

Our Ref: G09/2082 PTD/0050

20th August 2009

Port Shutdown on 18 August 2009

All operations at Esperance Port were shut down on 18 August 2009 because of smoke in the Black Swan Nickel concentrate storage shed.

Black smoke was detected at 0545 and the Port's emergency plan was activated. At 0715 all operations at the Port were ceased.

As a precaution, under the Port Authorities Act 1999, s. 104, the Harbour Master directed the following:

1. On berth 1, loading of grain on the *Pacific Fantasy*, which had not started, was postponed
2. The tanker, *STX Ace 6*, which was discharging fuel on berth 2, was sent out to sea and the site evacuated
3. Loading was stopped on berth 3 on the *MV Kirmar* and seamen aboard were evacuated to the Seamen's Club, leaving a skeletal crew on board.

Normal operations were resumed when FESA declared all clear at 1800 on 18 August 2009.

Under s. 111 of the Port Authorities Act 1999, the Port has immunity from liabilities such as cost, arising from such actions taken to ensure safety of life and property. As such, the Port will not accept any liability for any delays caused as a result of its response to the incident. Damages incurred under such circumstances may be recovered from the relevant insurances held by concerned parties for the exercise of force majeure in the Port.

Our vision is to be the world's preferred land and sea port gateway to Western Australia

