

# Orica Mercury Independent Review Steering Panel Meeting

## 5 March 2014 – Outcomes and Actions

Attendees:	Mark Gifford (EPA, Chair), Greg Sheehy (EPA), Professor Alison Jones (University of Wollongong – via teleconference), Professor Mark Ferson (NSW Ministry of Health), Steven Poulton (CoBB Council), Talebul Islam (Randwick City Council), Chantal Snell (Community Member), Lynda Newnam (Community Member), Zack Thomas (EPA, Executive Officer).
Apologies	Dr Klaus Koop (OEH)
Documents distributed	<ol style="list-style-type: none"> <li>1. Agenda</li> <li>2. Outcomes and Actions from 30 January meeting</li> <li>3. Stakeholder Engagement Schedule – Steering Panel feedback and responses</li> <li>4. Draft Community Forum notes</li> </ol>

Item	Discussion/Action	Responsibility	Actions
1	<p><b>Welcome and apologies</b></p> <p>Apologies received from Dr Klaus Koop (OEH)</p>		
2	<p><b>Outcomes and actions of 30 January meeting</b></p> <ul style="list-style-type: none"> <li>• 2.1 Newsletter sent to GPs and list of GPs to Mark Ferson</li> <li>• 2.2 Questions and responses regarding Stakeholder Engagement Schedule prepared</li> <li>• 2.3 Stakeholder engagement schedule to be ongoing Agenda item</li> <li>• 3.1 Feedback on report provided to CDM Smith</li> <li>• 3.2 CDM Smith provided final report</li> <li>• 4.1 Community forum invite delivered late due to issues with printing company</li> <li>• 4.2 Factsheet and copies of newsletters and report supplied at forum</li> <li>• 5.1 Expert advice from EPA Air Policy sought on air modelling</li> <li>• 5.2 EPA released report to website on Friday 7 February</li> </ul>		

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3	<p><b>Discussion: Outcomes of Stage 1 Community Forum 12 February 2014</b></p> <ul style="list-style-type: none"> <li>• The Steering Panel felt that the forum went well overall. It was facilitated well and CDM Smith provided good detail of the work and answers to questions.</li> <li>• Despite late delivery of the invite newsletter, there was still good attendance as it was well advertised on the website and other media.</li> <li>• There was no mention of the event in the Mayoral columns or the library and this event may not have been given priority.</li> <li>• Attendance of NSW Fisheries would have been preferred.</li> </ul>	<p><b>Steve Poulton, Talebul Islam</b></p> <p><b>EPA</b></p>	<p><b>Action 3.1</b> <b>Provide feedback to Councils regarding the importance of the independent review</b></p> <p><b>Action 3.2</b> <b>Provide future communications messages to Steve, Talebul and council General Managers as well as the Mayors</b></p>
4	<p><b>Feedback on notes and Q&amp;As from the community forum prepared by Elton Consulting</b></p> <ul style="list-style-type: none"> <li>• Remove 'from panel' column.</li> <li>• Note that panel members do not claim an honorarium or extra payment for their work on the review.</li> <li>• The panel is pleased that information is being provided to the public.</li> </ul>	<p><b>Zack Thomas/ Pam Wilson</b></p>	<p><b>Action 4.1</b> <b>Finalise session notes and put onto webpage</b></p>
5	<p><b>Discussion: Operation of the Steering Panel and appointment of an 'independent' chair as suggested by the Fell Review</b></p> <ul style="list-style-type: none"> <li>• The question was raised if the Fell Review was endorsed by the EPA and it was confirmed that it was.</li> <li>• It was also questioned whether anybody else had authored Professor Fell's report It was confirmed that the review and the report were solely Prof. Fell's work.</li> <li>• A panel member asked if residual PCB issues discussed in the Fell review would be considered by this steering panel. This is to be discussed in a future panel meeting.</li> </ul> <p><u>At this point, Chair Mark Gifford left the room and Zack Thomas acted as chair</u></p>	<p><b>Zack Thomas</b></p>	<p><b>Action 5.1</b> <b>Add as future agenda item</b></p>

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- Panel discussed ‘Do we need an independent chair?’ and ‘What does ‘independent’ mean in this context?’
  - The panel agreed that the chair should be independent of Orica.
  - It was noted that it would be difficult for someone new to step into the chair role now as they would not have been ‘on the journey’ of the review.
  - A new chair may create a perception issue for the community about the operation of the steering panel. The reputation of the panel to date could be discredited.
  - Discussion occurred about possible new chairs. This included current panel members and others.
  - The panel noted that Mark Gifford as chair had been well organised, thoughtful and logical.
  - The panel noted it may reject the Fell recommendation if it wished to.
  - The panel was established by the Minister who may need to be consulted.
  - It may be possible to improve the procedures and credibility of the panel by including another independent person, for example a probity officer, with governance rather than technical expertise, possibly as a deputy chair.
- At this point a vote was taken whether the panel should seek a new chair
- Four members voted No; one member voted Yes. Two members abstained (one being the EPA representative).
- Resolutions:
1. The steering panel will not seek a new chair.
  2. The steering panel agreed that the EPA Board should be approached to request that the Minister make a recommendation for a new panel member and to consider any recommendations for that member made by current members of the panel.

**Greg Sheehy**

**Action 5.2  
Prepare request for the EPA Board**

6	<p><b>Stage 2 Procurement process</b></p> <p><u>At this point Mark Gifford returned as chair</u></p> <ul style="list-style-type: none"> <li>• A panel member asked if the goal of the testing is to find if there is mercury or show that there is no mercury contamination. It was discussed that the testing would be designed to assess if there is any health risk from mercury contamination in a scientifically objective manner.</li> <li>• There was discussion about discharges to sewer under the trade waste agreement. The Stage 1 report showed there is nothing to suggest that there is a need to test either the sewers or factors associated with Malabar sewage treatment works as part of Stage 2.</li> <li>• It was suggested that Penrhyn Estuary foreshore should be tested, but this was not supported by the panel as testing has occurred in the estuary previously and this has not shown there to be a risk.</li> <li>• A control site outside the sampling area will also be tested.</li> </ul>		
7	<p><b>Stakeholder engagement</b></p> <ul style="list-style-type: none"> <li>• A discussion should take place next meeting regarding communications for stage 2 including metrics and quantifying engagement and use of proactive processes.</li> </ul>	Zack Thomas	<p><b>Action 7.1</b>  <b>Include on the agenda for the next meeting and invite Pam Wilson</b></p>
8	<p><b>Budget</b></p> <p>No update</p>		
9	<p><b>Other business</b></p> <ul style="list-style-type: none"> <li>• The panel discussed the 'Outcomes and Actions' document and whether or not more detailed minutes should be taken. The minutes from the Ports community meetings were identified as a possible example.</li> </ul>	EPA	<p><b>Action 9.1</b>  <b>To make inquiries about the minuting of the Ports meetings for comparison</b></p>
10	<p><b>Dates for forthcoming meeting</b></p> <ul style="list-style-type: none"> <li>• Wednesday 7 May at 10am until 1pm <b>(subsequently changed to 1pm)</b></li> <li>• Wednesday 11 June at 10am until 1pm</li> </ul>		