

**Submission
No 3**

INQUIRY INTO KOORAGANG ISLAND ORICA CHEMICAL LEAK

Organisation: Joint submission from:
Ministry of Police and Emergency Services
NSW Police Force
Fire and Rescue NSW

Date received: 3/11/2011



**Ministry for Police &
Emergency Services**

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- 3 NOV 2011

Mr Robert Borsak MLC
Chair
c/The Director
Select Committee on the Kooragang Island Orica Chemical Leak
Legislative Council, Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Mr Borsak

Thank you for your correspondence of 13 October 2011 in relation to the Inquiry into Kooragang Island Orica Chemical Leak, which you are conducting on behalf of the Legislative Council of the NSW Parliament.

I have attached three documents in response to relevant Terms of Reference of your inquiry. These submissions are provided in response to your request to the Ministry as well as to the Commissioners of the NSW Police Force and Fire and Rescue NSW.

I trust that this information will be of value to the Inquiry.

Yours sincerely,

Les Tree AM
Chief Executive Officer



Submission to the Inquiry into Kooragang Island Orica Chemical Leak

Role of Police and Emergency Services

Broadly, the Emergency Services portfolio consists of two key agencies or functions which have a consequential involvement in relation to major pollution incidents: Fire and Rescue NSW, as established by the *Fire Brigades Act 1989* and the broader NSW Emergency Management Arrangements, established by the *State Emergency and Rescue Management Act 1989*.

Fire and Rescue NSW is designated as the Combat Agency for hazardous materials/emergencies occurring on or in inland waters, in both legislation and the State Disaster Plan. Section 6 of the *Fire Brigades Act 1989* stipulates that:

It is the duty of the Commissioner to take all practicable measures:

- (a) for protecting and saving life and property endangered by hazardous material incidents, and
- (b) for confining or ending such an incident, and
- (c) for rendering the site of such an incident safe.

The State Disaster Plan as established by the *State Emergency and Rescue Management Act 1989*, details emergency prevention, preparedness, response and recovery arrangements for NSW to ensure the coordinated response by all agencies having responsibilities and functions in emergencies.

The State Disaster Plan (DISPLAN) is the principal document which outlines the overall agreed roles and responsibilities of different agencies and functional areas. Arrangements between the different agencies involved in Emergency Management are documented in plans. These plans are then endorsed by the appropriate emergency management committee at each respective level (Local, District/Regional and State).

The DISPLAN has a series of Sub Plans, which address specific hazards, and Supporting Plans, which outline arrangements for agencies that may act in a supporting role in the response to any particular hazard (functional areas).

Combat agencies are agencies identified in the DISPLAN as responsible for the initial response to a particular hazard, for example the NSW Rural Fire Service for bush fires, the NSW State Emergency Service for storms, floods and tsunami and FRNSW for urban fires, Urban Search and Rescue and hazardous materials incidents on land.

The responsibility of Fire and Rescue NSW in relation to hazardous materials incidents is also echoed in the HAZMAT/CBR Plan which is established as a Sub-Plan to the State Disaster Plan.

Major Pollution Incident Notification

The current *Protection of the Environment Operations Act 1997* (the Act), part 5.7 details the requirements for industry to notify of pollution incidents.

Specifically, the Act requires that industry notify the regulator (in this case the current Office of Environment and Heritage) of incidents that:

- involve actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial, or
- result in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (or such other amount as is prescribed by the regulations), and
- such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment.

For the purposes of this Part of the Act, it does not matter that harm to the environment is caused only in the premises where the pollution incident occurs. The notification must be made by a person, employer or occupier as soon as practical after the person becomes aware of the incident.

This section is particularly relevant to Fire and Rescue NSW (as an emergency service) maintains a long standing Memorandum of Understanding between the Office of Environment and Heritage and Fire and Rescue NSW requires that if the Office of Environment and Heritage (EPA) Duty Hazmat Advice Coordinator is notified of a hazardous materials incident from a source other than Fire and Rescue NSW, that the EPA is to notify Fire and Rescue NSW of the incident.

In addition to the *Protection of the Environment Operations Act 1997*, section 86 of the *Occupational Health and Safety Act 2000* specifies requirements on companies for the notification of workplace incidents and requires that the occupier of any place of work must give WorkCover notice in accordance with this section of any of the following incidents:

- any serious incident at the place of work
- any incident occurring at or in relation to the place of work that the regulations declare to be an incident that is required to be notified to WorkCover.

In addition, certain development applications may require certain chemical incidents to be reported, if this is imposed as a condition of consent to development. The consent authority could be either Local Government or the Department of Planning and Infrastructure.

Emergency Management and the Kooragang Island Incident

As explained above, New South Wales has robust incident and emergency management arrangements in place, including those established under the auspices of the *State Emergency and Rescue Management Act 1989* and other legislation, plans, policies and standard operating procedures.

On this occasion, however, it is understood that these arrangements were not enacted, as adequate information in relation to a release of hazardous materials was not reported to emergency services in a timely manner by entities which held such information.

The Sub Plan may be activated by the State Emergency Operations Controller or Deputy, Commissioner of Fire and Rescue NSW, State Health Services Functional Area Coordinator (within the Department of Health) or the Environmental Services Functional Area Coordinator (within the Office of Environment and Heritage) when the Hazardous Materials/CBR emergency involves, or has the potential to involve any of the following:

- a significant and coordinated response, which is beyond the capability available at the Local level
- the activation of HEALTHPLAN to manage the casualties; or
- a significant or prolonged evacuation of an area where evacuees require support.

The scope of the sub-plan stipulates that any such emergency will be controlled at the District or State level only. Critically, this sub-plan was not activated for the Orica incident.

The Ministry is advised that once information was provided to Fire and Rescue NSW, it was advised that the chemical release was contained, was not major, was being addressed by on-site resources, that Fire and Rescue NSW resources were not required, and that it was a recovery operation, not a response operation. Based on this information, the pre-requisites for the activation of the Sub Plan did not exist.

It should be noted that this plan is specifically developed for a Hazardous Material/CBR event requiring a significant and coordinated response from a number of agencies to effectively prevent, prepare, respond and recover from the emergency. In the Sub Plan the term CBR emergency refers to a deliberate release of these substances calculated to cause mass casualties and /or to prevent the use of a part of the environment (page 1).

Consequently the Sub Plan was therefore not activated, nor were Fire and Rescue NSW resources mobilised to the Orica site. It is understood that the Fire and Rescue NSW would not expect that the Sub Plan would have been invoked, as the leak was stopped.

Had there been an ongoing leak, a range of considerations may have led to the plan being activated, for example:

- Mass evacuations in Stockton and surrounding areas
- Closure of all facilities at Kooragang Island
- Medical screening of evacuees
- Establishment of evacuation centres

Amelioration of current legislative provisions

It is understood that the *Protection of the Environment Legislation Amendment Bill 2011*, which is currently before the House seeks to amend the above notification requirement to include that notice be given to the appropriate regulatory authority (including if the new EPA is not the appropriate regulatory authority—the EPA), if the EPA is the appropriate regulatory authority—the local authority for the area in which the pollution incident occurs, the Ministry of Health, the WorkCover Authority and Fire and Rescue NSW.

While currently no instrument (legislative nor administrative) specifies the timeframes and manner in which such advice should be communicated, the Bill proposes that the timeframe for verbal notification be immediate and possible written notification occur following verbal notification. It is further understood that the Bill seeks to double the maximum penalty for the offence of failing to immediately give notice of pollution incidents to \$2,000,000 (for corporations) and \$500,000 (for individuals).

These proposed amendments and others contained within the Bill are believed to be an appropriate amelioration of current legislative provisions following the incident which occurred at Kooragang Island.

Actions being taken since the Orica Incident and Mr O'Reilly's review

Due to the nature and overall significance of the Orica incident, the Government commissioned a review into the overall response and recovery. The review was led by Mr Brendan O'Reilly. The review has made nine (9) key recommendations.

The Government has accepted all of Mr O'Reilly's recommendations. In relation to the police and emergency services agencies, the following observations are made:

- In relation to recommendation 1, the final component refers to 'all Company associated emergency plans should be amended...'. The NSW Police Force and the Fire and Rescue NSW provide detailed guidelines for security and emergency plans respectively at sites having dangerous goods and explosives and Major Hazard Facilities. The NSW Police Force and Fire and Rescue NSW are amending and reissuing the industry guidelines to reflect these requirements.
- In relation to recommendation 2, the public information arrangements are always standing, in line with the Public Information Services Supporting Plan to the State Disaster Plan. It is encouraging that Mr O'Reilly has highlighted these arrangements for activation during such an event, as they should be practiced.

- In relation to recommendation 3, Fire and Rescue NSW is already in the processes of reviewing the Memorandum of Understanding between Fire and Rescue NSW and the soon to be Environmental Protection Agency. This will be amended to reflect the time frame specified as appropriate by Mr O'Reilly.
- In relation to recommendation 8, a Working Group of the State Emergency Management Committee over the last year has taken innovative steps in developing a plan for the Botany Bay Precinct, given its significant and varied risks. This recommendation to develop a similar plan for Kooragang has been advised to the Chair of the State Emergency Management Committee, Mr Philip Koperberg, who will engage the SEMC as appropriate to assess emergency planning requirements (including as to whether such arrangements sit at the Regional or State level).
- Finally, in relation to recommendation 9, while a number of exercises occur currently across NSW in relation to emergency management and many of these involve a public information component, relevant agencies within the police and emergency services portfolio will work to engage with the private operators to accommodate this recommendation. It will be considered by the Public Information Services Functional Area Coordinator (NSW Police Force), as appropriate.

NSW Police Force Submission

About 1800 on the 8th August 2011 the Orica site at Kooragang Island accidentally released an amount of a product known as Hexavalent Chromium. Following is a brief timeline of Police activity from the point at which Police actually became aware of the incident.

10/8/2011

- District Emergency Management Officer (DEMO – Police employee) Michael Slowgrove advised at **1415** by Mark Hartwell, Office of Environment and Heritage (OEH) Newcastle, of spill at Orica Kooragang Island. No on site assistance requested at this time.
- Assistant Commissioner York advised by DEMO Slowgrove at **1426**. Confirmed no on site assistance requested from OEH.

11/8/2011

- Senior Sergeant Millington (Emergency Management Unit NSW Police Force) received phone call at **1130** from Deputy Commissioner John Benson, Fire & Rescue NSW (FRNSW) who was making enquiries with Functional Areas (relevant State Government Agencies are known as Functional Areas).
- Senior Sergeant Millington made telephone calls to Dr Ron Manning, Health Services Functional Area & Mr Greg Thomas, Environmental Services Functional Area at **1145** regarding any further relevant information relating to the Orica matter.
- Teleconference between Assistant Commissioner Murdoch, Assistant Commissioner York and Deputy Commissioner John Benson, FRNSW at **1157** regarding the Orica matter.
- FRNSW issued briefing note to Assistant Commissioner Murdoch at **1300** regarding the Orica matter.
- **1330** Teleconference between Minister for Police & Emergency Services Michael Gallacher, Assistant Commissioner Murdoch, Assistant Commissioner York, Senior Sergeant Millington (NSWPF), Deputy Commissioner John Benson (FRNSW), Dr Ron Manning, (Health FA), Mr Greg Thomas, (Environment FA) and Craig Lambertson (Environment FA) regarding the Orica matter.
- Assistant Commissioner Murdoch telephoned Chief Health Officer Kerry Chant at **1400** re a Health teleconference to be held that afternoon.
- NSW Police Force (Newcastle LAC) attend site. Computer entry (on "COPS" system) begun at **1500**.
- Police at Newcastle LAC create regular updates (but not formalised "sitreps") and articulate these on COPS throughout the duration of the incident. As FRNSW and OEH are the prime combat agencies, their situation reports would hold the most relevant data.
- Health teleconference at **1550** between NSWPF, FRNSW, NSW Health, Office of Environment and Heritage with update – from this phone call, Police were provided with a Health Information sheet regarding the spilled chemical by NSW Health for their information and welfare.

- Workcover Inspectors confirmed as being on site by Inspector Shiels, Newcastle City LAC at 2018.
- Police Officer on site, Senior Constable Carey, Stockton, and Duty Officer Inspector Shiels, Newcastle City LAC discussed incident at 2140 – this is a normal course of action for on-site Police to brief the most senior officer on shift.
- Duty Operations Inspector at Police Radio (known as VKG) and Inspector Shiels, held briefing call at 2147.

12/8/2011

- NSW Health provided update documents to NSWPF via State Emergency Operations Centre (SEOC) website. Snr Sgt Millington distributed these updates via email to all relevant stakeholders.

13/8/2011

- Snr Sgt Millington sent emails to NSW Health representative Dr Ron Manning requesting teleconference material from August 11 and 12.
- 1830 teleconference between NSW Health and Police, FRNSW, OEH. NSW Health request that Orica site be closed due to risk.
- 1929 A/C Murdoch emailed Newcastle Police LAC staff regarding safety concerns and entry to Orica site.
- 2100 – NSW Health brief NSWPF by teleconference. This concerned any environmental risks to Police, Emergency workers and the community.

14/8/2011

- 2025 – NSWPF attend multi agency teleconference.

15/8/2011

- – A/C Murdoch sends letters to Lisa Hunt (WorkCover CEO), Lisa Corbyn (OEH DG), Dr Foley (NSW Health Coordinator) requesting status of incident.
- 1301 – Weekly situation report Number 183 distributed to all State Govt stakeholders from SEOC (located at Sydney Police Centre). Particular reference made to Orica matter.
- 1600 – NSW health initiate teleconference between NSWPF and FRNSW.

16/8/2011

- 1750 – State Emergency Management Committee chair Mr Phil Koperberg sent email by S/Sgt Millington regarding willingness to chair multi agency debrief.

17/8/2011

- 1700 – NSWPF issue situation report to Community members at Orica Community meeting.

18/8/2011

- **1324** – NSWPF issue second situation report to Community members at Dalby Park.
- **2200** – NSWPF issue situation report to community members at Stockton RSL.

22/8/2011

- **1818** – Email from A/C Murdoch to Deputy Commissioner Kaldas regarding debrief and potential Government Enquiry.

23/8/2011

- **1622** – NSWPF issue situation report to community members at Stockton RSL.

Fire and Rescue NSW Submission

Select Committee Inquiry into the Kooragang Island Orica Chemical Leak

Submission by Greg Mullins AFSM

Commissioner Fire & Rescue NSW

1 November 2011

1. *The Fire Brigades Act 1989* details the responsibilities of Fire & Rescue NSW (FRNSW) in terms of the management of emergencies, including those related to fire and the management of hazardous materials incidents. Under the Act, I, as Commissioner of FRNSW have powers and authorities to prevent and respond to fires, hazardous materials incidents, rescues and other emergencies.
2. FRNSW operates within NSW emergency management provisions, as set out in the State Disaster Plan. The plan, established under the *State Emergency and Rescue Management Act 1989*, details emergency prevention, preparedness, response and recovery arrangements for NSW to ensure the coordinated response by all agencies having responsibilities and functions in emergencies.
3. The State Disaster Plan (DISPLAN) is the principal document outlining the overall agreed roles and responsibilities. Arrangements between the different agencies involved in Emergency Management are documented in plans. These plans are then endorsed by the appropriate emergency management committee at each respective level.
4. FRNSW is the designated combat agency for the management of hazardous materials, as set out in the Hazardous Materials/Chemical, Biological, Radiological (CBR) Sub Plan. This Sub Plan of DISPLAN details the roles and responsibilities for incidents requiring a significant and coordinated response from a number of agencies.
5. It should be stated at the outset that that the Orica incident did not result in the activation of this Sub Plan as the delayed advice from Orica indicated that they believed this to be a low level, contained incident.
6. Orica experienced an accidental release of Chromium hexavalent ("Chromium 6"), a highly carcinogenic chemical on Monday 8 August 2011. The release was in a mist form. At no time did Orica advise FRNSW or other emergency services of the release.
7. FRNSW was notified at 1 pm on Tuesday 9 August 2011 by an anonymous phone call to the Hazmat section at Newcastle Fire Station of a release at the Orica Plant.
8. Tuesday 9 August 2011, 1.30 pm - the Hazmat team at Newcastle Fire Station contacted Orica, and was advised by Mr Stewart Newman that there had been a release, that it was under control and that FRNSW assistance was not required. He further advised that

representatives from The Office of Environment and Heritage (OEH) were onsite liaising with Orica staff.

9. FRNSW contacted Orica again at 9 am Wednesday 10 August 2011 to check on progress. Orica advised that at that point they had not started decontamination and were still working out how to progress. FRNSW enquired as to whether the spill was contained to the site and if there was any danger of the substance entering drains. FRNSW was advised that the substance was confined to the Orica site, all drains were blocked and suction tankers were on stand by.
10. FRNSW initiated contact with the Office of Environment and Heritage (OEH) at 9.25 am on Wednesday 10 August 2011 to seek advice on the situation, and to offer assistance. OEH indicated that it was in contact, was advising on the clean up of the plant area, and that OEH had found traces of the chemical in streets of North Stockton.
11. FRNSW contacted Orica at 10.05 am on Thursday 11 August 2011 and was advised that Orica, OEH and Ministry of Health personnel were door knocking in Stockton to check for contamination and inform residents of assistance available.
12. FRNSW was advised by OEH at 10.10 am on Thursday 11 August 2011 that Orica had commenced clean up on the site. OEH advised that samples taken from the streets of Stockton showed low level contamination (readings between 0.35 and 0.58 micrograms/cm² of surface area), compared with the readings taken at the Orica site (700 micrograms/cm² of surface area). At this point OEH was advised that FRNSW resources would be activated as an operational contingency. FRNSW was not advised of the deemed "safe" concentration of the contaminant.
13. FRNSW escalated the matter from the Area Command to the Deputy Commissioner Emergency Management at 11.05 am on Thursday 11 August 2011. The Deputy Commissioner directed immediate mobilisation of a range of specialised resources as a precaution, including:
 - 13.1 A strike team comprising eight (8) fire appliances from the Newcastle Command area were placed on standby.
 - 13.2 Additional hazardous materials response vehicles and equipment were mobilised from Sydney, as well as a large unit with air cylinder refilling compressor that was enroute to Dubbo. The Hazmat Advisory Response Team from Sydney which provides a specialised response capability, including a range of specialised detection and contamination equipment for chemical, biological and radiological incidents, was also dispatched.
 - 13.3 A scientific officer was flown to Newcastle
 - 13.4 The mass decontamination tent and equipment was readied at Greenacre for possible deployment.
14. The Deputy Commissioner made contact with NSW Police and the Deputy State Emergency Operations Controller at 11.15 am on Thursday 11 August 2011.

15. Following discussion between FRNSW and the Deputy State Emergency Operations Controller (Deputy SEOCON), the State Emergency Operations Centre was activated at 11.30 am on Thursday 11 August 2011.
16. The Deputy Commissioner contacted me (I was in Queensland) at 11.35 am on Thursday 11 August 2011 and briefed him.
17. I left a voice message for the Minister for Police and Emergency Services at 11.40 am on Thursday 11 August 2011, then contacted the Chief Executive Officer of the Ministry for Police and Emergency Services, and advised that this could be a very serious issue.
18. FRNSW liaised with the Deputy SEOCON, OEH and DOH on Thursday and Friday, and remained on standby to assist as required.
19. FRNSW participated in multi-agency briefings, including joint briefing sessions on 11, 12, 13, 14 and 15 August.
20. FRNSW local management made contact with OEH and met to discuss the nature of the incident at Orica at 12.30 pm on Thursday 11 August 2011, to confirm lead agency status and which of the agencies involved would manage media relations including the key messages regarding the incident. It was agreed that due to the nature of the incident it would be a recovery operation. OEH stated that the Department of Health would be the lead for media relations. OEH was notified that FRNSW had additional resources coming into the area and that local resources were also on stand-by should they be required but they would not be responded unless requested by OEH. No request for assistance was forthcoming as the nature of the operation, a recovery, was not suited to FRNSW expertise.
21. FRNSW local management also contacted the District Emergency Management Officer (DEMO) Michael Slowgrove by telephone at 1.30 pm on Thursday 11 August 2011 and a meeting was held between the DEMO and FRNSW. At this meeting the Ministry of Health was contacted by telephone and it was confirmed that the Ministry of Health would manage media relations for the time being and also manage toxicology tests for the incident.
22. Subsequently, on 18 August 2011, FRNSW received an email from OEH seeking assistance of FRNSW personnel to obtain evidentiary samples from the Orica Plant. Specifically to:
 - 22.1 Obtain samples from the unused HT Catalyst within the ammonia plant and
 - 22.2 Obtain sediment samples from the "Diversion Pond" and "Ammonia Plant Effluent Pit" which are deemed confined spaces.
23. It should be noted that the collection of environmental samples is a workplace competency. MSL952001A - Collect Routine Site Samples details the requirements for obtaining this competency. FRNSW does not teach this competency as part of the Hazmat Technician

course and it is not a requirement of employment with FRNSW. It is considered that this should be the minimum level of training for a person to undertake sampling at this site.

24. Additionally, it would have been highly unlikely that sampling points in these ponds would be of a homogeneous nature, so the 'sampler' would need to know how to collect a representative sample to ensure that the results were valid. If the sample was not collected properly then the analytical results may not be valid - results could be too high or too low and may not reflect the real conditions.
25. The cleaning of sampling equipment between the collection of samples to avoid cross contamination and packaging the sample to maintain its integrity are also major components of properly conducted sampling. Our Hazmat Technicians do not have any training on this - so to have them collect samples would put them in a position that could attract extreme scrutiny at a later time.
26. FRNSW personnel do have expertise and experience in the provision of safety at chemical investigation incidents sites such as clandestine laboratories.
27. In view of the above considerations, and for sound occupational health and safety reasons, FRNSW advised OEH that our personnel were not suitably qualified to provide the specific assistance requested on 18 August 2011.
28. FRNSW offered the services of our Hazmat personnel to provide the safety function for any OEH personnel who may be tasked to collect the samples.
29. FRNSW continued to make our resources available until the matter was finalised.
30. Had FRNSW been requested to attend by Orica as soon as the release occurred, a number of key actions would have taken place:
 - a. The nature of the release would have been rapidly determined
 - b. The plant would have been immediately evacuated and sealed off
 - c. Plume modelling would have been undertaken - depending on results, residents of certain identified areas would have been evacuated immediately, removing any threat of contamination
 - d. Expert advice would have been called immediately, including OEH and Ministry of Health
 - e. The Local and District Emergency arrangements would have been activated, with Police support and oversight.
 - f. Any endangered communities would have been immediately advised by Emergency Alert to fixed and mobile phones if deemed necessary.
31. The NSW Government appointed Mr Brendan O'Reilly to conduct an independent review of the incident, and subsequent response arrangements. I met with Mr O'Reilly and provided a detailed overview of response arrangements in NSW, FRNSW 's roles and responsibilities,

and a detailed account of FRNSW actions in relation to the late and indirect notification about the incident. I also submitted a formal written account of the incident to Mr O'Reilly.

32. Mr O'Reilly provided his report his report to Government on 30 September 2011. He made a number of recommendations relating to FRNSW, detailed below:

32.1 Recommendation 1:

- Part 5.7 of the POEO Act 1997 section 148(2) be amended to read "A person carrying on the activity and becoming aware of the incident must immediately or within one hour of the incident occurring notify the appropriate regulatory authority of the incident and all relevant information about it".
- R2.2 of the POEO should remain as it relates to the licensee must provide written details of the notification within 7 days of the date on which the incident occurred.
- All Company associated emergency plans should be amended accordingly.

32.2 Recommendation 3: The MOU between OEH and FRNSW be amended to make it mandatory that immediately or within one hour of becoming aware of a hazardous material spill the agency who receives the notification must notify the other party covered by the MOU.

32.3 Recommendation 4: The Office of Environment and Heritage in concert with the Minister for the Environment and Minister for Heritage and her office and the NSW Department of Premier and Cabinet review the processes and timeframe for the submission of information which falls under the 'Early Alert' procedure.

32.4 Recommendation 8: A Precinct Plan, similar to the Botany Bay Precinct Emergency Sub Plan be developed for Kooragang Island and appropriate surrounding areas as determined by the State Emergency Management Committee.

32.5 Recommendation 9: Periodically, Emergency Response Exercises be developed and implemented to incorporate both the media and public as part of the exercise to test and evaluate the most appropriate means of communication, the clarity of information, its timeliness and public satisfaction levels.

33. The Government has indicated its support and acceptance of all recommendations, and work on implementation actions has been underway since the release of the report.

34. FRNSW is currently working with OEH (soon to be EPA) to update the Memorandum of Understanding between the two agencies.
35. A Bill to amend the *Protection of the Environment Operations Act* has been introduced by the Minister for the Environment to strengthen the requirement for immediate notification of pollution incidents. FRNSW will be a mandatory notification authority under the revised legislation, should the legislation pass.
36. The State Emergency Management Committee has commenced work with all relevant agencies, including FRNSW, to examine suitable arrangements for precinct emergency planning for the Newcastle Port area, incorporating the Kooragang Island precinct.
37. FRNSW, in collaboration with other emergency service agencies, continues to conduct emergency response exercises. These exercises relate to a range of emergency situations, and occur at various locations across the State. FRNSW is also currently reviewing and strengthening our capability to send 'Emergency Alert' notifications to the community as part of our role as a combat agency under DISPLAN.

Greg Mullins AFSM
Commissioner
1 November 2011