want good information, and in our eyes that information has not been passed on to the community. As to how the bird deaths investigation was handled, we feel - or I feel - that the initial investigation took too long, for whatever reasons I do not know. I think the DEC says the pathology results were a bit slow getting back. Then we have heard that in late January the results came back indicating that lead was in the birds. You would feel that probably to safeguard human health maybe they could have done some sort of rainwater testing earlier than it started. We feel the second round of bird deaths that happened in March probably could have been avoided if that information had been found out earlier or brought forward earlier as well.

Mr Curtis: In addition to information for the public about lead, we have not really had any information from the Department of Health about its effects on you and your family. That has been a major frustration for many of the people that we have spoken to. Putting your hand on somebody's shoulder and saying everything will be okay is not the best piece of news you can have when you have been told your child's lead levels are high. As you say, people have been scouring the Internet and various sources to get as much information as they can, but that is fraught with danger. There is a lot of stuff that is quite alarming and that perhaps people should not read. We should not have to be doing that. Our group has got a parents group together so people can share what they have found. We have also asked as a group what resources they might want. We have got quite a knowledgeable doctor in town that you will hear from later in the day. We have asked him to come and talk to a group of parents so they can hear each other's questions and share information. There might be other things. There are plenty of paediatric specialists who have

worked in Broken Hill who can tell people about the long-term effects of lead in children. There might be videoconferencing or something like that that a group of mothers or parents could do together to speak to somebody that has expertise in this area. I do not think our group should be doing that. There is a Department of Health and it could be facilitating that.

[10.30 am]

Mrs Norris: Just one last point I would like to make on that is that there seems to be mounting evidence, especially with the children showing high levels, and even the Department of Health spokesman I was speaking to at the open day told me they suspected that a lot of this contamination had come from two large events. The hypothesis is that some of this lead has been ingested. This has connotations or results that may mean that people who are not necessarily living in the hot zone may have been quite badly affected, especially young children if they perhaps live out of town but have played in the port authority parks or in areas that are close by or have been sailing at the yacht club or engaging in activities along the foreshore. I do not think the Department of Health is actually letting people know that even though you live at Scaddan, maybe your child is affected. Some high levels have been returned from situations like this, and I think that information needs to get out, and get out quickly, so people can be tested.

The ACTING CHAIRMAN: Thank you. The medical side of it is obviously quite confusing, even with international literature, and we have two doctors on the committee, but it does not help a great deal, in the sense that the accepted level for workers up until recently was 50 micrograms per decilitre in their blood, which was accepted as normal. Now that is coming down to 35. We know there are lots of workers out on the mine sites who are in their 20s. In places around Australia where there is lead mining it is almost accepted that there are levels of 10 to 20 micrograms in children as being something that, when you live in a lead exporting town, what do you expect. We do not think that that is adequate by any means, and whatever we find here, there will probably be implications for other lead exporting places throughout Australia in terms of what we are able to put together, but one of our tasks is to go through all that literature, talk to all the specialists and the experts both in Australia and overseas and try to put together some sort of comprehensive package saying what is reasonable and what is not. We do not want to be going and frightening everybody who has nought to 10, if the research is not good, but I believe that one should always err on the side of caution, not just accept that, because it is acceptable elsewhere, then that is okay for here. I do not think anyone on the committee thinks that is the case. One issue you did not address was the original advertising that led to lead being exported. I am getting looks from my right, so before we do that, we will do four questions from people who are dying to have something to say. The member for Roe will be first.

Dr G.G. JACOBS: Thank you very much for your presentation today, Ben, Michelle and Pam. One of the issues is about how much information is being put out there in the community by the Department of Environment and Conservation and the Department of Health, and I have a couple of questions, if you like. Are you aware that on 20 and 27 April, in the local press, a lead issue update was put out by the Department of Health and the Department of Environment and Conservation? That is the first thing, and do you think that is adequate; and, if not, how else would you do that, to get that information out there? I would just like you to comment, too, on the lead issue update of 20 April, where it asks a series of questions and answers them. It states -

Is it safe to swim at the beach? Water samples have been taken from beaches and have not shown contaminates of concern.

Is it safe for my children to play in parks and playgrounds? Samples have been taken from parks along the foreshore and the local schools, and did not find any evidence of lead contamination, so it is therefore safe for your children to play in these areas.

Can I grow and eat home-grown vegetables? Yes, as long as you wash all produce with scheme water before eating.

I wonder whether you could comment on those.

Mr Curtis: Perhaps I can start and then Michelle can finish. Firstly, I did read that. I actually swim in that port, or I did until recent events. Sometimes I swim forwards, or I think I am, because I am not going very fast. There is a strong current in there. It depends where you take your sample where the water came from and how quickly it has moved through there. It would depend also if there had been a spill near to that date, so it is not a very scientific way of presenting something to say it is safe from a water sample that has been taken. Similarly, with parks, we live in a very sandy place, as you are probably aware, and it depends when you play in the park, and when the sample was taken, and how much rain we have had on the sand and whether it has washed into the soil. Again, making a conclusive statement like that I think is fraught with danger. The other statement that has been made is about whether it is safe to eat the fish. There are a lot of questions. I think we heard questions about the fish statement yesterday. There was one herring with four times the recommended level, but, as you know, fish like herring swim a long way. I hope that was the only herring, and I hope it was caught by the person who did that survey. I find that type of broad statement, when we are talking about our health, to be a little bit dangerous.

Dr G.G. JACOBS: Have you seen any actual results of these tests that are reassuring us?

Mr Curtis: No.

Mrs D.J. GUISE: Michelle, you mentioned earlier a reference to a spill at the port. Can you, Ben and Pam advise the committee if you have any direct knowledge of any spills in the port? If you can provide any dates or details, we would be most appreciative.

Ms Crisp: I know it is from a reliable source, and I know the person who has told us. The port would have us believe that any lead spilt on the wharf area is only in the matter of kilograms, and is swept up immediately, but I know from my source that it was in the manner of tonnes, and had to be shovelled up with a bobcat. I can get the source to make a confidential submission, probably. The person cannot remember exactly whether it was November or December, but it was around that time. And regarding the same person, there was a ship in December that was quite small. He was talking about billowing dust and stuff escaping. I do not think it was. Our reference to that was the chute did not reach into the hold. There has always been this thing with visible dust and invisible dust. We are quite aware that you can still have dust escaping, even if you do not see it, but the actual chute did not reach into the hold.

Mrs D.J. GUISE: So it was at the ship loading point that the spill occurred?

Ms Crisp: It was off the conveyor belt.

Mr T.K. WALDRON: Thank you, Michelle. Before I ask my question, just further to the member for Wanneroo's question, when you were actually speaking before you said there was a large spill in September 2006. Did I hear you correctly?

Ms Crisp: December. I said late 2006. I was talking about December 2006 when the smaller ships were loading, which could have led to lead escaping.

Mr T.K. WALDRON: You highlighted your possible concern at the transport corridor and what may happen there. Do you have any specific concerns? It has been mentioned in reports of dust coming from the kibbles. Do you have any information on that for us? We did hear something about it yesterday, and I was just wondering if you had further knowledge of that that we can hear.

Ms Crisp: We have had people tell us this, but I have not seen it myself.

Mr T.K. WALDRON: What are your concerns about the transport corridor? I think Ben was talking about that.

Ms Crisp: They have come back to tell us that they have done initial soil samples. I have not seen any of the record from the Department of Environment and Conservation on the soil sampling.

They have shown us one of the fact sheets they have got that say they have tested it and it is all within the recommended levels. I have talked to Brian Gulson, who is a lead expert in Sydney, and he has concerns about how far the lead dust will drift, and what area is affected. He is saying that, given high lead in tank water kilometres distant from the port, it would appear likely that the dust has been transported long distances, and he said that particle size analysis and standard plume modelling would provide a basis for the dispersions. I think more testing needs to be done. I do not think enough testing has been done to show transport corridor contamination.

[10.40 am]

Mr T.K. WALDRON: Just on the kibbles, which we saw on the way down at Leonora - we have not been able to see them after they are unloaded here - do you have any further information or knowledge about that?

Ms Crisp: No, I cannot comment on that.

Mr Curtis: One of the concerns with the testing along the corridor is that I strongly believe a lot of the poisoning has been due to breathing it in. The evidence of that will wash away in the rain or, if it is very fine matter, will keep blowing past the people who are ingesting it. Along the corridor and into town the houses are very close to that railway line, so people may well have breathed it in and been poisoned, and it has kept blowing or washed into the ground. I will go and test now and there will not be any evidence of it. That is a danger with further testing.

Mr T.G. STEPHENS: My question is to Pam. In reference to the comment made by the officer at the briefing session about the possibility of the contamination coming from two major events, was there any indication, or do you have any evidence for the committee, as to what those two major events might be that led to the build-up of contamination?

Mrs Norris: No, I do not have any direct evidence. It was what the gentleman was telling me, that the data coming back was showing them that this was perhaps a hypothesis that in fact the poisoning had occurred from two major events, and that was just showing times and dates and the type of poisoning that was occurring. He did not give me any more specific information and I do not have any more specific information except what we have researched through spills in December. That was already mentioned -

Ms Crisp: So we have the bird deaths that happened in February. I am not an expert but to me, if all those birds die at once, it seems to indicate an incident, which would have been backed up with the spills that we had anecdotal evidence for and also the deaths that happened the second time, in March 2007. There was a lead ship loading on 5 March and the bird deaths were reported on 6 and 7 March following that lead ship loading. Even though it is not direct evidence with that second one, it is an indication, I suppose.

Mr T.G. STEPHENS: From which agency did the officer come?

Mrs Norris: He was from the health department. Unfortunately, I cannot remember his name.

Mr T.G. STEPHENS: Was that the public briefing session that was done on a Saturday?

Mrs Norris: That is right, it was held at the civic centre in the forum up here.

The ACTING CHAIRMAN: Just to expand further on that, it seems fairly likely that what you say about the likelihood that it was two single events is true. That does not mean there was not lead dust blowing into the community for the rest of the time, but if there was a steady accumulation of lead in birds, it might have given them some sort of base level, and birds are very susceptible to lead poisoning. However, for all of them to die at once does strongly suggest an individual event, particularly when a lot of the lead contamination was in birds that eat nuts, or honeyeaters and so on. You have identified a ship unloading just before the first event of bird deaths -

Ms Crisp: The second.

The ACTING CHAIRMAN: The second one. Do you know of any particular date of a ship unloading for the first one?

Ms Crisp: That is when we consider it was probably the spill, around that time.

The ACTING CHAIRMAN: You do not have any evidence -

Ms Crisp: I do know that they had two - you could check on the port records, but I think there were two lead ships loaded in December, which was unusual in that usually in the past there had been only one ship a month. December was unusual in that there were two ships loaded, so there would have been larger handling of lead during that time.

The ACTING CHAIRMAN: I do not suppose you know how long it would normally take a ship to load lead. Obviously, there are different sizes.

Ms Crisp: I think the port keeps logs on that sort of thing, but my understanding is it is about 18 hours to load a lead ship.

The ACTING CHAIRMAN: I have to say that even an event of tonnes of spill - my feeling is that it would be more likely to be a longer procedure of ship loading to cause such a massive number of bird deaths rather than all of that dust coming from a single spill. There are concerns about the overall moisture content of loads and whether it is consistent throughout the load, which I think fairly certainly it is not. While most of a load may be of a moisture content that significantly reduces the chances of lead dust, there will be components of that load that have a much lower moisture content, and given the loading process into a ship, that creates the opportunity of dust. There is a requirement on the port not to load when there is visible dust, but you too have made the point about invisible dust. I have stated earlier that from personal experience - I live across the road from an area of land development - every two or three weeks there is a fine film of dust over most of the things around my house caused by dust coming from this site, because there is no other source, and yet I cannot see it. Even with the wind blowing I cannot see dust coming off the site, but there is no other potential source. It is a very fine-grained dust and it gets all over things at my house. So, fairly certainly in my view, that is the nature of the spread on this occasion.

Ms Crisp: Can I just add to what you are saying about the loading? It is my understanding that at least one of those two ships that were loading in December was a smaller one where the chute would not have reached into the hold as well. It may have been both, but I know one of them in particular was.

The ACTING CHAIRMAN: I think we need to find that out for certain.

Mrs D.J. GUISE: Ben, you advised the committee you have a six-month-old child, unfortunately with a blood level of 13 micrograms per decilitre. We share your concern for that. Can you, for the record, explain to us the interaction you would have had with the Department of Health in regard to those blood levels in your child? Also, as a group, can you advise, because you mentioned a group of parents getting together, whether or not you have any understanding or knowledge of the Department of Health taking the time to get together with women who may be expecting a child in the town of Esperance. We also have a great concern for them. There are two questions: your personal situation with your own child and whether as a group you have any knowledge of the Department of Health making any extra effort to communicate with women in the town who may be pregnant.

Mr Curtis: Okay, the personal bit: the first test that was done on Sally came in at 16 and they had to do a heel prick test because she looked like the Michelin man - she came out with baby fat arms and it is very hard to find the vein. I think they probably broke speeding records to come round to our place to tell us - they were worried about it. I suppose my concern and my partner Jodie's concern was that there was not much to tell us. That was a concerning thing; there was no information that came along with that blood lead level. We were praying and hoping that her blood lead level would be low, and when they told us it was very devastating. There was no information.

I got asked, as you heard this morning, did I leadlight and do other things that might have caused contamination of my family, but there was no medical reinforcement. They were giving me a number and asking me about leadlights. It is not particularly useful to me. I felt that was inadequate. I will say that the people who came round were concerned and caring, but they were not experts in the area. It is probably hard to find experts but I think the health department should get onto that and get as much information as it can. So, it has been a frustrating thing but we have, as other people have, phoned a lot of experts and gained a lot of information ourselves. I said before that that is fraught with danger because you ask five people, you get five different answers. I have been told to move from where I live. I live near the port. That is one bit of medical advice I have had and that is not very nice advice, especially as I have just built a new house. It has been a frustrating process. I have no knowledge that the health department has spoken to women who are pregnant and told them about the concerns. I do not know if the other two have, but I have not heard that that has happened at all.

[10.50 am]

Mrs D.J. GUISE: For the record, unless the girls can advise me for *Hansard* purposes - I have seen a shake of the head to the negative.

The ACTING CHAIRMAN: I have been asked to ask a question about the timing of the test results and the dates and how long they have taken to get back on both for blood tests and tests in your home. Can you give us any advice on that?

Mr Curtis: Well, blood tests - the complication for us was getting in. We were a little bit slow in putting our name down and there was quite a long waiting list. Sally, my daughter, was not tested until after Easter and then it took a few days before the result came back. The slowness was getting in to be booked to have the testing done. I will back up what Michelle said. I have done some research and the blood level half life for children is longer than for adults. It is 90 days. It makes you feel better if you extrapolate backwards to when the likely contamination occurred. It also makes me feel worse if you extrapolate in the other direction and think about how slowly it might go down. It is kind of a twin-edged sword. That result came back quickly after the blood test was done, but I wish the testing had been done sooner and we had been alerted to that sooner. Yes, because of being involved with lead, the health department and the Department of Environment came round and swabbed my house and has done a range of tests but I have not heard back. That was done four weeks ago.

Ms Crisp: Regarding the dust gauge monitoring, which we feel is really inadequate, but that is the only testing done so that is the only thing we can come back on. I have always had a dust monitor at my house, and we get the results from the port authority on an annual basis. This year's came back - we had levels in November 2005 that we had a level of 62 milligrams per metre squared per month. I chatted to Brian Gulson again about this and -

The ACTING CHAIRMAN: Can you put that into context for people here?

Ms Crisp: I have seen a World Health Organisation document which states that anything over 7.5 milligrams per metre squared per month would be expected to lead to increases in blood lead levels.

The ACTING CHAIRMAN: What was yours again?

Ms Crisp: Sixty-two milligrams per metre squared per month.

The ACTING CHAIRMAN: That is November 05?

Ms Crisp: Yes, and we got those results from the port authority. This letter is dated 6 February 2007. I have followed that up with the port's environmental officer as to when she got her results back to them. She said that her May 06 results she received on 12 September 2006; her August 2006 results she received on 23 October 06; the February 06 ones she received on 17 January 2007;

and our results came back I am sure - the November 05 ones - on 23 October 2006 she received them. So, delays again. They could not ever have acted upon any elevated levels in any way.

The ACTING CHAIRMAN: On how many occasions was the dust monitor at your home elevated? You say November 05 results show it was elevated?

Ms Crisp: Yes. All the rest showed figures of two and three.

The ACTING CHAIRMAN: It was a single occasion it was elevated?

Ms Crisp: Yes. They only monitor for four months of the year, so for eight months of the year there is absolutely no monitoring done whatsoever. With a toxic substance like lead we think that is highly inappropriate. Also the wind that takes the lead over our house and over the rest of the township, the major time is in summer. They are testing in November and February, but for December and January when we get the significant winds over the township there is absolutely no dust monitoring done at all. In May and August 2006 we have had a level of two and three, and that is when the winds are blowing generally away from our house and over the bay, so you would not expect to have high levels in those months anyway.

The ACTING CHAIRMAN: Clarify again when they got the result from the November 05 contamination?

Ms Crisp: On 23 October 2006.

The ACTING CHAIRMAN: So 12 months later but still prior to the bird deaths?

Ms Crisp: Prior to the bird deaths, that is correct.

Mr Curtis: When we talk about numbers, it is hard to get your head around 7.5 being acceptable or 62 in Michelle's case. The other point we have made in our submission with the monthly dust monitoring is that, as you have already alluded to, it is more than likely that the peaks occur when there is loading and handling of lead. But with this monthly averaging system, the number you get back is averaged over a month. So if there is one boat making lead go over the town, it might have been measured, as Michelle said, over 18 hours. For the rest of the time it is probably very low. These numbers are very hard to interpret, but the concerning thing is what happens during that 18 hours in the month that Michelle had 62 at her house. What were the dust levels in the air then and what were we all breathing in?

The ACTING CHAIRMAN: For the committee in looking at the dates of loading, it would be very interesting to see what loading events occurred during that month of the high dust readings. I do not know if there are any records of prevailing winds at the time, but that would help the theory that you have.

Mr Curtis: There is.

The ACTING CHAIRMAN: I wanted to start exploring something that was in your submission about the use of the words pelletised and conglomerates, and about what the community understanding was. Just for your information, it has appeared to us that the word pelletised was not used by Magellan Metals. They had in their submission focused on the issue of agglomeration of the lead into, in effect, fluid balls. I have to say that I would never have thought of a pellet as a fluid ball, but if you go to the dictionary it does talk about wax pellets, for example. A soft, fluid-like ball could still be called a pellet. Nevertheless, that was not an application by Magellan Metals and it was not part of the application by the port authority. It was something that was initiated by the Department of Environment and Conservation from one of their officers. They went back to the mining company and the port authority, who argued why the word pellet was in there. They decided in the end that pellet could loosely be described for the agglomerated product. It is my understanding that while there is community concern about the fact that it was supposed to be a pellet and most people like I were thinking of a lead pellet as in a shotgun, I do not know how much that was promoted within the community. I am trying to find out when you heard of the word

pellet. Was it early or late? When I look at the newspaper articles at the time, they did not call it a pellet, they called it an agglomerate. Would it have changed the community's view, do you think, to know that it was an agglomerate? In fact, the lead carbonate as it is was going to be exported through Geraldton. If they had not pushed so hard on this agglomerate, then it probably would have got the approval for here anyway since it had got it for there and there was nothing different here. In fact, the facilities were better here than for Geraldton. I would like you to make some general comments about the community impression and the use of those words.

Ms Crisp: To tell you the honest truth, I do not care whether it was a pellet or an agglomerate. I knew from the start. I went to them with the information. I think I was one of the 40 people who went to the information day on the lead down at the port, which was a week before Christmas, and poorly advertised. It was said then that it was a pellet. But if it was said that it was an agglomerate, I still would not have been happy with it. Either way, it was lead carbonate and I was not happy with it. I rang up the Department of Health in May 2005 to express my concerns regarding lead going through a residential area. I think the toxicity of this product - you cannot just look at the toxicity side of it alone. You have got to look at where it is coming through. To bring it through a residential area I think was ludicrous. At that community consultation the other thing that was highlighted and why I probably did not pursue it after May 05 was that we were given a promise from Magellan that they would be making a smelter up at Wiluna and that within a year or two we would be getting lead ingots coming through Esperance. In February 2007 I talked to the environmental officer - before we knew the lead was killing the birds - and I said that lead was not going to be an issue ; it will be in ingots soon enough, it is overdue already. She said no, we have been approached by Magellan to continue taking lead carbonate long term through the port of Esperance.

[11.00 am]

The ACTING CHAIRMAN: When you say they promised, do you recall the details? Did they say, "I promise"?

Ms Crisp: No, it is actually in their glossy brochure that we picked up on the day. They did say that they would continue to bring lead carbonate through on a very small scale but generally it would be in the form of bullion or ingots. I understood that it would be a licence agreement. I found out in February 2007 that it was not a requirement on their licence; it was just an indication they made to the community and there was nothing legally binding on that.

Mr P. PAPALIA: Michelle, you are the first person I have heard of who attended that information day. Could you tell me if you or anyone else indicated to Magellan or the port that they were unhappy with the concept of lead carbonate coming through? Every bit of documentation that I saw from both of those agencies indicated that there was no public dissatisfaction or unrest regarding the potential exporting of lead carbonate.

Ms Crisp: That was the first that I had heard of lead carbonate coming through. I took the glossy brochure away. I cannot recall because it was such a long time ago but I know I would have voiced some concern. I was probably not jumping up and down a lot. I had only just come across the idea. I followed up my concerns with the health department in May 2005.

Mr P. PAPALIA: Between then and the commencement of export, do you know of any public complaints or submissions opposing it?

Ms Crisp: If I had known that there was a public consultation for the licence review, I would have made it. I am aware that there was probably an article in the paper on one occasion. I obviously did not see that. I know totally and honestly that I would have made a submission. I have made submissions on iron ore, nickel and everything that has gone through. For lead carbonate, having children myself, if I was aware of a submission period for the community, I would have made one. I do not think that was probably advertised enough.

Mr Curtis: I wish to add to this. I am completely at the other end of the scale to Michelle. I personally did not know there was a consultation. I did not know anyone was coming to town. I did not know what lead carbonate was. If I was told people were coming to town, I would have sat there blindly accepting, unlike Michelle seems to, that it would have been done safely and properly. I think the majority of the community is like that; we trust the processes. My trust in the processes has been smashed to pieces. I will probably follow Michelle's lead in the future. If I went to that meeting, I probably would have gone away happy and not been concerned. I probably would not have gone off and researched lead carbonate like I have now. I think the majority of people would be in the same position.

The ACTING CHAIRMAN: I think you are right. I would probably be in exactly the same boat.

Mrs Norris: I wish to add to that too. A certain proportion of the community is being lulled into a false sense of security. You have heard about the organisation RED, which was formed to tidy up the export of proposed iron ore into the town. There was large community unrest about the fact that iron ore would be a stockpile on our wharf area, and hence dust on our beaches and a Port Hedland-type scenario. The port and the exporters appeared to us as a community to be very amenable. They talked about it and came to the party in the sense of putting sheds in. We were assured that these sheds were vacuum sealed, that there would be sprinklers along the way to stop dust and these sorts of things. We saw that happening. The port authority took a good lead in this whole process, indicating it did have some environmental credentials and it had the community's interests at heart. A certain amount of complete trust was generated by that, which perhaps goes to the point of why there was not enough concern about the lead coming through.

Ms Crisp: We could talk for years on this topic. I would like to add to what Pam has said. The iron ore was put in and lots of measures taken to control the dust. The lead and the nickel are far more toxic but there were no negative pressure units on the sheds. We have seen that the conveyor belts are not totally enclosed as they are with the iron ore. The return of the conveyor goes back with loose lead dust on it with no base on the conveyor belt. It seems ridiculous that these standards were allowed for nickel and lead, whereas iron ore, which is really just an aesthetic thing for us, not being covered in red dust, was not something I considered as much of a health issue as the others. I cannot believe it was allowed to happen.

Mr P. PAPALIA: I asked that question not to imply that you were somehow remiss in not having complained. I wanted to confirm that what they said was accurate in all of their submissions and their claim that there had been no public complaint. Personally, I found your submission outstanding. I think you are doing a great thing for your own family and your community. Keep it up.

[Applause.]

The ACTING CHAIRMAN: It is normally my job to tell you off for that but I intend not to. I probably would have liked to have done the same. Did you know that the lead carbonate had only been declared a dangerous good for the purposes of transport three weeks ago?

Mr Curtis: No.

The ACTING CHAIRMAN: I want to get back to the issue of that first meeting and the advertising. I want you to run us through that again so it is clearly on the record. I gather that you were the only one here now who attended and that roughly 40 people attended that meeting. How was it advertised? I think there was a note in the paper a week before Christmas. What consultation was there? When did you know that lead carbonate was being switched from Geraldton to Esperance?

Ms Crisp: I was not aware until May 2005 that it was proposed to go through Geraldton. We thought it was proposed to come through Esperance. From memory, which is probably not that good, there was a public notice in the local paper. It said that the meeting was on 18 December,

which is a really bad time for people to go. When I got there, they had static displays of information. From memory, they had a register where we could write our names down to get information back. Feedback from that information day was regarding trains carrying iron ore and the noise levels, from memory. There was not a lot of public information.

The ACTING CHAIRMAN: Was there an opportunity for you to lodge an objection?

Ms Crisp: No, this was presenting information to us. It was not an opportunity for us to feed back information, although there were people there that we could talk to. It was set up to present us with information about how it was going to be done.

The ACTING CHAIRMAN: Was there ever an opportunity in the lead-up to the change of licence from Geraldton to Esperance for the public to lodge an objection?

Ms Crisp: Someone has told me that there was an opportunity but I was not aware of it. If I had been aware of it, I definitely would have made public comment on it. From my understanding there was, but I did not see it.

The ACTING CHAIRMAN: When they changed their plans to export lead through Esperance, the decision was made by the Minister for the Environment of the day not to go through a full environmental impact process, which would include community consultation. The reason given was because it was seen to be an insignificant variation of the proposal from what was proposed for Geraldton. That is because the safeguards that were required to prevent pollution in Geraldton were the same as was required for Esperance. That is why that decision was made in a one-page letter of response from the minister. What do you say to that?

[11.10 am]

Ms Crisp: From that I read that there was not a chance for us to respond at all. I was of the understanding that there was an advertisement in the paper or something that I had missed. However, if there was no opportunity, that is even worse. Just because the community in Geraldton has had its say, it does not mean that we have similar concerns. Obviously, we have similar concerns, but we really wanted an opportunity to address concerns for ourselves. That is criminal.

The ACTING CHAIRMAN: The people of Geraldton had the opportunity to have their say from 1999-2000, when it was proposed to go through that port, but when it was switched across, it was regarded as an insignificant change.

Mrs Norris: I have read the 72-page report on the initial application and it is amazing that the submitters of that particular application brought up all these issues. The final ministerial approval includes clauses that ask Magellan - I am sure the committee is aware of this -

The ACTING CHAIRMAN: We are, but I would like you to read them. We need to be quick; we have five minutes until the next person.

Mrs Norris: The program was to -

address the review of existing storage and shiploading facilities at the Geraldton Port . . . It is to include a review of equipment, procedures and monitoring programs to identify potential pathways for lead to enter the environment, and if appropriate additional equipment, management or revised procedures are to be determined; . . .

It was also to -

detail the process that will be applied to ensure ongoing assessment of the risk of lead contamination including monitoring, evaluation of health risks and determining control measures; . . .

This was to be in the "Health, Hygiene and Environmental Management Program". I have read through that program. I cannot find it anywhere.

The ACTING CHAIRMAN: I think that is an excellent point.

Mr P. PAPALIA: Members of the committee pursued that issue with them yesterday, and we agree that there are a lot of flaws in that process; the HHEMP was dumped in Geraldton and amended slightly, cut and pasted, for Esperance.

Mrs D.J. GUISE: It talks about Geraldton having been investigated and that Esperance will be investigated. The latest revision date is November 2004, which is unacceptable.

Mrs Norris: This document was supposed to be publicly available.

Mrs D.J. GUISE: Correct.

Mrs Norris: I have since found out that we needed to go to the library to get it, but I do not remember ever seeing an advertisement telling me it was available at the library.

The ACTING CHAIRMAN: The area of concern is that in going back to look at the original ministerial approval, it is worth remembering that we export lead through other ports in Western Australia and Australia, and that the original approval detailed quite stringent safeguards and consultation to make sure that it was done safely. I have to say, though, that part of the Port Authority's licence - I presume it is for all ports, but I have not found that out yet - is to stop visible dust. I guess that is the thing that particularly concerns me in light of what has happened here, because the committee strongly suspects it is not visible dust that has caused the problem. Pam, are you doing it separately as well?

Mrs Norris: Yes, please. It is borne by the fact that my earlier submission was from a personal point of view, but then I became so concerned that I became involved with the group, so I have personal evidence and things that I would like to present.

Mr T.K. WALDRON: Ben, in your opening statement you talked about people throwing up from the zinc dust. I just want to make sure I have got that right and expand on that. Is that something that is being looked at? What has happened there? I have not heard about that before.

Mr Curtis: I chose to bring that up because I thought the committee might not have heard about it. It is from xanthate, but it is not xanthate. Xanthate, I believe, breaks down into carbon disulfide in the presence of water. It smells horrible; it is disgusting. The committee may have smelled it if it went down and saw a pile of nickel. I hate it, but it does not do that to me. When we had a table at the information day and sat there getting people to sign our petition, I had so many people come to me and say, "What are you doing about this smell?" Three people came to me and said that they leave their homes; several people said they threw up. Other people have problems with their sinuses. That was overwhelmingly the main complaint that we had as we were sitting on the stand, asking people to sign a petition about lead. Do not worry about the smell, which is carbon disulfide.

The ACTING CHAIRMAN: The committee certainly smelled it when we were on the wharf the other day. It was not overpowering; it was an unpleasant smell, but certainly not strong enough to make any of our members sick. However, that is not to say that other people are more sensitive or that the levels might have been higher at that stage. We are certainly not just focusing on lead. We are also looking at the issue of nickel during the course of our investigations.

Mr M.P. WHITELY: Of the things you would like to see, the first of the dot points refers to no lead in any form going through the port, and I understand that. Given the history, I think that that is entirely understandable. The second point is that all future shipments of nickel are to be contained in sealed containers. This is obviously your own submission, but do you think that is a consensus position, if you like, amongst the community? It sounds very reasonable to me, given the history.

Mr Curtis: It is an interesting question. We question ourselves; we are calling ourselves LED and we represent the Esperance people, but now many people do we represent? We have quite a growing membership and we have a petition with several hundred signatures on it. The ladies who

have been getting the petitions signed have had overwhelming support for it, and I think that is the best survey you could get for Esperance people, rather than talking to any other group. However, the member is right; not everyone will agree with that. We are not confident that that smell and the nickel dust can be stopped just by adding water.

Mr M.P. WHITELEY: I think it is a reasonable position. I was encouraged that it was not as absolute as it could have been, if you understand my meaning. You are not saying “No nickel under any circumstances”; you are saying that it should be sealed in containers that are sealed, presumably, at the minesite, and opened at the other end when they arrive on the dock with the customer. We are supportive of that.

Ms Crisp: In making that recommendation, we took into account that nickel is a huge export for the port and that the port is part of our community. We are not against the port; we just want the port to handle their products in a safe manner for the residential area.

Mr M.P. WHITELEY: Seems like a reasonable ask.

The ACTING CHAIRMAN: With regard to nickel, I have just been advised that we need to recall our terms of reference on this committee, which constrains us to some degree in looking into the nickel issue, but that is not to say we cannot make recommendations referring to it, and suggesting that more work might need to be done, and even to some extent, equating the problems of the distribution of lead and nickel as they are obviously processed and shipped in exactly the same form through the same pathways. I think that is particularly important, especially in light of the fact that there were elevated levels of nickel in the community prior to starting the export of lead, which is also, in my view, very important.

Thank you for coming to do this presentation. It has been greatly appreciated and I think the applause you heard earlier is a good indication of what community members here think of your presentation. I need to make a closing statement. A transcript of this hearing will be forwarded to you for correction of minor errors. Please make these corrections and return the transcript within 10 days of receipt. If the transcript is not returned - you do not need to, if you think it is accurate - it will be deemed to be correct. Thank you once again.

Hearing concluded at 11.20 pm
