

# Lake Macquarie Lead Community Reference Group - Terms of Reference

## NSW Environment Protection Authority

### Purpose

The purpose of the Lake Macquarie Lead Community Reference Group is to provide a forum to enable local communities in the suburbs of Boolaroo, Argenton and Speers Point in the Lake Macquarie area to engage with the Environment Protection Authority (EPA), NSW Health, Council, independent scientific experts and industry on issues, including potential human health risks, related to contamination of soil with lead and lead slag from the former Pasminco site.

The Reference Group will also consider the issues of lead in the wider Lake Macquarie local government area, where the disposal of lead slag from the Pasminco smelter was widespread. The Reference Group will initially operate for a period of two years. It will then be reviewed by the EPA Chair and Chief Executive Officer (CEO) and the Chairperson of the Reference Group to determine its future roles, structure and functions.

Responsibility for oversight of compliance with relevant government approvals by the company responsible for the former Pasminco smelter remains with relevant government agencies.

### Membership of the Reference Group

The Reference Group is to be composed of nine members who will be appointed by the CEO.

The membership will be comprised of:

- A Chairperson independent of the EPA.
- Four persons who will represent the interests of the local community and have genuine and diverse networks with the communities of Argenton, Boolaroo and/or Speers Point.
- One person to represent the local business community.
- One person to represent the local school communities.
- A maximum of two Councillors from Lake Macquarie City Council.

The Reference Group will be supported by the following advisors:

- One person who represents the company responsible for the former Pasminco lead smelter site.
- One person who is an officer or employee of Lake Macquarie City Council.
- One person who is an officer or employee of NSW Health.
- One person who is an officer or employee of the EPA.

The Reference Group is to have access to expertise from the Lead Expert Working Group (LEWG), and officers of the EPA and NSW Health, as required.

The EPA will provide secretariat and administrative resources for the Reference Group, including recording the minutes of each meeting. The minutes of each meeting will be made publicly available on the EPA website.

Each person who is appointed as a member of the Reference Group is to be a person who, in the opinion of the EPA demonstrates:

- a strong connection with the interest group he or she seeks to represent,
- the skills to represent that group,
- the capacity to take into consideration the views of other groups, and
- commitment to the purpose of the Reference Group.

Reference Group members will also be selected to ensure that the Reference Group represents a cross-section of interests.

## Independent Chair

The Chairperson is to be independent of the EPA. The Chairperson will demonstrate high level skills and extensive experience in effectively chairing meetings and dealing with complex issues.

The role of the Chairperson is to be a convenor, facilitator, mediator and advisor for the Reference Group. The position must undertake the role in an independent manner and ensure that the views of all members of the Group are expressed and considered.

The Chairperson will be appointed for the term of the Reference Group. In selecting the Chairperson, preference will be given to a candidate who can manage and represent the concerns of a variety of interest groups.

Selection criteria are:

- ability to convene and manage stakeholder committees in an effective and independent manner
- experience in community relations, facilitation, mediation or public advocacy
- understanding of the former smelter activities and awareness of local issues.

The Chairperson will report annually to the CEO on the operation of the Reference Group. The CEO will make this report publicly available on the EPA website.

The CEO may review the appointment of the Chairperson from time to time.

## Representatives

The CEO will appoint members to the Reference Group following a call for expressions of interest advertised in the local media.

Employees of the company, NSW Health, EPA or local Council are not eligible to be appointed as community representatives.

In selecting the community representatives, preference will be given to candidates who can represent the concerns of a variety of interest groups.

Selection criteria are:

- willingness to contribute constructively
- experience and ability to provide feedback to the community and stakeholder groups
- current residence in the local area and/or awareness of local and other relevant issues
- proven strong links to the community or other groups.

The CEO may review the appointment of community representatives from time to time, but at least every two years.

## Alternate Representatives

Alternate community representatives may be nominated by a community member. An alternate representative may substitute for a community member of the committee when the member is unavailable to attend a meeting.

Alternate representatives for company, state agency and council members may be appointed by their organisation and similarly may substitute for company, state agency and council members of the Reference Group.

## Company, State Agency and Council Support Staff

Company, state agency and council support staff for the Reference Group are to be appointed by the company, state agency and the council, respectively.

## Observers

The Reference Group may agree to any person acting as an observer to any meeting of the Reference Group. Observers cannot participate in the business of the Reference Group unless invited to do so by the Chairperson.

Representatives of the Lead Expert Working group, for example, will attend Reference Group meetings (on an as needed basis) at the request of the Chairperson.

## Functions of the Reference Group

The Reference Group has the following functions:

- To provide a conduit to inform and advise the community of actions being taken to investigate and manage legacy issues associated with the former PasmaInco smelter site.
- To promote dialogue and good working relationships between the company, the community, government agencies and other stakeholders in relation to management of legacy issues associated with the former PasmaInco smelter site.

- To identify and review any community concerns or complaints relating to the management of legacy issues associated with the former Pasmaenco smelter site and surrounds.
- To provide a forum for discussion and comment on the progress of recommendations of the Lead Expert Working Group in relation to management of legacy issues associated with the smelter site.
- To discuss community concerns and review the resolution of these concerns.
- To discuss how best to communicate relevant information on the progress of management of legacy issues associated with the smelter site to the broader community.
- To work cooperatively towards outcomes of benefit to the stakeholders represented on the Reference Group and the wider community.

The Reference Group may:

- Provide feedback to the company and/or relevant state agencies regarding management of legacy issues and community relations outcomes associated with the former smelter site.
- Undertake regular visits of the former smelter site and surrounds, as necessary.
- Review the company and/or relevant state agencies' processes for handling matters of community concern regarding legacy issues associated with the former smelter site.
- Provide advice to the company and/or relevant state agencies on how to address community relationships.

## Terms of Office Members

A member of the Reference Group may hold office for a period of two years.

A Reference Group member whose membership has expired and continues to meet the assessment criteria is eligible for reappointment by the CEO.

## Remuneration

All non-government members are eligible to receive remuneration (including travelling and subsistence allowances) as outlined in the Classification and Remuneration Framework for NSW Government Boards and Committees. As at December 2012, the rates of remuneration were as follows:

Member	Time	Rate
Chairperson	Full day	\$350
	Half day	\$175

Ordinary member	Full day	\$220
	Half day	\$110

A copy of the guidelines is available from [www.boards.dpc.nsw.gov.au](http://www.boards.dpc.nsw.gov.au).

## Vacancy in office of members

The office of a member becomes vacant if the member:

- is medically unfit,
- completes a term of office and is not reappointed,
- resigns from the office in writing addressed to the CEO,
- is removed from office by the CEO under this schedule and clause,
- is absent from four consecutive meetings of the Reference Group of which reasonable notice has been given to the member personally or by post, except where advice requesting an absence has been accepted by the CEO, or
- is convicted in NSW of an offence that is punishable by imprisonment for 12 months or more, or is convicted elsewhere than in NSW of an offence that, if committed in NSW, would be an offence so punishable.

The CEO may, at any time, remove a member from the Reference Group by advice in writing.

## Filling a Reference Group position

If a position on the Reference Group becomes vacant, the CEO will issue an expression of interest for nominations to fill the vacancy. Where no nomination is received the Reference Group may continue until such time that a suitable person nominates and is appointed.

## Communications and Reporting

All media statements or commentary on behalf of the Community Reference Group will be via the Chair and will reflect the recommendations and resolutions of the Group. Commercial in confidence information, or other confidential information brought to the Community Reference Group, will be respected and subject to the requirements of the Government Information (Public Access) Act 2009.

Any public discussions should focus on the role and purpose of the Community Reference Group and the expression of personal opinions or views must be clearly defined as being separate from, and not representative of the Group.

Publicly accessible information will be hosted via the EPA website. This will ensure that key information is available to the wider community. The EPA will establish a dedicated web page for the project.

The web page will contain the Terms of Reference for the Community Reference Group, minutes and any information prepared by external parties for the Groups reference.

## Disclosure of pecuniary interests

The Reference Group is a non-statutory group formed to advise the EPA and other government agencies on matters relating to community interest in management of legacy issues associated with the former Pasmenco smelter, particularly those relating to the suburbs of Boolaroo, Argenton and Speers Point. The disclosure of pecuniary interests for the Reference Group is an EPA requirement.

If a member of the Reference Group has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the Reference Group, and this interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter, the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Reference Group.

A disclosure by a member at a meeting of the Reference Group that the member:

- is a member, or is in the employment of a specified company or other body, or
- is a partner, or is in the employment of a specified person, or
- has some other specified interest relating to a specified company or other body or to a specified person, or
- has a financial interest in a matter being considered by the Reference Group

is considered sufficient disclosure of the nature of the interest in any matter relating to that company, other body or person which may arise after the date of the disclosure and is required to be disclosed under the Terms of Reference.

Particulars of any disclosure made under this clause must be recorded by the Reference Group in the minutes of the meeting concerned.

A member of the Reference Group is not disqualified from taking part in any deliberation of the matter, or in a decision with respect to the matter, because of the member's pecuniary interest.

## Procedures of the Reference Group

Subject to these Terms of Reference, the procedures of the Reference Group are to be drafted by the EPA and supported by the Reference Group.

## Quorum

The quorum requirement for any meeting of the Reference Group is that a majority of its members and the Chairperson are present for the duration of the meeting.

## **Presiding member**

The Chairperson is to preside at a meeting of the Reference Group.

The Chairperson has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

## **Voting**

A discussion supported by a majority of the votes cast at a meeting at which a quorum is present is a decision of the Reference Group.

## **Minutes**

The Reference Group is required to keep minutes of proceedings at its meetings. The EPA acts as secretariat to the Reference Group. The minutes will be publicly available on the EPA's website.

## **Meeting frequency**

As a minimum, the Reference Group will meet at least twice per calendar year, unless otherwise agreed in writing by the CEO.

## **Responsibilities of Reference Group Members**

Reference Group members must, at all times:

- Adhere to these Terms of Reference.
- Attend meetings regularly and punctually, and provide apologies in advance for meetings that they are unable to attend.
- Nominate an alternate if they are unable to attend.
- Participate in meetings in a constructive and effective way.
- Keep an open mind and be receptive to the input of others.
- Respect decisions of the Reference Group.
- Respect members of the Reference Group and their views.