

FELL CONSULTING PTY LTD

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16 October 2014
The Hon Robert Brown MLC
Chair
General Purpose Standing Committee No 5
NSW Legislative Council
Dear Mr Brown

Inquiry into the performance of the NSW Environment Protection Authority

Yesterday I viewed the uncorrected proof report of the proceedings of the above committee, and, in particular that part of the enquiry when the Committee heard from Mr Andrew Helps of Hg Recoveries.

I note your admonition at the start of the proceedings "I remind everyone that Committee hearings are not intended to provide a forum for people to make adverse reflection about other persons under the protection of parliamentary privilege. I therefore request that witnesses focus on the issues raised by the inquiry's terms of reference and avoid naming individuals unnecessarily."

In the draft record I believe that I have been named unnecessarily, and in a way that has the potential to harm my activities as a scientific consultant.

As you aware, I was asked by the NSW Chief Scientist and Engineer to conduct an investigation of the response by the EPA into mercury pollution at Botany and to evaluate the Authority's actions. The report was submitted in December 2013. Hg Recoveries subsequently provided a commentary on the report and I was asked to comment on the issues raised. Both the original report and the response document (January 2014) were subsequently tabled in Parliament by the then Minister for the Environment and became publicly available.

In testimony to your Committee, the representative of Hg Recoveries has made a number of claims:

- ***That I had a conflict of interest, having worked for ICI Australia on the Botany site for 18 months in the 1960s.*** This was fully disclosed to EPA and my fitness to be a consultant on the investigation was subsequently cleared by the Probity Office.

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- ***That I was not the author of the full report and wrote only two-and-a-half pages of it.***
I have previously dealt with this allegation, indicating that it is totally untrue. I authored the whole of both documents tabled in Parliament. This was one of the matters raised by Hg Recoveries in their commentary on the report and my response was communicated to Hg Recoveries and to the media at the time.
- ***That the EPA did not provide me with full documentation to assist me in my investigation.***
As I noted in my response to Hg Recoveries commentary on the report, I had the full cooperation of the contact officer at the EPA in providing any information I requested as a result of my interviews and investigations. This included letters from Hg Recoveries to the Minister and the Minister's Chief of Staff. I did not include these in the list in the report of correspondence specifically between Mr Helps of Hg Recoveries and the EPA.

Despite my refutation of all of these claims in public previously, I believe that it will be damaging to my reputation as a consultant to have them raised again in the transcript of your Inquiry, with my name associated with them and would ask that the draft transcript be amended to correct this.

Should the Committee see benefit in this, I would be very willing to attend as a witness to augment the material I have already provided in the report and in the response to Hg Recoveries commentary on the report.

Yours sincerely

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