

Botany Mercury Independent Review Panel

TERMS OF REFERENCE

1 Scope

1.1 Purpose

The Environment Protection Authority (EPA) has decided to undertake an independent review of the environmental and health impacts from historic mercury emissions from Orica's former Chlor Alkali Plant at Banksmeadow. The Botany Mercury Independent Review Panel ('the Panel') will aim to restore community confidence in current and legacy projects managed by Orica and regulated by the EPA. The Panel provides stakeholders an opportunity to direct and oversee an independent review of the environmental and health risks associated with the historical emissions of mercury by Orica.

1.2 Goals & Outcomes

In relation to the historical operation of the former Chlor Alkali Plant at Banksmeadow, the Panel will:

- Determine if there is residual elevated health risk to the adjacent community associated with mercury emissions from 1945 until the plant closed in 2002;
- Determine if there are any current sources of community exposure to mercury that are not subject to identified management action;
- Provide an Independent Review Report, with recommendations, within x months;
- Ensure the investigation is conducted in an open and transparent manner and is communicated to the community; and
- Assist in restoring community confidence into the regulation of Orica's Banksmeadow site.

1.3 Success Measures

Success will be measured by the following:

- Agreement by the Panel members on a scope of works for the Independent Review;
- The engagement of a suitable expert(s) to undertake the review, and agreed to by the Panel members by XXXXX;
- A completed Independent Review Report, in accordance with the scope of works by XXXXX;
- Evaluation by the Panel of findings and recommendations from the Independent Review Report, to be communicated to the community via the EPA website; and
- Development of an action plan by Orica for the implementation of the recommendations of the Independent Review Report.

2 Authorities & Accountabilities

2.1 Chairperson

The EPA nominated Chairperson is Mr Mark Gifford, Chief Environmental Regulator. The Chairperson will be responsible for the overall functioning of the Panel, compliance with these Terms of Reference, review of the Terms of Reference, and providing Panel outcomes to the community when complete.

2.2 Accountability & Reporting

The Panel through the Chairperson will provide the Independent Review Report and make recommendations to the EPA. Details of reporting, including the frequency and type of reports to be produced and received, will be assessed by the Panel.

2.3 Variation of Terms of Reference

Changes to the Terms of Reference may be initiated by the Chairperson and will be considered following a request from members of the Panel. Changes to the Terms of Reference will seek a consensus from the members with final approval of the Chairperson.

3 Membership

3.1 Members

Members of the Panel, as nominated by the Environment Protection Authority confirmed by the organisation members, include:

- Mark Gifford, EPA Chief Environmental Regulator (Chairperson)
- XXXXX Environment Protection Authority (or nominee)
- XXXXX Department of Health (or nominee)
- XXXXX Science representative Office of Environment and Heritage (or nominee)
- XXXXX Botany Bay Council (or nominee)
- XXXXX Independent Health expert (or nominee)
- XXXXX Two Community representatives

The representatives are expected to represent their organisations, including ensuring appropriate two-way communications with relevant staff and management. If required, membership will be periodically reviewed, at a timeframe determined by the Chairperson.

3.2 Chairperson

Mr Mark Gifford, Chief Environmental Regulator, Environment Protection Authority.

3.3 Executive Officer

The role of the Executive Officer will be carried out by Zack Thomas from the EPA. The Executive Officer will be responsible for the administration and operation of the Panel, including organising meeting logistics, circulating papers, tracking action items and similar. This person will also be a point of contact for operational issues related to the Panel.

4 Operation

4.1 Internal Communication

All Panel members will conduct themselves in a positive manner. Discussion should be focussed on issues aimed at restoring the community confidence in the remediation works and addressing the community's concerns regarding the management of mercury associated with Orica's former Chlor Alkali Plant.

The preferred approach to decision making is that this will be by consensus. However, in the event that this is not possible, the Chairperson will hold the casting vote.

4.2 External Communication

All public discussion of the Panel is to be sensible and limited to the basic purpose and goals of the Panel. If more detailed information is externally requested, such as the outcomes of conclusions and recommendations of the Panel, then this is to be released only by the Chairperson.

4.3 Public Website

Publicly accessible web information will be hosted via the EPA website. This will ensure that key information is available to the wider community.

The website will contain copies of:

- The Terms of Reference of the Panel
- Scope of Works of the Independent Review
- List of available documents to be considered under the review provided by:
 - Orica
 - Environment Protection Authority
 - NSW Department of Health
 - XXXXX

Each member organisation website shall provide links back to this website.

4.4 Standard Meeting Procedures

The Panel will meet as required, by face-to-face, tele- or video-conference as determined by the members. The structure and content of each meeting will be determined by an agenda, approved by the Chairperson, circulated prior to each meeting.

4.5 Frequency

It is generally anticipated that the Panel will need to convene XXXXX from the first meeting of the XXXXX until XXXXX, or otherwise as determined by the Chair.

From time to time the Chair may determine that this frequency or timing be altered, as required.

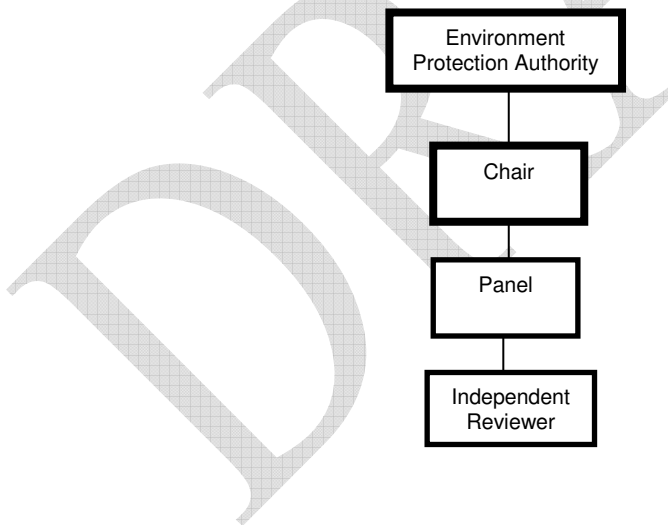
4.6 Location

Meeting will generally be hosted by the Environment Protection Authority at 59 Goulburn Street, Sydney.

From time to time the Chair will approve the relocation of the meeting, where required.

4.7 Final Decision-Making

The process for decision-making is represented below. The Independent Reviewer will provide a report and recommendations (if any) to the Panel. Final decisions regarding the implementation of any or all recommendations from the Panel rest with the EPA.



4.8 Funding of Independent Review

The agreed Scope of Works for the Independent Review will be funded by Orica. This funding does not include funds for other separate reviews by the Panel members or the independent engagement of alternate experts by Panel members during the course of this review.

The independent Reviewer shall provide an estimate of cost of the work prior to commencement.

The Panel shall review and approve the costs for the Independent Reviewer and any variations.

4.9 Meeting Expenses

4.10 Cessation of the Independent Review

The cessation of the Independent Review will occur when the Review recommendations/ findings have been provided to the panel or at another time determined by the Chairperson.

4.11 Cessation of the Panel

The cessation of the Panel will occur at a time determined by the Chairperson.

5 Additional Information

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