PR for pollutant corporations: Does ethical environmental PR exist and could it make a difference?

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PR for pollutant corporations: Does ethical environmental PR exist and could it make a difference?

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Abstract

Environmental issues have regained a prominent place on the public agenda in Australia over the past 18 months because of extensive media coverage and the growing trends of environmentalism and communitarianism. The public's protest for pollutant corporations to be held environmentally accountable has become vocal. They are now regularly inclined to seek out media attention to expose or highlight pollutant corporations' unethical practices. Pollutant corporations now have the choice of cleaning up their act and ensuring they become more ethical in communications with their publics or be constantly attacked by activist groups and the media, lose stakeholder and community support and establish a negative external image that could arguably never be reversed.

These trends highlighted the need for research into exploring and defining, within an Australian context, the emerging area of ethical environmental public relations — a specialist area of public relations focused solely on pollutant corporations approach to environmental issues, crises, sustainability practices and building community relationships.

A case study into a Western Australian lead contamination issue that occurred in the country town of Esperance explored the current model of public relations practiced by pollutant corporations as well as the emerging role of environmental public relations. A number of conceptual conclusions were drawn as a result of this exploratory research, relevant to defining this emerging area of public relations practice.
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Chapter 1 – Introduction

In the past two years, environmental pollution issues have regained a prominent place on the public agenda in Australia and are now refusing to fade away because of extensive media coverage and the growing trends of environmentalism and communitarianism. Every day there is at least one news story, feature program, newspaper article or protest about an environmental issue. It may be about a corporation’s malpractice that has led to a pollution crisis, the fossil fuel debate, the search for sustainable energy sources, carbon neutral schemes for corporations, reducing greenhouse gas emissions or global warming (see appendices 1-7).

“Australians are becoming increasingly aware of the impact that the production and use of energy can have on the environment” (Environmental impact, 2004), while “the need for clear communications on environmental issues has never been greater” (Hall, 1994, p. 2). This translates into public concern for how environmentally responsible their local pollutant corporation is prepared to be and how transparent that corporation is prepared to be with their communications. 'Pollutant corporation' in this thesis refers to any organisation - community, government or private - that may be involved in issues associated with community safety and the manipulation of the environment for the production of resources (the environmental and safety nexus). The public’s protest for pollutant corporations to be held environmentally accountable has become vocal (Thomson, 2007) and they are now regularly inclined to seek out media attention to expose or highlight pollutant corporations’ unethical practices.

Environmentalism as a movement is not a new phenomenon; in the late eighties and early nineties public environmental concerns proved damaging for many pollutant corporations external images. The Exxon Valdez oil spill has become an iconic example of a poorly managed crisis that was the catalyst for the environmental movement of that era. However, never before have pollutant corporations encountered so much continual public distrust, skepticism and outcry over their activities from such a broad range of community members. Every single person within a pollutant corporations' community is now a potential activist no longer content to sit back and quietly grumble about corporations’ unethical practices and complete disregard for the physical environment.

The public are no longer afraid to speak out against authorities like governments and private enterprises, and pollutant corporations need to implement a pragmatic and
ethical model of communication in order to regain or earn the trust and support of the communities in which they operate.

Pollutant corporations now have the choice of cleaning up their act and becoming ethical in their communications with their publics. The alternative is to be constantly attacked by activist groups and the media, lose stakeholder and community support and establish a negative external image that could arguably never be reversed. Pollutant corporations and their senior management teams now have to comply by law in most developed countries to various safety and pollution regulations, limits and guidelines or face hefty fines and in some cases jail sentences for senior executives (see appendix 8). The unethical practice of pollutant corporations is no longer tolerated by publics and neither is said corporations’ deceptive external communications and nor should they be.

This thesis explores and attempts to define the emerging area of ethical environmental public relations in order to facilitate future development of an environmental public relations model to enable pollutant corporations to become transparent and honest with their communications to start repairing their relationships with publics. The research questions for the thesis are:

1) What is environmental public relations – does or should it exist as a separate area of public relations?

2) What is the current role of public relations for pollutant corporations?

3) Could the area of environmental public relations under an ethical framework, significantly contribute to:
   • building a positive external image for a pollutant corporation
   • reducing public skepticism for a pollutant corporation and regain the trust of the community in which they operate
   • corporations’ implementation of practices or initiatives to reduce environmental impact.

The research is significant because a pragmatic and ethical model of public relations, focusing solely on pollutant corporations approach to environmental issues, crises and
building positive community relationships within an Australian context has never been investigated.

E. Bruce Harrison’s (1993) model of ‘green PR’ is an unethical one-way communication model of public relations that many pollutant corporations currently use in an attempt to win the support of communities, governments and stakeholders. Stauber and Rampton, in their book *Toxic sludge is good for you!: lies, damn lies and the public relations industry* make their contempt for pollutant corporations current public relations practice obvious, writing:

> In the perverse world of corporate public relations, propagandizing and lobbying against [original emphasis] environmental protection is called “environmental” or “green” PR. “Greenwashing” is a more accurate pejorative now commonly used to describe the ways that polluters employ deceptive PR to falsely paint themselves an environmentally responsible image, while covering up their abuses of the biosphere and public health. (1995, p. 125)

Harrison’s model of green PR is currently grouped under issues management, crisis management, community relations and corporate social responsibility.

This presents a significant gap in the literature concerning an ethical model of environmental public relations. Using a Grunigian theoretical perspective as the ethical framework and drawing on rising trends including activism, communitarianism and public skepticism, this thesis seeks to define environmental public relations as an entirely new area of public relations, opposite the current unethical practice used by pollutant corporations of ‘greenwashing’; investigate the current role of public relations for pollutant corporations and finally, explore whether this area could contribute positively to a pollutant corporation’s external image, reduce public skepticism and also contribute to the reduction of a corporation’s environmental impact.

Initially, an overview of public relations models and the pragmatics of each model is discussed to determine which models are the most ethical compared to which are predominantly used by public relations practitioners. There is overwhelming evidence to
suggest that public relations practice lags behind theory in terms of the practice of an ethical model of public relations.

The current public relations practice by pollutant corporations is the second key concept examined with the conclusion being that the majority of pollutant corporations practice an unethical model of public relations in response to environmental issues.

Finally, public relations and communication practice areas: issues management, crisis management, community relations and corporate social responsibility are examined and defined in order to determine which areas environmental public relations - ethical or unethical - is currently grouped under. As a result of this discussion it can be argued that ethical environmental public relations deserves to be classified as an emerging practice area and grouped separately as it has the potential to play a significantly larger role in a corporation's communication plan than it has currently.

An investigative case study of the Esperance lead contamination crisis and the Esperance Port Authority’s involvement provides a practical example of a Western Australian pollutant corporation that has recently experienced an environmental crisis. The information gathered provides an insight into how environmental public relations could be used in the future by pollutant corporations internationally and why it could be of benefit. The analysis of intensive interview data, media coverage, government reports and publications provides evidence to support the value of practicing environmental public relations as a long-term, ongoing strategic communication plan in order to maintain or build stakeholder trust and a positive external image as well as influencing corporations’ implementation of practices or initiatives to reduce environmental impact.

There is much evidence to suggest that ethical environmental public relations is an emerging practice area that needs to be embraced by pollutant corporations in order for them to continue operating in increasingly environmentally conscious communities.
Chapter 2 – Literature Review

Setting the scene: ethical public relations theory versus practice

Pollutant corporations are still turning to unethical solutions for their communication problems due to the lack of an ethical model of public relations that can be put into practice (Prabu, 2004). I will demonstrate that public relations practice is still lagging behind public relations theory caused by a combination of three factors. Firstly, public relations students are being taught idealistic material that is unrealistic for practice in the current corporate world. Secondly, the corporate world’s disregard for public relations as a justifiable management function and lastly, the misconception most people have about public relations being manipulative. As Susskind and Field state, “if you were to sit down in a classroom with... students majoring in public relations today, you might very well like what you hear. The theory of public relations sounds well reasoned, responsible, and pragmatic” (1996, p. 8.). Textbooks from 1952 and 1975 are still being used to teach students the practice of public relations, indicating the various models of communication and the theory of ethical public relations, at least, have been defined and agreed upon (Susskind & Field, 1996, p. 8). Preparing future public relations practitioners for the real world and putting an ethical model into practice seems to be the challenge.

One of modern public relations founding fathers, James Grunig suggests that of the four models of public relations (press agentry, public information, two-way asymmetry and two-way symmetry) the most ethical model of public relations is two-way symmetry as it “base[s] public relations on negotiation and compromise” (1993, p. 143) between an organisation and its publics, where both are equally as likely to change their behaviour or opinion throughout the communication. Public relations when practiced using the two-way symmetrical model “serves as a mechanism by which organisations and publics interact to manage interdependence and conflict for the benefit of all” (Lindeborg, 1994, p. 5).

The only major downfall two-way symmetrical communication has is that it is very rarely practiced by organisations. Comprehensive research into public relations models practiced in the United States of America and United Kingdom titled ‘The Excellence Study’, conducted in 1985 by Grunig and others, indicates public relations is usually practiced one-way, meaning either the press agentry or public information models of
communication are used, even though "[t]he research reviewed in the Excellence study indicates a two-way symmetrical model would produce the best results" (Lindeborg, 1994, p. 3) in terms of communicating with publics, maintaining positive relationships and image. Fearn-Banks goes further stating “most public practice” was found to fit in the category of press agentry with the public information model the “most common in corporations” (1996, p. 11). Fearn-Bank’s previous quote is an accurate statement about most corporations’ current public relations activities. Corporations only want their positive attributes shown, even though the public realise they are not being told everything, which is most likely to be all the negative attributes a corporation has. It is better in the long-term for a pollutant corporation to establish a two-way dialogue with its publics. Most publics are media savvy nowadays and informed enough to know pollution is inherently part of a corporation’s existence and productivity. With a two-way dialogue in place, publics could take comfort in the knowledge a corporation is also prepared to improve practices and listen to the community it operates within.

The Excellence Study results support Prabu’s (2004) conclusions indicating the two-way symmetrical model has a lack of pragmatics, though it may be the most ethical. Holtzhausen also argues, “[c]ommunication practitioners can not...implement a system of symmetrical communication without a change in organisational structure” (2002, p. 330) indicating without a major upheaval of an organisation’s power structure, it is unrealistic to apply the two-way symmetrical model in practice and is an idealistic model of public relations. The resulting question - is there likely to be a shift in the power structure to facilitate the practice of this model? - needs to be addressed by organisations and their public relations practitioners for a change to arise. Interestingly, according to research results by Grunig and Grunig, “PR practitioners would prefer to practice [two-way symmetrical communication] if they had the expertise to do so and if the organizations were receptive to that practice” (cited in Fearn-Banks, 1996, p.12).

Holtzhausen’s earlier statement supports the previous argument of ethical public relations practice lagging behind theory. Fearn-Banks’ statement is also testament that public relations is not yet seen predominantly in practice as a management function and is instead purely reactive to decisions made by senior executives within corporations. Until public relations is accepted into the dominant coalition of an organisation, inherently ethical and effective communication in the form of two-way symmetry cannot
be put into practice, even though corporations currently would benefit from the practice of this model.

The two-way symmetrical model overcomes deficiencies present in other public relations models, which suggests it is also the most effective model in terms of communication (Grunig, 1993, p. 142). One-way communication models of press agentry and public information are used by organisations in an attempt to change their target publics' behaviour "either through hype" or by providing "accurate but only favorable information" respectively (Grunig, 1993, p.142). The press agentry practitioner “is interested in making his organization or product known. He may or may not use truthful statements...there is no feedback”, whilst the public information model “is characterized by the desire to report information journalistically...truth is essential” (Fearn-Banks, 1996, p. 11), but again, the organisation is not inviting feedback from its publics. The public relations practitioner can therefore set out to deliberately misinform publics; through lying (press agentry) or only presenting favourable information (public information). This is not only dishonest, but also unethical according to the International Public Relations Association’s (IPRA) Code of Ethics which states members “shall undertake to establish the moral, psychological and intellectual conditions for dialogue in its true sense” in all public relations activities (cited in Grunig, 1993, p. 143).

The two-way asymmetrical model, whilst being a two-way model of communication and, therefore, a more effective means of communicating than the previously mentioned one-way models, is still ethically, essentially flawed. Whilst in some cases it is possible to practice an asymmetrical model of public relations ethically it is not an easy thing to do. Two-way asymmetrical “[p]ractitioners must be able to confirm that the organization knows what consequences are best for both the organization and the public - and the public does not” (Grunig, 1993, p. 143). This places a lot of responsibility on the organisation and could easily lead to manipulation of the publics. The two-way asymmetrical model is also useless in times of disagreement because “[w]hen the organization and public disagree...the model usually exacerbates the conflict” as opposed to resolving it (Grunig, 1993, p. 142). Pollutant corporations would not benefit from the practice of this model despite it being a two-way model of communication because these corporations are constantly involved in conflict or disagreement with one of their publics.
Several other researchers’ case studies of practising public relations internationally disagree with Grunig’s argument that two-way symmetry is the only effective means of communication (Guiniven, 2002, Kruckeberg, 1996, Taylor, 2000). They all argue that the model of public relations that works to benefit both the public and organisation most effectively may not necessarily be the two-way symmetrical model. Furthermore, some public relations researchers (Cameron et al. cited in Reber & Cameron, 2003, Heath & Bowen, 2002 and L’Etang, 1994) concede that sometimes it is impossible to practice two-way symmetrical public relations and still remain a responsible corporate citizen as it is not in the overall public’s or community’s best interests for the organisation “to allow a public or stakeholder win” (Reber & Cameron, 2003, p. 432), indicating sometimes a one-way dialogue works best. These arguments are valid because currently, most public relations practitioners are not included in their organisation’s dominant coalition and the present power structure of most organisations is not suited to any type of two-way symmetrical communication or two-way dialogue.

Communitarianism is a relatively new approach to public relations that suggests using a combination of two-way symmetry and two-way asymmetry models will provide the “greatest long-term success for clients and society” (Culbertson & Chen, 1997, p. 36). This model aims to persuade, as well as build relationships, and is referred to by Grunig and others as a “mixed motive model” (cited in Culbertson & Chen, 1997, p. 37). The mixed motive approach is the closest model to two-way symmetrical communication that corporations would realistically be prepared to implement because it draws on the two-way asymmetrical model, which allows persuasion. Due to confidentiality agreements and restrictions all information cannot realistically pass between an organisation and its publics. Every organisation or corporation needs resources to exist and therefore contribute positively to society so some persuasion must be used to attract investment from stakeholders, expand infrastructure or develop new trading agreements, for example. Mixed motive public relations is the most ethical model of public relations corporations could implement without resorting to the two-way symmetrical model and it is more pragmatic. Obviously the mixed motive model still has flaws. Organisations are put in the awkward position of being able to persuade publics whilst still attempting to engage in two-way symmetrical dialogue. However, more recent research since The Excellence Study suggests “excellence often requires both two-way symmetric and two-
way asymmetric practice”, indicating that whilst two-way symmetry may be the most ethical model theoretically, the mixed motive model produces the best results in practice (Grunig, 1996 and Karlberg, 1996 cited in Culbertson & Chen, 1997, p. 36).

The public are not afraid anymore

Australian communities are evolving from liberalism to communitarianism with regards to their actions and involvement within society and their interaction with organisations (Campbell, 2003). Leeper (cited in Campbell, 2003, p. 11) states “[t]he context for the renewed interest in communitarianism is one of a loss of trust in society and a concomitant loss of a sense of community”. With regards to the public relations field, publics lost their trust in pollutant corporations a long time ago. This is evident from the countless material written on the public’s scepticism for public relations practice and for power structures in general. “Historical tension has always existed between power holders and the ordinary citizens. With its extensive power and influence, society continues to accept corporate messages with some grain of salt...” (Ihator, cited in Yeates, 2003, p. 6). This is human nature - publics are naturally wary of the messages delivered to them by authorities. Yeates goes further saying that “public attitudes towards large organisations have significantly changed over the last few decades, especially in the wake of the recent Enron Corporation collapse and previous other incidents such as the Exxon Valdez tragedy. As a result, consumers are becoming increasingly sceptical of business morality” (2003, p. 6). This argument is not new - public relations as a profession has a credibility problem due to its long and continued practice of unethical public relations from a Grunigian perspective as discussed earlier. As a result, when corporations deliver messages to their publics, publics will automatically start sifting through the spin to decipher what they are, or are not, being told. “Omission of information is often considered a form of lying and can evoke a significant backlash...the public is typically more accepting of a certain level of risk than of substantive omissions of information or the belief that they have been lied to.” (Forrest & Mays, 1997, pp. 6-7). The backlash most corporations have experienced is the significant loss of public trust in all of their messages and activities.

It is this distrust of authorities that has led publics to start shifting towards communtarianism ideals, those being a sense of community, shared values and beliefs and a commitment to upholding these and their involvement in their local organisations’
decision-making and implementation processes (Culbertson & Chen, 1997). In effect, individuals banding together to keep power structures, like pollutant corporations, accountable for their activities and decisions that affect the communities they operate within. However, corporations have been too slow to act, not using the communitariansim or mixed motive model of public relations in practice as discussed earlier. Now a new phenomenon is occurring – the public are taking matters into their own hands. Corporations are still not engaging in two-way dialogue with their publics, but the public are no longer afraid of them. Publics are now seeking out media attention, starting up activist groups and posting blogs on the internet and pollutant corporations' are unprepared to deal with this constant, widespread onslaught. The implications this has on the public relations industry are huge. Pollutant corporations' public relations practitioners can no longer produce spin about their activities in an attempt to placate publics and expect them to just quietly grumble. Individuals and community groups are now prepared to approach the media or stage a protest to gain attention if they are not happy. As Rauber so eloquently puts it, "some benefits – the howl of a wolf in the distance, a living forest that has never been cut, a child born with all its internal organs where they belong – are hard to value in dollars and cents." (1994, p. 48). Publics are starting to realise this and also realise they are not powerless in influencing pollutant corporations to change their behaviour.

Examples of this phenomenon are becoming increasingly evident. In the case of the Esperance lead contamination issue, locals have been very vocal in their demands and concerns (Thomson, 2007, p. 14, Thomson 2007, p. 8, Donohoe, 2007). A group of concerned residents even set up an activist group called Locals for Esperance Development (LED) which is against further export of lead through the Port (Thomson, 2007, p. 3). Probably the most well known individual to stand up against pollutant corporations is former United States vice-president Al Gore, whose film _An Inconvenient Truth_ addresses the issue of global warming and holds pollutant corporations worldwide responsible for 'greenwashing' the public into a false sense of security regarding their damaging pollutant emissions (Brennan, 2006). Furthermore, Al Gore has now enlisted the help of "85 hand-picked environmental evangelists" in Australia alone to help him spread his message of environmental awareness and the issue of climate change through presentations to schools, corporations, libraries and more (Longley, 2007, p. 3). All of these individual protests add up in terms of media coverage, the message to
corporations being that they need to start involving publics by establishing two-way
dialogue if they are ever going to have a positive external image. Carson criticised
“corporate inaction resulting from environmental complacency and dependence on
statistics” he goes on to say that in 1776 with the Boston Tea Party (America’s
declaration of independence from the British Empire), it took only “2 percent of the
population to turn the country around” (cited in Vandervoort, 1991, p. 15). It could be
said the same type of ratio is now happening with corporations and their publics
regarding their existing environmental strategies. A David and Goliath battle is now
waging with the public no longer willing to back down and be silenced if they disagree or
are unsatisfied with a corporation’s decision regarding an issue. The public are not afraid
anymore.

Dealing with a pollutant problem: the current solution

Environmental awareness, in the United States at least, began after Rachel Carson’s
best-seller novel 'Silent Spring' was published in 1962. Stauber and Rampton credit
Carson’s book with:

sowing the seeds of consciousness that burst forth eight years later when
some twenty million Americans interrupted their “business as usual” to
participate in the first Earth Day...a day of protests, marches, rallies,
concerts and teach-ins on the environmental crises wrought by

Environmental awareness has therefore existed for at least the past three decades,
rising and falling in intensity on the public agenda. With the first Earth Day in 1970
environmental issues became foremost in the developed world before fading out to rise
again in the late eighties and early nineties with the internationally publicised Exxon
Valdez oil spill crisis (Lukaszewski, 1993) and the 1992 election of the environmentalist
President Clinton, into the United States Government, a Government that made
“environmentalism...an official policy” (Greenberg, 1993). Environmental issues have
once again cemented themselves on the public agenda on an international scale with
large pollutant corporations’ waste management, corporate social responsibility, safety
procedures and sustainability schemes all under constant scrutiny from the media, local
communities, activist groups, shareholders and government regulatory bodies. The
impact of global warming is now on the public agenda. The Australian public, in general, are fully aware about environmental issues (Environmental impact, 2004) and the impact pollutant corporations are continuing to have on the physical environment and, as discussed in the previous section, they are no longer afraid to speak out and take action.

The technique of ‘green PR’ (lobbying against environmental protection laws) has existed since 1990 when public relations practitioner E. Bruce Harrison first coined the phrase as his firm’s speciality (Stauber & Rampton, 1994, p. 125). From green PR the term 'greenwashing' developed and is now commonly used to describe “the ways polluters employ deceptive PR to falsely paint themselves an environmentally responsible public image, while covering up their abuses of the biosphere” (Stauber & Rampton, 1994, p. 125). In short, greenwashing, or green PR, is an unethical public relations activity used by corporations to practice anti-environmentalism – in a sense the exact opposite of the connotations the name green PR evokes. In their book, Toxic sludge is good for you!: lies, damn lies and the public relations industry (1994) Stauber and Rampton investigate just how deceitful some corporations are prepared to be to appear environmentally aware and friendly. The blame is not just with the corporations; it is public relations consultancies and individual experts who are advising these pollutant corporations to practice this unethical behaviour and blatantly manipulate public opinion. In the United States alone “businesses spend an estimated $1 billion a year on the services of anti-environmental PR professionals and on “greenwashing” their corporate image” (Stauber & Rampton, 1994, p. 125). As discussed previously, with statistics like this, it is obvious why public relations professionals are no longer considered credible by the public. It is, thus, no surprise that publics treat the practice of public relations as something to be distrustful and sceptical of.

In Harrison’s book Going Green: how to communicate your company’s environmental commitment (1993) corporations are advised to practice public relations activities that are unethical according to Grunig’s definition of excellent public relations. Many public relations practitioners practice unethical environmental public relations or ‘green PR’ currently to try and compromise environmental groups. An example of this is seen in the advice Environmental Practice Director Dale Didion, from public relations consultancy Hill and Knowlton, gives counselling pollutant corporations to “help them [environmentalists] raise money...offer to sit on their board of directors” (cited in Rauber,
By advising pollutant corporations to do this the environmentalist group will be indebted to said corporation and therefore unable to act independently.

The majority of pollutant corporations in developed countries are currently practicing green PR as their strategy to deal with environmental issues from a communications perspective. This assumption is based on The Excellence Study results discussed earlier, that found public relations is usually practiced one-way as well as Helvarg's statement that "corporations have spent large budgets on publicity campaigns that highlight their supposed commitment to the environment, while they keep the public unaware of their lobbying against environmental laws" (1996, p. 9). Even if these corporations are not calling their environmental communication strategy 'green PR', it inherently becomes so because they are dealing with environmental issues unethically, in terms of only establishing a one-way dialogue with their publics.

This raises another significant argument that green PR is currently grouped under the public relations umbrella of issues and crisis management and partially community relations and corporate social responsibility - not as a stand alone area. Vandervoort goes further stating "environmental PR encompasses pollution prevention and the marketing of environmentally safe products" (1991, p. 14). In 1991 when environmental issues were initially affecting organisations' external image, this may have been all practitioners thought this field needed to cover. However, this is a simplistic view to take, and also shows the unethical theory underpinning current environmental public relations practice. Environmental public relations as an emerging field, when practiced ethically, has more to offer to the practice and, as such, could possibly be defined as its own specific area separate from existing ones. Riff Yeager, CEO and President of Minneapolis public relations consultancy Yeager, Pine & Mundale supports this statement saying "credibility is at the core of an effective environmental communications program" (cited in Vandervoort, 1991, p. 14). Environmental issues need to be addressed by pollutant corporations in meaningful and transparent ways in order to gain the trust of publics and build a positive external image.

But in a public relations sense what constitutes as an issue and what is issues and crisis management? According to Crable and Vibbert (cited in Gaunt & Ollenburger, 1995, p. 203) issues are not all the same and, for a corporation, can be internal or external.
Culbertson et al. define an issue as "an ongoing public policy dispute affecting organizational performance, such as any continuing trend, event or condition that affects an organization" (1993, p. 13). Crable and Vibbert (cited in Gaunt & Ollenburger, 1995) also state that issues are cyclical in nature and predictably evolve through five stages: potential, imminent, current, critical and dormant. It is important to point out that an issue is never there and then not; it moves through this life cycle and can jump a stage depending on the level of public engagement. Issues management and crisis management are often grouped together as a similar practice, with the crisis management part coming into play if or when an issue evolves into a crisis. Green defines issues and crisis management thusly as "the management of public relations aspects of those serious events which have the potential to destroy or severely damage an organisation's reputation virtually overnight" (1994, p. 136). It could be argued that Green's definition is inadequate because it covers crisis management more than issues management as not all issues evolve into anything, or are of a particularly serious or worrying nature for organisations. An example of this is that a potential issue might stay at the potential stage and then move straight to the dormant stage of its life cycle without ever particularly bothering an organisation. The issues management part of this however, would be that the organisation is aware of this issue and is equipped to deal with it should it ever have advance to the current or critical stage. Gaunt and Ollenburger support this argument and agree that issues management and crisis management are two separate specialist fields. They characterise issues management as "proactive in that it tries to identify issues and influence decisions regarding them before they have a detrimental effect on a corporation" (1995, p. 201). They define crisis management as a sibling of issues management as "it tends to be more reactive in dealing with the issue (crisis) after it becomes public knowledge" (1995, p. 201). The key difference between issues management and crisis management is that in "issues management corporations try to eliminate any possibility of outrage... by identifying and dealing with issues as they emerge" (Gaunt & Ollenburger, 1995, p. 201). Fearn-Banks supports Crable and Vibbert's definition of crisis management as she describes a crisis as being a "major occurrence with a potentially negative outcome affecting an organization, company, or industry, as well as its publics, products, services or good name. It interrupts normal business transactions and can sometimes threaten the existence of an organization" (1996, p. 1).
Specialist environmental public relations practitioners would need to be involved in a corporation's decision-making process in both issues management and in the event of an environmental crisis in order to facilitate proactive responses. Furthermore, research shows there are “three major issues which are impacting many, many corporations across the country today...the first of these is the environment” (Graham, 1991, p. 40), which would imply environmental issues are a big area pollutant corporations need to focus on monitoring and addressing and who better to handle the communications side of this than a dedicated environmental public relations specialist? Fearn-Banks asserts, "companies with ongoing two-way communications often avoid crises or endure crises of shorter duration or of a lesser magnitude." (1996, p. 3). Environmental public relations would certainly have to deal with any environmental issues or crises that affected a pollutant corporation and, currently environmental issues are grouped under the areas of issues management and crisis management (Green, 1994, Fearn-Banks, 1996). However, environmental public relations even in the form of green PR, already handles many more communication areas than just issues and crises. The key difference between issue management and crisis management and environmental public relations is that environmental public relations would be used as a continuous program by pollutant corporations, not only practiced to avert the possibility of public outrage or used when a crisis strikes.

Environmental public relations encompasses more than just issues management and crisis management and has, in fact, already become involved with corporations' corporate social responsibility and community relations programs, aiming to produce positive results for both the corporation and its publics. Community relations in an environmental public relations sense "is generally defined as two-way communication to enhance public understanding of environmental issues and to encourage input from the public so that their concerns are considered in organizational decision-making processes" (Forrest & Mays, 1997, p. 3). This definition is from a theoretical viewpoint that does not take into account that most communication between an organisation and its publics is one-way, not two-way and, therefore, is more concerned with providing favourable information than encouraging public input for decisions that may require the corporation to change. However, within the area of community relations it seems environmental issues are also addressed as a separate area again, supporting the
earlier argument that ethical environmental public relations may be an emerging specialist field of public relations, which does not fit under the community relations umbrella alone anymore than it fits solely under the issues and crisis management one.

There are two differing viewpoints on what community relations can achieve for an organisation: firstly there is the perspective that community relations is merely a tool for “advancing the corporate cause” (Lowengard, 1989, p. 24); and secondly, there is the perspective that “community relations is inextricably linked with the business of corporate philanthropy” or corporate social responsibility, and, as such, is concerned with “solving the social problems of the community” (Lowengard, 1989, p. 24). It is this second viewpoint that environmental public relations needs to utilize in order to establish meaningful two-way dialogue with the community a pollutant corporation operates within. This triple bottom line perspective of political, economic and social factors is becoming increasingly important for all organisations to adhere to. Interestingly, rather than the traditional corporate community relations programs like education - the community is now focusing “its attention on the corporation in another critical area the environment” (Lowengard, 1989, p. 27). With new Australian environmental legislation in place, community relations in terms of the environment has now become mandatory whereas before, it was optional (Derry & Davis, 2006). This refocus of community attention on environmental issues has already impacted on the way community relations is practiced. Environmental public relations as an emerging area would use the previously mentioned community relation techniques as a way of building positive relationships with the community they operate within.

Conclusion

To summarise, public relations practice is still lagging behind the theory in terms of the widespread practice of an ethical model of public relations. Two-way symmetrical public relations is the most ethical model theoretically and the mixed motive model, despite not being the most ethical, is the most effective in practice. Yet, most organisations still use one-way models of communication, even though research shows with the current power structure of the majority of organisations, two-way models or a combination of one-way and two-way are most effective. A major shift in the power structure of organisations is needed for public relations practitioners to start practicing ethical public relations in the
form of the two-way symmetrical model or even the mixed motive model which combines both types of two-way communication. Public relations can only be an effective, ethical and proactive tool for organisations when practitioners are given a voice and included in the dominant coalition.

Environmental public relations is an emerging field in the public relations profession not entirely fitting under either issues management, crisis management or community relations and corporate social responsibility. An ethical model and definition of environmental public relations does not appear to exist, despite there being ample information about environmental community relations and environmental issues and crises. These areas are still treated as falling under the umbrellas of community relations, issues management and crisis management, rather than being significant enough to stand alone as a new specialist area, which is a topic this research thesis will investigate. Harrison’s model of green PR (1993) is the only specialist model of public relations dealing specifically with organisations’ environmental issues, image and communications. Most pollutant corporations are currently practicing the unethical model of green PR or a variation of this using issues management and crisis management and community relations as a tool for “advancing the corporate cause” (Lowengard, 1989, p. 24).

There are a host of academics who speak about ‘greening’ in terms of corporate environmentalism and environmental strategy for organisations, but none focus on how an organisation’s desire and need to become environmentally responsible and proactive is inextricably tied in with that organisations public relations program and the practice of environmental public relations externally (Fearn-Banks, 1996, Piasecki, 1995, Gladwin, 1993, Everett, Mack & Oresick, 1993, Williams, Medhurst & Drew, Steger, 1993, Simmons & Wynne, 1993, Cramer & Schot, 1993). This reveals a significant gap in academic literature with regards to the investigation and definition of ethical environmental public relations. Harrison’s model of green PR is unethical according to Grunig’s definition as discussed earlier and ‘corporate greening’ is not specific to the area of public relations; rather focusing on organisational strategy from a holistic management and technological perspective.
Furthermore, Gladwin goes on to say that from a literature review of the ‘greening industry’ there are “ten rather critical general observations about the state of scholarship on the topic”. The most pertinent to this research thesis being “researchers have not offered precise definitions [on greening], often leading to confused and contradictory findings” (1993, p. 43). In terms of the emerging environmental public relations field, the purpose and reasoning of corporations’ ‘green’ communication needs to be clarified and defined under an ethical framework.

In conclusion, there are two significant gaps identified in this literature review relevant to this research thesis. Firstly, the area of ethical environmental public relations under a Grunigian theoretical perspective has never been defined or investigated before. Secondly, there is no ethical environmental public relations model or framework currently in existence. Obviously with these two gaps come others, notably an ethical model of environmental public relations has never been put into practice and evaluated. However; for this research thesis, the only gaps addressed directly will be the investigation and definition of ethical environmental public relations and discussion on whether an ethical environmental public relations framework should be developed in the future.
Chapter 3 – Methodology

Research aims

The literature review in Chapter 2 explored some of the contemporary theory in public relations theory, especially how the normative models like two-way symmetry might be applied in practice. The methodology of this thesis is designed to collect primary and secondary data on an actual incident involving a pollutant corporation in order to discuss the theoretical issues raised in the literature review. The Esperance lead contamination crisis was undertaken as a case study to provide a practical example of an Australian pollutant corporation currently experiencing an environmental crisis. Information gathered will provide an insight into how environmental public relations could be used in the future by pollutant corporations internationally and why it could be of benefit.

The methodology has been designed to address the main research questions of the thesis.

Research questions

4) What is environmental public relations – does or should it exist as a separate area of public relations?

5) What is the current role of public relations for pollutant corporations?

6) Could the area of environmental public relations under an ethical framework, significantly contribute to:
   • building a positive external image for a pollutant corporation
   • reducing public skepticism for a pollutant corporation and regain the trust of the community in which they operate
   • corporations' implementation of practices or initiatives to reduce environmental impact.

Research design

A case study as defined by Yin is "an empirical inquiry that investigates a contemporary phenomenon within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident" (2003, p. 13). The case study is a
A case study technique allows the researcher to study "a wide spectrum of evidence" including media coverage, personal interviews and documents and is the most helpful method of research when a researcher does not know exactly what they are looking for (Wimmer & Dominick, 2006, p. 137). The field of ethical environmental public relations is an emerging one and because it has never before been defined, a case study approach will provide a large amount of detailed information to investigate and analyse in depth.

**Primary and secondary data collection**

The case study for this research uses both primary and secondary sources of data to ensure multiple sources of evidence are investigated, thus enhancing the quality of the case study resulting in a compelling case and conclusions (Yin cited in Barone, 2004, p.
Primary data application

Primary data collection for the Esperance lead contamination issue has been through intensive interviews. Intensive interviews allow research questions to be tailored to individual participants, observation of participants’ body language and sufficient time to cover necessary topics (Wimmer & Dominick, 2006, p. 135). It is also important to note the researcher used a type of non probability sample called purposive sampling when selecting potential intensive interview participants. A purposive sample "includes subjects or elements selected for specific characteristics or qualities and eliminates those who fail to meet these criteria" (Wimmer & Dominick, 2006, pp. 91-92). For the Esperance lead contamination case study all intensive interview candidates are in some way involved in this issue. As Wimmer and Dominick point out a purposive sample is not reflective of the general population and is chosen because of this (2006, p. 92). This technique was useful in this case study because the researcher was looking for specialised information from a specific population involved with the Esperance lead contamination issue.

Interview protocol and ethics

Relevant individuals involved in the Esperance lead contamination issue were approached by the researcher via phone and email to participate in a 30 minute intensive interview. Interview subjects were given a generic sample of the types of questions they would be asked during the interview and told the issue would be discussed in a fairly informal style. Intensive interviews allow the interviewer to “form questions based on each respondent’s answers” (Wimmer & Dominick 2006, p. 135) which worked really well for the intensive interviewees in this case study as each interviewee had a different perspective and knowledge of the issue to share.

As the research incorporated the participation of human subjects through intensive interviews, the importance of ethics must be discussed. Sieber, defines the three general ethical principles as being: beneficence, respect and justice (1992, p. 18). In simplified terms, the researcher must always be certain the research they are conducting will
contribute positively to society and not harm or exploit participants in any way. In terms of the Esperance lead contamination crisis, interview participants were fully informed and aware of the research being conducted and were also asked formally for their consent to participate.

Due to the interview component participant privacy and confidentiality rights also needed to be taken into account when considering the research from an ethical standpoint. Privacy refers to the participants’ “interest in controlling the access of others to themselves”, whereas confidentiality “is an extension of the concept of privacy; it refers to data [original emphasis] and to how data are to be handled” with regards to the participants’ interest in controlling the access of others to information about themselves (Sieber, 1992, p. 44). All interview participants were given an information letter outlining the research being undertaken and a consent letter that had to be signed before an interview could take place. This assured participants that their identity would remain confidential and that the research had been given ethical approval by Edith Cowan University. It also gave the researcher permission to audio record interviews and use the content as research findings within this thesis.

In total 16 individuals out of the 24 approached agreed to take part in the interviews. The eight individuals approached who declined to participate in an interview each gave different reasons. The Minister for the Department of Planning and Infrastructure Alannah MacTiernan sited the parliamentary inquiry into a number of government departments and external parties involved in the Esperance lead contamination issue that took place at the same time as the case study as the reason for non-participation. The Minister for the Department of Environment and Conservation David Templeman did not give a reason and just stated he would not be participating. The Managing Director of Magellan Metals Patrick Scott also declined to be interviewed when the parliamentary inquiry was still in progress and when approached after the inquiry was handed down in parliament again declined to be interviewed. Other potential participants approached either ignored or failed to return the researchers phone calls or stated they thought they were not able to sufficiently comment on the issue due to lack of involvement.

The questions asked of interview participants by the researcher cover topics including how they perceived themselves to be involved in the Esperance lead contamination
issue, in some cases the communication strategies they used or had used on them, why they had taken a specific course of action, if they thought the issue had been reported fairly, what their perception of the government's response to the lead contamination crisis was, as well as questions relating specifically to factions within the Esperance community.

Despite only agreeing to a 30 minute interview, most participants were eager to extend the interview length, with most interviews being in excess of 50 minutes. This fairly informal interview style allowed the researcher to delve into side topics that were relevant to specific interview participants and meant the interview participants were more relaxed and spoke more freely than if there had been a very structured set of questions imposed.

Confidentiality of each interview participant has been ensured by the researcher personally transcribing all recorded interviews and attributing an unidentifiable number to each interview participant’s comments that have been used in the research findings chapter of this thesis. All interview participants have been provided a duplicate of their transcript as well as a copy of the research findings discussed in Chapter 5 of this thesis. In addition, interview participants have also been resent current contact information for the researcher and the research supervisor at Edith Cowan University.

Secondary data application
Secondary data analysed in the case study has come from relevant newspaper articles, the findings presented in the parliamentary inquiry, TV programs and talk-back radio as well as government and relevant organisations’ documents sourced from websites or interview participants directly.

Research limitations
There are three significant criticisms of case study research that the Esperance lead issue case study has overcome. Firstly, case studies can easily become, according to Wimner and Dominck “sloppy”, “rigorous case studies require a good deal of time and effort” (2006, p. 138) in the case of the Esperance lead issue study research was conducted over a six month period with very specific research aims and questions to
ensure the issue was well explored. The second criticism is that case studies tend not to be able to generalised. However, the Esperance lead issue case study aims to generalise a theoretical proposition – in this case, contributing to a definition of environmental PR under an ethical framework, so a case study is well suited for this purpose according to Wimner and Dominick (2006, p. 138). The third criticism is that case studies provide a massive quantity of data that is hard to summarise (Wimner & Dominck, 2006, p. 138). While the Esperance lead issue case study has provided the researcher with a vast amount of information, this has been carefully sifted through and presented using a thematic layout in Chapter 5 to ensure the findings of this research are easy to follow.

In order to negate any personal bias by the researcher, several actions were taken. Firstly, there was regular interaction with the research supervisor, to ensure a research method well suited to the research aims was chosen. These regular meetings also ensured the researcher prepared well for intensive interviews and approached a number of key players involved in the issue as well as collecting secondary data. Secondly, the researcher transcribed all intensive interview data personally so that in the findings chapter of this thesis all quotes are verbatim and accurate. Lastly, the researcher obtained information about the Esperance lead contamination issue using three different data sources that Wimner and Dominick describe as documents, interviews and observation/participation (2006, p. 139). Using multiple sources of data greatly increase the case study’s reliability and validity which translates directly to the significance and accuracy of the researcher’s findings and conclusions discussed in later chapters (Wimner & Dominick, 2006, p. 139).

The researcher does not believe that using intensive interviews as a method of research in this case study has been detrimental to findings and understanding the issue. Rather, the researcher gained sufficient participants in the intensive interviews to garner nearly 20 hours of interview recordings to analyse which provided insightful information into this issue that can be used when discussing the emerging field of environmental PR. It is worth mentioning that this limitation was overcome as it was originally thought to be a potentially significant draw back to this kind of exploratory research design.
Chapter 4 – Esperance birds ‘canaries in the coal mine’

“In these days of space travel and exploration we rely on the birds to monitor for poisonous emissions just as the coal miners of yesteryear relied on the canaries. If it was not so serious one could laugh” (Lewis & Lewis, Parliamentary Inquiry, 2007, p. 1).

The Esperance lead contamination issue began when residents started reporting birds were “actually falling from the sky” (Parliamentary Inquiry, 2007, p. 1) in December 2006, 20 months after lead was first shipped through the Esperance Port (a detailed timeline of the issue is attached as appendix 9).

The Department of Environment and Conservation’s (DEC) subsequent isotope testing of the dead birds and flora surrounding the Esperance Port and in private residences confirmed the birds had died of lead poisoning and that the lead was an exact match to the lead concentrate being supplied for export by Magellan Metals. It has been estimated by the DEC using local bird density data and extrapolating the number of bird deaths reported by Esperance residents, that 9,500 birds died of lead poisoning during the four month period of December 2006 to March 2007.

In effect the Esperance native birds acted as the sentinels for the lead pollution occurring in the environment and to residents of the community. Without these deaths and the subsequent public outrage and media attention, lead from Magellan Metals would arguably still be being exported through the Esperance Port Authority, a view still held by many Esperance residents.

“If it had not been for the dead birds and vigilant and persistent people like Michelle Crisp and others, we would still have lead and nickel dust blown all over our community with no checks and balances” (Boland, Parliamentary Inquiry, 2007, p. xxiii).

The Esperance lead contamination became an emotive issue for the majority of Esperance residents as soon as word of the bird deaths spread. Many Esperance residents leveled criticism at the Esperance Port Authority and the Western Australian government departments responsible for regulating the Port’s activities, for their failure to protect the local community from being polluted. In April 2007 it was announced a top-level parliamentary inquiry would be held to investigate the issue (see appendix 10).
Key Players

Figure 4.1 below provides an overview of the key players in the issue with the following text giving a more detailed account of each key player individually.

Legend

Players with the most involvement and that were involved in original licensing procedure.

Players responsible for supporting the Parliamentary Inquiry and representing concerned Esperance residents to Government departments and media.

Players also involved in the Esperance lead issue, some to a lesser extent.

These players are Esperance and Western Australian media that covered the issue and were responsible for putting the issue on the public agenda in Western Australia.

Illustrates players’ relationships with each other and also shows which players were affiliated with each other during the issue.

Figure 4.1
Esperance Port Authority

The Esperance Port Authority is a key player in the Esperance lead contamination issue because they were the organisation responsible for handling and exporting the lead concentrate safely. Depending on their relationship with the Esperance Port Authority, the majority of Esperance residents blame the Port for poisoning them.

Even before the lead contamination issue, the Esperance Port Authority had a strained relationship with the Esperance community. It appears the Port had an ongoing communication problem with the community and had managed to position itself as unapproachable. Despite its close physical proximity to the Esperance community, the Port operated in isolation and had virtually no rapport with community members.

The Esperance Port is 144 years old. However, the modern Port of today was a result of the 1990s economic boom in the Goldfields-Esperance region that required the Port to develop infrastructure to handle increasing grain, nickel concentrate and iron ore shipments (Esperance Port, 2006).

The Esperance Port Authority was created in 1969 by an Act of Parliament and in 1987 was given control over the Port and full responsibility for its development. The Esperance Port Authority is subject only to direction from the Minister of Planning and Infrastructure. It is therefore, a quasi-government corporation, regulated and advised by the State Government and required to meet an annual financial target and pay dividends to the State. The Esperance Port Authority regularly makes a profit, of which half is paid to the State Government and the remainder invested back into maintenance and development of the Port or going to the Esperance community.

In the 2005/06 financial year the Esperance Port Authority’s gross profit was $3.5 million and a report conducted in 2001 found the economic impact generated by the Esperance Port was more than $10 million in household income and the equivalent of almost 250 full-time jobs (Parliamentary Inquiry, 2007, p. 57). The Esperance Port is acknowledged by community members as the town’s largest employer with around 100 operational and executive level staff.
While the Minister of Planning and Infrastructure is responsible for the direction of the Esperance Port Authority, it is the DEC (formerly the Department of Environment and the Department of Conservation and Land Management) that conducts inspections of ship loadings, handling and storage of product, monitors dust levels recorded in and around the Port; and had the power to revoke the Esperance Port Authority’s license to export lead concentrate.

Location-wise, the town of Esperance has grown around the Esperance Port, meaning the regular buffer zones that would usually apply to an operational port are not found here. Residential houses are surprisingly close and the town centre is within walking distance of the Esperance Port.

As is evident in Figure 4.2, the railway line on which the lead from Magellan Metals was transported runs right through the middle of Esperance, also with no buffer zone to speak of.
Figure 4.3 below is an aerial shot taken of the Esperance Port looking back from the southern coast. The ship is docked at the iron ore loading berth, with the berths used for loading lead and nickel running perpendicular to the iron ore berth, to the left hand side of the ship.

![Aerial shot of Esperance Port](image)

**Figure 4.3**

**Purple Communication**

The Esperance Port Authority appointed Perth public relations consultancy Purple Communication to manage the crisis on their behalf when it became clear the lead contamination issue was not going to disappear. By the time Purple Communication came on board the Port Authority had adopted a siege mentality and was not attempting to communicate with the media or external stakeholders in any way. Communication methods up until this point used by the Port were fairly unsophisticated; a helpline had been set up for residents to call, the Port's website had no relevant information on it, there was no media database set up to facilitate easy dissemination of the Port's stance on the lead contamination issue to the media and there was no clear crisis communication plan for the Port to use to engage with the local community. The damage to the Port's image had already been done. Purple Communication's role, through no fault of their own, was reactive damage control.
Esperance Port Authority Board

The Esperance Port Authority Board is a key player in the Esperance lead contamination issue because it is their role to ensure the Esperance Port makes a profit by directing the long-term running of the Port and the types of products it exports. Esperance Port Authority Board members are appointed by the Minister of Planning and Infrastructure, report directly to the Minister and are also only answerable to the Minister. The Board is made up of a chairperson and four directors. At the time of the Esperance lead contamination issue Board members were: Chairperson, Jim Matijasevich, who replaced former Chairperson Dick Nulsen in October 2006; Deputy Chairperson and local shop owner Toni Hawkins; political lobbyist and lawyer by training Megan Anwyl; Ravensthorpe shire president Rusty Lee who is also a supporter of the BHP Billiton Ravensthorpe nickel project and Esperance shire president Ian Mickel, who resigned as a board member when the lead issue began because of the conflict of roles.

Board members meet usually 11 times each year and it appears this same structure has been in place since the establishment of the Port Authority over 40 years ago. It is important to note however, that exports have grown from 161,182 tonnes in 1966 to 7.29 million tones in 2004/05 and that in 2008 the Chairman expects $7 billion worth of exports will go through the Port. An observation by the parliamentary inquiry sums up the clearly lacking management system of the Esperance Port Authority rather well stating “This significant industry is run by a handful of part-time directors, on nominal pay, who report directly to a Minister without the assistance of any departmental oversight. In this context the CEO, Mr Colin Stewart, appears to largely have operated in isolation” (Parliamentary Inquiry, 2007, p. 64).

CEO

At the time of the Esperance lead contamination issue, the CEO was Colin Stewart. The role of the CEO was similar to that of the Esperance Port Authority Board. When asked during the course of the parliamentary inquiry investigations what his key role was at the Port Mr Stewart replied “The first function as articulated in the Port Authorities Act is the ports are there to facilitate trade. That is my job” (Parliamentary Inquiry, 2007, p. 65). Meaning his first concern, as CEO, was with the Port making a profit. All other issues, including the Port’s environmental and social responsibilities to the Esperance community were secondary.
The way in which the Esperance Port Authority handled the Esperance lead contamination issue effectively cost Mr Stewart his job at the Port. He resigned from the Port and was replaced by Interim CEO Chris Drinkwater in early July 2007.

Operational level employees and executive level employees
The Port's employees can be divided into two groups. Operations level employees, that is; the mechanics, fitters, boilermakers, electricians, tug boat drivers, operators, etc. and executive level employees, being the management team, community relations officer, environmental officer, administration staff, etc.

When test results came back from the Department of Health (DOH) and the DEC showing that the lead was the cause of the bird deaths and that the Esperance community did have a contamination problem, many operations level staff at the Port felt vindicated. There was tension between operations level and executive level staff at the Port throughout this issue. Operations level staff had been the first to point out problems with the Port's infrastructure in handling lead and also complained about the level of lead dust that was in the air when a ship was being loaded. Executive level staff appeared to dismiss the operations level staff concerns or not really believe that they might be legitimate.

The executive level staff were responsible for managing the Esperance Port Authority’s response to the lead contamination issue and many operations staff suffered criticism and abuse from the Esperance community for working at the Port that had poisoned their town. To be fair, Esperance Port Board members and executive level staff also suffered abuse from the Esperance community, but the operations level staff had no control over the Port's response to the community and possibly felt that they were being blamed for a stuff-up that had happened because the executive level of staff at the Port had not taken their concerns seriously.

Esperance Port Consultative Committee
The Esperance Port Consultative Committee was established to provide feedback to the Esperance Port Authority Board on issues that were reflective of the feelings and concerns held by the Esperance community. During the course of this investigation it
became evident that during the lead contamination issue the Esperance Port Consultative Committee had a minor role as the group never really represented a true reflection of the Esperance community. The group is made up, largely, of Esperance business owners who are sympathetic towards the Port. Even before the lead contamination issue occurred the Esperance Port had a strained relationship with the Esperance community in general. The Esperance Port Consultative Committee did not help to foster a positive relationship between Port and community or challenge the Port enough on some of its decisions as it should have done.

**Magellan Metals**

Magellan Metals is another key player in the Esperance lead contamination issue because it was their lead concentrate, from their Wiluna mine site, that was being exported through the Esperance Port Authority in an unsafe way.

Right from the start of the Esperance lead contamination issue Magellan Metals played a clever game to try and deflect the majority of public blame for the lead contamination from the Esperance community and wider West Australian community. Certainly, in the parliamentary inquiry findings Magellan Metals were held equally responsible for the lead contamination of Esperance alongside the Esperance Port Authority, the Department of Planning and Infrastructure (DPI) and the DEC and in the end, Magellan Metals did, and still are, suffering from reputation damage. However, in the beginning Magellan Metals were content to sit back and let the media report negatively on the involved government departments and the Esperance Port Authority, while attempting to distance themselves publicly from any responsibility of handling and supplying the lead in an unsafe way.

Magellan Metals is owned by Canadian parent company Ivernia and is the only lead mine in Western Australia. Further details about the failed handling and transportation of Magellan Metals lead are given later on in this chapter.

**Brambles (now BIS Industrial Solutions)**

BIS Industrial Solutions Managing Director Ian Lynass summed up the company’s involvement in the Esperance lead contamination issue thusly, “We are responsible and contracted to haul lead concentrate from [the mine] site to the Leonora rail site, transfer
the kibbles onto the rail and unload the kibbles at the Port of Esperance shed” (Parliamentary Inquiry, 2007, p. 70). BIS Industrial Solutions entered a joint venture with Australian Railways group to transport Magellan Metals’ lead product by truck and rail from Wiluna to Esperance.

Although BIS Industrial Solutions were involved in the licensing arrangements surrounding the handling and export of Magellan Metals’ product, they escaped mention in the media and subsequently did not suffer much reputation damage. They did still have a responsibility to transport the lead safely, and even though some of their workers recorded increasing blood lead levels, BIS Industrial Solutions never threatened to stop transporting the lead for Magellan Metals unless safer measures were put in place.

Department of Environment and Conservation (DEC)
The DEC is a key player in the Esperance lead contamination issue because it failed to firstly issue Magellan Metals and the Esperance Port Authority with strict licensing conditions that prevented any deviation in the way the lead was prepared and then transported and exported through the Esperance Port. The DEC also failed to take into account advice from the Department of Health (DOH) regarding the handling of the lead during the licensing process. Secondly, the DEC failed to properly monitor the Esperance Port Authority with site checks and dust monitoring. The DEC made its first inspection of lead loading at the Esperance Port 20 months after lead started to be exported. Furthermore, the DEC informed the Esperance Port Authority about the inspection days before it took place to ensure no lead dust could be seen during loading (Thomson, 2007).

Lastly, when faced with the bird deaths in Esperance in December 2007, the DEC were slow to act in terms of analysing what caused the deaths of the birds, slow to provide relevant information about the bird deaths to Esperance residents and seemed more intent on damage control in their own department than alleviating the anxiety and fears Esperance residents were facing.

Environmental Protection Authority
The Environmental Protection Authority played a small, but significant role in the issue. The role of the Environmental Protection Authority is to advise the Government on
environmental matters. In the case of the Esperance lead contamination issue it was evident the current system the Environmental Protection Authority has in place to audit environmental licensing processes is inadequate. The Environmental Protection Authority like the DEC is an understaffed department and the Environmental Protection Authority failed to review Magellan Metals’ revised license application before handing it to the DEC for approval (Parliamentary Inquiry, 2007). This oversight has had huge ramifications for the people of Esperance which are discussed in further detail in this chapter.

Department of Planning and Infrastructure (DPI)
The DPI is a key player in the Esperance lead contamination issue as they are the government department responsible for governing and directing the operation of the Esperance Port Authority and the activities it undertakes. In the lead-up to the lead contamination issue exposure in the media, the DPI had failed to support the Esperance Port Authority CEO and Board in managing operations (Parliamentary Inquiry, 2007). Minister MacTiernan also came under fire regarding her choice of Board members for the Port, none of which had any experience in environmental regulations or management. This oversight arguably meant the Board was ill-equipped to do their job thoroughly and focused too much on making a profit only, instead of taking into account potential environmental ramifications that could occur when exporting a hazardous product such as the lead from Magellan Metals.

The DPI was also very slow in its response when the lead contamination issue reached crisis point. Many Esperance residents wanted to know just how significant the lead contamination in Esperance was, particularly since lead is a known contaminant to humans and also what the long-term plan of the government was in handling the issue. The DPI seemed more focused on the legalities the issue presented the department and in making sure they were not held culpable if the matter was ever taken to court. Some Esperance residents, particularly those with young children, wanted a fund set up by the DPI so that if it became evident their children had been affected by the lead in their bodies financial compensation would be available. Right from the beginning, Minister MacTiernan appeared to be playing a very clever game, delivering one message to the media and another to the residents of Esperance.
Department of Health (DOH)
The DOH are a significant player in the Esperance lead contamination issue as they were involved in the licensing stage and then later on when the crisis broke in response to Esperance residents' concerns about lead and their health.

The DOH warned the DEC at the time of licensing the Port and Magellan Metals to transport and export lead, that tougher licensing conditions and more sophisticated dust monitoring were needed to protect the Esperance community's health. This warning was ignored by the DEC and the lead exports went ahead (Parliamentary Inquiry, 2007).

The DOH was involved again once the lead contamination issue had reached crisis point. Esperance residents were fearful of the damage the lead could cause to them and particularly the young children in the town. The DOH was very slow to respond to this crisis and most residents felt the information about lead the DOH provided was very haphazard and also quite basic. It was also some time between the birds dying in December 2006 and the time it took the DOH to actually send representatives down to Esperance in March 2007 to conduct blood tests and rainwater tank test to determine if residents did have elevated lead levels, if their rainwater tanks were safe to drink out of and if their houses need to be professionally cleaned. The response by the DOH was overwhelming slow considering the toxicity of the product the Esperance community as a whole had been exposed to. This was a source of much frustration and stress for Esperance residents as we can see from the quote below:

“I requested [of the Department of Health] approximately 6 weeks ago that my house and yard be swabbed and tested but have not seen nor heard from anyone” (Parliamentary Inquiry, 2007, p. 38).

A recurring theme was that the DOH, DEC and DPI seemed somewhat confused over who was responsible for answering and dealing with what. Many Esperance residents felt they were just shuffled from one department to the other when they wanted answers or more information and that no department was prepared to be responsible which led to Esperance residents feeling betrayed by all government departments.
Esperance Community

The Esperance community as a whole have all been affected by this issue and certain groups within the community made a huge impact on the amount of attention the issue received by the media, the State Parliament and Government and the wider Western Australian community.

Firstly, there are the so-called green groups made up of Esperance residents that are concerned with the way the Port is handling exports and the environmental impact this is having on the physical environment, the health of residents and the community as a whole.

Then there are the parents, residents with young children, who have reacted very strongly to the lead contamination issue.

There are the Port workers themselves. They are not the enemy, but are seen by many Esperance residents as having contributed to the poisoning of the town. There has also been a carry-on effect to Port workers' families and the way the community treated them. When the issue was at boiling point some people who were associated with the Port were spat on in the street and sworn at by other Esperance residents.

Every person in Esperance has a different perspective and level of emotion when asked about the lead contamination issue, though all would acknowledge they were failed by government departments and the Port. Some residents feel that there has been an over-reaction from certain members of the community over what could be seen as a minor issue in comparison to other lead poisoning cases.

Locals for Esperance Development (LED)

Locals for Esperance Development or LED formed in response to the Esperance lead contamination issue. Previously, there was a community ‘watchdog’ group called RED or Residents for Economic Development who worked with the Port when iron ore was first exported. It was because of RED's involvement in the process that the iron ore stockpiles were housed in sheds at the Port, rather than just left exposed to blow dust all over Esperance.
When the lead contamination issue occurred concerned residents decided a group similar to RED needed to be set up to look after the community’s best interests and so LED was formed. The leader of LED is Michelle Crisp, an Esperance resident who first alerted the DEC to the bird deaths and whose home overlooks the Port. She has been branded by the media as the Erin Brockovich of Esperance and has used herself to generate media coverage in The West Australian newspaper about the issue and the impact it has had on the residents of Esperance. LED members are not opposed to the Esperance Port Authority, they simply see that the Port needs a community watchdog group in order for there to never be a repeat of the lead contamination. They feel betrayed by the Port, Magellan Metals and involved government departments, but at the same time, recognise the importance of the Port economically for Esperance. They do not want lead to be exported through Esperance anymore and want to ensure the Port upgrades its infrastructure and handling procedures for all exports as they feel it cannot be trusted to govern itself.

LED held meetings during the lead contamination issue and members of LED were part of the Esperance Community Response Group. The group also supported local MP Dr Graham Jacobs’ push for a parliamentary inquiry into the lead contamination issue, the conduct of the Esperance Port Authority and government departments.

Local Environmental Action Forum (LEAF)
The Local Environmental Action Forum or LEAF is the second community group in Esperance that was involved in the Esperance lead contamination issue. LEAF played a more secondary role in the lead issue and worked with LED to disseminate information about the issue to its members and to put pressure on the Port to uplift it infrastructure and safety precautions to prevent an issue similar to this from happening again. Ben Curtis is the leader of LEAF and both he and Michelle Crisp were a part of the Esperance Community Response Group.

Child Lead Information for Parents (CLIP)
The Child Lead Information for Parents or CLIP group was not a major player in the Esperance lead issue; it was simply a small group of concerned parents with young children who banded together during the issue to share information about lead poisoning and the effects of lead on children. They held fairly informal meetings which were more
about support and sharing of experiences in dealing with the DOH and DEC than any plans of action. They were, however, active participants in the community information days and in seeking out further information from the DOH and DEC. They formed because there were such mixed messages coming from the different government departments that they found sharing the experience with others going through similar issues helped alleviate some of their anxiety.

**Slater & Gordon Lawyers**

Slater & Gordon Lawyers became a player in the Esperance lead contamination issue after the firm was approached by the local Esperance solicitor to represent Esperance community members affected by the lead contamination. Slater & Gordon Lawyers has a reputation for handling class action law suits as well as asbestos compensation cases so when approached by members of the Esperance community Slater & Gordon Lawyers thought the type of legal action required would be in line with their own area of expertise.

Slater & Gordon Lawyers approached Minister MacTiernan on behalf of the Esperance community to establish a government fund or compensation for residents affected by the lead contamination issue.

**Esperance Community Response Group**

The Esperance Community Response Group formed under the direction of the DPI. Minister MacTiernan appointed an Esperance Community Response Coordinator to direct the group and coordinate the government’s response to the crisis to the Esperance community. Members of Esperance community groups LED and LEAF were involved in the group, as were DOH, DEC and DPI members, the Esperance Port Authority’s community relations officer and a member of the Port Authority Board.

When the group formed the damage had already been done in terms of the image of the Port Authority and government departments and the group seemed to serve in a purely reactionary function. The group provided residents with newsletters and information sheets on what each government department was doing in response to the crisis and basically gave each other an opportunity to see what the other was doing so there were not any more mixed messages sent out to the Esperance community.
Parliamentary Inquiry

The parliamentary inquiry into the lead contamination issue was greeted with mixed feelings by the Esperance community. Most felt that the government departments had explaining to do and deserved to be investigated at such a high level, but at the same time, most residents also hoped that the results of the inquiry would also be acted upon to prevent an issue like this from ever happening again. There was a certain level of cynicism, in that the parliamentary inquiry was all well and good, but until the government actually acted on recommendations, then it was all a bit of a waste and did not really help the Esperance residents with short term problems like the cleaning of their houses and rainwater tanks. That being said, Esperance residents also felt vindicated that this was an issue deserving of the attention of a parliamentary inquiry.

The parliamentary inquiry also meant the issue became more than just the concern of the government; it was an issue for the whole Western Australian Parliament and this contributed to the attention the media gave the issue.

The findings of the parliamentary inquiry were damning for the involved government departments, particularly the DEC. The government departments and the Esperance Port Authority were all deemed responsible for failing to protect the health of the people of Esperance stating: “…the Committee believes that there is a recurrent theme throughout the events that are subject of this inquiry and that is a failure to place public health considerations on the same basis of other considerations” (Parliamentary Inquiry, 2007, p. 93).

Esperance ABC Radio

The local Esperance ABC radio station broke the story of the birds dying in Esperance on a Friday afternoon in December 2006 and is a player in the issue simply because talkback radio provides a good indication of what a community feels about local issues.

The Esperance Express

From the beginning, The Esperance Express newspaper took a strong position against the Esperance Port Authority and its role in the lead contamination issue. The Esperance Express reported the story of bird deaths to the Esperance community on 28 December 2006, with the story then being picked up by national and international media.
Initially, it was not known what had caused the birds to die and The Esperance Express simply reported on this strange and somewhat alarming occurrence.

During the course of this investigation it became apparent that relations between The Esperance Express and the Esperance Port Authority had never been excellent. This strained relationship is due to the Esperance Port Authority’s accusation that The Esperance Express constantly ran stories portraying the Port in a negative light, often without seeking comment from the Esperance Port Authority. The Esperance Express’ response to this is that stories are checked and the Esperance Port Authority is approached for comment, but most of the time is reluctant to speak with the newspaper’s journalists. The Esperance Express has been particularly critical of the Port’s handling and loading of nickel, voicing many Esperance residents’ long-held concerns about possible health effects that could result due to the odour and dust coming from the Port when nickel is loaded.

As the only local newspaper, The Esperance Express played a key role in the lead contamination issue in terms of representing the community’s concerns. The following headlines in Figure 4.4, Figure 4.5 and Figure 4.6 give a sense of the rhetoric that surrounded the issue (full articles are attached as appendices 11 – 13):

**THOUSANDS OF BIRD DEATHS IN ESPERANCE**

**Lead is likely cause**

*Figure 4.4*

**STARTLING CLAIMS ON PORT PRACTICES**

**Deficient lead storage and handling alleged**

*Figure 4.5*
Community outrage

Figure 4.6

Despite the tense relationship between the Esperance Port Authority and the local newspaper, Figures 4.4, 4.5 and 4.6 demonstrate how emotional this issue was for all the key players involved.

The West Australian

The West Australian newspaper was a player in the Esperance contamination issue because it covered the issue from the birds first dying right through to blood test results and the parliamentary inquiry findings being handed down in Parliament. The West Australian put the issue on the broader Western Australian publics’ agenda bringing it to the attention of people who were not directly affected or involved.

The West Australian is the only daily newspaper in the State, but despite this, one would argue the lead contamination issue was reported accurately. In the beginning, Magellan Metals was portrayed more positively than perhaps deserved, but this was simply because Magellan Metals’ Managing Director was always willing to speak with The West Australian journalists and so Magellan Metals side of the story was always published.
The issue was reported in a slightly less emotional way, but this is to be expected from a newspaper servicing the State, rather than just the specific community affected.

**The lead that polluted Esperance**

**The licensing procedure**

Perhaps the initial event that cleared the way for lead to be transported and exported through Esperance in a dubiously safe way was the complexity of the licensing conditions and agreements made by Magellan Metals, the Esperance Port Authority and the DEC.

When Magellan Metals and the Esperance Port Authority were going through the environmental approval process with the Environmental Protection Authority to transport and export lead, there were many discrepancies in the terms used to describe both the lead product and the form it would be transported and exported in. The lead product was described as lead carbonate, lead concentrate and lead; and the form terminology has varied from: moist filter cake, prill, agglomerates, granules or pellets. A condition placed on Magellan Metals by the Environmental Protection Authority was the development of a Health, Hygiene and Environmental Management Program (HHEMP) prior to the commencement of mining, transporting and exporting lead. In this document, the lead concentrate is referred to equally as being “granulated or agglomerated to prevent dusting” (Parliamentary Inquiry, 2007, p. 127). However, the Esperance Port Authority license referred to the lead concentrate as being pelleted.

Evidence given during the course of the parliamentary inquiry into the issue reveals the form in which the lead carbonate or concentrate was to be transported and exported in was the subject of much confusion between the Environmental Protection Authority, the DEC, Magellan Metals and the Esperance Port Authority.

It seems the lead concentrate was approved to be transported and exported in moist agglomerated balls; however, the parliamentary inquiry findings show Magellan Metals was not legally required to do this. The parliamentary inquiry also found Magellan Metals had overstated the Esperance Port Authority’s capabilities in handling lead and had
supplied incorrect information to the Environmental Protection Authority about the Port's infrastructure. It is this intersection of modern science, language translation and licensing that quickly makes these types of activities often undertaken by pollutant corporations, legally very difficult to understand and decipher clearly in layman's terms. Despite the complexity of the licensing conditions, Magellan Metals appears to have also fallen down in terms of upholding promises made as a part of its HHEMP. Magellan committed to undertaking "annual roadside monitoring surveys and sampling rainwater tanks within 50 metres of the proposed route "initially and ongoing" (Parliamentary Inquiry, 2007, p. 113). However, Magellan Metals failed to do this and never conducted even one survey for the duration of the lead transportation and exportation process (Parliamentary Inquiry, 2007, p. 113).

**Transporting the lead**

The lead concentrate exported through the Esperance Port Authority came from Magellan Metals' lead mine 30 kilometres west of Wiluna, a small town in Western Australia's Gascoyne region.

The lead concentrate was loaded into kibbles. Kibbles are metal skips with polycarbonate covers that are open at two ends and secured on two sides as shown in Figure 4.7. These kibbles were then loaded on to the back of trucks supplied by BIS Industrial Solutions, to make the journey by road to Leonora.

![Kibbles loaded onto the back of a train wagon for transportation to Esperance Port.](image)

**Figure 4.7**

(Parliamentary Inquiry, 2007, p. 5)
Once at the railway just outside Leonora, the kibbles were unloaded and then reloaded onto the back of train wagons ready to make the 24 hour, 900+ kilometre journey to the Esperance Port Authority. It is important to note that the lead would sit in the kibbles on average for one day at the railway waiting to be loaded onto the train (Parliamentary Inquiry, 2007, p. 5).

Figure 4.8 shows the journey the lead made by truck and rail from Magellan Metals to the Esperance Port Authority.

Figure 4.8
(Parliamentary Inquiry, 2007, p. 2)
How was the lead handled?
The agglomerator (machine capable of transforming lead concentrate into small moist balls) at the Magellan Metals mine site encountered problems soon after the first load of lead concentrate was received by the Port. Magellan Metals communicated to the Esperance Port Authority that the agglomerator had “frequent tripping out, bogging etc & as a result very low loading rates” (Parliamentary Inquiry, 2007, p. 136) that were deemed to be unacceptable in terms of the speed and capacity in which the lead could be supplied to the Esperance Port for export. It is important to note that the Esperance Port Authority recorded, after the first load of agglomerated lead was received, in a meeting with Magellan Metals representatives, Port employees, Port occupational health and safety officers and BIS Industrial Solutions staff that “the prill had degraded in transit from the mine and the product arrived at the Port resembling damp nickel concentrate” (Parliamentary Inquiry, 2007, p. 135).

It was then decided by Magellan Metals around 7 April 2005 and communicated to the Esperance Port Authority that the lead concentrate would be supplied in an un-agglomerated form as “we both agree that its more about moisture content than anything else...maybe you should attempt to continue to monitor the kibbles to identify any differences associated with un-agglomerated product” (Parliamentary Inquiry, 2007, p. 136). This meant that all future lead concentrate provided by Magellan Metals would be in its dust form, simply moistened to a wet, slurry type mixture that was then poured into the kibbles and transported as mentioned previously, over 900 kilometres in a journey that took 24 hours at the very least with temperatures in the region averaging 35 degrees Celsius in the summer months. Moreover, the covers of the kibbles were open at two ends, meaning any of the fine lead carbonate that dried out during the journey would presumably be easily able to be blown out of the kibble into the surrounding environment.

Upon arrival at the Esperance Port the kibbles were unloaded off the train wagons at the lead shed individually using a fork lift. Three kibbles at a time were uncovered and the lead concentrate within was poured into a dumper called CV20 as illustrated in Figure 4.9. CV20 is closed on three sides with the front totally open. CV20 covers the start of the conveyor belt that would then transfer the lead concentrate into the lead shed where it was stored. The lead was dropped from the roof of the shed and left to settle. There
were water sprays in the shed to dampen the concentrate if needed (Parliamentary Inquiry, 2007, p. 6).

Kibbles were unloaded from the train at the Port by a rotary forklift and the lead concentrate was tipped into an inloading dumper (CV20) by forklift.

Figure 4.9
(Parliamentary Inquiry, 2007, p. 6)

To load the lead concentrate onto a ship, front-end loaders would first move the lead into a reclaim hopper (basically a large container that would funnel lead onto a conveyor belt) where it was then loaded onto a conveyor belt called CV4A. From CV4A the lead would move outside the shed onto CV4. It is important to note transfer points are not fully enclosed and lead could spill onto the ground below.

The lead would then move from CV4 to CV2 which is an enclosed conveyor system as shown in Figure 4.10. The lead would travel along CV2 then make a right-angled transfer onto CV3. CV3 is a covered conveyor but is not fully enclosed as it doesn’t have floor. Upon transfer from CV3 a ‘sample cutter’ is located to test the moisture level of the lead concentrate. Magellan Metals required the Esperance Port Authority to take three 300 gram samples of the lead, two wet and one dry. After leaving the sample cutter the lead would transfer from conveyors CV5 to CV6 and CV7. CV5, CV6 and CV7 are all open conveyors that load directly to the ship (Parliamentary Inquiry, 2007, p. 9). A key finding in the parliamentary inquiry was that the way in which the lead was transported
from Magellan Metals to the Esperance Port Authority and then the Esperance Port Authority’s loading of the lead was a substantial cause for the lead pollution in Esperance (Parliamentary Inquiry, 2007, p. 14).

![Hopper in the lead shed and lead loaded by front-end loaders from CV21.](image1)

![Lead concentrate left the shed on CV4 and was transferred to CV2.](image2)

**Figure 4.10**
(Parliamentary Inquiry, 2007, p. 9)

**The extent of lead pollution in Esperance**

Lead is a known contaminant with many other instances of lead pollution and poisoning well documented, including cases like that of the Broken Hill, Port Pirie and most recently Mt Isa communities just within Australia. The residents of each town all recording elevated blood lead levels due to lead mining or a smelter being near or in the town. In the case of the Esperance lead contamination issue, parliamentary inquiry findings show that because of baseline testing conducted around the Esperance region in 2004 recording very low levels of lead, the increase in lead since 2005 is “neither naturally occurring nor historical” (Parliamentary Inquiry, 2007, p. 29).

Using elevated blood lead level results as a guide, the extent of lead pollution in Esperance shows most of the lead dust appears to be to the north and south-east of the Port, it is hard to determine just how far the lead dust has spread (Parliamentary Inquiry, 2007, p. 15). Figure 4.11 details the DOH’s blood testing results as at 11 June 2007:
<table>
<thead>
<tr>
<th>Age group (years)</th>
<th>Number of tests</th>
<th>Average lead level (micrograms per decilitre)</th>
<th>Number with lead level in range 5 – 9 µg/dl</th>
<th>Number with lead level ≥ 10 µg/dl ** (values)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to &lt; 5</td>
<td>345</td>
<td>3.2</td>
<td>74*</td>
<td>7 * (11, 12x3, 13, 20, 22)</td>
</tr>
<tr>
<td>5 to &lt; 10</td>
<td>234</td>
<td>2.4</td>
<td>19</td>
<td>0</td>
</tr>
<tr>
<td>10 to &lt; 20</td>
<td>301</td>
<td>1.8</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>20 to &lt; 40</td>
<td>535</td>
<td>1.9</td>
<td>24</td>
<td>3 (15, 16, 18)</td>
</tr>
<tr>
<td>Over 40</td>
<td>1307</td>
<td>3.1</td>
<td>197</td>
<td>21 (10x4, 11x7, 12x4, 13x3, 14, 16, 21)</td>
</tr>
<tr>
<td>Total</td>
<td>2722</td>
<td>2.7</td>
<td>319</td>
<td>31</td>
</tr>
</tbody>
</table>

1 Community members only (individuals identified with occupational exposure to lead from the Port are not included in the table)

* Children aged 0 to < 5 years (81 children) with a blood lead level of 5 µg/dl or greater will be followed up until levels have dropped on two consecutive occasions

** World Health Organisation (WHO) guidelines recommend blood lead levels < 10 µg/dl

Figure 4.11
(Parliamentary Inquiry, 2007, p. 15)

According to parliamentary inquiry findings, these elevated blood lead levels suggest Esperance residents were exposed to continuing lead pollution rather than a single exposure as the blood lead levels persisted months after the exporting of lead was halted.

Most worrying to all involved parties, were the 81 Esperance children identified as having blood lead levels over 5 micrograms per decilitre. The World Health Organisation lists 10 micrograms per decilitre as the guideline for a high blood lead level. However, because of the effects lead can have on cognitive and mental development in children, particularly those aged from zero to four, a blood lead level of 5 micrograms per decilitre was considered elevated. Children with a blood lead level over 5 micrograms per decilitre were retested by the DOH a couple of months after the first test to ensure over time their levels were gradually decreasing (Parliamentary Inquiry, 2007, pp. 16-17).
Of the 600 Esperance children tested, the results ranged up to 22 micrograms per decilitre however only two children recorded levels higher than 15 micrograms per decilitre and the average blood lead level was 3.2 micrograms per decilitre. While this is a positive result overall and shows that the Esperance lead contamination was not as heavy as that of Port Pirie (in 1985 children in Port Pirie had an average blood lead level of 22.4 micrograms per decilitre), it is worrying to think that lead would be polluting the Esperance community today with exports still going through the Esperance Port Authority if it were not for the birds dying (Parliamentary Inquiry, 2007, pp. 16-17).

Baseline blood lead level testing was also conducted with the Port's workforce before lead was exported through the Esperance Port with the average blood lead level being 2.4 micrograms per decilitre, compared to the average blood lead level of Port workers almost two years later of 7.9 micrograms per decilitre. This is a significant increase in the Port worker's blood lead levels considering lead was only exported through Esperance Port for 23 months before the Esperance Port Authority's license was suspended.

It is important to remember that while blood lead levels are one tangible way to measure the effect the lead pollution has had on Esperance; residents also experienced polluted rainwater tanks with high readings of both nickel and lead, elevated lead in the soil, elevated lead levels in marine sediment surrounding the Port and fine lead dust in their homes – in roof cavities, carpets, window sills, and outside on pavement and children's toys.

Figure 4.12 details the results of rainwater tank tests conducted by the DEC. It is evident that on average all rainwater tanks tested in Esperance were over the Australian Drinking Water Guideline for nickel and are borderline for lead.
**Rainwater Tank Sample Results**
9 March to 5 May 2007

<table>
<thead>
<tr>
<th>Metal</th>
<th>Nickel</th>
<th>Lead</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number of samples</td>
<td>1336</td>
<td>1336</td>
</tr>
<tr>
<td>Average concentrations of total samples</td>
<td>0.024</td>
<td>0.009</td>
</tr>
<tr>
<td>Number that exceeded guidelines*</td>
<td>363</td>
<td>266</td>
</tr>
<tr>
<td>- Average of exceeding samples</td>
<td>0.074</td>
<td>0.038</td>
</tr>
<tr>
<td>- Range of exceeding samples</td>
<td>0.021-0.95</td>
<td>0.011-0.4</td>
</tr>
<tr>
<td>- 90% of exceeding samples have values less than:</td>
<td>0.14</td>
<td>0.09</td>
</tr>
</tbody>
</table>

*Australian Drinking Water Guideline value for Nickel is 0.02 mg/l.
*Australian Drinking Water Guideline value for Lead is 0.01 mg/l.

**Figure 4.12**
(Parliamentary Inquiry, 2007, p. 21)

Amazingly, despite recording consistently increasing lead levels on dust monitors and in marine sediment in the inner harbour during the period of lead exportation, the Port's communication with the public and Esperance residents is still one of denial (see attached appendix 14).

This denial and unwillingness to take responsibility by the Esperance Port Authority coupled with its slow response to what clearly was an emotional issue saw the lead pollution turn from issue to crisis.

**Why did the issue turn to a crisis?**

To answer this question a return to the definitions of issues management and crisis management is necessary. Some theorists believe issues management and crisis management are the same thing. Green, (1994, p.136) defines issues and crisis management as "the management of the public relations aspects of those serious
events which have the potential to destroy or severely damage an organisation's reputation virtually overnight.

As discussed in the literature review earlier, I would argue this is quite a simplistic view and that issues management and crisis management are two quite distinct practice areas of public relations, though they are often alternated with each other in practice depending on what stage an issue has reached. When taking this view, issues management is defined as "proactive in that it tries to identify issues and influence decisions regarding them before they have a detrimental effect on a corporation" (Gaunt and Ollenburger, 1995, p. 3), whereas crisis management on the other hand, "tends to be more reactive dealing with an issue, after it becomes public knowledge and affects the company" (Hainsworth, 1990 sited in Gaunt and Ollenburger, 1995, p. 3).

As discussed, issues are cyclical and progress to varying stages depending on publics' attitudes. In the case of the Esperance lead contamination issue the issue became a crisis when a critical mass of Esperance community members moved from being a passive public to an active one.
Chapter 5 – Interview accounts and fieldwork

This chapter provides a detailed overview of accounts from key players involved in the Esperance lead contamination crisis. From these accounts four key themes emerge: (i) the level of trust the Esperance community had and has for the Esperance Port Authority; (ii) the attitude of denial the Esperance Port Authority and other involved parties had towards the birds’ deaths being caused by lead poisoning as a result of the substance escaping from the Port; (iii) the emotional aspect of the issue for all key players involved; (iv) and finally, the discourse of science each key player used when describing the impact this issue had on the community of Esperance.

Level of trust for the Esperance Port Authority

The level of trust the Esperance community had for the Esperance Port Authority before the lead contamination issue seems to be unanimous across all interview participants. Up until the lead issue, the Port was a trusted organisation known to be a reasonably active and certainly important economical contributor to the small and isolated community of Esperance. The following comment from Interview Participant #1 sums up this sentiment best:

"Esperance was very trusting of the Port. The Port had a very good reputation because it had handled its iron ore shipments very well with a lot of public consultation." (Interview Participant #1, November 2007)

It appears from this comment that the lead contamination issue could have been an opportunity for the Esperance Port Authority to demonstrate to their key stakeholders, including the Esperance community, why they were deserving of such a reputation. It is apparent that the Esperance Port Authority was in part responsible for the levels of lead contamination in Esperance, however it could also be argued that despite this, the Esperance Port could still have used the issue to strengthen their reputation and standing in the community. An interesting point to note is that the Esperance Port Authority’s communication with its external stakeholders was not sophisticated in the first place. Rather, because the iron ore exports had been managed so well as a result of consultation with community group RED, the Esperance community had become fairly lax and non-vocal when it came to activities at the Esperance Port as Interview Participant #3 explains:
"Part of the problem was the Port Authority had become very comfortable with its own performance. It believed because it had been named Port of the Year and because it had done a really good job consulting over the iron ore shed when it was first introduced, I think they had actually been leading in terms of what they had been doing up to a decade ago, and I think they had rested on their laurels and I think the community had become complacent also so that even when the Port Authority did try to consult with the community, about new things the community didn't bother to even turn up. They'll deny that, but whether the Port Authority advertised it enough or whether it was interesting enough we'll probably never reach agreement on that. But I think both sides had a role to play in being very cosy, comfortable, all a bit complacent you know, sort of the belief that the Port Authority was world class or Australia's best and was doing all the right things, and so I think it was just a bit of a complacency thing that set in at all levels." (Interview Participant #3, November 2007)

The level of outrage most community members experienced when they found out about the lead contamination reflects this lax attitude, as safely handling and exporting substances was principally seen as something the Esperance Port was completely responsible for, as Interview Participant #2 states:

"I sense from the residents here was this one thing that they [the Esperance Port Authority] were charged to do, - take lead from here, on a train, through the Port and not hurt us. And they didn't. And you get a sense from the inquiry, although I haven't read all the transcripts, but you get a sense that it was not just one of those understandable mistakes that you can appreciate happen from time to time. It really did appear like no one gave a shit about getting it right and getting the finer detail right and appreciating the risks that could come from not getting it right." (Interview Participant #2, November 2007).

This perspective is one held by many Esperance community members, however it could be argued that this statement also reinforces the need for an ethical two-way communication flow to take place between a pollutant corporation and its publics, rather than publics just relying on corporations to act in a community's best interest. In the case of the Esperance Port Authority, the lead contamination issue has meant the Esperance community now has a strong voice for future Port operations.

"Two of the LED members are also on a Port Consultative Committee where they wouldn't have had that representation otherwise. I think it has made the community more aware. They were just so lax. Iron ore exports were such a success and they didn't bother to look at other heavy metals that were going through the Port - that will no longer be the case. I think Esperance will be heavily scrutinised in everything it does from now on, and not just in years to
come but in tens of years to come. I don't think people will forget what happened in a hurry.” (Interview Participant #1, November 2007).

In terms of regaining the trust of the Esperance community, the Esperance Port Authority has a long road ahead to repair the significant damage done to their reputation as a direct result of poor communication during the handling of the issue, as the following comments demonstrate:

“You've got a stable community that's been quite fractured in terms of people working at the Port, farmers, people that are mining and you know there is all sorts of, there is actually some quite sad things that have happened in the community.” (Interview Participant #4, November 2007).

“I think the crisis has split the community into those that are supportive of the Port, to those who really don't want to see heavy metal products going through their town. I think if anything it has been a divisive issue and I don't think it has done anything to help the harmony of the people of Esperance. It's a very polarised community, there are those community members and they are your greenies and your mums, in particular the mums whose kids would have had elevated levels who were very outraged and don't want to see lead through the Port. There were other community members who are great supporters of the Port. The Port is the biggest employer in Esperance; everybody is linked to the Port, or knows someone who works for the Port or contracts to the Port. There are others who think this issue wasn't a massive issue and are quite supportive of the Port's actions and the Port being able to export what it likes.” (Interview Participant #1, November 2007).

However, this poor communication came not only from the Esperance Port Authority, but also from other involved government departments. In particular during the dissemination of information about lead, what levels of lead in blood were harmful and what was being done to help the Esperance residents in terms of cleaning up the contamination in homes, drinking water, public parks and schools. This breakdown in communication was evident at public meetings, a communication channel the Esperance Port Authority, in conjunction with other involved government departments used to give information about the lead contamination to concerned residents including parents with young children and community groups. It seems though, that wherever the poor communication initiated from, ultimately it still translated into mistrust of the Esperance Port and involved parties by the majority of Esperance residents.

"[At the public meeting] When my partner and I went over to the DEC and said, "you knew the lead, the Port had given you levels that were high and said that they were high in their monitoring but you didn't tell the tourists or you didn't let
people know because it was over summer in January, that there were high levels near this beach, near the Port, why didn't you put signs up?” The DEC said “it's not our department; it's the Department of Health.” The Department of Health said “no you have to go and see the DEC.” I don't believe anything that they say.” (Interview Participant #5, November 2007).

The Esperance Community Response Group was a step in the right direction communication-wise for the Esperance Port Authority and involved government departments. The aim of the group was to collate the government’s response, including the Esperance Port Authority’s, to the lead issue and also involve local community groups so they too could disseminate accurate information to their members. The Esperance Community Response Group was set up towards the end of April in 2007, four months after the bird deaths and so, was perhaps too late; the damage having already been done. Interview Participant #6 is critical of the Esperance Community Response Group:

“To me it's just turned into a big drive for money for promoting tourism. I mean initially they were supposed to start out as, you know, a group that was supposed to restore the impact on the town as a whole, including the impact on business, the negativity that was portrayed in Esperance being contaminated by lead. On a personal level, I've been pretty disappointed at the way that it's all ended up. It's just been one big push to grab tourism dollars to promote the town.” (Interview Participant #6, November 2007).

It is safe to say, that even the most supportive Esperance community members would like to hear exactly how the Esperance Port Authority is going to safely export the remaining lead from the Port, and what their plans are going forward with regards to upgrading infrastructure, particularly for handling nickel and future exports.

“I think their [Esperance community member's] trust for DEC is evaporated; it could be salvaged to some degree if they put in lots of resources but people would have an enormous level of concern from now on. Certainly they've lost their trust in the Port Authority; people will question much more what goes on. One of the other big failings of this whole process was when it was going to go out through Geraldton they did wide community consultation and when they transferred the license to Esperance they did almost none, and so the people from Esperance really didn't have any idea what was going on until... and were reassured I guess by the fact the Port said everything was under control and it was going to be very safe and the systems were all enclosed and they would make sure no lead dust got out and they just weren’t, they just didn’t tell the truth about their loading systems and ignored the fact they’d had already nickel getting out into the community through that exact same system, people assumed it was
going to be going through the system that exports the iron ore which is very successful.” (Interview Participant #7, November 2007).

An attitude of denial

The Esperance Port Authority as a whole, at the time of these interviews in November 2007, was still in denial that the bird deaths were caused by the lead escaping from the Port as a result of their inadequate loading and handling of this known highly toxic substance. Many Esperance community members were fed up with this attitude. Particularly since isotope testing, conducted by the DEC on the birds that died, confirmed scientifically that the cause of death had been lead poisoning from lead carbonate exactly matching that which was mined by Magellan Metals.

“They [the Port] were saying you still don't believe that those birds died from all the lead. Another thing they said was: “are you sure that the lead that is in your children and grandchildren's blood is actually from the Port?” (Interview Participant #5, November 2007).

“The Port’s response was to deny everything and that's always been their response...although they did apologise after the inquiry. So yes, up until then their response was total denial.” (Interview Participant #8, November 2007).

“There was very much a view in the early days that they felt they actually hadn't done anything wrong...If you ring the Port Authority today and get put on hold you will get a messages on hold recording about having been Port of the Year in 2003. There's a lot of denial still going on.” (Interview Participant #3, November 2007).

What is most interesting is how supporters of the Esperance Port continued to skirt around the fact that the lead contamination happened as a direct result of the Port’s actions. The denial is often only present reading between the lines in some accounts and not actually a flat-out no, as is evident in the following comments:

“I’m sure that with ongoing monitoring and they’re still investigating why some of these children have got high lead levels and I’m sure that once they get to the source of that, they will be able to solve those issues. The fact of the matter is, the lead was only being brought through Esperance for 18 months and there has been a commitment that no further lead will be taken through the Port.” (Interview Participant #6, November 2007).

“The entire town were unaware of the impact the lead dust had played within the community. We were aware lead carbonates were being taken through the town. We were told how the carbonates were being handled. We certainly were told
there were safety procedures in place for those people that were handling it because there was a risk to their health, that monitoring was taking place, so we were aware of all of that. But I don’t think anyone really was aware of the problems that resulted from the dust escaping.” (Interview Participant #6, November 2007).

“I think that there was an underestimate of the toxicity of lead carbonate. I think that there was some degree of confidence having the Port named Port of the Year, that they’ve done this and they can do it, I think that there was a lack of appreciation of the public health and environmental risks and a lack of appreciation over just how far that dust would travel. I don’t think there was any malicious or deliberate...I think it was probably just you know...lack of awareness and in retrospect it should never have happened, we all will agree with that, and its been an enormous task to clean up.” (Interview Participant #4, November 2007).

“Well, to start there were 400 dead birds not 4,000. So they...times it by 10, yes that number was extrapolated. And the way the media built it up you know. I was in Perth at the beginning of April at an appointment and I walked in and people said “we weren’t sure if you’d be coming we didn’t think you’d be well enough to travel with the lead.” People thought we were dying in the streets.” (Interview Participant #10, November 2007).

“The rainwater tanks, yes there were some very high readings in rainwater tanks but the whole, this whole thing that the town is contaminated and 4,000 birds died and children are going to be marked for life and disabled and all the rest...you know.” (Interview participant #10, November 2007).

“We had months and months without rain and we had the driest February on record. So there was no water around. Birds drink their own body weight in water a day and have five grams of food these little birds, and then all of a sudden we had two days that were 40 degrees and the birds died. It was an environmental event but everyone wants to believe, people want to believe it was the lead. The lead may have been a contributing factor but the experts say not every bird will fall out of the sky on the same day or within two days if they’ve got lead poisoning.” (Interview Participant #11, November 2007).

“There was lead in the birds for sure, but whether that caused such a big amount of birds to die on the same day, is a moot point, that’s up to the scientists to work out. But the issue is 400 birds died, not 4,000. There was another bird death event in August this year. Now we haven’t moved any lead from this Port since March 2007 and there was another bird death event in August 2007. Now those birds were taken by the DEC and tested, now those birds died from organophosphates chemical sprays, so...you tell me...” (Interview Participant #11, November 2007).

All sorts of arguments are offered. Some of them seemingly based on nothing more than the interview participant’s own reasoning that fits with their opinion. Scientifically, the birds were proven to have died of lead poisoning. Port workers and a number of children
did record elevated blood lead levels; rainwater tanks were above safe drinking guidelines; and, sediment testing confirmed lead and nickel were escaping from the Port. Despite this wealth of scientific evidence, certain members of the community are still unable to bring themselves to admit that the Esperance Port’s actions were largely responsible for causing a health risk to the community as well as a physical pollutant risk to the local environment.

An emotional issue

As is the case with any crisis that affects individuals and an overall community’s health and physical environment, the Esperance lead contamination issue was inherently an emotional one for all those involved as the following statements illustrate:

“It is just very isolating when you find out that your child has high lead levels as I didn’t expect it because we are two and a half kilometres from the Port… It’s very hard to understand how this has affected people. You know some people are in denial or believing what they have been told by the Health Department because they were told, and still are getting told now, “don’t worry about it, it will be OK.” When you know it is not right at all, it’s not good to tell kids they have heavy metals in their body. It upsets the nervous system and organs as well as the brain.” (Interview Participant #5, November 2007).

“It has affected me because one, I would never want this. I would never want to pollute anyone. You know it’s not in our… nature to do that to someone or anyone, so my children, its had an effect on my children because there was a lot of innuendo said at school, you know “your dad’s a poisoner”, which I don’t like that word, and all those sorts of things. I know my wife copped a lot of flak… We lost friends, a couple of close friends that I’ve known for 30 years. We don’t talk now. Which is sad you know… I don’t know, I still talk to them but… there’s a disconnection now which is sad, and the trust thing, I don’t…I had a personal friend of mine say to my wife that he didn’t believe what I was saying because big business is like that. Well I tell the truth. Yeah we had lead in our Port and lead got out of our Port, you can’t deny that. How much got out and how much effect it had on the community can only be done scientifically and can’t be done on hearsay and can’t be done on results that aren’t fully scrutinised.” (Interview Participant #9, November 2007).

“I was furious, absolutely furious that these people had poisoned us, for no good reason, purely and simply because of their incompetence and their determination to do things as quickly and as cheaply as possible. As far as I’m concerned if the Port were to move tomorrow I would say that would be a very good thing.” (Interview Participant #8, November 2007).

“[At the public meeting] the community was quite outraged at that stage, there was one parent, who, his child ended up testing over 10 micrograms per decalitre [blood lead level] and he was, I thought a classic example of the
community of Esperance who were very trusting of the Port and very trusting of authorities, and he was the same, he had never taken any stance environmentally as far as I’m aware on anything before, but he was one of the leaders of a group who formed as a result of this crisis. The sediment sample results had come back literally minutes before going in to that meeting and that was something that outraged people because the levels were so extraordinarily high.” (Interview Participant #1, November 2007).

“Sensationalism, I mean really, you had the media going Esperance - da dada dada and you’d sit here and watch people swimming up and down in the bay and people bringing their kids down after school. And there is a very vocal group of people, now a lot of those people had very well founded fears initially and probably have not taken on board the reassurances from people like Alison Jones who is the lead toxicologist from [university name obscured] university, who was previously head of London Medical School. So she’s very well qualified and she’s been to Esperance a number of times and she’s been monitoring the blood lead testing in the children and she’s been and talked individually to all the parents of children and she’s been and talked to all of the GP’s, all the health professionals in the town about lead and the impacts and so on and so forth. Now out of the 80 odd children that had lead levels over 5, the World Health Organisation level for blood lead is 10 micrograms. But in this case DOH set the level at 5 micrograms, so the level for children to be monitored at was 5 micrograms. It was basically a very safe, you know we’ll play this very safe, any child over 5 micrograms we will monitor and so on and so forth. Now out of those 80 odd kids that were under five, I think there was 13 kids over 10 micrograms. I know a number of parents who fall into that category, quite a lot of those parents are very sensible and said "oh yes well we were very afraid initially and then we spoke with Alison Jones and she said da dada dada and as long as its been short term acute exposure, its not long term chronic, the levels are nothing like they were in Broken Hill or Port Pirie, you know and she’s given us some comparative figures so yes we feel very reassured and we will take our child for blood testing every three months and as long as the levels continue to fall we believe we won’t have a problem.” You know they’ve been sensible but some people haven’t listened to that message and they just..."my child had a blood lead level of 9 therefore my child is going to require intensive aiding at prepriary and primary school otherwise they’ll suffer developmental delays" and so on. Quite literally, if you grew up in the 70’s and the early 80’s your lead levels would have been higher than any child in Esperance, because of lead in fuel lead in paint and all of those things, but this seems to have escaped lots of people.” (Interview Participant #10, November 2007).

Due to the Esperance Port Authority and involved government department’s lack of any clear response to the issue of birds dying, very early on suspicions were raised as to whether the Port could be responsible. The majority of Esperance residents did not know that lead was being exported through the Port due to the lack of interest on behalf of the Esperance residents, and a lack of appropriate community consultation on behalf of Magellan Metals and the Esperance Port Authority. However this did not stop
speculation that perhaps the bird deaths were caused by nickel odour from the Port, which has been an ongoing issue for the Esperance Port Authority. When the DEC confirmed the birds died of lead there was still no coordinated response from the Esperance Port Authority to its key external stakeholder – the Esperance community. Esperance residents were left to Google lead contamination and poisoning on the internet, all the while receiving very disjointed communication from the DEC and DOH. It did not take long for anxiety and stress over personal health fears to turn into feelings of resentment, distrust and outrage that this sort of contamination had happened in the first place. The Esperance Port Authority being the most localised and therefore the most visible of all of the involved players was the recipient of the most distrust and outrage. The Esperance Port was not communicating at all externally and this was interpreted by the majority of Esperance community members to be equivalent to the Port denying any responsibility. It was this continued communication strategy used by the Port Authority of not communicating that ultimately led to the levels of community outrage experienced during the crisis. Interview Participant #6 argues against this stating:

“No one was happy to hear what had happened. I think that one of the very big disappointing things was the way the media portrayed the problem. Yes it was a problem but the way it was reported was extremely detrimental to the town as a whole, they really focused on the negativities and there was really nothing said about how quickly the Port and the Shire reacted to the problem. As far as I’m aware the response by the Shire and the Port was really as quick as they possibly could have got it done.” (Interview Participant #6, November 2007).

This is a valid point to make; it does appear that the local newspaper, The Esperance Express did give the Esperance Port Authority a particularly hard time throughout the lead contamination issue. The West Australian newspaper was also harsh on the Esperance Port Authority and other involved government departments when reporting the issue, certainly more so than Magellan Metals. However, because the Esperance Port Authority was not communicating with the media, none of their comments defending the organisation were ever going to be printed. From a communications perspective, the Esperance Port Authority should have made a more concerted effort to engage with the media rather than purposely avoiding them as this would have meant the organisation had a voice in many of the articles covering the issue. Proactive communication with external stakeholders, including the media and Esperance residents, could potentially have shortened the length of the lead contamination crisis and also reduced the amount of damage done to the Esperance Port Authority’s reputation. As Interview Participant #3
points out, it could certainly be argued that Esperance community members became more outraged and stressed than they perhaps needed to be in response to this issue:

“How do we try and provide information to members of the community who quite rightly are very distressed and why wouldn’t you be. Whether they need to be as distressed as they were I think we’d all agree probably not, but of course they were because nobody was telling them anything and then when they were telling them something it was different. So you get a very different, very confused story from Department of Health about which level was safe and which level, well if you could get anything as clear as that, that would have helped, then a different message from the DEC, getting virtually nothing from the Esperance Port Authority, you’re getting not much more from Minister’s Office, it’s all sort of got a political overtone to it, you’ve got a local member of Parliament who sees this as an opportunity to bag the State Government and make some political mileage out of it you know, so it was a mess, it was an absolute mess. And it was the members of the community that were being treated like mushrooms – and not being told what was going on.” (Interview Participant #3, November 2007).

Despite perhaps overacting in their level of outrage, the Esperance community’s response to the lead contamination issue is understandable simply because of the emotional nature of this issue. Even though the majority of children did not have elevated blood lead levels, there were still those 81 that did, and this had an affect on how Esperance community members responded when presented with that circumstance. From a communications perspective, the Esperance Port Authority needed to set aside their own feelings, in this case feelings of denial and frustration that the issue was being blown out of proportion, and instead start communicating with the Esperance community about how they were going to fix the problem and ask what the community wanted from them as an organisation and member of the community.

The discourse of science

Throughout the Esperance lead contamination issue, the language used to describe the science of what caused the bird deaths, elevated blood lead levels and various other indicators that lead had contaminated Esperance, is demonstrative of the complexity of modern pollutant issues. Many interview participants mentioned that they did not know, or were not an expert in the exact science of lead poisoning and pollution. This lack of knowledge did not stop the issue being discussed, however it did mean, that in order to vindicate personal opinions, many interview participants, and certainly other members of the Esperance community, rationalised the scientific findings and evidence to suit their beliefs:
"I don't believe all the birds died of lead, no. The birds that they (DEC) sampled - 8 of them. I think they sampled 8 birds and some of them had lead in them. Well you can't deny that. That's evidence that yep, lead was getting out of the Port, so I weigh it up and I think there is a bit of truth on both arguments you know what I mean, so I'm not totally convinced that lead killed four thou...well I heard nine thousand birds, I don't believe that for one minute. I believe there were other circumstances that caused that sort of death but one I never saw nine thousand dead birds." (Interview Participant #9, November 2007).

Interview Participant #9 is not alone in the attempt to rationalise scientific evidence to suit a held opinion:

"The department extrapolated the figures from 400 to 4,000 – 5,000. No branch of science anywhere would do that. Then you have to think why did they do that, why did they want us to look so bad killing thousands of birds, instead of 400 when there's been five other locations around the State when just as many birds died?" (Interview Participant #11, November 2007).

"In the same period of time, basically there was a six month period from about September 06 to March 07 where there was a number of bird deaths across the State. That happened at Wongan Hills, Narrambeen, Hopetown, Salmon Gums and Esperance and one other in the Wheatbelt...Bruce Rock. Now it was a particularly dry hot summer so there was...there are other factors and I had actually requested that DEC look at all of those bird deaths in those areas and see if there's some commonalities, across those areas you know. They're all agricultural areas, they're all areas where spray is used, where there is CBH bins where there's rail lines, you know all of these things so I think, for the future we actually need to look at where commonalities are and, we're coming into summer again, where there is bird deaths..." (Interview Participant #10, November 2007).

It seems that the Esperance Port Authority underestimated just how toxic a product lead carbonate was, and was also ill equipped to knowledgably participate in the licensing process and transport agreement. This is another example of the complex science that modern pollutant corporations face as a part of their day-to-day operations and the ramifications faced when science is misunderstood or deemed inconsequential.

"In hindsight, it [the lead concentrate] could have been handled in a different way but they were doing nickel, so lead this was a concentrate, and it fitted the bill for that ship loader. There was some concerns raised by the workforce at all the meetings that that system wasn't the best system to use. It did the job but it probably wasn't the best system to use because it's not an enclosed ship loader. It's open to the elements. The elements for the nickel loading, and we loaded iron ore over it that same system, it seemed to fit the bill for those products but not knowing the lead was such a toxic, well we were told the lead was toxic there was no fear of that, and we'd done base line testing for all our employees to know all their blood levels before we brought lead in. They'd done ground
sampling to see if there was lead in the background and I don't think anyone had any adverse findings so we had this discussion with the mines, we had this discussion with the health and safety people. The Port revamped all its procedures, upgraded the standard of PPE that the men would be required to wear,... so they went to those sorts of levels, but I think the biggest problem I've found, and I've had, is that the mining company probably glossed over a few things that they shouldn't have.” (Interview Participant #9, November 2007).

“I think they just though it would all be alright, they were doing nickel and they just treated it as nuisance dust, they didn't regard it as a medical problem and they didn't...they say they recognised the hazard of lead as a product and certainly they looked after their workers in terms of protective gear and worked very hard to protect their workers, but they seemed to think that if you couldn't see the dust it wasn't a problem and that some escape of dust was inevitable, and it happens in all Ports so put up with it. That was the way it worked and in other places throughout the world there is some contamination and people do have elevated levels but you know when we look at systems elsewhere for the export of lead, and remember this is lead carbonate which is a much more dangerous product than the normal form of lead, they have much better systems in place, much better systems than were used in Esperance for the out-loading of the lead.” (Interview Participant #7, November 2007).

It seems that the Esperance lead contamination issue is the kind of consequence that is faced when science is misinterpreted. From a communications viewpoint, this type of crisis has the potential to do significant and costly damage to a corporation's reputation and standing in the community it operates within. In the case of the Esperance lead issue, the Esperance Port Authority has lost the trust of the majority of its community members. The issue cost the CEO his job, and significant revenue would have been lost. From a socially responsible point of view, the Esperance Port Authority has contributed to damaging and risking the health of Esperance community members, including young children, and has also damaged the physical environment. Understanding the science surrounding an issue and then communicating this accurately to key stakeholders in an ongoing and open dialogue is arguably how every pollutant corporation needs to start operating in order to avoid environmental crises, or worst case scenario, at least minimise the damage and work to fix the problem alongside the community. As Interview Participant #2 states:

“In the current environment of WA there's so much money to be made and there is so much money being made by digging stuff out of the ground and selling it that...we're all just kind of hanging on time and waiting for this sort of stuff to start happening, because what I would never want to happen, and what I hope the residents of Esperance never want to happen, is that we get to a stage where we kind of just accept things like this...and the danger of an economically
rationalised culture is that our mindset is so adjusted to economic talk and economic thinking that when we read about things like Esperance we instantly put them into a ledger, we say that's a part of doing business, that's a shame, that's awful, but we'll fix that up and move on and it's just a part of doing business and our mind sort of puts them in the red column of the ledger, rather than saying that should have never happened.” (Interview Participant #2, November 2007).
Chapter 6 – Conclusion

The case study in this thesis has shown how pollutant corporations can damage their reputations by the very way that they communicate and relate to and care for communities in an environmental crisis. All key players associated with the Esperance lead crisis were affected, not only the Esperance Port Authority, but the DEC, DOH, DPI and Magellan Metals also suffered considerable reputational damage. This damage was caused by (i) a lack of care for the community evident in what can be argued are sloppy licensing conditions for and handling of lead as a toxic product, and (ii) an inadequate response to the Esperance community when it was discovered that Esperance residents' health and the physical environment was at risk due to lead contamination. Poor communication was a key characteristic of the pollutant corporations and key external publics alike during the crisis that directly lead to communities of distrust.

The need for a focused, well resourced environmental public relations approach to pollutant corporations’ communications has, this thesis would argue, never been more urgent. Pollutant corporations are coming under continually increasing scrutiny in Australia as environmental issues gain a greater profile. It would appear environmental public relations has the potential to become a new discipline in public relations theory and practice.

Chapter 2 suggested that environmental public relations would appear to exist but that it is undefined. It does not fit under any one existing public relations speciality, but rather tends to be grouped under issues management, crisis management, community relations and also corporate social responsibility. An environmental public relations strategic communication plan, however, would be different from current strategic communication plans because its focus would in good times and bad be solely on the problem of interactions and actions of organisations that might potentially become pollutant and where community health and safety might be involved. In the past it could be argued that most 'pollutant corporations' were seen to be resource companies, or the like. But as highlighted at the beginning of the thesis, 'pollutant corporation' can refer to any organisation - community, government or private - that may be involved in issues associated with community safety and the manipulation of the environment for the production of resources. There has been in modern industrial society, a shift with
regards to the importance placed on the environment. People now see all organisations have a responsibility to be environmentally conscious, not just big resource companies. The way in which pollutant corporations or organisations communicate to their external stakeholders within the communities they operate therefore needs to evolve as a result.

The Esperance Port Authority’s interaction with the community did not link to any strategic communication plan at all. Rather this particular pollutant corporation, the evidence would suggest, used a form of greenwashing in response to the lead contamination crisis that caused thousands of bird deaths, risked Esperance community members’ health and the physical environment. Greenwashing is the communication model that the majority of pollutant corporations use when dealing with an environmental concern. However, just because a pollutant corporation can, it seems, sometimes get away with this type of behaviour does not mean that they should.

Environmental public relations as a new practice area is a necessary step forward to deal with the increased awareness and importance the Australian community is placing on issues that affect the environment. From a public relations practice perspective an effective means of communication for dealing with environmental issues does not seem to be emerging from the pollutant corporations themselves. Greenwashing has, indeed, been their preferred solution. The thesis has given an insight into what might be involved in environmental public relations - the discourse of science and its relationship with modern communities; relationship building that is specifically designed to tackle modern community understanding of the impact of modern organisations on the environment and the role of forms of knowledge like science in informing debate; and, of course, two-way models that are normative in orientation.

In summary, there appears to be a significant gap in public relations literature with regards to the existence and definition of an ethical, in a Grunigian sense, model of environmental public relations. The majority of pollutant corporations practice greenwashing when faced with an environmental concern which appears to be unethical as in many cases it involves the purposeful deception of a pollutant corporation’s publics. The case study of the Esperance lead contamination issue is a model of the ethos of greenwashing and one-way communication. Deception in this case study may
not have been a motive or intended by those involved but confusion and crisis was certainly a result of the actions of key players.

There are other models of communication besides persuasion, or one-way communication, and Grunig’s model of two-way symmetry that can be used in practice. The mixed motive model involves the use of two-way symmetrical and two-way asymmetrical communication techniques as it allows for some persuasion whilst also requiring a two-way dialogue between an organisation and its publics to occur. It would seem that this mixed motive model is perhaps the best communication model for a pollutant corporation to use when faced with an environmental concern. The pollutant corporation should engage in a two-way, open dialogue with its publics, but under a mixed motives model it can also appear confident and in control of situations because of the ability to use some persuasion.

As already noted, publics are more than ever before informed about environmental issues and the consequences of misusing resources. They do not just take comments from organisations, particularly pollutant corporations, at face value. This is well and truly a thing of the past. Public relations practice must evolve beyond simplistic and ineffective one-way styles of communication. Or, to be more precise, public relations needs to adopt a normative model of communication and not just a pragmatic model. Persuasion is pragmatics - getting people to do what you want. A normative model is about what should be done. Persuasion can be successful but might not be normative.

For example, in the case of the Esperance lead contamination reported in this thesis, the majority of Esperance community members no longer trust the Esperance Port Authority including the local newspaper, local community groups LED, LEAF, CLIP and the local Member for Parliament. The Port had significant social capital before the crisis. Its inability to communicate and deal with its own community has significantly eroded its social capital. Interestingly, though, denial, is still in the air among those involved in addressing the crisis.

The relationship of the key players involved in the Esperance lead contamination issue was extremely complex. Even though the Esperance Port Authority was the organisation at the centre of the crisis the Port was certainly not the only player affected by the
widespread effects and consequences of the crisis. Involved government departments, DEC, DOH and DPI also suffered reputation damage for their role in the crisis and the mining company Magellan Metals did as well.

Ironically though communication with communities in an industrially advanced society seems to have the lowest priority; despite playing a vital role in building and maintaining relationships with key stakeholders, managing an organisation’s reputation and building social capital. In the case of the Esperance Port Authority communication with its publics had either a low priority or the Port had no real understanding of how to address publics in a crisis. There is only one staff communication position at the Esperance Port Authority and although it is linked to the dominant coalition of the organisation, the management, it is an insufficient resource for a pollutant corporation of this size already facing ongoing environmental concerns, which now also has to rebuild trust and reputation among the Esperance community and various other key stakeholders.

The intersection of scientific discourse with communication discourse will continue to be a major issue for pollutant corporations faced with the challenge of complex scientific messages that need to be relayed correctly to the communities in which they operate. There is a definite need in practice for people with sufficient expertise to fill this gap.

Eighteen months on from the bird deaths and lead contamination that occurred in Esperance there has been no demonstrated, tangible change that a strategic communication plan is now in place at the Esperance Port Authority or at a government department level to deal with this ongoing environmental issue and the many other potential environmental concerns that this particular pollutant corporation could face.
Chapter 7 - References


Environmental impact. (2004). *Environmental impact of household energy use.* Retrieved 11 May 2007, [http://www.abs.gov.au/AUSSTATS/abs@.nsf/7d12b0f6763c78caca257061001cc588/a300c2a2b4e0b91fca2571b000197552](http://www.abs.gov.au/AUSSTATS/abs@.nsf/7d12b0f6763c78caca257061001cc588/a300c2a2b4e0b91fca2571b000197552)


Chapter 8 - Appendices


9. Timeline of the Esperance lead contamination issue


11. Figure 4.4 Quinton, S. (2007, March 14). Lead the likely cause. The Esperance Express, p. 1.


Nuclear Power

A parliamentary inquiry here has been looking into the safety of nuclear power plants - they're due to release their report soon. Safety has been the big bugbear of the nuclear industry. Since the accident at the Chernobyl power plant in the old USSR in 1986 - nuclear energy has been seen as a dangerous option. Particularly in an age of increased terrorism. But as we search for alternatives to our current energy sources that emit greenhouse gases; nuclear energy has made a bit of a comeback. Advocates of nuclear argue it's not only safe, but it's clean and green. Guests include Michael Smith from the Natural Edge Project in Canberra and Pepita Maiden who spent for years working for British Nuclear Fuels.

Listen to Nuclear Power (mp3, 12 MB)

date: 19/05/2006
reporter: Steve Cannane
An inconvenient truth

For years you've heard that the world's getting hotter, the ice caps are melting, extreme weather patterns are increasing - but have you believed it? Well AL GORE the would-be president of the United States did, he's studied it, travelled around the world giving lectures on it and now he's made a film about it. 'An Inconvenient Truth' is what it's called and as well as scaring the beejeepers out of people, points the finger directly at Australia for not signing on to the Kyoto Protocol.

Listen to An inconvenient truth (mp3, 3.2 MB)

date: 12/09/2006
reporter: Alice Brennan
The Stern Report

The release of the Stern report says that Global warming will cost the world 9 trillion dollars. The Australian government hasn't ratified the Kyoto protocol, and per head, Australia is the biggest emitter of greenhouse gases. So what has the government made of the stern report?

Listen to The Stern Report (mp3, 5.85 MB)

date: 01/11/2006
reporter: Kate O'Toole
Walk Against Warming

The Walk Against Warming was a protest raising awareness about climate change. Al Gore, The Stern Report, the local energy debate and a worsening drought have kept the issue on the front page recently, and last week the federal environment admitted that the government hadn't done enough to combat climate change and intended to do more. Michael Atkin went to the rally for HACK and asked the protesters what motivated them to get active.

Listen to Walk Against Warming  (mp3, 1.8 MB)

date: 06/11/2006
reporter: Michael Atkin
Liberal environment policy backs carbon trade, renewable energy

AMANDA BANKS
Support for a global carbon trading scheme, 20 per cent of WA's energy coming from renewable sources by 2020 and an overhaul of approvals processes are key planks of a Liberal Party draft environment policy to be released today.

State shadow environment minister Steve Thomas yesterday recognised the renewable energy target was ambitious and unlikely to be achieved without federal funding, but said WA had a key role to play in new technology and research.

Mr Thomas said while Australia could lead the development of a carbon trading system, he supported a global system which included all countries equally.

The 17-chapter draft promises to enhance the independence of the Environmental Protection Authority and separate the regulatory and management arms of the Department of Environment and Conservation to avoid conflicts of interest.

The paper reaffirms Liberal support for uranium mining, but says nuclear enrichment or nuclear energy was not foreseeable in WA.

Mr Thomas said initiatives to reverse the degradation of water systems were another major emphasis of the policy which would require a major investment and a more detailed and funded plan in the lead up to the 2009 election.

WA Conservation Council director Chris Tallentire yesterday applauded the Liberal Party's early release of the paper but had some concerns, including the insistence on a global carbon trading scheme ahead of a national system.

The draft policy has been released for two months public consultation.
Counting true cost of carbon scheme

KIM MACDONALD

The true cost of pollution and of a carbon trading scheme have been highlighted by revelations Verve Energy would need to plant at least 460 million trees to offset its greenhouse gas emissions.

Verve Energy said it would need to plant 40 trees to offset each of the 11.5 million tonnes of carbon dioxide it emits through its power stations annually. Currently the firm counteracts only 5 per cent of the amount.

Conservation Council director Chris Tallentire said the astonishing amount of trees needed to reverse damage caused by the greenhouse gases from one company alone showed why there was an urgent need for a mandatory carbon trading scheme.

"We need to legislate reductions in greenhouse gas emissions, because a 5 per cent offset is about as good as it's going to get if it's voluntary," he said.

Mr Tallentire said there was also an urgent need for clean coal technology, which would allow greater cuts to greenhouse gases.

The peak body representing power generators, the Energy Supply Association, admitted it could not make environmental inroads until there was a breakthrough in clean coal technology.

It shows the potential pressure a carbon trading scheme could put on land supply, even if tree planting was used by companies to offset as little as 10 per cent of its emissions.

Based on calculations using data from the Carbon Neutral Program, which runs tree-planting programs, Verve Energy claims it would need about 3833sq km of land — the equivalent of a 20km band running between Perth and Bunbury — to plant 460 million biodiverse trees at a cost of $1150 million.

But the Carbon Neutral Program disagreed with Verve's data, saying the firm would need to plant 57.5 million trees annually to offset the gases, with five trees taking 70 years each to work through one year's worth of emissions. It would cost about $143.75 million annually for the life of the project.

"The number of trees needed to offset emissions just goes to show what we are doing to the planet," spokeswoman Angela Tillier said.

Verve Energy spokesman Peter Winner said the company wanted to improve its performance and was actively taking part in the climate change debate.

"Community attitudes are changing and Verve Energy is taking notice. All of this takes time and will come at a cost," he said.

CARBON TRADING

| Annual household waste from a family of four: 1.84 tonnes, offset by 8 trees over 30 years |
| A medium sized car, travelling 15,000km a year: 3.78 tonnes, offset by 17 trees over 30 years |
| One round trip to London: 9.86 tonnes, offset by 43 trees over 30 years |
| Average annual household energy use of 6900 kilowatts of electricity: 6.83 tonnes, offset by 30 trees over 30 years |

TOTAL COST FOR 98 TREES: $291
Green Weddings

As you may have noticed lately, eco-friendly green products are a niche market that's taken off. A couple of weeks ago on Hack we told you about a guide book for how you can have carbon neutral sex. So what if all that eco-friendly sex makes you want to get married? Well fear not, there's now even a way to have a green wedding.

+ Listen to Green Weddings (mp3, 2.3 MB)

date: 21/03/2007
reporter: Kaitlyn Sawrey
Changes to New South Wales environmental laws make personal liability exposure for directors and management too onerous

By David Newhouse, National Leader, Environment & Sustainability, Deloitte

- Directors and management face new personal liability for environmental pollution, with removal of the 'no knowledge defence'
- Up to fivefold increases in penalties for polluting water, noise, air, waste and now land in New South Wales
- Exploring other key changes to New South Wales environmental legislation

Following amendments to the New South Wales Protection of the Environment Operations Act 1997 (POEO Act), which came into force in May 2006, directors and management are now at a much higher risk of being personally liable for their corporation's environmental offence and could face fines of up to $1 million and/or seven years' imprisonment.

Previously, directors and management could rely upon the 'no knowledge' defence, making it extremely difficult for the Department of Conservation (formerly the New South Wales Environment Protection Authority) to prosecute individuals associated with the corporation.

It will now be easier for the Department of Conservation to prosecute any individual associated with the corporation's activities if the corporation pollutes, whether it be water, noise, air, waste and now land. The changes mean directors or any person (including possibly even non-executive employees) concerned in the management of a corporation are now liable for the corporation's offence.

How and who these changes apply to are sketchy and will prove onerous for company directors and management, who will now need to rely on accurate reporting of environmental risks. This will mean that directors and management will need to ensure that environmental risks are fully integrated into the overall corporate risk management.

The big question: who and what will be affected by the new changes?

The amendments do not specify what level of management would be held personally liable under the new changes. 'A person who is concerned in the management of a corporation' is not defined under the POEO Act and probably will not be resolved until a case is tested in the New South Wales Land and Environment Court.

Possible interpretations of this phrase might limit liability to a person concerned with the central management of the corporation (for example CEO or executive officers) or some part of the management of the corporation (for example operations manager or environmental manager).

The latter interpretation was adopted by the New South Wales Court of Appeal (see Powercool Pty Limited v Industrial Relations Commission of New South Wales) in examining a similar management liability provision under the Occupational Health & Safety Act 2000 (NSW) (OHS & Act), casting the management net much further than was possibly ever anticipated.
'Due diligence defence'

By far the most significant change is the removal of the 'no knowledge defence' for directors and management. This means directors and management will be personally liable for the corporation's environmental offence, unless they can show 'all due diligence' and are in a position to influence the corporation.

The 'all due diligence' defence was considered in the case of SCDC v Kelly, whereby a person in such a position should use all due diligence to prevent the offence. The case found that 'everything properly regarded as due diligence should have been done'.

As a bare minimum, directors and management will now need to show that all likely environmental risks have been assessed and all appropriate precautions have been taken. It will no longer be good enough to rely on compliance with industry standards as an 'all due diligence' defence. In Ampol Ltd v Environmental Protection Authority and Ampol v Environment Protection Authority, Ampol was prosecuted for failing to take steps to prevent or reduce the amount of diesel escaping into the local creek. The court formed the view that compliance with industry standards was not enough and that Ampol had a general obligation to avoid or minimise environmental harm. However, the level of precautions a corporate must take to exercise 'all due diligence' remains unclear.

The Department of Environment and Conservation has not published any guidelines to assist directors and/or management to determine what steps are required to satisfy the 'all due diligence' defence. In contrast, New South Wales Workcover has provided some direction by publishing a due diligence checklist under similar personal liability provisions under the OH&S Act.

It is interesting to note that the draft Occupational Health and Safety Amendment Bill 2006 is proposing to remove the 'all due diligence' defence for directors and management by replacing it with a 'reasonable care' defence, a more lenient and practical test that should achieve the same outcome as the 'all due diligence' test.

Other key changes

Higher penalties

Now, under Tier 1 offences, the most serious, the maximum penalty for a corporation is $5 million and $1 million and/or seven years imprisonment for an individual—a fivefold increase. The maximum penalty for a strict liability environmental offence is now $1 million (continuing $120,000 daily).

Best practice audits

The Department of Environment and Conservation must carry out industry wide/regional compliance audits of licence conditions and determine whether such activities reflect best practice. It is now justified for the Department of Conservation to impose best practice licence conditions on corporations during licence reviews. This is likely to lead to corporations being required to update or replace plant, revamp environmental systems, change practices or substantially invest in new technology, in order to continue operating.

Expansion that licence holders must be a fit and proper person

The changes broaden matters that the Department of Environment and Conservation can consider in determining whether someone is a 'fit and proper person' to hold an environment protection licence. These changes include taking into account the previous record of compliance, any convictions of fraud, dishonesty and whether the corporation has had a controller or administrator appointed during the previous three years.

New land pollution offence

Under the changes, it will be a strict liability offence to pollute land. Corporations who place anything in or on land that causes actual or potential harm to the health or safety of human beings, animals or ecosystems, or actual or potential loss or property damage, that is not trivial, without an environmental protection licence, is guilty of an offence.

The maximum penalty for a corporation will be $1,000,000 and $250,000 for an individual.

New transportation of waste offence

As owners of waste, corporations may be liable for any pollution caused from the transportation of waste by their licensed waste contractors and subcontractors (maximum penalty for a corporation is $1,000,000 and $250,000 for an individual). Accordingly, the corporation can no longer contract out the transportation of waste to a licensed contractor and forget about where the waste ends up.

Green offset schemes

The Department of Conservation can now impose a green offset condition on an environmental protection licence (whether or not the green offset relates to the licensed premises or the licensed...
Table 1 Personal liability for directors and management

<table>
<thead>
<tr>
<th>Environmental laws</th>
<th>Statutory defence</th>
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<tbody>
<tr>
<td>Protection of the Environment Operations Act 1997 (NSW) (s 169)</td>
<td>☑ ☑ ☑</td>
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<tr>
<td>National Parks &amp; Wildlife Act 1974 (NSW) (s 175B)</td>
<td>☑ ☑ ☑</td>
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<td>Environmental Hazardous Chemicals Act 1985 (NSW) (s 53)</td>
<td>☑ ☑ ☑</td>
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<tr>
<td>Heritage Act 1977 (NSW) (s 159)</td>
<td>☑ ☑ ☑</td>
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<tr>
<td>Contaminated Land Management Act 1977 (NSW) (s 98)</td>
<td>☑ ☑ ☑</td>
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<tr>
<td>Native Vegetation Conservation Act 1977 (NSW) 2003 (s 45)</td>
<td>☑ ☑ ☑</td>
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<tr>
<td>Environment Protection and Biodiversity Conservation Act 1999 (Cth) (ss 495, 496)</td>
<td>☑ ☑ ☑</td>
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<table>
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<tr>
<th>Other laws</th>
<th>☑ ☑ ☑</th>
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<tr>
<td>Occupational Health &amp; Safety Act 2000 (NSW) (s 26)</td>
<td>☑ ☑ ☑</td>
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<tr>
<td>Draft Occupational Health &amp; Safety Amendment Bill 2006 (NSW) (Cl 20 Sch 1)</td>
<td>☑ ☑ ☑</td>
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</tbody>
</table>

☐ Person had no knowledge
☐ Exercised ‘all due diligence’ to prevent the offence
☐ Person not in a position to influence corporation’s conduct
☐ Person took ‘reasonable steps’ to prevent the offence

This may have significant cost implications by requiring corporations to ‘lock up’ and maintain land indefinitely whilst the licensed activities continue.

There is also some real uncertainty of the utility of the green offset scheme, if the corporation is able to develop the ‘locked away’ land once the licensed activity ceases.

New employer duty to notify

Employers now have a duty to notify the Department of Environment and Conservation for any environmental incident which threatens or causes material harm to the environment. This is in addition to the duty for occupiers, employees, agents, principals and individuals to notify the Department of Environment and Conservation.

An individual is required to notify the Department of Environment and Conservation, even though to do so might incriminate the person or make the person liable to a penalty. The maximum penalty for a corporation for not notifying is $1 million and $250,000 for an individual (continuing $120,000 and $60,000 per day respectfully for each day the offence continues).

Conclusion

There is great uncertainty around the scope for director and senior management liability. While this may be resolved in the courts, it would be better if the Department of Conservation provided guidelines on what level of management will be personally liable.

Nevertheless, corporates with environmental protection licences will need to ensure they have full integration of their environmental risks into the overall corporate risk management framework. They will also need to report accurate information to directors, executive and managers, and ensure that recommendations are followed and implemented diligently and in a timely fashion. There will also be a need to improve continuous feedback loops within the corporation to prevent and minimise environmental incidents.

With these changes, reliance on internal audits of environmental management systems and operations will become more important than ever before.

David Newhouse can be contacted on (02) 9322 7302 or at dnewhouse@deloitte.com.au.

Notes

1 [2005] NSWCA 35
2 (1991) 5 ACSR 607
3 (1994) 82 LCERA
4 [1995] NSWCCA unreported

July 2006 Keeping Good Companies
## Esperance lead contamination issue timeline

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
<th>Details</th>
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<tbody>
<tr>
<td>4 April 2005</td>
<td>First load of lead arrives at Esperance Port Authority by rail.</td>
<td></td>
</tr>
<tr>
<td>4 July 2005</td>
<td>1st shipment of lead concentrate.</td>
<td></td>
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<tr>
<td>30 August 2005</td>
<td>2nd shipment of lead concentrate.</td>
<td></td>
</tr>
<tr>
<td>September 2005</td>
<td>Esperance Port Authority conducts fourth marine sediment testing.</td>
<td>Results show low but increasing lead and nickel levels. For the first time lead is detected at all three berths above the ISQG (Interim Sediment Quality Guideline) - low levels.</td>
</tr>
<tr>
<td>12 October 2005</td>
<td>3rd shipment of lead concentrate.</td>
<td></td>
</tr>
<tr>
<td>26 October 2005</td>
<td>4th shipment of lead concentrate.</td>
<td></td>
</tr>
<tr>
<td>29 November 2005</td>
<td>5th shipment of lead concentrate.</td>
<td></td>
</tr>
<tr>
<td>20 December 2005</td>
<td>6th shipment of lead concentrate.</td>
<td></td>
</tr>
<tr>
<td>9 January 2006</td>
<td>7th shipment of lead concentrate.</td>
<td></td>
</tr>
<tr>
<td>24 February 2006</td>
<td>8th shipment of lead concentrate.</td>
<td></td>
</tr>
<tr>
<td>26 March 2006</td>
<td>9th shipment of lead concentrate.</td>
<td></td>
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<tr>
<td>3 May 2006</td>
<td>10th shipment of lead concentrate.</td>
<td></td>
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<tr>
<td>8 June 2006</td>
<td>11th shipment of lead concentrate.</td>
<td></td>
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<tr>
<td>29 June 2006</td>
<td>12th shipment of lead concentrate.</td>
<td></td>
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<tr>
<td>13 August 2006</td>
<td>13th shipment of lead concentrate.</td>
<td></td>
</tr>
<tr>
<td>27 August 2006</td>
<td>14th shipment of lead concentrate.</td>
<td></td>
</tr>
<tr>
<td>28 August 2006</td>
<td>Email from Port Team Leader to Harbourmaster raising concerns about the lead loading on 27 August 2006.</td>
<td>The load rate has improved but the Port Team Leader states there are “ongoing issues with containment of spillage and escape of fine lead material...” (Parliamentary Inquiry, 2007, p. 423).</td>
</tr>
<tr>
<td>10 October 2006</td>
<td>15th shipment of lead concentrate.</td>
<td></td>
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<tr>
<td>30 October 2006</td>
<td>16th shipment of lead concentrate.</td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td>Event Description</td>
<td></td>
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<tr>
<td>4 December 2006</td>
<td>Beyond the Mine Site workshop conducted by Esperance Port Authority with heavy metal producers. Highlights ongoing problems the Port has had including nickel odour and transportable moisture limit (TML) with lead concentrate.</td>
<td></td>
</tr>
<tr>
<td>5 December 2006</td>
<td>17th shipment of lead concentrate.</td>
<td></td>
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<tr>
<td>7 December 2006</td>
<td>First bird death reported in Esperance. 15 dead seagulls were collected near the Esperance Port Authority main office building. DEC believes these bird deaths were unrelated to later bird deaths.</td>
<td></td>
</tr>
<tr>
<td>11 December 2006</td>
<td>18th shipment of lead concentrate.</td>
<td></td>
</tr>
<tr>
<td>13 December 2006</td>
<td>Second report of bird deaths. 40 dead native birds were collected from a property adjacent to the Esperance Port Authority main office building.</td>
<td></td>
</tr>
<tr>
<td>15 December 2006</td>
<td>DEC Albany receives an anonymous complaint from an Esperance Port Authority worker stating that while other workers were cleaning conveyor belts that had loaded lead concentrate they dislodged the material “directly into the harbour beyond the immediate berth wharf”(Parliamentary Inquiry, 2007, p. 436). This information is passed on to the Esperance Port Authority’s Environmental Officer on 18 December who states “We are not treating this as a formal complaint as yet, due to it being hearsay. If we do receive something more concrete we will definitely be following up” (Parliamentary Inquiry, 2007, p. 436).</td>
<td></td>
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<tr>
<td>20 December 2006</td>
<td>Eight dead birds are sent for analysis. Over 100 dead birds were collected and frozen but were not suitable.</td>
<td></td>
</tr>
<tr>
<td>28 December 2006</td>
<td>By the end of December 2006 the DEC has received 20 individual reports of bird deaths. After initial reports DEC estimate 4,000 birds have died and state this figure is likely to be an underestimate.</td>
<td></td>
</tr>
<tr>
<td>Week commencing 25 December 2006</td>
<td>Bird death story breaks in local media – newspaper and radio Bird deaths are reported as a mystery with likely causes of death unknown.</td>
<td></td>
</tr>
<tr>
<td>14 January 2007</td>
<td>20th shipment of lead concentrate.</td>
<td></td>
</tr>
</tbody>
</table>
| 17 January 2007  | Complaint from DEC to the Esperance Port Authority. DEC requests the Port to answer a series of questions following an anonymous phone call made to the DEC from an Esperance resident who said “he had it on good authority that there were two large lead oxide spills in the Esperance Port late last
The response to DEC from the Port’s Environmental Officer was "I have asked DEC to get the original complainant to make the complaint anonymously to DEC so that DEC can make a formal complaint anonymously through their formal system and we can have accurate details rather than hearsay from a 3rd party" (Parliamentary Inquiry, 2007, p. 439).

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
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<tbody>
<tr>
<td>30 January 2007</td>
<td>Animal Health Laboratories (AHL) advises DEC that they need more birds for analysis.</td>
</tr>
<tr>
<td>January 2007</td>
<td>The Esperance Express continues to report on mysterious bird deaths.</td>
</tr>
<tr>
<td>1 February 2007</td>
<td>There are elevated lead levels in dead birds but AHL is unsure of the “natural chemical level” and, as a result, the analysis was inconclusive. (Parliamentary Inquiry, 2007, p. 439).</td>
</tr>
<tr>
<td>February 2007</td>
<td>The Esperance Express continues to report on Esperance Port lead and nickel exports.</td>
</tr>
<tr>
<td>5 March 2007</td>
<td>Stories include smells and dust coming from the Port. Speculation that substance from Esperance Port is cause of bird deaths.</td>
</tr>
<tr>
<td>6 March 2007</td>
<td>DEC receive laboratory report for the initial bird deaths from AHL</td>
</tr>
<tr>
<td>7 March 2007</td>
<td>DEC notifies DOH, Shire of Esperance and Esperance Port Authority that lead poisoning is the likely cause of bird deaths.</td>
</tr>
<tr>
<td>9 March 2007</td>
<td>Esperance Port Authority issued a media release stating that it will work with the Esperance Shire and DEC to “determine the source of lead that may have caused the bird deaths” (Parliamentary Inquiry, 2007, p. 444).</td>
</tr>
<tr>
<td>12 March 2007</td>
<td>Esperance Port Authority</td>
</tr>
</tbody>
</table>
announces to Magellan Metals the suspension of all lead related activities.

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
<th>Details</th>
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<tbody>
<tr>
<td>12 March 2007</td>
<td>Ivernia (Magellan Metals' parent company) issues a media release stating it has been notified by the Esperance Port Authority that its shipments of lead concentrate have been suspended pending the outcome of a government investigation into recent bird deaths.</td>
<td>The media release states Ivernia has recently become aware of DEC testing which &quot;suggests that 2 of the 4 birds tested died of lead poisoning&quot; (Parliamentary Inquiry, 2007, p. 445).</td>
</tr>
<tr>
<td>12 March 2007</td>
<td>DOH information sheet on bird deaths available on DOH and Esperance Port websites.</td>
<td></td>
</tr>
<tr>
<td>13 March 2007</td>
<td>DEC Esperance bird death update #2 available on DEC and Esperance Port websites.</td>
<td></td>
</tr>
<tr>
<td>15 March 2007</td>
<td>DEC issues a Prevention Notice on lead carbonate handling at the Esperance Port.</td>
<td></td>
</tr>
<tr>
<td>20 March 2007</td>
<td>DOH issues a media release stating &quot;Blood levels ease health concerns&quot; (Parliamentary Inquiry, 2007, p. 446).</td>
<td>The release stated that 84 Port workers were tested and that 75 per cent had lead levels below 10 micrograms per decalitre. 13 community members also had levels below 10 micrograms per decalitre. 10 micrograms per decalitre is the World Health Organisation's recommended limit for lead.</td>
</tr>
<tr>
<td>23 March 2007</td>
<td>The Esperance Express reports DOH are running a blood testing clinic at the Esperance Hospital.</td>
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<td>26 March 2007</td>
<td>Public meeting is held to discuss what the groups and stakeholders investigating the lead contamination have discovered. The meeting is open to all Esperance residents and includes representatives from DOH, DEC, Esperance Port Authority and the Shire of Esperance.</td>
<td>The meeting was co-organised by Esperance resident Michelle Crisp (also a member of LED, but the group has not formed yet)</td>
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<td>26 March 2007</td>
<td>DEC initial results from sediment sampling under the Esperance Port show &quot;very</td>
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March 2007 | The Esperance Express continues to report on Esperance Port lead pollution and bird deaths. | Stories include: Port’s lead license, community health concerns about lead, deficient lead handling and storage alleged, lead is likely cause of bird deaths, community outrage, lead in rainwater tanks, advice from lead expert, lead shipments halt.

March 2007 | Purple Communication is approached by the Esperance Port Authority Board to handle communication from the Port regarding the lead issue.

March 2007 | DOH Q&A about lead available on DOH and Esperance Port websites.

Start of April 2007 | A top-level Parliamentary Inquiry into the Esperance lead contamination is announced.

3 April 2007 | The Esperance Express reports an information day is planned by the DOH to discuss blood lead level result findings.

4 April 2007 | DEC issues a media release advising that isotope testing on samples taken in Esperance from birds; soil, sediment and water match Magellan Metals lead.

14 April 2007 | Second public meeting held.

18 April 2007 | LED forms, some members of LED were also a part of a community group called RED who worked with the Esperance Port on the export of iron ore in the early 1990s.

26 April 2007 | Deadline for Parliamentary Inquiry submissions. 101 submissions were received from Esperance residents.

April 2007 | The Esperance Express continues to report. Stories include: Minister for DPI visits, compensation call for residents, most blood tests are below WHO limit, isotope test results show bird deaths were caused by Magellan Metals lead and lead levels in
<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
<th>Additional Information</th>
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<tbody>
<tr>
<td>April 2007</td>
<td>Michael Jackson is appointed by Minister of DPI to coordinate the government's response to the lead pollution in Esperance.</td>
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<td>April 2007</td>
<td>Esperance Port Authority first 'Community Update' – a paid column in The Esperance Express.</td>
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<td>April 2007</td>
<td>DEC/Government Widening the Esperance Investigation Fact Sheet #3.</td>
<td>Available on DEC and Esperance Port Authority website.</td>
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<tr>
<td>8 May 2007</td>
<td>Esperance Port Authority Community Update column in The Esperance Express.</td>
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<tr>
<td>18 May 2007</td>
<td>Esperance Port Authority Community Update column in The Esperance Express.</td>
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<tr>
<td>25 May 2007</td>
<td>Esperance Port Authority Community Update column in The Esperance Express.</td>
<td></td>
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<tr>
<td>May 2007</td>
<td>The Esperance Express continues reporting.</td>
<td>Stories include: how to clean your house and Esperance Shire will clean playground equipment.</td>
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<td>1 June 2007</td>
<td>Esperance Port Authority Community Update column in The Esperance Express.</td>
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<td>7 June 2007</td>
<td>Minister for DPI announces that &quot;new evidence suggests that lead in the blood of Esperance residents comes from a number of sources and has not all originated from the Port&quot; (Parliamentary Inquiry, 2007, p. 450).</td>
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<tr>
<td>8 June 2007</td>
<td>Esperance Port Authority Community Update column in The Esperance Express.</td>
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<tr>
<td>15 June 2007</td>
<td>Esperance Port Authority Community Update column in The Esperance Express.</td>
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<tr>
<td>22 June 2007</td>
<td>Esperance Port Authority Community Update column in The Esperance Express.</td>
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<td>Date</td>
<td>Event Description</td>
<td>Location</td>
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<tr>
<td>29 June 2007</td>
<td>Esperance Port Authority Community Update column in The Esperance Express.</td>
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<tr>
<td>6 July 2007</td>
<td>Esperance Port Authority Community Update column in The Esperance Express.</td>
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<td>13 July 2007</td>
<td>Esperance Port Authority Community Update column in The Esperance Express.</td>
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<tr>
<td>August and September 2007</td>
<td>Random phone survey of 500 Esperance households was conducted by Coakes Consulting on behalf of the Esperance Port Authority to identify attitude and perception of the Port.</td>
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<tr>
<td>6 September 2007</td>
<td>Parliamentary Inquiry findings are presented to the Legislative Assembly.</td>
<td>Findings hold the Esperance Port Authority, Magellan Metals, BIS Industrial Logistics and DEC responsible for exposing the community of Esperance and workers to &quot;unacceptable and avoidable health and environmental risks&quot; (Parliamentary Inquiry, 2007, p. 339).</td>
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<td>30 November 2007</td>
<td>The West Australian reports that lead contamination fears are still present in Esperance with &quot;one in five tested backyard rainwater tanks recording elevated levels of the heavy metal while high blood lead levels remain in six children&quot; (Thomson, 2007).</td>
<td></td>
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<tr>
<td>January 2008</td>
<td>New look Esperance Port Authority newsletter the 'Esperance rePORT' is issued.</td>
<td>Available on Esperance Port Authority website and delivered to all Esperance households.</td>
</tr>
<tr>
<td>April 2008</td>
<td>Second edition of the Esperance Port Authority newsletter the 'Esperance rePORT' is issued.</td>
<td>Available on Esperance Port Authority website and delivered to all Esperance households.</td>
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Inquiry bittersweet for leading activist

JODIE THOMSON

The announcement of a top-level inquiry into the Esperance lead contamination crisis proved a bittersweet moment for the town’s own “Erin Brockovich”, Michelle Crisp.

The mother-of-two turned environmental crusader, who alerted authorities to the state of bird deaths now linked to lead exports from the port, welcomes the parliamentary committee inquiry but wonders why things were allowed to go so far.

Her earlier suspicions of the port were dismissed by some people in the town as “radical”.

She believes the inquiry should investigate how the system of checks and balances on the port failed the residents of Esperance.

Dozens of people have recorded elevated levels of lead and nickel in their rainwater tanks and 13 people, including two children below the age of one, have recorded lead in their blood above the internationally recommended levels.

Mrs Crisp, a health worker, continues to field phone calls from parents worried about what high lead levels in their children’s blood could mean for their development.

“I come away from those calls shaking my head, thinking this should never have happened,” she said. “Then I sit down and I think, at least this has been caught now and not years down the track when those levels could be higher.”

This week, the State Government finally confirmed that the lead which killed the birds and raised health fears in the coastal community had been identified through isotope fingerprinting as a carbonate product shipped through Esperance port.

Mrs Crisp and other concerned residents have formed LED, Locals for Esperance Development, to scrutinise the port’s handling and environment monitoring processes because they considered that the port authority and State Government departments had failed in those areas.

“The group has taken the stance of no lead through Esperance,” she said. “We trusted them and that trust has been breached.”

A $9 million port crane will handle container shipping by mid-year and the group is calling for all nickel concentrate to be shipped in containers. The Crisp, whose home overlooks the port, have had concerns for years over heavy metal shipments.

Proved right: Michelle Crisp’s early suspicions of lead contamination in Esperance were dismissed by some people in the town as ‘radical’. Picture: Kerry Edwards
THOUSANDS OF BIRD DEATHS IN ESPERANCE

Lead is likely cause

By SARAH QUINTON
sarah@quintont.com

AFTER months of waiting it has been revealed that lead poisoning is the likely cause of thousands of bird deaths in Esperance. Test results finally released by the Department of Environment and Conservation (DEC) reveal that the unusual number of birds found dead in December last year were poisoned by lead levels.

Local Environment Action Forum president Cheryl Bradley said the bird deaths attributed to lead poisoning indicates it could be a result of the port’s lead exports.

“If the port is found responsible, I believe the port’s licence should be revoked,” she said.

Minister for Planning and Infrastructure Alannah MacTiernan said although it is not confirmed whether the port is responsible for the lead in the atmosphere, the port should assume it is their fault and act accordingly.

“We are very concerned about these results and are well aware what lead can do to people,” the minister said. “As soon as we were made aware we contacted the Esperance Port Authority and extensive swabbing and testing of the area was undertaken.”

Ms MacTiernan said she is waiting for results of lead dust from the DEC to determine whether the loading of lead scheduled for next week will go ahead as planned.

“I have asked the port to consider alternative arrangements which they will discuss in a board meeting today,” she said.

Since Ms MacTiernan made this comment on Monday, the Esperance Port Authority released a statement suspending all lead coming in and going out of the port until the source of the lead that was responsible for some bird deaths in Esperance last January has been identified.

Ms MacTiernan said the port should consider implementing a clearer cascading shoot and upgrading the shed to minimise the amount of dust resulting from loading the lead.

The port’s licence wasEvaluate in January this year by DEC licensing officer Daniel Egdowski, who at the time said the port complied with all of its licence policies including its dust-monitoring program. However it was required to repair some gaps in the shed storing lead concentrates.

Ms Bradley believes neither the DEC nor the port should conduct the dust-monitoring program.

“I believe an independent dust-monitoring program should be implemented,” she said.

The DEC has directed the port to increase its air-quality-monitoring program before making any further shipments of lead carbonato.

The department will also observe loading at the port over the next few weeks to confirm that there are no dust emissions during loading.

Department of Health director Tim Eddolls said the department had not seen any evidence to suggest the general population has been exposed to a lead risk.

Port to halt lead shipments

THE Esperance Port Authority Board on Monday suspended the movement of lead into and out of the Port until the source of the lead that was responsible for some bird deaths in Esperance last January has been identified.

See page 3

Lead contamination health outcomes

LEAD poisoning can only be determined by blood test results and anyone who is concerned should see their general practitioner. An advisory group that develops and provides information on lead contamination also recommends anyone drinking rainwater should have it tested for elevated lead levels.

See page 4

More rain to come for Esperance

ESPERRANCE is unlikely to experience a dry season this year and the rainfall pattern will be above average according to Department of Agriculture and Food climatologist David Stephens.

See page 13
Community outrage

By LEIGH RITCHIE
leigh.ritchie@ruralpress.com

OUTRAGE at not being informed that lead carbonate concentrate has been coming through Esperance for more than 18 months and the fact that it is responsible for the current health scare was expressed by the community at an information meeting on Monday night at the Civic Centre.

However, the packed auditorium was not unanimous in calling for the port's lead export licence to be permanently revoked, with a motion needing two counts to confirm it had passed.

Another major concern to arise is the amount of nickel in the townsite and the small amount of information available about its health affects.

It was made clear to the Port Authority, Department for Health, Department for Environment and Conservation and the Shire of Esperance that the community is not impressed with their response when the birds began falling from the sky.

Evidence provided by the DEC, DoH and the shire all demonstrated the port is the epicentre of the lead and nickel.

The DEC summary of its action - and possible future action - against the port drew some of the loudest applause.

Experienced lead expert Brian Gulinson presented facts about lead being a "well known neurotoxin" and carbonate in "the most toxic form of lead you can have."

Mr Gulinson said lead amounts in local dust are "1000 times higher than we measure in Sydney houses."

Shire chief executive officer Mike Archer presented a map which showed where lead and nickel were found in the 287 rainwater samples returned so far, with a clear pattern being demonstrated close to the port.

Lead above acceptable levels was found in 53 tanks and high nickel readings were seen in 109 tanks.

DoH environmental health director Jim Dodds explained the reasoning behind their continued statement that there was no evidence to suggest a health problem had yet occurred.

Their latest blood test results (10 micrograms per decileitre is the maximum of World Health Organisation guidelines): 218 people have five or less; 16 have between six and nine; two have ten or over.

Continued page 3

Express Easter publishing dates
Due to the Easter holidays next week, the Esperance Express will be published on Tuesday and Thursday.

Port denies ex-employee allegations
A SPOKESMAN for the Esperance Port Authority said that the organisation denied claims by its former occupational health and safety officer that he was forced to resign from the company after questioning the lead blood level test results of port employees. See page 3

Conservation Council monitors lead pollution
ESPERANCE residents are not the only ones keeping a close eye on developments concerning the Esperance Port Authority's role in the deaths of thousands of local birds and the poisoning of rain water tanks. Events are being closely monitored by the Conservation Council of WA (CCWA) who say accountability and transparency issues involving the port and several government bodies are complex and will likely be resolved in a court. See page 4
Esperance residents consider legal action as local MP calls for parliamentary inquiry into heavy metals scare

JOSE THOMSON

Esperance port yesterday took a stand against the metal contamination crisis, saying lead readings more than 100 times recommended levels found in the harbour were due to a "once in a 100 year flood".

Facing a probe by the Department of Environment and Conservation, the port has gone into damage control mode, revealing yesterday it would appoint an independent auditor to review shipping and monitoring procedures and would consider ways to ship lead in a contained form.

Port chairman Jim Matijasevich said the elevated lead readings in the water below a discharge pipe were likely to have been affected by floods in January which created a pump commuting heavy metal in overflows.

Most of the overflow was contained, but a small amount was discharged into the jetty where the test samples were taken, he said. It was unlikely the results were representative of the entire port area.

The port board meet yesterday working to counter DEC allegations the port may have breached its licence by shipping lead in a loose concentrate form or by delaying re-reporting of high lead readings on lead monitoring equipment.

Mr Matijasevich, who was appointed chairman in October, said he believed the port had followed the required procedures under its licence but would not comment on specifics until a review had been completed.

The port's activities have been under investigation since the death of thousands of birds in the area was linked to lead poisoning.

Subsequent testing of rainwater, soils and ocean sediment surrounding the port has revealed high levels of lead and cadmium.

This week the Department of Environment and Conservation warned the public not to eat shellfish or fish caught in the area and some residents at a public meeting called for lead smelting to stop.

The port yesterday offered water filters to people whose water tanks showed lead levels above recommended guidelines. The ship was working its way through more than 900 properties to change tanks testing.

Mr Matijasevich said he was confident the community would accept the port's plan.

He also said the port would update a $10 million plan to accommodate container shipping.

Member for Roe, Graham Jacobs, said a parliamentary inquiry into the lead contamination issue was needed to examine whether the port and the DEC had met their responsibilities.

The DEC revealed this week it discovered lead carbonate was being transported in a loose concentrate form only last month, despite a number of port inspections since lead shipments began in July 2005.

Lawyer Phil Gleeson, of Slater and Gordon, said residents had contacted the law firm regarding possible action against the port over health concerns. A representative from the law firm is expected to be in Esperance next week to inspect evidence.

Fisherfolk officers will collect more fish samples from the Esperance port area for testing as authorities attempt to establish whether fish caught close to the port pose a health risk to eaters.

Graham Gath, a life member of the Esperance Surfcasting Club, said fishing for King George whiting close to the port would not be the same now he would have to return them to the water.

"It will be catch and release from now on, " he said. "I would not eat fish from there until fisheries have given the all clear. It is a very pleasant and popular spot to fish and it's a shame we can't eat the fish we catch."

Playboy fisher: Graham Gath, of the Esperance Surfcasting Club, says he will not eat fish close to the port until the area gets the all clear. Photo: Shane Smith