

Lead Expert Working Group – Lead exposure management for suburbs surrounding the former Pasminco Lead Smelter

Terms of Reference

The terms of reference support and guide the activities of the Working Group.

1 Context

The NSW Environment Protection Authority (EPA) Chair and CEO has recommended the NSW EPA establishes a 'Lead Expert Working Group' (Working Group) to evaluate the effectiveness of the Lead Abatement Strategy and other remediation activities relating to lead contamination arising from the former Pasminco lead smelter located at Boolaroo, NSW.

The purpose of this working group is to understand what has been done in the past and to determine what if any actions are required in the future, informed by new blood testing results, to further address lead contamination in the area, particularly where exposure pathways are identified.

2 Functions and Role of the Working Group

The proposed functions of the Working Group are to:

1. Consider actions taken to date to limit exposure of children to lead in the Boolaroo area and surrounding suburbs if appropriate including the actions and outcomes of the Lead Abatement Strategy; and
2. Respond to the outcomes of the 2015 blood lead monitoring program, being planned by the Department of Health, on options for further lead management, should the need be identified.
3. Provide advice to the EPA on cost effective, long term disposal options for management of black slag and lead contaminated soil.
4. Provide advice to the EPA on measures to protect the local community from ongoing and future risks associated with legacy contamination arising from the former Pasminco lead smelter.

The Working Group will be responsible for:

- providing advice and guidance to the EPA and government broadly.
- addressing any issues that may arise as a result of new information becoming available related to the issue.
- reconciling differences in opinion and approach, and resolving disputes arising from them.

The role of individual members of the Working Group includes:

- appreciating the significance of the issue for any stakeholders and representing their interests.
- being an advocate for positive environmental and community outcomes.

In practice, this means they:

- ensure the requirements of stakeholders are met.
- help balance conflicting priorities and resources.
- provide guidance to government.
- consider ideas and issues raised.
- review progress.
- check adherence of activities to standards of best practice.

All members of the Working Group are expected to be aware of and comply with the “NSW Government Boards and Committees Guidelines”, see Appendix A.

3 Role of the Chair of the Working Group

The Chair, Adam Gilligan, NSW EPA, Regional Manager Hunter shall convene the Working Group meetings. If the designated Chair is not available, then an alternative EPA representative will be responsible for convening and conducting that meeting.

The Chair will be responsible for the overall functioning of the Working Group, compliance with these Terms of Reference, review of the Terms of Reference and providing the outcomes of the Working Group’s findings to the public when it is complete.

In addition, the Chair will conduct effective meetings, provide leadership to the group, ensure all members are provided equal opportunity to contribute, and ensure members conduct themselves in a respectful manner.

Members may nominate an alternate representative in advance of any meeting.

Additional persons may be invited to join the Working Group with the agreement of all members of the Working Group. Relevant persons may be invited to attend meetings to provide presentations, expert technical information, or for other purposes, as agreed by the Group.

4 Membership of the Working Group

The Working Group will be comprised of:

Agency/Organisation	Nominated Participants	Title
NSW EPA	Adam Gilligan (Chair)	Regional Manager Hunter
	John Coffey	Major Project Coordinator
NSW Health, Hunter New England Health	Dr Craig Dalton	Public Health Physician
Lake Macquarie City Council	Dean Chapman	Environmental Security Coordinator
University of Sydney	Associate Professor Stephen Cattle	Associate Professor in Soil Science, Department of Environmental Sciences
Macquarie University	Professor Mark Taylor	Professor of Environmental Science, Department of Environmental Sciences
Environ	Graeme Nyland	EPA Accredited Contaminated Site Auditor

The EPA will provide secretarial support for the Working Group and other support as required. On approval of the Chair, other specialists will provide support to the Working Group from time to time.

5 Operation of the Working Group

Agenda

All Working Group meetings shall have the following as standard agenda items:

- Welcome and adoption of agenda
- Declaration of interests
- Endorsement of previous minutes
- Other business

The draft agenda should be circulated for comment ten (10) working days prior to the next scheduled meeting. The Working Group agenda, with attached meeting papers should be distributed at least five (5) working days prior to the next scheduled meeting. The Chair has the right to refuse to list an item on the formal agenda, but members may raise an item under 'Other business' if necessary and as time permits.

Minutes and meeting papers

The draft minutes of each Working Group meeting will be prepared by the EPA. Full copies of the minutes, including attachments, shall be provided to all Working Group members within ten (10) working days following each meeting, where possible. The final minutes will be adopted by the Working Group at its next meeting.

By agreement of the Working Group, out-of-session decisions will be deemed acceptable providing a quorum of members are involved in the decision. Where agreed, all out-of-session decisions shall be adopted by the Working Group at its next meeting and recorded in the minutes. Minutes will be available to the public on the EPA website within ten (10) working days of their acceptance by the Working Group.

Meetings

The Working Group shall meet on a needs be basis. The dates for upcoming meetings will be, where possible, scheduled two meetings in advance. It is expected that all members will attend all meetings, however in the instance that a member is unable to attend an apology may be sent to the Chair in advance and the apology recorded in the minutes.

If a member (or alternative representative) is absent from three (3) consecutive meetings, the consent of the Working Group will be required, or it may be considered that the member is no longer able to commit adequate time to his or her role. In the event that a member is absent from three (3) meetings without consent of the Working Group, the Chair shall seek a new representative from the relevant agency or organisation.

Meetings will generally be hosted by Lake Macquarie City Council, 126–138 Main Road, Speers Point NSW 2284. From time to time the Chair may approve the relocation of the meeting, where required. Participation in meetings can be via phone.

Quorum requirements

A minimum of four (4) Working Group members is required for the meeting to be recognised as an authorised meeting for the recommendations or resolutions to be valid. It should be noted that the recommendations or resolutions of the Working Group are advisory in nature and are not binding on the EPA or government broadly.

Meeting expenses

A half day sitting fee of \$110 or full day of \$220 as nominated in the “Classification and Remuneration Framework for NSW Government Boards and Committees” prepared by the Public Service Commission Directive 2012 will be available to those eligible members.

If required, sitting fees and expenses may be claimed by Working Group members, in accordance with - SC-PS30- New Board Member Placement Notification Fact Sheet, which will be supplied on request.

In line with NSW Government policy decisions against “double-dipping”, public sector employees appointed to NSW government boards or Working Groups do not receive remuneration.

Decision making

All attempts will be made to have a consensus on all decisions made. Failing consensus a 2/3 majority of members in attendance will be required to have a decision made.

6 Communications and Reporting

All media statements or commentary on behalf of the Working Group will be via the Chair and will reflect the recommendations and resolutions of the Working Group. Commercial in confidence information, or other confidential information brought to the Working Group, will be respected, subject to the requirements of the Government Information (Public Access) Act 2009. Any public discussions will focus on the technical nature of the project.

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 Working Group, the agreed scope of work for the project, any relevant documents, any progress reports as agreed by all parties, the final report, and any information packages prepared by the EPA in relation to the study and its findings.

7 Community Engagement

The EPA is responsible for community engagement activities related to the operation of the Working Group. This will include but not be limited to:

- Publication of meeting minutes on the EPA website;
- Production of fact sheets, brochures and similar information for dissemination to the community;
- Community outreach activities; and
- Media releases.

8 Cessation of the Working Group

The Working Group will cease when the terms of reference have been met and its final recommendations are tabled and accepted by the EPA.

Appendix A –

NSW Government Boards and Committees Guidelines (July 2013)

http://www.dpc.nsw.gov.au/__data/assets/pdf_file/0020/154127/2013-170983_NSW_Government_Boards_and_Committees_Guidelines.pdf