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REPORT OF PROCEEDINGS BEFORE

**SELECT COMMITTEE ON THE KOORAGANG ISLAND
ORICA CHEMICAL LEAK**

**INQUIRY INTO THE KOORAGANG ISLAND ORICA CHEMICAL
LEAK**

At Sydney on Wednesday 7 December 2011

The Committee met at 10.00 a.m.

PRESENT

The Hon. R. L. Brown (Chair)

The Hon. C. M. Faehrmann

The Hon. L. Foley

The Hon. T. Khan

The Hon. M. R. Mason-Cox

The Hon. S. Mitchell

The Hon. A. Searle

CHAIR: I now call this public meeting to order. Firstly, I would like to acknowledge the Gadigal people of the Eora nation who are the traditional custodians of this land. I also pay respects to the elders past and present of the Gadigal people and extend that respect to other Aboriginals present. Welcome to the hearing. This is the fourth public hearing of the Select Committee on the Kooragang Island Orica Chemical Leak. This Committee was established by the upper House of the New South Wales Parliament to examine the chemical leak which occurred at Orica's Kooragang Island plant on 8 August this year. Our terms of reference ask us to carefully look into the response of both Orica and the New South Wales Government to the incident. Today we are hearing from two representatives of Orica's Kooragang plant. As Chair of the Committee I would like to thank the witnesses and their legal adviser for their attendance today.

Before we begin I need to make some comments about procedural matters. The Committee has previously resolved to authorise the media to broadcast sound and video excerpts of public proceedings. Copies of the broadcast guidelines are available from the table by the door. In accordance with the guidelines media can film Committee members and witnesses but people in the audience should not be the primary focus of any filming or photographs. In reporting the proceedings of this Committee the media must take responsibility for what they publish or what interpretation is placed on anything that is said before the Committee. Witnesses, members and their staff are advised that any messages should be delivered through the attendants or Committee clerks.

Witnesses, if there are any questions that you are not able to answer today but would be able to answer if you had more time and certain documents, then you are able to take that question on notice and provide us with the answer within 21 days, if you wish. With respect to in camera deliberations, if you should consider at any stage during your evidence that certain evidence or documents that you may wish to present should be heard or seen in private by the Committee, the Committee will consider your request. However, the Committee or the Legislative Council may subsequently publish evidence if they decide it is in the public interest to do so. Witnesses who appear before parliamentary committees are protected by parliamentary privilege for the things that they say during the hearing. This means that what they say cannot be used against them in later court proceedings. However, I remind the witnesses that the freedom afforded to witnesses by parliamentary freedom is not intended to provide an opportunity to make adverse reflections upon specific individuals. I will now make a statement regarding the Environment Protection Authority proceedings that are afoot.

We are aware that the Environment Protection Authority has commenced proceedings in the Land and Environment Court against Orica in relation to the incident at Kooragang Island on 8 August. The commencement of legal proceedings does not, however, prevent the Committee from examining the incident and questioning the Orica representatives today. Nevertheless, in light of the sub judice convention we will be mindful that legal proceedings have commenced. The witnesses that are appearing today are doing so at the Committee's invitation and I would like to stress that the Committee and the Parliament would take very seriously any negative repercussions for a witness that came about because of their evidence from actions by an employer, a government agency or other individuals. I appreciate that appearing before a parliamentary committee can be a daunting experience for some witnesses and I ask Committee members to be mindful that the witnesses are appearing at the Committee's invitation to assist with our examination of the terms of reference. I remind everyone to please turn off their mobile phones for the duration of the hearing.

SHERREE LEANNE WOODROFFE, Sustainability Manager, Kooragang Island, affirmed and examined, and

JAMES KENNETH BONNER, General Manager, Orica Mining Services, Australia-Asia, sworn and examined:

CHAIR: Before we proceed to questions from the Committee would either of you like to make a brief opening statement. If so, please keep it to approximately five minutes. If you have a more comprehensive opening statement, that can be taken on record and tabled.

Mr BONNER: I appreciate the opportunity to say a few words by way of opening. My formal position with the company is that I am the General Manager of Orica Mining Services, Australia-Asia. In that role I am responsible for approximately 2,500 staff at 120 sites across 12 countries. There are six large manufacturing sites including Kooragang Island that do not report directly to me. During the period from 9 August and for a number of days thereafter I was the head of the crisis management team that Orica established in response to the incident at Kooragang Island. Orica has a crisis management plan, which is one of the tools that it deploys to respond to incidents such as this one. This plan is designed to take a total business perspective to crisis management. This includes supporting the site where the incident has occurred, with any external aspects including communities, communications, customer interface and media, while managing other internal issues such as supplier contingencies, staff communications and so on.

I first became aware of the incident at approximately 10.30 a.m. on Tuesday 9 August. I was in our Newcastle office and received a call from our sustainability manager for Australia-Asia. I was told there had been an emission on-site at the Kooragang Island ammonia plant the previous evening and that evidence had emerged that the emission had possibly gone off-site but to what extent and precisely what we were dealing with and what its impacts were was unclear. In response to this information I directed that the crisis management plan be initiated and made arrangements for relevant personnel to be brought on board from the various parts of the company to assist in this regard. Some of those persons were geographically proximate, being based at Kurri Kurri; some were interstate on business and had to return to New South Wales or assist by phone.

The skills set of the team comprised senior personnel with experience in ammonia plants, chemistry, health and safety, environmental issues, management, legal, commercial, supply chain, human resources and communications. Our crisis management practice requires that the crisis management team is initially based at a site other than the incident site in the initial instance. We based the team at Kurri Kurri for this reason. Over the course of the next two and a half hours I made contact with key personnel. I was informed that Orica had notified the relevant authorities it was required to notify, namely WorkCover and the Office of Environment and Heritage [OEH], and I deployed Dr Rodney Williams, a highly experienced PhD chemist to the Kooragang Island site to assist those working on-site in ascertaining as much relevant information as possible about the incident. I was assured that full cooperation was being given to the OEH officers, who by this time were on the site at Kooragang Island. I briefed the chief executive officer of Orica, Mr Liebelt, and other relevant senior executives that there had been an incident. They strongly supported the implementation of the crisis management plan and related measures.

The crisis management team gathered for its first meeting at 2.00 p.m. at Kurri Kurri and by phone. The team was briefed from those at the Kooragang Island site on the latest information we had about the incident and on visual observations made in Stockton. Analyses were being undertaken to confirm the precise chemical compound that was likely to have been emitted off-site in order to understand the specific toxicological properties of the chemical we were dealing with. We had an internal occupational hygienist with over 30 years experience assisting the team to interpret the available material safety data sheet information and its implications. One of the early decisions made by the crisis management team was to bring in additional external independent medical and toxicology experts to assist our work to help validate our internal assessment.

One of the challenges in these situations is of course that it is not simply a case of being able to click your fingers and have all of the information about the incident instantaneously available. There are many moving parts, and information gathering and assessment is a critical part of the process to making the necessary and relevant response decisions. We were trying to develop as much information as quickly as we could. A number of inputs ranging from field assessments to chemical assessments and the like are required. I did feel

that we had assembled a group of internal and external expertise to guide us in assessing these facts. We immediately looked at the weather information from the evening before as per the site records. Also in parallel we assessed visual information both on the Kooragang Island site and from inspections in the northern part of Stockton to try and ascertain the extent of the emission.

Toxicological information was also being assembled. We were obviously very concerned to understand what specifically we were dealing with and its implications. The crisis management team met as a group several times during the afternoon and evening to review progress on information gathering and action items and take account of new information and developments. Another decision taken on Tuesday evening, as our understanding of the incident and its consequences developed, was that the most effective form of communication for those who might be affected off-site in Stockton was to be via a door-knocking process. We chose this course because it was a personalised and targeted approach to notifying the public and we thought would be the most effective way to proceed. We did not want to cause widespread or unnecessary public alarm. We were also keen to ensure the information shared was accurate and consistent.

A further decision on the Tuesday evening was that as we were going to be sharing health information with members of the public in this way that we should proactively contact the Department of Health to inform them of this proposed course. I am aware that this inquiry has asked whether OEH directed Orica to make contact with NSW Health on the Tuesday morning and if so why Orica did not do so until Wednesday. The suggestion has been made that Orica somehow ignored or delayed action in that direction. I would like to clarify some facts in relation to this.

First, in preparing for today, I have checked with the crisis management team and spoken to Orica personnel who engaged with the OEH. We are not aware of any direction in writing from OEH by email or otherwise. As to oral communications, the closest we can find is a conversation between two officers of the OEH and two Orica personnel on Tuesday 9 August at about 12.30 p.m. during which one of the OEH officers asked whether NSW Health had been contacted, to which the reply from the Orica staff member was, "I don't know". The question was not understood by the Orica officer to be a direction and there was no follow-up or subsequent communication on 9 August by OEH on this issue.

Secondly, at no stage prior to the commencement of this inquiry was I aware of any suggestion that Orica had been given a direction by OEH of any kind on Tuesday relating to communicating with Health. Thirdly, a point I wish to make on this subject is simply that if Orica had been directed by OEH to notify the New South Wales Ministry of Health, whether OEH had power to do so or not, I would have ensured without hesitation that this happened promptly. We were seeking to cooperate with the regulators. Finally, as noted above, the crisis management team independently reached the view on Tuesday evening it would contact Health for the reasons stated earlier, namely, to make NSW Health aware of the proposed communication plan because health information was being disseminated. Overnight on Tuesday and into Wednesday morning the crisis management team and external experts continued working on information gathering for the door-knocking exercise. This resulted in the form of a question and answer document which was to be used by the Orica personnel involved in the door-knocking.

We also set up a community hotline to answer any additional questions from residents. The hotline was manned by Orica personnel and an external medical expert to answer any health-related questions. The doorknocking commenced in the early afternoon on Wednesday and was led by Orica's most senior safety, health and environment officer in Australia, Sean Winstone, and utilised members of his team. Sean gave a progress report by telephone to the crisis management team during its 3 p.m. meeting. Sean said the doorknocking was going well but there were some residences where nobody was home. I was disappointed that we did not speak to everyone that day but we committed to following up the following day to try to reach all of the houses targeted.

By Thursday 11 August the incident was attracting public attention. Other lines of communication with the public were being developed through print, radio and television. As the time demands of dealing with this increased for me personally, from 12 August I handed over leadership of the crisis management team to another senior member of Orica management.

CHAIR: Could I ask that you table your opening statement for us, please.

Mr BONNER: Yes.

CHAIR: We will now proceed to questions from the Committee.

Ms WOODROFFE: I would like to make an opening statement.

CHAIR: We have plenty of time, so proceed at your own pace. Can I just remind the witnesses and their legal representative that these microphones are very sensitive, so turn away from the microphones when you are issuing instructions.

The Hon. TREVOR KHAN: I think there was agreement for the tabling of the statement. I wonder if that could be tabled now so that copies could be made available to the various Committee members before questioning starts. I can understand why Mr Bonner wants to hold onto a copy.

CHAIR: Is that the only copy you have with you, Mr Bonner?

Mr BONNER: It is just that I have some notes on it that I have written.

CHAIR: You do not have another copy available?

Mr BONNER: No, I do not.

CHAIR: The Committee is going to have to rely on the notes made during his verbal statement. Please proceed, Ms Woodroffe.

The Hon. TREVOR KHAN: I am sorry, but there was agreement to table the statement and that was including on legal advice. I am just wondering now if the statement is tabled or it is not.

The Hon. ADAM SEARLE: I understand that Mr Bonner might have made some notes. If there are not too many notes, in the copying process those notes could be redacted or masked so that we do not have a copy of his notes. It would assist the questioning.

CHAIR: Are you happy with that, Mr Bonner?

Mr BONNER: Yes.

CHAIR: Thank you. Ms Woodroffe, please proceed.

Ms WOODROFFE: Thank you, Mr Chairman, for the opportunity to make a brief statement. I am the sustainability manager for the Kooragang Island site. I have been employed by Orica at the Kooragang Island site since 2004. My formal qualifications are a bachelor of applied science in metallurgy and a masters of environmental studies. I report to the sustainability manager for Australia-Asia and on a dotted line basis to the site manager.

I worked the day shift on Monday 8 August and went home at about 5.30 pm. I first learnt about the incident when I received a phone call from the ammonia plant manager at between 8.30 and 8.45 p.m. on Monday evening to inform me that there had been problems during the high temperature shift catalyst reduction process and there had been a fallout of solution containing hexavalent chromium in the ammonia plant area. He told me people on site who had been exposed to the chromium emission had showered and changed and that no-one was reporting any adverse health effects from the exposure. The plant manager said a laboratory analyst had been called in to assess the levels of hexavalent chromium in some effluent samples.

I received the test results by phone at 10 p.m. I contacted the plant manager and we agreed that I would return to site to assist with managing the effluent system. I knew that effluent was not being discharged off site at the time but I was concerned to make sure that steps were taken so there would not be any subsequent discharge of the material off site.

I arrived on site at about 10.45 p.m. on Monday evening and worked through until just before 6 a.m. on Tuesday morning. When I arrived on site I met with the plant manager and night shift supervisor. The three of us went out to the effluent drain at the base of the SP-8 vent stack and observed a small quantity of yellow liquid coming out of the vent system drains. The ammonia plant had been shut down. There was nothing coming out of the stack and I felt that the plant was stable.

Having first checked that personnel on site had been cared for, my immediate focus during the evening of 8 August and early hours of 9 August was to make sure that no contaminated effluent entered the Hunter River. If it did so there was a risk of environmental harm and the potential to exceed our licence limit. At that stage I had no evidence that the chromium emission had left the site. I understood that the plant manager had got his operators to check the cars in the car park in a downwind direction from the stack and that no yellow residue was found on cars.

Over the course of the evening and early hours of the morning I took samples at various points in the effluent system to check for levels of hexavalent chromium and worked with plant operators to divert effluent to storage tanks or ponds. At about 2 a.m. I walked around the site to above the extent of the chromium emission. I saw small pools of yellow coloured water in low points in the concrete to the north of the control room within the ammonia plant boundary. As I got closer to the site boundary I saw no signs of airborne fallout.

When I left the site at 5.54 a.m. on Tuesday 9 August I went home and got some rest. I got up at about 9.50 a.m. and a few minutes later received a call via site reception from a resident of Stockton who told me she had observed yellow spots on her car. In the next half hour I spoke to the site manager, to a Kooragang Island environmental adviser to follow up the inquiry from Stockton, and to the Environment Protection Authority [EPA] to report the incident. I am aware that the time taken to report to the EPA is the subject of legal proceedings. I arrived back on site at 2 p.m. on Tuesday in time to participate in the first meeting of the crisis management team. Since the incident I have been involved in the on-site clean-up activities, arranging air monitoring in the ammonia plant area, responding to regulatory requests and ongoing community engagement activities.

The Hon. ADAM SEARLE: Mr Bonner, your evidence is that it was your decision to instigate the crisis management plan. That is correct?

Mr BONNER: That is correct.

The Hon. ADAM SEARLE: That was at about 10.30 on the Tuesday and you did so in accordance with the crisis management plan. Are you able to provide the Committee with a copy of the crisis management plan?

Mr BONNER: Like the other document request, we will take that on notice.

The Hon. ADAM SEARLE: Does that mean they will be supplied later? We would like an answer about whether the document will be produced.

Mr BONNER: It is as per the other request, so there will be a response on all of them.

The Hon. ADAM SEARLE: I understand, Mr Chairman, that Orica is not saying that they will provide a copy.

CHAIR: That sounds like the answer. Is it correct that Orica will take it on notice as to whether you will or will not provide a copy?

Mr BONNER: We will take that on notice.

The Hon. ADAM SEARLE: Mr Bonner, you say that you were told I think on 9 August that Orica had notified relevant authorities of the incident. Do you remember when you were told that?

Mr BONNER: That was communicated to me between—I was notified at 10.30 and prior to the 2.00 meeting I had been informed via the site manager that we had informed the appropriate regulatory authorities.

The Hon. ADAM SEARLE: That is 2.30 on 9 August?

Mr BONNER: Between 10.30 and 2.00.

The Hon. ADAM SEARLE: Before 2.00?

Mr BONNER: Before 2.00, yes.

The Hon. ADAM SEARLE: And that was by the site manager. What was the name of the site manager?

Mr BONNER: Stuart Newman.

The Hon. ADAM SEARLE: Did he specify WorkCover and Health, or was it just more globally that relevant authorities has been contacted?

Mr BONNER: No, he specified that we had notified the Office of Environment and Heritage [OEH] and WorkCover.

The Hon. ADAM SEARLE: Did he indicate who had contacted OEH and WorkCover?

Mr BONNER: No, I do not recall he indicated who had actually contacted them.

The Hon. ADAM SEARLE: Did he indicate how the contact was made?

Mr BONNER: I understand by telephone.

The Hon. ADAM SEARLE: In relation to both OEH and WorkCover?

Mr BONNER: That is what I understand.

The Hon. ADAM SEARLE: Did he mention the Department of Health at all being contacted?

Mr BONNER: No.

The Hon. ADAM SEARLE: Did you inquire whether Health had been notified?

Mr BONNER: No, I did not.

The Hon. ADAM SEARLE: Is there some reason why you did not make that request?

Mr BONNER: It did not occur to me to contact Health.

The Hon. ADAM SEARLE: Although I know we do not have a copy of the document as yet, what does the crisis management plan say about notifying government authorities?

Mr BONNER: It is the responsibility of the site emergency plans to notify the relevant government authorities. The crisis management plan really sits above that in the context of a broader response to other stakeholder groups.

The Hon. ADAM SEARLE: Does either the site emergency plan or the crisis management plan list the relevant government authorities to be notified in the event of any emergency situation?

Mr BONNER: I understand the emergency response plan at the site does.

The Hon. ADAM SEARLE: Have you seen a copy of that document?

Mr BONNER: No, I have not.

The Hon. ADAM SEARLE: And you understand that how?

Mr BONNER: Because that is what I have been told.

The Hon. ADAM SEARLE: By whom?

Mr BONNER: I think it was Stuart Newman.

The Hon. ADAM SEARLE: When?

Mr BONNER: That same conversation.

The Hon. ADAM SEARLE: Through you—and maybe you need to ask the person sitting behind you—could we have a copy of the site emergency plan as well?

Mr BONNER: As per the other documents, we will take that on notice.

The Hon. ADAM SEARLE: So I understand. What steps did you immediately instigate? Other than assembling the crisis management team what did you do to make sure that—other than just sort of taking it on faith that government agencies had been notified, did you speak to any individual or did you ask for any copies of any documents provided to government authorities?

Mr BONNER: No, I did not.

The Hon. ADAM SEARLE: Jumping ahead now to the issue of the dissemination of information to the community through the doorknocking process, whose decision was it to use that particular methodology to get the information out into the community? Was that your decision?

Mr BONNER: It was discussed at the crisis management team, as a team, the appropriate means of communications and we had our corporate communications manager as part of that crisis management team. So it was a discussion and an agreement of the team that that would be the appropriate form of targeted personalised communication with that particular part of the community that we believed at that point had been affected.

The Hon. ADAM SEARLE: Orica staff were utilised to do the doorknocking. That is correct?

Mr BONNER: Correct.

The Hon. ADAM SEARLE: How were the staff members chosen?

Mr BONNER: These were staff members that worked in our safety, health and environment team so they were trained in incident response. They were people that were familiar with dealing with incident inquiries. There were people that were typically trained in areas of chemistry or operational experience that had moved into the safety, health and environment function of our business, and it was led by our safety, health and environment manager for Australia-Asia. So it was his team and he led that team and that is how we chose them. We felt they were the appropriate qualified people to be communicating with the community.

The Hon. ADAM SEARLE: In that process Orica staff used a script that had been prepared?

Mr BONNER: That is correct.

The Hon. ADAM SEARLE: You have seen a copy of that script?

Mr BONNER: That is correct.

The Hon. ADAM SEARLE: That script does not make any mention of hexavalent chromium or chromium VI, does it?

Mr BONNER: Well, the script was really in conjunction with a question and answer document which had information on hexavalent chromium. And the compound that we identified was sodium chromate. The Q and A had a number of questions and information for that group to talk to any residents around hexavalent chromium.

The Hon. ADAM SEARLE: But, again, the script used by Orica employees in the doorknocking did not make any mention of hexavalent chromium or chromium VI, did it?

Mr BONNER: Well, I think you have to understand that those documents were used together.

The Hon. ADAM SEARLE: Do you say that Orica employees, when they were doing this doorknocking, made it clear to persons in the community with whom they spoke that hexavalent chromium or chromium VI had been emitted from the Kooragang Island site?

Mr BONNER: As I understood, yes.

The Hon. ADAM SEARLE: So there was an express disclosure of that fact?

Mr BONNER: As I understand it. I was not involved in those discussions, but the documents were there for them to provide information on this chemical compound.

The Hon. ADAM SEARLE: Health was consulted about the door knocking script, do you understand that?

Mr BONNER: Yes, they were. Around 11.15 on Wednesday morning health were consulted.

The Hon. ADAM SEARLE: Did they raise any queries, concerns or objections, as far as you are aware, of the door knocking script?

Mr BONNER: As I understand, no. They were certainly interested in more information and wanted to work with us and the people we were getting advice from to start their process of confirming the information that we were providing was correct.

The Hon. ADAM SEARLE: In relation to the crisis management team were you in overall control of that body?

Mr BONNER: Yes, I was, and that was consistent with our plan.

The Hon. ADAM SEARLE: You were located at Kurri Kurri?

Mr BONNER: I am based at Kurri Kurri. The majority of my management team are part of the crisis management team and the majority of them are based at the Kurri Kurri research centre.

The Hon. ADAM SEARLE: In the days after the incident you were at Kurri Kurri?

Mr BONNER: No. The plan clearly says that you should set up off-site because if there is an emergency it does not make sense to be on-site as there may be communications issues. We set it up at a different site for the first 24 hours. We set it up at Kurri Kurri. On the Tuesday it was set up there. Once we were comfortable the Kooragang Island facility was stabilised—in the sense of having the appropriate communications in and out, the appropriate rooms to run the crisis from—we took the decision to move it to the Kooragang Island site on Wednesday afternoon and from then it was run from Kooragang Island.

The Hon. ADAM SEARLE: Under your direction?

Mr BONNER: Under my direction until—as I said in my opening statement—on the morning of Friday 12 August when I handed control over to another senior Orica manager because by that point there was a lot of media interest and I was very much involved in dealing with the media. It was not appropriate for me to continue to keep an overview of the crisis management team, so that responsibility was delegated to another senior manager.

The Hon. ADAM SEARLE: That was on the twelfth?

Mr BONNER: That was on the morning of the twelfth.

The Hon. ADAM SEARLE: And who was that other experienced senior manager?

Mr BONNER: Richard Hoggard: He is our ammonium nitrates global manufacturing projects manager, but in previous roles he had been our global manufacturing manager, so he had intimate knowledge of Kooragang Island and all of our manufacturing processes.

The Hon. ADAM SEARLE: I will ask a couple of questions of Ms Woodroffe. Are you the person who notified health on 10 August?

Ms WOODROFFE: No, I am not.

The Hon. ADAM SEARLE: Are either of you aware who it was in Orica who notified health of the incident?

Mr BONNER: It was Sean Winstone.

The Hon. ADAM SEARLE: What is his position?

Mr BONNER: He is our safety, health and environment manager for Australia-Asia.

The Hon. ADAM SEARLE: Where is he physically located?

Mr BONNER: He is physically located at Kurri Kurri but he was based at Kooragang Island as part of the crisis management team.

The Hon. ADAM SEARLE: Are you personally aware of what prompted him to make the notification to health at that particular time?

Mr BONNER: There was an action sitting with him from our Tuesday night crisis management meeting.

The Hon. ADAM SEARLE: Just pause there. Could you lead us through that meeting and what emerged from it?

Mr BONNER: At the Tuesday evening meeting there were a range of actions and one of them was to contact New South Wales health. Unfortunately on Wednesday morning there were lots of things going on and that communication did not occur until around 11.15 a.m. It was later in the morning that Sean contacted New South Wales Health.

The Hon. ADAM SEARLE: Do you know, under the site emergency plan, with whom does the responsibility rest to notify the health department or health agencies in the event of occurrences like this? I am merely asking whether you know, I am not asking you to disclose who it might be.

Mr BONNER: No, I do not know. I will need to take that on notice.

The Hon. TREVOR KHAN: Point of order: I am concerned that was a question in which—I will call him "the lawyer"—sought to intervene to give advice. I do not understand why the witness, the general manager, is incapable of answering that question without a lawyer intervening to give advice. My understanding is the lawyer is here to give protection to the witness with regard to their legal position with regard to prosecution: nothing more. I am concerned that the evidence is, in a sense, being stifled by approaches such as I just witnessed.

CHAIR: As the witness has agreed to take the question on notice I am sure we will get an answer. Therefore, I cannot see any stifling taking place.

The Hon. TREVOR KHAN: There was clearly—

CHAIR: I have not finished. If the witness can answer a simple question which is a yes or no I ask that legal counsel not intervene and that the witness be allowed to answer. If there is an impediment to documents being supplied then the witness can simply say: No, we cannot supply those documents. Proceed with the question.

The Hon. ADAM SEARLE: You do not know with whom the responsibility rests under the site emergency plan, we understand that. On the evening of the Tuesday Mr Winstone was given the responsibility

of notifying health, which he did the following morning. You understand it was the compliance manager, Mr Smith, who notified WorkCover on the ninth?

Mr BONNER: I am not sure who notified WorkCover.

The Hon. ADAM SEARLE: Have you worked out why it was that different agencies were told at different times: WorkCover and the Office of Environment and Heritage were notified on the ninth and health not until a couple of days later?

Mr BONNER: As I understand it the Office of Environment and Heritage and WorkCover were notified relatively close together and they were the agencies we were obligated to notify. Health was not, as I understand it, required to be notified as part of this incident as we understood the incident at the time.

The Hon. ADAM SEARLE: In which case why did it emerge on the Tuesday night that health should be notified?

Mr BONNER: We were instructed by the Office of Environment and Heritage that it was our responsibility to communicate with the community. We chose to do that through a door knocking process and we thought it was prudent to notify health if we were giving any health information into the community. That was the basis of the discussion on the Tuesday evening.

The Hon. ADAM SEARLE: Going back to the door knocking: How was it that Orica came to select the particular area for door knocking?

Mr BONNER: The information that was provided to the crisis management team was we had two individuals who walked the streets of Stockton on the latter part of Tuesday morning and they also visited one or two properties, one of which was the property that the phone call had come from, as I understand it. They did a visual assessment which showed us that there was some evidence of very small light yellow-brown spots on part of Fullerton Street, particularly the western side of Fullerton Street on the river side. They walked the blocks to try and find other evidence on bin lids, street signs, and cars and they ascertained that there appeared to be an area of around six blocks that was affected. We correlated that with the wind direction data from our site for the evening and it created a line. We did not have the luxury of an enormous amount of time to do sophisticated air modelling work at that point. We had to make decisions on the visual evidence and what information we had around the wind direction that evening. That was the basis for area selection. The Office of Environment and Heritage officers were also in the neighbourhood trying to find samples and take samples as well.

The Hon. ADAM SEARLE: In response to a query from health, Orica on 11 August indicated to that approximately 21 kilograms of chromium VI was deposited on the Orica site and somewhere between one and 10 kilograms was released beyond the Orica boundary. Are you familiar with that information?

Mr BONNER: I am aware of those numbers, yes.

The Hon. ADAM SEARLE: One of the experts engaged by Orica to do those calculations was a Dr Bruce Niven, do you understand that?

Mr BONNER: Yes.

The Hon. ADAM SEARLE: Before he became an external consultant Dr Niven was the former Orica chief medical officer, is that correct?

Mr BONNER: That is correct.

The Hon. ADAM SEARLE: Orica was well aware of Dr Niven's expertise?

Mr BONNER: We were. That is why we were confident in his advice given his 25 to 30 years experience as a physician specializing in occupational health.

The Hon. ADAM SEARLE: I take it you are not an expert in this area so you would not understand in a particular or personal way how these calculations were done or what they mean?

Mr BONNER: There was work being done through mass balance work and developing initial views on air modelling and those views were being formulated along with the fact there was a very low visual incidence of any residue in those four to six suburbs in the Stockton area. There was a very light residue in that area which, combined with developing the views on the modelling work and mass balance work, formed the basis for the view of how much chromium was on-site and possibly went off-site. That was an early view. It was on the Thursday or Friday that view was formed.

The Hon. ADAM SEARLE: That view has not been substantially altered from Orica's point of view, has it?

Mr BONNER: No. The final position was somewhere between 10 and 20 kilograms. Through additional external air modelling and work that was done those were the numbers that were arrived at.

CHAIR: Before we proceed, could you say more clearly the "something" modelling?

Mr BONNER: Air modelling.

The Hon. ADAM SEARLE: By air modelling you mean the direction which the air was travelling at the time?

Mr BONNER: I am not an expert in this area, but looking at variables that would contribute to the likely zone and concentration of the compound, the emission, that went out of the site that night.

The Hon. ADAM SEARLE: You say 10 to 20 kilograms was the ultimate assessment, you mean as the total emission or the amount that was emitted off-site?

Mr BONNER: The amount emitted off-site. That is my understanding of those numbers that were quoted.

The Hon. LUKE FOLEY: Mr Bonner, I am interested in asking about the relationship between the site emergency plan at Kooragang Island and the crisis management plan that Orica, as a company, has. You tell us in your opening statement that six large manufacturing sites, including Kooragang Island, directly report to you. Can we take from that that the Kooragang Island site emergency plan is a not a document you would be intimately familiar with?

Mr BONNER: No, not in any detailed way. I was going to add, as part of our crisis management team we had Carol Triebel, who is our global ammonium nitrate manufacturing manager. We also had Stuart Newman feeding information into that crisis management team. We did have people feeding into the group who had information on the emergency response plan. Myself, personally, no.

The Hon. LUKE FOLEY: Ms Woodroffe, are you familiar with the Kooragang Island site emergency plan?

Ms WOODROFFE: I am familiar with the site emergency plan.

The Hon. LUKE FOLEY: When is the site emergency plan overtaken by Orica's wider crisis management plan? Is that simply a decision to be taken by a senior manager on the run? How does it operate?

Mr BONNER: It is clear: If there is potential for external involvement in the way of communities; if there is potential for external involvement in the way of media; and if there is any possibility of supply chain impacts, building contingency plans around supply chains and supplying our products to our customers then it comes into operation. There was evidence early on that there was a possibility of external implications for communities. There was obviously potential for media and there was certainly concern that as a consequence of this our ammonia plant would be down for a while—which was something we took on board—and before any prevention notice was given to us we would need to be looking at contingency supply planning. That was the basis of it escalating to a crisis in the circumstance.

The Hon. LUKE FOLEY: As a general rule, if an incident occurs that you believe is contained to a particular site would the local site emergency plan be the appropriate tool to govern the response?

Mr BONNER: Typically, but if there was a significant media interest or a significant supply chain impact as a consequence of that site being down then that would escalate it, but if it was an emergency at the site that was contained and being managed and there was no significant impact on product supply out of that site then it would typically be managed under the emergency plan as per the site.

The Hon. LUKE FOLEY: As a general rule, as soon as there is known to be an external impact on the wider community would the wider Orica crisis management plan always be activated?

Mr BONNER: Not always, but if there was a significant impact on the community or there were other variables like I have just outlined then that would probably qualify for a—it is a subjective decision based on the amount of impact that the incident may have.

The Hon. LUKE FOLEY: To be clear, you Mr Bonner personally took the decision to activate the crisis management plan?

Mr BONNER: I had a call from Sean Winstone our safety, health and environment manager—

The Hon. LUKE FOLEY: On the Tuesday morning?

Mr BONNER: On the Tuesday around 10.30 and his recommendation to me, given what he knew at that point, was that we should implement the plan, and I endorsed that on the basis of what I have just outlined.

The Hon. LUKE FOLEY: From that point on does the crisis management plan displace the local site emergency plan or do they operate side by side?

Mr BONNER: They operate side by side. The site emergency response plan is part of the broader crisis management plan given that we are focusing on a whole range of other variables that the site will not be focusing on.

The Hon. LUKE FOLEY: Ms Woodroffe, you came back at 10.45 on the Monday night after you were informed of the incident.

Ms WOODROFFE: That is correct.

The Hon. LUKE FOLEY: Is it fair to say that overnight, until Mr Bonner's actions on the Tuesday morning, the Kooragang Island site emergency plan informed or regulated the response that you and your colleagues took overnight? Is that a fair statement?

Ms WOODROFFE: Overnight the plan was around the management of the issues we identified which could have an impact in the environment and so we dealt with those. The emergency plan was not enacted during that event but we used the principles of emergency response in addressing the issues as we saw them on the evening.

The Hon. LUKE FOLEY: Okay, you used the principles, but the site emergency plan was not formally activated?

Ms WOODROFFE: No, that is correct.

The Hon. LUKE FOLEY: So the first formal activation of either the site emergency plan or Orica's wider crisis management plan was on the Tuesday morning when Mr Bonner took that decision. Either of you? Is that your understanding?

Ms WOODROFFE: I am sorry, I was not aware of that period between 6.00 and 10.30.

The Hon. LUKE FOLEY: Can I put to you that it sounds from the evidence of both of you that the first formal activation of an official Orica plan was on Tuesday morning when Mr Bonner formally took the decision to activate Orica's crisis management plan? I think that is what we can take from the evidence to date.

Mr BONNER: I am not sure what emergency response plans had been taken on internally on the site at that point, but when there became evidence of potential external requirements and the other variables I spoke about that is certainly when we implemented the crisis management plan.

The Hon. LUKE FOLEY: Where there is an external impact who has the responsibility in the Orica chain of command, if I can put it that way, to liaise with relevant government authorities, whoever they may be?

Mr BONNER: In relation to the site, the site is accountable for notifying the appropriate agencies for the site-related incident and that is what occurred here. I had been informed, as I mentioned earlier, that those appropriate agencies had been notified, being the Office of Environment and Heritage and WorkCover.

The Hon. LUKE FOLEY: To be clear, is it the site emergency plan rather than the wider crisis management plan that would inform us as to various people's responsibilities to notify and engage with relevant government authorities?

Mr BONNER: That is correct.

The Hon. LUKE FOLEY: Ms Woodroffe, in your opening statement you took us through the work that you and colleagues did overnight from approximately 10.45 p.m. to 5.54 a.m., when you went home. Did you think that the discharge had been contained to the Kooragang Island site on that evening?

Ms WOODROFFE: That was my understanding based on the observations I was able to make during the course of the evening and the early morning.

The Hon. LUKE FOLEY: Your understanding. So when you went home at 5.54 a.m. on the Tuesday what degree of confidence did you have that the spill, the discharge, had been contained to the Kooragang Island site?

Ms WOODROFFE: During the course of the evening we had worked very hard to ensure that we could contain the effluent system on-site, so we had not had an off-site discharge of contaminated effluent and based on the observations I believed the air emission had been retained on site.

The Hon. LUKE FOLEY: You told us in your opening statement that you were concerned to ensure that no effluent was discharged into the Hunter River. Did you consider the possibility of discharge into the air?

Ms WOODROFFE: That was considered. As I said in my opening statement, I spoke to the plant manager and we talked about some work that they had done looking at the area that might have been affected by airborne emissions and they had not identified anything on vehicles which were downwind of the event. As I said earlier, I went for a walk later that night to have a look for myself to see if I could observe any signs of airborne emission on surfaces downwind of the plant outside the plant area and I was not able to observe anything.

The Hon. CATE FAEHRMANN: Who is the occupational hygienist that was within Orica at the time that you referred to in your opening statement?

Mr BONNER: The gentleman's name is Garry Gately.

The Hon. CATE FAEHRMANN: Was he based at Kooragang?

Mr BONNER: No, he was not based at Kooragang, he was based in Sydney. He arrived—we had him at Kooragang on the Thursday morning.

The Hon. CATE FAEHRMANN: Who were the independent medical experts and occupational hygienists that you brought in soon after?

Mr BONNER: There were two: Dr Bruce Niven, who we have mentioned, and a gentleman named John Frangos, who has a company called Toxikos and who is a specialist toxicologist.

The Hon. CATE FAEHRMANN: Who was the person who interpreted the material safety data sheets for hexavalent chromium?

Mr BONNER: Garry Gately.

The Hon. CATE FAEHRMANN: He is your internal occupational hygienist.

Mr BONNER: Yes. He has had around 30 years of experience in occupational health, so from my perspective he is a very experienced person to be providing information. We also had Dr Rod Williams, who is a PhD chemist specialising in metals chemistry, at the site providing information, visual evidence, providing a lot of the on-site information and interpreting that. Between him and Garry Gately they started formulating the views on the compound we were dealing with and the possible toxicological impacts of that.

The Hon. CATE FAEHRMANN: Was the internal occupational hygienist on the crisis management team?

Mr BONNER: No, but he was feeding information through one of the members of the crisis management team.

The Hon. CATE FAEHRMANN: Did the crisis management team sign off on the doorknocking script?

Mr BONNER: Yes we did.

The Hon. CATE FAEHRMANN: Did you see that yourself?

Mr BONNER: Yes.

The Hon. CATE FAEHRMANN: Ms Woodroffe, were you on that crisis management team?

Ms WOODROFFE: I sat in on a number of meetings but I was not an official member of the crisis management team.

The Hon. CATE FAEHRMANN: Did you see that doorknocking script?

Ms WOODROFFE: I saw the doorknocking script at some stage during the period after the event.

The Hon. CATE FAEHRMANN: After it had been signed off or before?

Ms WOODROFFE: Sorry, I do not recall.

The Hon. CATE FAEHRMANN: Are you both aware of the material safety data sheet for hexavalent chromium?

Mr BONNER: I have looked at the material safety data sheet of sodium chromate but as I said earlier, I was relying on advice from Garry Gately, so no, I have not seen it.

The Hon. CATE FAEHRMANN: In your opening statement you said that Garry Gately was assisting the team to interpret the available material safety data sheet information and its implications. The material safety data sheet for hexavalent chromium does not say, as your doorknocking script says, if you find evidence of—you said sodium chromate but hexavalent chromium, because that is what was released—please do not be too concerned. They have advised there is little to no risk from this substance. The material safety data sheet says that chromium VI is toxic if swallowed, inhaled or absorbed through the skin. It says it causes burns by all exposure routes. It says that it may cause allergic, respiratory and skin reaction, that it is harmful if swallowed, that it is toxic to aquatic organisms, that it is a cancer hazard and there is a possible risk of impaired fertility and it may cause heritable genetic damage. The residents of Stockton were informed that there was no risk from this substance, "however we would like to clean this up for you". What is your opinion about the differences there?

Mr BONNER: I might add that I am not a chemist so I am not a specialist in this area, but as it was explained to me sodium chromate was the compound that was released. Hexavalent chromium was the chromium element of the sodium chromate. That was from the samples that were taken on the site. That is the first point. One of Dr Williams' first tasks when he got to the site was to test and ascertain exactly what the

compound was and which was the relevant material safety data sheet for us to be referring to. Hexavalent chromium was the chromium aspect of the sodium chromate compound. The second point is—

The Hon. CATE FAEHRMANN: I am a bit confused. Was hexavalent chromium released into the atmosphere and did hexavalent chromium fall in Stockton?

Mr BONNER: Sodium chromate was released and the chromium component of that was hexavalent chromium.

The Hon. CATE FAEHRMANN: So, yes.

Mr BONNER: Hexavalent chromium in the form of sodium chromate was released into the atmosphere. One of the key tasks of both Garry Gately and Dr Niven was to interpret the material safety data sheet. With most material safety data sheets context is required in relation to interpreting them, as I understand it. Therefore, guys like Garry Gately and Dr Niven were asked, given the concentrations that we thought were involved here, based on the visual effects, and also given the fact there had been no acute symptoms with any of the operators that had been exposed to this release on the site on the evening of the incident—we had the visual views from the Stockton area—their task was to interpret that in the context of the material safety data sheet. That is what they do and that is where the conclusion came to the fact that it was a very low likelihood that there were any acute health issues associated with this.

In addition to that, any longer term health impacts were really consequent, as I understand it, from material safety data sheet long-term constant exposure to high levels of chromium VI could have some quite serious health effects, and none of those conditions were part of their view of this situation. That was the flavour of the information and the expertise that, I guess, was interpreting that information that I took on board as the leader of the crisis management team to give us the comfort that that Q&A had the appropriate information in it, and proved to be correct, given subsequent testing and further sampling. We did not have the luxury of that much information so we had to make best of what we had and that did prove to be an accurate assessment as further testing was done by New South Wales Health and further external views on this.

The Hon. CATE FAEHRMANN: Are you aware of the precautionary principle?

Mr BONNER: Not entirely, but I understand we let the community down in the way that we informed them. We thought we were doing the right thing in the way of directing a targeted information-based face-to-face doorknock. However, providing further information is certainly something we would look at in the future.

The Hon. CATE FAEHRMANN: Was the crisis management team ever informed about the 26 calls that came through the EPA's environment pollution line about the incident, eight of which were from residents complaining of potential health impacts as a result of the spill?

Mr BONNER: I was aware of them. I certainly was not aware of any calls at that point in time so we were operating in real time. We were trying to make decisions in real time and at that point I was not aware of any health-related calls or feedback from the community as a consequence of the release.

The Hon. CATE FAEHRMANN: When did you become aware of those calls?

Mr BONNER: I am not sure but it was well later.

The Hon. CATE FAEHRMANN: By "well later" do you think it was about two weeks after the incident?

Mr BONNER: Two or three weeks later.

The Hon. CATE FAEHRMANN: How did you become aware of those calls?

Mr BONNER: Look I do not recall. It was probably in the media.

The Hon. CATE FAEHRMANN: It was not in the media, if I can tell you that.

Mr BONNER: Okay, I cannot recall.

The Hon. CATE FAEHRMANN: You were not part of the crisis management team when you found out?

Mr BONNER: I am just trying to think. I stepped back as leader of the crisis management team on the Friday morning. The crisis management team ran for about another 1½ weeks. I cannot recall it being tabled—that is not to say it was not but I cannot recall it being tabled at the crisis management team meetings.

The Hon. CATE FAEHRMANN: Can you recall what you were told about those calls?

Mr BONNER: No, I cannot.

The Hon. CATE FAEHRMANN: You were informed that there were some calls made?

Mr BONNER: I was aware there were calls made. I think it may have been reading the documentation prior to this inquiry.

The Hon. CATE FAEHRMANN: We were told by the EPA pollution line manager that eight calls came through from residents who thought it may have been as a result of the spill and some of those health problems that were reported were rashes and respiratory problems, just so you are aware. When Mr Stuart Newman appeared before this inquiry he was asked about the emergency response plan. He spoke about it in a little bit of detail. Clearly that plan is actually quite critical to this whole event. It would be very good to see that plan because the committee has heard different things about what is in it in relation to notifying authorities. What authorities does the emergency response plan indicate need to be notified after such an incident?

Ms WOODROFFE: I certainly recall the Office of Environment and Heritage [OEH] and WorkCover are included in that. Beyond that I would have to review the list.

The Hon. CATE FAEHRMANN: Mr Bonner, this morning you indicated that Mr Newman told you that the requirement to notify Health was in that emergency response plan?

Mr BONNER: No, I do not believe I said that.

The Hon. CATE FAEHRMANN: I noted you said that Mr Newman told you that it was in the emergency response plan to notify Health?

Mr BONNER: No, I was not aware of that.

The Hon. CATE FAEHRMANN: We will not know until we read the transcript. Mr Newman has indicated to this inquiry that the on-site emergency response plan does not have a clear linkage with the Department of Health. Today the committee has heard are that the links are with the OEH and WorkCover. Obviously your emergency response plan is being updated and revised as a result of this incident. Is that correct?

Mr BONNER: Yes, it has. Obviously we intended to do that but a key direction of the O'Reilly report was to review the emergency response plan, and that has been done.

The Hon. CATE FAEHRMANN: Ms Woodroffe, just to be clear, who gave you the instruction to call the OEH?

Ms WOODROFFE: I spoke to the site manager, Stuart Newman, on the morning of the ninth and we had a talk about this and we realised that OEH had not been notified at that point. I subsequently phoned them.

The Hon. CATE FAEHRMANN: Did you report to Mr Newman at that time?

Ms WOODROFFE: I have a dotted line reporting function through to Stuart, yes.

The Hon. CATE FAEHRMANN: How many crisis management teams have you headed up?

Mr BONNER: This is the first one at this level.

The Hon. CATE FAEHRMANN: For how long have you been working for Orica?

Mr BONNER: Seventeen years.

The Hon. TREVOR KHAN: Mr Bonner, are you aware that in early November Orica lodged a submission to this inquiry?

Mr BONNER: Yes, I am.

The Hon. TREVOR KHAN: Had you read that submission before it was submitted?

Mr BONNER: No, I had not.

The Hon. TREVOR KHAN: Do you know who prepared it?

Mr BONNER: No, I do not.

The Hon. TREVOR KHAN: Was it somebody above you in managerial responsibility?

Mr BONNER: I am sorry, I am not sure who actually wrote the report.

The Hon. TREVOR KHAN: Have you read it?

Mr BONNER: Yes, I have, subsequently.

The Hon. TREVOR KHAN: In its entirety?

Mr BONNER: Yes.

The Hon. TREVOR KHAN: Are you aware that it arrived to this committee under a covering letter written by Mr Liebelt?

Mr BONNER: Yes.

The Hon. TREVOR KHAN: When you gave your opening statement you said, "At no stage prior to the commencement of this inquiry was I aware of any suggestion that Orica had been given the direction by OEH of any kind on Tuesday relating to communicating with Health."

Mr BONNER: It was not submitted to the crisis management team, no, and I was not aware of it.

The Hon. TREVOR KHAN: Just be careful. Do you still stand by the proposition that "At no stage prior to the commencement of this inquiry was I aware of any suggestion that Orica had been given the direction by OEH of any kind on Tuesday relating to communicating with Health."?

Mr BONNER: No, I was not.

The Hon. TREVOR KHAN: You stand by that proposition?

Mr BONNER: Yes, I do.

The Hon. TREVOR KHAN: Do I take it that the proposition that you stand by is not being cute as to terminology, that is, you do not suggest that the trigger word in what I just read to you is the word "direction"?

Mr BONNER: No, I was only aware of the conversation, I will call it a conversation, that was had, I think at 12.30 on the Tuesday, with OEH and two of our officers. I am not sure when I became aware of it. I think it was when I read the submission that was supplied by Orica, that discussion had gone ahead.

The Hon. TREVOR KHAN: Are you sure that was the term used at the time, or was it after you became alive to the questioning that appears in the transcripts, which you have no doubt read?

Mr BONNER: I have spoken to the individual, who told me that it was formed as a question, not as a directive. That was the basis on which I made my comments.

The Hon. TREVOR KHAN: What you are asserting is that, "Firstly, in preparing for the day, I have checked with the crisis management team and spoken to Orica personnel, who engaged with OEH." Is that correct?

Mr BONNER: Correct.

The Hon. TREVOR KHAN: If I were to go to Orica's submission prepared in November, how do you explain these words referring to 12.30 p.m. on 9 August:

Orica employees return to site and report that fallout was visually evident off-site on residential properties in Stockton. OEH advises Orica to contact NSW Health and to prepare a communications strategy to advise members of the public of any risk.

They are Orica's words. Where have they come from? They seem to be in juxtaposition to what you now say was the conversation between the OEH officers and employees of Orica.

Mr BONNER: I do not know; I did not write the report and I did not review it before it was submitted. My understanding of what went on was that a discussion took place and a question was raised. That is how I understood it. Where the directive notion came from, I do not know.

The Hon. TREVOR KHAN: You would agree that if one takes the plain words contained in Orica's document the OEH officer or officers were saying, "Look, mate"—whoever it may have been—"you'd better ring Health." That is how you would interpret that, is it not?

Mr BONNER: It is not the interpretation that the individuals involved who had the conversation put to me.

The Hon. TREVOR KHAN: But it would seem that someone at Orica clearly came to the view that at 12.30 p.m. on the Tuesday Orica was being told to get in contact with NSW Health.

Mr BONNER: I do not know. Maybe there is a misunderstanding about what went on in that conversation, either by myself or by the person who wrote that report.

The Hon. TREVOR KHAN: But you would agree with me that what you said in your opening statement and what was in Orica's submission essentially stand in conflict?

Mr BONNER: I would agree with that, yes.

The Hon. TREVOR KHAN: Is it correct that the Orica submission containing that statement was first in time in terms of the material available to us?

Mr BONNER: Correct.

The Hon. TREVOR KHAN: And the questioning that has prompted your statement today has highlighted what has been asserted to have been the comments made by the OEH officers to Orica with regard to contacting NSW Health; is that correct?

Mr BONNER: Based on the information you have provided, yes.

The Hon. TREVOR KHAN: Are you aware that Mr Greg Sullivan, on behalf of the Environment Protection Authority, has asserted that he believes the position to be that the contact that was subsequently made with NSW Health by Orica occurred only after OEH officers made a further approach to Orica to check whether NSW Health had been contacted?

Mr BONNER: I understand that is correct, but Sean Winstone had a clear responsibility to take that action. That was a prompt that he had not done it and that is when he actually did it. The action did stand from the Tuesday evening crisis management team meeting. The fact is that the question, directive or whatever was

discussed by those individuals at that time on Wednesday was a prompt for Sean to do that and he did it immediately.

The Hon. TREVOR KHAN: I want to be clear about this: Are you agreeing with the proposition that officers of OEH came back to Orica on the Wednesday morning to check whether NSW Health had been contacted?

Mr BONNER: My understanding of that conversation is that they asked whether they had been contacted. That was a prompt for Sean that he had not had that action on him to contact NSW Health and that was done immediately.

The Hon. TREVOR KHAN: It is plain from that, is it not, that on the Tuesday there had been essentially advice—if we are not going to accept that it was a direction—to contact NSW Health and it had not been done, and the follow-up on the Wednesday morning—again advice—was to contact NSW Health?

Mr BONNER: Just a moment.

The Hon. TREVOR KHAN: I trust that the transcript will reflect that the lawyer has intervened before the question has been answered.

The Hon. CATE FAEHRMANN: It will now.

Mr BONNER: The Tuesday evening action to contact NSW Health was an independent action. As I said in my opening statement, I was not aware, or the crisis management team had not been informed, that there had been whatever direction, question or discussion with OEH on the Tuesday at 12.30 p.m. We were not aware of that. However, independent of that, we took the decision to contact NSW Health on the basis of what I explained earlier to inform them of what we were intending to do in the way of communicating health information to the community. Certainly, the discussion on Wednesday morning was the prompt for the person who had been given that responsibility to do that activity. That is the flow of events as I understood them.

The Hon. TREVOR KHAN: Mr Bonner, let me put it another way, the flow of events is that an OEH officer provided advice to contact NSW Health at about 12.30 p.m., your crisis management team off site on the evening of that Tuesday said to contact NSW Health, and the following morning an OEH officer provided the same advice. Essentially, after advice from OEH officers on two occasions and your crisis management team on one occasion, NSW Health was finally notified. Is that a correct interpretation of the flow of events?

Mr BONNER: It is regrettable. There was a lot going on and unfortunately from a process perspective we wish we had contacted NSW Health earlier. It is regrettable that we did not, but we did it and we started that process of engagement and collaboration to ascertain the health issues further on from what we had already established.

The Hon. TREVOR KHAN: I will roll back a fraction. We know that by about midday on the Tuesday Orica was aware that some chromium VI had escaped from the site; is that correct?

Mr BONNER: We were aware, certainly late morning, that there was some evidence in the Stockton area of what looked to be fallout from that emission.

The Hon. TREVOR KHAN: Indeed, in a sense one could roll back a little earlier—and I am not trying to point the finger at Ms Woodroffe—and note that she received a telephone call that conveyed information that was consistent with Orica having been notified earlier that morning, notwithstanding that she had had only four hours' sleep; is that correct?

Ms WOODROFFE: In terms of?

The Hon. TREVOR KHAN: When you received a telephone call at home after having had about four hours' sleep from a resident of Stockton complaining about yellow spots on a car, that is what you were told, was it not?

Ms WOODROFFE: That is correct. The resident phoned me and talked about the fact that she had some yellow spots on her car. There was conflicting conversation around the fact that she had washed her car in

the evening and had then put it in the garage and had noticed spots in the morning, which created uncertainty in my mind as to the source of those spots.

The Hon. TREVOR KHAN: But it was a fair indicator to you, was it not, that those yellow spots, which were the same colour as those you had seen all over the site the previous evening and which were from the 54-metre high stack, were a frightening indicator that the stuff had escaped from the site, was it not?

Ms WOODROFFE: That is why I contacted the environmental adviser and arrangements were made to speak to that property owner.

The Hon. TREVOR KHAN: I am absolutely not being critical of you, but the clear indicator was that it had escaped from the site when you received that phone call, was it not?

Ms WOODROFFE: It certainly indicated that we need to investigate it further.

The Hon. TREVOR KHAN: Having done that, you contacted someone immediately.

Ms WOODROFFE: That is correct.

The Hon. TREVOR KHAN: Just so we are clear about this, that contact by you was made at what time?

Ms WOODROFFE: The call from the resident?

The Hon. TREVOR KHAN: Yes.

Ms WOODROFFE: Sometime around 9.50 a.m. on the Tuesday morning.

The Hon. TREVOR KHAN: In fact, according to Orica's timetable, you contacted the sustainability manager at 9.50 a.m. Do you have any explanation for why it took until about noon for employees of Orica to head over to Stockton?

Ms WOODROFFE: I am sorry, I am not aware of the reason for that.

The Hon. TREVOR KHAN: Mr Bonner, have you investigated why it took about two hours to get employees there?

Mr BONNER: No, I have not.

The Hon. TREVOR KHAN: Is it a matter of concern to you that it would take two hours to get employees over to investigate a possible discharge into a residential area?

Mr BONNER: It is a concern, but I guess the context is that there was a lot going on at the time and people were trying to manage a lot of site-related issues. It is a concern and clearly we would have liked to have done it more quickly.

The Hon. TREVOR KHAN: How many people work on the Kooragang Island site?

Mr BONNER: About 170 in total.

The Hon. TREVOR KHAN: Were they all involved in the clean-up on the site?

Mr BONNER: First of all, not all of them would have been on site at one time. It is important that we would put people there who were qualified enough to be able to ascertain what they were looking for and to give a clear view on whether this was connected with the site.

The Hon. TREVOR KHAN: What were the qualifications of the people who went from Kooragang Island to Stockton at 11.58 a.m. on the morning of 9 August?

Mr BONNER: Sherree may be able to help you, but I believe they were two of our environmental people.

The Hon. TREVOR KHAN: Were they?

Ms WOODROFFE: That is correct. It was our compliance manager, who has a safety, health and environment background, and the environmental adviser.

The Hon. TREVOR KHAN: Have you asked them why it took two hours to get to Stockton?

Ms WOODROFFE: I have not spoken to them about this, no.

The Hon. TREVOR KHAN: If I can make an observation, there appear to have been delays of various sorts and we get statements of regret but not an explanation of why the delays occurred. Is there any reason for that? Is there any reason that there is no apparent insight into the reasons for the delay in addressing this issue?

Mr BONNER: No. As I said earlier, there was real-time crisis management going on and a lot of people were doing lots of things. Some things were not done as quickly as perhaps they should have been and some issues were not picked up as early as they could have been. We have looked at some of these areas, but we do not have clear answers to all of them. People were very busy and as a consequence their recollection of what occurred is not as clear as perhaps it would have been had they not been under that kind of pressure and stress. We do not have a clear reason that it took two hours for that individual to be visited and that issue to be assessed.

The Hon. TREVOR KHAN: I refer to the site emergency plan. You have given some reasons for its being updated. However, it is true, is it not, that one of the conditions of the start-up committee in terms of the Orica plant was that there be a new site emergency plan?

Mr BONNER: As I understand it. Sherree would probably be able to comment.

Ms WOODROFFE: The update of the emergency plan initially came through a WorkCover notice requesting it to be updated and some training to be undertaken in relation to that. That was subsequently incorporated into the ammonia plant start-up committee process as an action for them to follow.

The Hon. TREVOR KHAN: So there were amendments to the site emergency plan; is that correct?

Ms WOODROFFE: That is correct.

The Hon. TREVOR KHAN: What were the amendments to the site emergency plan?

Ms WOODROFFE: There are amendments in relation to including an additional scenario for the people on site to be trained in, which is around the potential for discharges from high-level vent stacks of material to carry off site and the incorporation of things like contacting NSW Health and training to update site personnel on that issue.

The Hon. TREVOR KHAN: So that we are clear about this, the previous site emergency plan had no provision for notification to NSW Health?

Ms WOODROFFE: I am not sure of that.

The Hon. TREVOR KHAN: Am I right in saying that both WorkCover and the start-up committee examined the previous site emergency plan and the new site emergency plan?

Ms WOODROFFE: WorkCover certainly looked at it through the MHF process prior to the incident. I am not sure whether it has reviewed the plan in effect at the time of the incident versus the one that has been updated subsequently.

CHAIR: As a point of clarification, what does "MHF" mean?

Ms WOODROFFE: It is "major hazard facility".

The Hon. TREVOR KHAN: Mr Bonner, would you agree from what you have heard that this site emergency plan and the previous site emergency have been examined as part of the process of getting the plant started up again?

Mr BONNER: Correct.

The Hon. TREVOR KHAN: Why can we not see both plans? What is the problem?

Mr BONNER: As per previous responses, that request has been taken on notice. It is not my role to give that approval.

The Hon. TREVOR KHAN: Taking into account that this has been a public inquiry during which the confidence of the residents of Stockton and the wider New South Wales community has been tested by Orica, as a senior officer of the company can you explain why it is not prepared to provide those documents? I hope that the transcript also indicates that the lawyer is giving advice to Mr Bonner again.

Mr BONNER: I will be consistent: Requests for documents today and previously have been taken on notice.

The Hon. TREVOR KHAN: I will take that as a non-responsive answer, Mr Bonner. Thank you.

The Hon. MATTHEW MASON-COX: Ms Woodroffe, I will ask you a series of questions about your role. What do you do as sustainability manager and what are you responsible for on site?

Ms WOODROFFE: Safety management systems, environmental compliance-related matters, environmental improvement projects and community consultation.

The Hon. MATTHEW MASON-COX: So you are the go-to person for any environmental issues, spills or emissions that occur at the site?

Ms WOODROFFE: I am an adviser to the site.

The Hon. MATTHEW MASON-COX: You are an adviser to the site?

Ms WOODROFFE: Yes.

The Hon. MATTHEW MASON-COX: So the answer is yes to my question?

Ms WOODROFFE: Yes.

The Hon. MATTHEW MASON-COX: So it all comes through you in that sense.

Ms WOODROFFE: Yes.

The Hon. MATTHEW MASON-COX: You said you have a masters degree in environmental science.

Ms WOODROFFE: In environmental studies.

The Hon. MATTHEW MASON-COX: What is that in?

Ms WOODROFFE: It is a course-based program of studies.

The Hon. MATTHEW MASON-COX: A generalist course?

Ms WOODROFFE: Yes.

The Hon. MATTHEW MASON-COX: Can you outline what monitoring equipment is deployed on site to detect emissions, fugitive or otherwise, from the Kooragang Island plant?

Ms WOODROFFE: A range of monitoring equipment has been installed on licensed emission points as required under our environment protection licence. The key ones are monitoring for nitrogen oxides in our acid plants. There is also monitoring for water emissions undertaken in accordance with the licence requirements.

The Hon. MATTHEW MASON-COX: They are licence-specific monitoring points on the plant itself?

Ms WOODROFFE: Yes.

The Hon. MATTHEW MASON-COX: Does the licence require any monitoring of ammonia emissions from the Kooragang Island site?

Ms WOODROFFE: No, it is not in the licence.

The Hon. MATTHEW MASON-COX: Does Orica perform any monitoring of ammonia emissions or other emissions from the site?

Ms WOODROFFE: We have some monitoring in plant areas for fugitive ammonia emissions.

The Hon. MATTHEW MASON-COX: Can you outline what level of ammonia emissions you have been able to detect from the site over the past 12 months?

Ms WOODROFFE: Can you rephrase that question slightly in terms of "detect"?

The Hon. MATTHEW MASON-COX: Are emissions from the site a regular event? How often do they occur?

Ms WOODROFFE: We have ammonia emissions as part of the operation of the plant.

The Hon. MATTHEW MASON-COX: Yes, and how regularly do they occur?

Ms WOODROFFE: I am not sure. There are routine activities that result in venting of ammonia within the system.

The Hon. MATTHEW MASON-COX: And generally, is Orica aware of those sorts of emission events occurring?

Ms WOODROFFE: Sorry, I am not involved in the plant processes at that level of detail.

The Hon. MATTHEW MASON-COX: If there is an emission event you are the person who would be notified on-site, is that correct?

Ms WOODROFFE: Events tend to be notified through to plant managers, who will contact me.

The Hon. MATTHEW MASON-COX: So you will find out either directly or indirectly about an emission event on-site?

Ms WOODROFFE: That is correct.

The Hon. MATTHEW MASON-COX: The chief executive officer, Mr Liebelt, made it clear to the Committee that there were very strong risk management procedures in Orica. Could you give me your understanding of the risk management procedures as they relate to the start-up of the Orica plant?

Ms WOODROFFE: If I start perhaps at the design phase of the ammonia plant expansion project?

The Hon. MATTHEW MASON-COX: Yes.

Ms WOODROFFE: There is quite a comprehensive process of what we would term hazard studies to look at the risks associated with the process changes being undertaken, which will include—I am sure the Committee has heard the term "hazop"—hazard and operability studies. That process of assessment includes that process and that is undertaken by the engineering team, with relevant technical experts involved in that process.

The Hon. MATTHEW MASON-COX: Were you involved in that process yourself?

Ms WOODROFFE: I was not involved in the hazard studies, no.

The Hon. MATTHEW MASON-COX: As the peak person responsible for environmental issues on-site, do you think that is unusual?

Ms WOODROFFE: I attend some hazard studies. It depends a little bit on the nature of the work and the processes that are occurring as to which hazard studies myself or a member of my team attends.

The Hon. MATTHEW MASON-COX: So you were not involved in the hazard study for the start-up, correct?

Ms WOODROFFE: I was not involved in the hazard studies for the engineering changes that were undertaken as part of the expansion project.

The Hon. MATTHEW MASON-COX: You are aware, though, that there were hundreds of modifications made to the plant as part, if you like, of a maintenance upgrade, an enhancement of the plant before the start-up?

Ms WOODROFFE: That is correct.

The Hon. MATTHEW MASON-COX: However, given the strong possibility, indeed some might suggest likelihood, of an event of that nature occurring, do you think it is odd that those modifications did not include any safety issues relating to potential incidents from the start-up?

Ms WOODROFFE: In addition to the hazard study process that we undertook there was an environmental risk assessment process that was undertaken prior to the commencement of the turnaround and the expansion project activities that looked at the shutting down of the plant, the maintenance activities that were being undertaken during the course of the turnaround and the restarting activities.

The Hon. MATTHEW MASON-COX: Would you provide us with a copy of that environmental risk assessment?

Ms WOODROFFE: I will take that on notice.

The Hon. MATTHEW MASON-COX: Were you involved personally in that environmental risk assessment?

Ms WOODROFFE: I attended a number of those, or members of my team.

The Hon. MATTHEW MASON-COX: Was that environmental risk assessment done by the company or by external consultants?

Ms WOODROFFE: It was an internal study; it was led by an internal person.

The Hon. MATTHEW MASON-COX: Could you identify who led the internal environmental risk assessment process?

Ms WOODROFFE: My recollection of it is that it was our risk engineer on-site.

The Hon. MATTHEW MASON-COX: Could you also outline or perhaps take on notice and provide us with a list of the Orica employees who were involved in that environmental risk assessment team?

Ms WOODROFFE: I will take that on notice, thank you.

The Hon. MATTHEW MASON-COX: I was wondering if you could provide us with the list of people who were also part of the crisis management team. You mentioned in your opening statement, Mr Bonner, that you had a range of people from different disciplines within the company, both company employees and external consultants. If we could just gain an understanding of who those people were and the skills that they brought to the table in relation to the emergency response, that would be appreciated.

The Hon. ADAM SEARLE: And their positions.

Mr BONNER: That has already been requested and we have got that on notice. That will be provided.

The Hon. MATTHEW MASON-COX: Sorry, I missed that. I also wanted to know in relation to the previous incidents that have occurred on-site. There are, as I understand, six previous incidents in around about the last 12 months that are being investigated and there are certain prosecutions pending, and we are all very familiar with that. I wanted to understand in relation to a plant of this type is it usual business practice for there to be regular incidents of that type of nature, just because of the nature of the plant?

Ms WOODROFFE: I have been advised to query the relevance of that question to the terms of reference of this inquiry.

CHAIR: Could I have a look at the question, Matthew. Do you have it written down?

The Hon. MATTHEW MASON-COX: No.

CHAIR: So that we can get on with it I will rule the question out of order and we can come back and try again.

The Hon. MATTHEW MASON-COX: The question was in relation to a range of incidents which have occurred on-site. The inquiry is in relation to the effectiveness of monitoring of emissions on-site. My understanding is that the incident in question is a chromium six emission but it all goes to, in essence, the need to ensure the site is safe for the community in which it resides. In your view, given you are expert in these issues, as has been put to the Committee, is this a place that we should have a plant such as the Kooragang Island plant?

CHAIR: I have had a look at the terms of reference. Although there is an item in most terms of reference that states "any other related matters arising from these terms of reference", the terms of reference relate very clearly to this particular incident, so I rule the question out of order.

The Hon. ADAM SEARLE: Just on that point, though, the issue of whether there is a systemic issue to do with safety of the site would be relevant to the current terms of reference and perhaps a little latitude could be given, Mr Chair, simply because one of the understandings we need to get is whether this is simply a one-off unfortunate situation or part of a wider pattern.

CHAIR: Had the terms of reference been written slightly more cleverly that would be the case but in all cases all the subsets of the terms of reference refer to "the incident"; for instance, 1 (a) (v) states: "the adequacy of Orica's emergency response plans and safety plans with respect to chemical discharge or explosion prior to the incident".

The Hon. TREVOR KHAN: Which we may or may not ever see.

CHAIR: The witnesses have agreed to take that request on notice.

The Hon. TREVOR KHAN: "On notice", whatever that may mean.

CHAIR: I understand clearly what "on notice" means, Mr Khan.

The Hon. MATTHEW MASON-COX: I will go down another path, if I may. [*Time expired.*]

(Short adjournment)

CHAIR: Before I proceed to another round of questioning, Ms Woodroffe, would you be prepared to table your opening statement?

Ms WOODROFFE: Yes.

Document tabled.

The Hon. ADAM SEARLE: Mr Bonner, in relation to the engagement of Dr Niven, was that a decision made by you or was it recommended to you by other persons within Orica?

Mr BONNER: No, it was a decision made by the crisis management team that we needed to get a professional medical perspective and Dr Niven, given his background and experience, seemed the right doctor to work with.

The Hon. ADAM SEARLE: There were two other persons who were also selected, were there not? Do you know how they were selected?

Mr BONNER: Other physicians?

The Hon. ADAM SEARLE: Yes.

Mr BONNER: I was not aware of that, no.

The Hon. ADAM SEARLE: There was a report "Release of chromium from the SP8 stack in the KI ammonia plant, response to Hunter New England Local Health District request for information" dated 11 August 2011. It has got Dr Rodney Williams, Orica Mining Services, Bruce Niven, consultant, and John Frangos, masters of toxicology, principal consultant from Toxikos. Dr Williams presumably is employed by Orica?

Mr BONNER: Yes.

The Hon. ADAM SEARLE: Dr Niven was employed by Orica but he is now a consultant and Mr Frangos was an external consultant. There was a Garry Gately, also employed by Orica, and another person, Russell Higgins, who was another adviser to Orica. They seem to have been the joint authors of the document. Are you familiar with that document?

Mr BONNER: I am certainly familiar with the authors and there were a number of documents, but I have read it. I would not say I am in a detailed sense familiar with it.

The Hon. ADAM SEARLE: It does seem to be top-heavy with people who are currently and formerly associated with Orica.

Mr BONNER: Russell Higgins is a contractor to Orica. He used to be our global manufacturing manager for ammonium nitrate, so he is a very relevant individual in the context of the facility. But certainly Mr Frangos was recommended on the advice of Dr Niven as an expert toxicologist who would be the appropriate person to assist us in this assessment.

The Hon. ADAM SEARLE: It did not occur to you or to anyone else in Orica that perhaps having a majority of persons working on this who might have been independent of the company might have been a good idea?

Mr BONNER: I think both Mr Frangos and Dr Niven are, and they are certainly professionally independent. Their professional credibility and integrity is very important. So we had no problem in assessing that they had the independence necessary for this kind of review.

The Hon. ADAM SEARLE: In relation to the phone call the day after the emission from the person who had the residue on the car, Ms Woodroffe, employees of Orica were sent out to presumably look at the car?

Ms WOODROFFE: That is correct.

The Hon. ADAM SEARLE: Was testing done on that residue?

Ms WOODROFFE: I am not aware of that being undertaken, no.

The Hon. ADAM SEARLE: Mr Bonner, are you aware of that being done?

Mr BONNER: No, I am not aware.

The Hon. ADAM SEARLE: Do you know who might be aware?

Mr BONNER: I can take it on notice.

The Hon. ADAM SEARLE: Maybe you can take this on notice: whether there was any testing done and, if so, what the tests indicated.

Mr BONNER: What I can say is I was aware that OEH were taking samples on Tuesday in that area. I do not know if they took a sample from that particular car.

The Hon. ADAM SEARLE: Do you know which Orica employee was sent out to look at the car?

Ms WOODROFFE: That was the compliance manager and the environmental adviser that I spoke about previously.

The Hon. ADAM SEARLE: Peter Smith?

Ms WOODROFFE: That is correct.

The Hon. ADAM SEARLE: They went out personally?

Ms WOODROFFE: Yes.

The Hon. ADAM SEARLE: But we do not know what came of the visit?

Ms WOODROFFE: The observations that they made.

The Hon. ADAM SEARLE: You were giving some evidence before the break, Ms Woodroffe, about what measures had been taken by Orica to detect emissions. You mentioned that there was some emissions-detecting equipment at various points. Obviously there was nothing in place that indicated to site management that there had been emissions off site; it was only discovered through this phone call. That is correct, is it not?

Ms WOODROFFE: That is correct.

The Hon. ADAM SEARLE: Mr Bonner, as a result of leading the crisis management team, has the crisis management team or yourself done any report to Orica management about what has been learnt through the process of this crisis management?

Mr BONNER: There has been reviews done and, yes, there has been a report completed or a presentation completed to the Orica executive.

The Hon. ADAM SEARLE: Do you know roughly when that was presented to the Orica executive?

Mr BONNER: I am not entirely sure, but around October. I think early October.

The Hon. ADAM SEARLE: I know you will take it on notice, but through you I would like to request a copy.

The Hon. TREVOR KHAN: Do not be cynical.

The Hon. ADAM SEARLE: I do not think I am being cynical. We would like to have a copy of that presentation in a documentary format.

Mr BONNER: We will take that request on notice.

The Hon. ADAM SEARLE: In relation to what has been learnt as a result of dealing with this particular incident, are either of you able to indicate what measures have been taken by Orica now to ensure that any further emissions off site are detected? Has some equipment been put in place that will accurately detect and let management know when emissions are—to use a fairly quaint term—fugitive?

Ms WOODROFFE: Sorry, in relation to hexavalent chromium releases off site?

The Hon. ADAM SEARLE: In the first instance, yes, because that is the incident that we are dealing with. But given the nature of the site in total and the various things that go on there, more generally would be perhaps the second part. Certainly the first part is in relation to hexavalent chromium.

Ms WOODROFFE: In relation to the incident of hexavalent chromium there is a very comprehensive program of activities that will be undertaken during the start-up process to observe what is occurring and assess whether we are actually forming any solution that is containing hexavalent chromium. There is no monitoring equipment that I am aware of that you can buy to detect that sort of emission. It is an observational technique.

The Hon. ADAM SEARLE: So you have to see it or observe residue?

Ms WOODROFFE: That is correct.

Mr BONNER: I think an important comment on that is hexavalent chromium, as I understand it, Ms Woodroffe is more qualified to speak on this, but it is only evident for a very short period of time every five years when we do this major turnaround of the ammonia plant. So it is not a chemical that is widely used on the site on a regular basis. So it is really I think a period of hours or even minutes as they bring the catalyst up that hexavalent chromium is actually present. In the context of what we do on the site, it is a chemical that is not widely used.

The Hon. ADAM SEARLE: I understand it occurs only during the start-up phase but that phase goes for a number of days?

Ms WOODROFFE: No. The start up is divided into a number of components: The component is the H₂ for catalyst reduction and that occurs over a period of several hours once you introduce the hydrogen containing gas, so a reducing environment, into the plant, and the chromium is converted from chromium VI to chromium III.

The Hon. ADAM SEARLE: When we were hearing evidence in Stockton from the night shift supervisor he was asked a number of questions about what had happened to cause the incident and evidence was given that there were some operating procedures, such as the timing of vent valve operations, which were not followed. There were procedures that should have been followed that were not and on further questioning he indicated that the decisions made that resulted in noncompliance with operating procedures would have occurred during the day shift. Although the incident occurred on the night shift the causal factors, or the human error factors, if there were any, would have occurred during the day shift. We wait with baited breath to see the report to Orica executive. Are you able to indicate whether any of that report deals with that issue about the noncompliance about operating procedures?

Mr BONNER: I am not familiar with the process or report so I am not able to comment. I do not know.

The Hon. ADAM SEARLE: Even though you led the crisis management team and presumably what was learnt from that process informed this report?

Mr BONNER: From the engineering and manufacturing aspects of this I was not involved in that and I was not required to provide any feedback. There were people that provided feedback to the executive but I was not one of them. I am not qualified to provide that feedback.

The Hon. ADAM SEARLE: So I am clear: There is a major incident; there is a crisis management team activated to deal with it, led by you and handed over to somebody else; I would assume as a result of this and particularly public relations—dare I use the term—fall out the company would want to learn from any mistakes. Surely those involved in managing the crisis were asked by management to comment in any review?

Mr BONNER: I was involved in the review but I was not involved in that aspect of it. We had our global manufacturing manager who provided that feedback who was much more qualified to provide that feedback to the executive and our board. I cannot recall the details of that. I am not qualified to give you the answer I am looking for.

The Hon. ADAM SEARLE: Who is the person who conducted that review and reported to the Orica executive?

Mr BONNER: It was conducted by Richard Hoggard and Ian Gilmore, who is our global corporate manufacturing safety health and environment manager.

The Hon. ADAM SEARLE: Mr Hoggard was the person to whom you handed the leadership of the crisis management people from 12 August?

Mr BONNER: That is correct.

The Hon. ADAM SEARLE: He is one of the two people that conducted the review?

Mr BONNER: He conducted the engineering and manufacturing aspects of that review. He is a career specialist in manufacturing and was our global manufacturing manager.

The Hon. ADAM SEARLE: Leaving aside the engineering aspect, are you aware of any review or report to the Orica executive about the role played in the incident of deviations from operating procedures? Before legal counsel intervenes, I am not asking you to give the answer; I am asking you are you aware. Surely that is something that does not require legal advice?

Mr BONNER: I do not know. I do not know of what operating procedures you are referring to.

The Hon. ADAM SEARLE: Do you have a copy of Orica's submission to this inquiry?

Mr BONNER: Yes.

The Hon. ADAM SEARLE: On pages 34-35 there are a number of causes of the incident referred to. One problem identified is starting up with a low de-aerator temperature, exacerbated by deviations from operating procedure such as the timing of vent valve operations. Those are not necessarily engineering issues; those are issues to do with the management or operation of plant equipment during that process. I am wondering whether any review arising out of this incident was conducted into activities or decisions made during the day shift that contributed directly to the causation of the incident: Presumably so your company could learn from it?

Mr BONNER: There was a significant review and that was part of the independent engineer's report. Am I across what that learning was? I am not. I would not expect to be. We have specialists that run these plants. I am not an engineer. I am not a chemist. I do not have that background.

The Hon. TREVOR KHAN: Was it the site manager who was that specialist?

Mr BONNER: I am sorry?

The Hon. TREVOR KHAN: Was it Mr Newman who was the specialist in running the plant?

Mr BONNER: In running the ammonia plant?

The Hon. TREVOR KHAN: In running the site? Are you asserting that Mr Newman was the specialist we could have relied upon?

Mr BONNER: Mr Newman was the site manager at the time, yes.

The Hon. ADAM SEARLE: Leaving aside this engineering report when Orica as a company decided to see what could be learnt from this incident you do not know whether any issues to do with the way in which the plant was operated during the start-up phase during the day shift was a matter specifically looked at by your company?

Mr BONNER: I do not know specifically, no.

The Hon. ADAM SEARLE: Could you take that on notice?

Mr BONNER: Yes.

The Hon. ADAM SEARLE: What I would like you to take on notice if you are unable to answer—I think I have asked a previous witness this also and if I have I apologise for repeating it—I would like to know, if the company knows, what deviations there were from the company's own written operating procedures that impacted on or caused the incident? No more questions.

The Hon. CATE FAEHRMANN: What role did the crisis management team play in the testing of workers and the health of workers following the incident?

Mr BONNER: It was a clear action. It was an issue on our issues log. The testing was administered. Garry Gately was involved in that as the senior occupational hygienist. That process was largely administered at the site. The lead person for that was the HR manager who sat on the crisis management team. She was involved with the workers and unions ensuring we were providing the appropriate follow-up in the way of testing and in the way of employee assistance in a situation like this. Anyone who was feeling they needed independent support our HR manager led that aspect of it.

The Hon. CATE FAEHRMANN: Have you had any feedback about the appropriate testing of workers following a release of hexavalent chromium.

Mr BONNER: I am not sure personally of specific feedback. We took a course of action of testing that was advised by Dr Niven and Mr Gately. I am not personally aware of what the specifics of that advice was but certainly testing were completed, urine samples were done, and reassuringly all those samples came back negative. We had no, as far as I am aware, issues with the staff that had been exposed to it.

The Hon. CATE FAEHRMANN: Ms Woodroffe, are you aware of any feedback about the type of testing that was undertaken of the workers.

Ms WOODROFFE: As Mr Bonner said, I am aware that personnel who were exposed on the evening were offered urine testing, skin checks, because chromium can have the potential or dermatological effects, and respiration or spirometry.

The Hon. CATE FAEHRMANN: Do you know when the workers were offered that testing?

Mr BONNER: My recollection is Wednesday.

The Hon. CATE FAEHRMANN: In WorkCover's submission to the inquiry—have you read some of the submissions, particularly the Government department submissions?

Mr BONNER: I cannot recall the specifics.

The Hon. CATE FAEHRMANN: In WorkCover's submission there was an email from a professional officer at WorkCover specialising in chemical hygiene and toxicology. This was sent to New South Wales health; it was not sent to Orica. It outlined his concerns about the urine testing of Orica employees after the incident. The officer states: Urine testing did not begin, of Orica employees, until three days post exposure. For some workers there was a delay of a week which meant the tests were next to useless. He also states that the half-life of absorbed chromium is in the order of 8 to 20 hours and after three days the chromium levels in urine will be down to 1 to 5 per cent of maximum levels and may represent zero to 2-3 per cent of the absorbed dose. What faith do you have in your company's ability to test for hexavalent chromium?

Mr BONNER: I am not qualified to give an opinion on that.

The Hon. CATE FAEHRMANN: Would you commit to looking into that given that information?

Mr BONNER: I can take it on notice.

The Hon. CATE FAEHRMANN: You do not need to get back to me, you could just commit to looking into that knowing that there is information given from WorkCover that possibly urine testing for hexavalent chromium is not the way to go about it and that it should have been blood testing.

Mr BONNER: I can give that feedback.

The Hon. CATE FAEHRMANN: You are informed now. What was your role at the site as sustainability manager, you are responsible for safety?

Ms WOODROFFE: That is correct.

The Hon. CATE FAEHRMANN: I am informing you as sustainability manager. Ms Woodroffe, you would be aware, as Orica is a major hazard facility, your responsibilities under the Occupational Health and Safety Act?

Ms WOODROFFE: That is correct.

The Hon. CATE FAEHRMANN: Do you know the definition of a major accident under the Occupational Health and Safety Act?

Ms WOODROFFE: I am aware there are definitions contained within the regulations to the Act.

The Hon. CATE FAEHRMANN: You are the sustainability manager at Orica, which is a major hazard facility, and you have obviously quite a lot of obligations and responsibilities under the Occupational Health and Safety Act. A major accident at a major hazard facility is defined as a serious incident?

Ms WOODROFFE: Yes.

The Hon. CATE FAEHRMANN: You probably do not know the wording but are you aware of what a serious incident is under the Occupational Health and Safety Act for a major hazard facility?

Ms WOODROFFE: I am aware of where to go to find that information and have a general understanding of the requirements.

The Hon. CATE FAEHRMANN: Under the Occupational Health and Safety Act it says that serious incident is: An incident including an omission, loss of containment, fire, explosion or release of energy or projectiles, but not including the long term low volume release of any material—probably what happened on the night—involving a schedule 8 material occurring in the course of the operation, commissioning, shut-down or maintenance of a major hazard facilities that poses a risk of serious danger or harm, whether immediate or delayed, to any person including members of the public. That is probably what happened on the night of the incident at hand?

The Hon. TREVOR KHAN: This is probably a legitimate intervention by counsel.

The Hon. CATE FAEHRMANN: By the lawyer—for the record.

Ms WOODROFFE: I do not have the text in front of me. I am not a legal expert to be able to provide a definitive answer on that and I would feel uncomfortable responding to that question.

The Hon. CATE FAEHRMANN: As sustainability manager for Orica, which is a major hazard facility, surely part of your responsibilities as defined in your job description is to know the requirements of Orica under each specific Act, such as the Occupational Health and Safety Act.

Ms WOODROFFE: That is correct and we have various people to support me in that role.

The Hon. CATE FAEHRMANN: I for one was disappointed with the response to the O'Reilly report by your chief executive officer, Graeme Liebelt, which said that in Orica's view the circumstances of the incident did not meet the criteria set out in clause 344 of the Occupational Health and Safety Regulation, which is what I just read out, and that by definition of the law Orica did not view that incident as a serious incident. My reading of it, and I think the community would say this as well, is that it definitely was a serious incident. Those are all the questions I have.

CHAIR: Okay. There were questions in there, were there?

The Hon. CATE FAEHRMANN: Unanswered.

The Hon. MATTHEW MASON-COX: Ms Woodroffe, I am asking for your reaction to a submission that has been put to the Committee by the Total Environment Centre and the Nature Conservation Council, who state: "We think that the incident [at Orica's plant] reflects a slack culture at Orica about risk assessment and pollution reduction." What is your reaction to that statement?

Ms WOODROFFE: I do not hold those views. I believe that Orica has a strong culture of commitment to safety, health and environmental performance and continual improvement of that performance. If I look at some of the projects that I have been involved with at the site in my time there, we have worked very hard to improve our environmental performance. We have implemented a number of projects to drive emissions down over that period of time.

The Hon. MATTHEW MASON-COX: How would you describe the culture at Orica?

Ms WOODROFFE: Orica has a strong culture towards safety, health and environmental matters and a commitment to continually improve that performance.

The Hon. SARAH MITCHELL: I have a couple of questions mainly relating to the extent of the emission. Mr Bonner, in your opening statement you said that the crisis management team assessed visual information at your meeting. What was that visual information?

Mr BONNER: It was the assessment of the people that were in Stockton around lunchtime to do the street walk and visually assess what was there.

The Hon. SARAH MITCHELL: The people being Orica employees?

Mr BONNER: Orica people and there were also people from OEH in the Stockton community that afternoon doing their own assessments as well.

The Hon. SARAH MITCHELL: Ms Woodroffe, in your opening statement you talked about how you inspected some of the cars on the boundaries and you were confident you could not see any evidence of yellow spots on any of the cars in the car park towards the north of the site.

Ms WOODROFFE: The plant manager had the operators inspect cars in the car park that was downwind of the area where the event occurred and I did an inspection at the boundary area of our site.

The Hon. SARAH MITCHELL: You said in answer to a question asked by Mr Searle that the only possible recourse for inspection is visual.

Ms WOODROFFE: That is correct.

The Hon. SARAH MITCHELL: So until you were notified by a resident of Stockton on Tuesday morning that they had potentially found spots you had no reason to think that the emissions were anywhere other than on site?

Ms WOODROFFE: That is correct.

The Hon. SARAH MITCHELL: Given that it had spread further are there ways of potentially looking at the system or is there no option other than a visual indication of whether it had spread?

Ms WOODROFFE: In relation to the incident at the time?

The Hon. SARAH MITCHELL: Yes.

Ms WOODROFFE: I am not aware of any other ways of working out what might have occurred off-site.

The Hon. SARAH MITCHELL: Had the resident not notified you, there would have been no reason to think it had spread further than the site itself?

Ms WOODROFFE: I cannot comment on that. Obviously during the course of that morning people were doing inspections on our site to ascertain the extent of material that was on our site and I am unclear whether that would have led to further investigations.

The Hon. SARAH MITCHELL: Mr Bonner, you said a few times when we discussed the delay of up to two hours in visiting the resident that that was regrettable but you are not quite sure why there was a delay, just that there was a lot going on. Can you elaborate on what you mean by "a lot going on"?

Mr BONNER: We were in the process of setting up the crisis management team so we had not actually met at that point. We did not have an issues log. We had not captured all the items that needed to be addressed. My understanding, having spoken to Stuart Newman at the site, was that there was still an enormous amount of focus at the site on trying to deal with the site-related issues. He had a whole range of internal staff and external contractors arriving at the site that morning for the day shift, so managing the staff on site was quite a key focus and ensuring they were not entering areas where there was potential exposure to this situation. Through that morning there was a lot going on at the site and at that point we had not really got the structure around the crisis management to get the issues log going and capture the actions that were required. Unfortunately some things did slip through that. As you can imagine there were a lot of moving pieces and people were trying to do their best and trying to focus on the immediate issues, which were largely site-related we thought at that point.

The Hon. SARAH MITCHELL: Is a priority determined with an issues log and actions from that log? Is that something you work out as part of your crisis management team?

Mr BONNER: Not typically. We just capture all the actions and they are allocated to the appropriate person on the crisis management team to follow up.

The Hon. SARAH MITCHELL: Is it up to the individual on the team to determine the order in which they do them?

Mr BONNER: That is correct.

The Hon. SARAH MITCHELL: Even as the head of the crisis management team, other than giving direction to other members about their area of responsibility—I use the example of Mr Winstone notifying health, which was his responsibility—there was no direction from you as to what priority that should be given?

Mr BONNER: No.

The Hon. SARAH MITCHELL: Is that generally the way it works?

Mr BONNER: We were coming up with maybe 10 at each meeting. We had an issues log and we had actions. That is a manageable number to keep across. It was not like we had 50 or 100 different actions which we then had to start rating on relevance and importance.

The Hon. SARAH MITCHELL: I suppose there is an expectation that any actions would be followed up as a matter of priority by all members of the team.

Mr BONNER: Yes, that is correct. In some circumstances not all actions were completed as timely as we would like. Again, in that first 24 hours it was very difficult to get clear information and ensure we had everything covered. I guess that is not abnormal in a circumstance like this.

The Hon. TREVOR KHAN: Ms Woodroffe, let us go back to the morning of 9 August. Did you receive a telephone call on your mobile at 9.45 a.m.?

Ms WOODROFFE: From?

The Hon. TREVOR KHAN: Essentially the resident.

Ms WOODROFFE: I received a call via reception. They put the person through to my mobile phone; that is correct.

The Hon. TREVOR KHAN: Am I right in saying that having taken that phone call the first person you then called to advise them of the contents of the resident's information was the site manager?

Ms WOODROFFE: I am sorry, I do not recall the exact sequence of events. I phoned the site manager and the environmental adviser. I cannot quite recollect the sequence of that.

The Hon. TREVOR KHAN: But there were at least two phone calls within a relatively short time of the call from the resident. Is that right?

Ms WOODROFFE: That is correct.

The Hon. TREVOR KHAN: Looking at the Orica time line, 9.45 is the time of the resident's phone call and at 9.50 there was a phone call to the site manager. Would that be right?

Ms WOODROFFE: That is correct.

The Hon. TREVOR KHAN: At 10 o'clock, within 10 minutes, you have arranged for a visit to the Stockton resident to further investigate the matter. Who did you phone to make the arrangement with regard to a site visit to the resident's premises?

Ms WOODROFFE: I spoke to the environmental adviser.

The Hon. TREVOR KHAN: Are you the one who makes the phone call to the Office of Environment and Heritage at 10.28 a.m.?

Ms WOODROFFE: That is correct.

The Hon. TREVOR KHAN: Did you do that from home—I assume you were at home when these calls were being made—or had you gone to the office?

Ms WOODROFFE: I was still at home at that point in time.

The Hon. TREVOR KHAN: Was the contact number for the Office of Environment and Heritage among the list of phone numbers you had at your home?

Ms WOODROFFE: I think I logged on to my computer. I have a contact number for OEH on there.

The Hon. TREVOR KHAN: Did you notify them that there had been an incident at the site?

Ms WOODROFFE: That is correct.

The Hon. TREVOR KHAN: Would it be correct to say that you also told the line that you believed the fallout was contained to the premises?

Ms WOODROFFE: I do not recall saying that.

The Hon. TREVOR KHAN: If it was contained within documents within the Office of Environment and Heritage that you had said it was contained to the premises, I take it you could not disagree with that proposition? I do not think this needs the intervention of the lawyer because it does not go to any issue.

CHAIR: Order! It is the witness's prerogative.

Ms WOODROFFE: I have been advised that the area we are going into moves into the area of a sub justice matter and I am advised not to proceed.

CHAIR: The witness has replied that she does not recall, to which the Hon. Trevor Khan has suggested some evidence was given elsewhere that she would either agree or disagree with.

The Hon. TREVOR KHAN: She could not disagree with it.

CHAIR: Under the circumstances I think the Hon. Trevor Khan should continue the line of questioning in a different fashion or along a slightly different line. That might get him the answer he wants.

The Hon. TREVOR KHAN: Ms Woodroffe, the position is this, is it not: For at least half an hour before you phoned the Office of Environment and Heritage you knew there was a prospect—I suggest a strong prospect—that there had been an emission off-site and into the residential area of Stockton? Is that not right? I note that the lawyer is intervening again.

The Hon. TREVOR KHAN: I suggest it would have been incumbent on you when you notified OEH to tell it that there was evidence that there had been an escape from site. Is that right?

Ms WOODROFFE: I am advised that that matter goes into the sub justice area.

The Hon. TREVOR KHAN: Chair, I ask you to rule on that.

CHAIR: I am not a lawyer but the objective of this inquiry is to get as much information as we can so that we can make reasonable suggestions to the Government about what should be done. It is perhaps more to the point that the witness is being asked to answer a question that would indicate whether she did her job properly. I rule the question out of order.

The Hon. TREVOR KHAN: For how long were you on the site the previous evening after you became aware that the emission, whether on-site or off-site, had occurred?

Ms WOODROFFE: I was on site from approximately 10.45 until a little before 6.00 a.m. on the Tuesday. I was aware that there had been a fallout on-site and that we had had discharged the effluent system which we were managing during the course of the evening.

The Hon. TREVOR KHAN: Who did you phone whilst you were on the site during that period of time?

Ms WOODROFFE: I did not phone anyone while I was on site at that period of time.

The Hon. TREVOR KHAN: Who did you speak to?

Ms WOODROFFE: During the course of time I spoke to the plant manager and the night shift supervisor and the process operators.

The Hon. TREVOR KHAN: Did you have time to wander about the site to review the site? Is that right?

Ms WOODROFFE: During the course of the evening I made an inspection of the area of site down wind, that is correct.

The Hon. TREVOR KHAN: With regard to the examination of the cars that had been directed by the shift supervisor, was that to check on whether there had been an emission off site or whether there had been damage to motor vehicles on site?

Ms WOODROFFE: I cannot comment on the mind of the plant manager who asked the people or the night shift supervisor who asked the people to do that.

The Hon. TREVOR KHAN: There is often a problem on sites such as Orica operates where there is an emission that damages the duco, is there not?

Ms WOODROFFE: I am not aware of that, no.

The Hon. TREVOR KHAN: Are there then claims lodged by employees for damage done to their motor vehicles because of something that has been emitted on the site?

Ms WOODROFFE: I am not aware of that at all.

The Hon. TREVOR KHAN: Is that right?

Ms WOODROFFE: That is correct.

The Hon. TREVOR KHAN: Would that explain why the shift supervisor had sent some bloke down to have a look at whether anything was on the cars?

Ms WOODROFFE: I am not aware of this issue at all.

The Hon. TREVOR KHAN: Did you have your mobile phone with you that night?

Ms WOODROFFE: The mobile phone is not allowed to be taken into the ammonia plant area.

The Hon. TREVOR KHAN: Did you have it at other times whilst you were on the site?

Ms WOODROFFE: I do not recall where my mobile phone was at that point in time.

The Hon. TREVOR KHAN: Did you have access to a phone whilst you were going about the site? I take it there are various phones about the site?

Ms WOODROFFE: That is correct.

The Hon. TREVOR KHAN: Did you have access to your computer at various points in time?

Ms WOODROFFE: No, my computer was at home.

The Hon. TREVOR KHAN: Did you have access to a computer on site?

Ms WOODROFFE: Yes.

The Hon. TREVOR KHAN: That had, for instance, the phone number of the OEH?

Ms WOODROFFE: That is correct.

The Hon. TREVOR KHAN: The site emergency plan that you were familiar with had the OEH number on it. Is that right?

Ms WOODROFFE: That is correct.

The Hon. TREVOR KHAN: And you did not call?

Ms WOODROFFE: I did not call the OEH that evening or morning.

The Hon. TREVOR KHAN: Was it the case that it was the telephone call that according to the Orica transcript made at 9.50 the following morning, to use your words, that you realised OEH had not been notified? Is that right?

Ms WOODROFFE: I am advised that that area goes into the sub judice area again.

CHAIR: I rule the question out of order.

The Hon. TREVOR KHAN: I take it in that telephone call that you had at 9.50 a.m. the realisation was not only yours but also Mr Stuart Newman's that OEH had not been notified?

The Hon. ADAM SEARLE: I do not think she knows what Mr Newman did or did not know.

CHAIR: I am sure her legal adviser is advising that.

Ms WOODROFFE: Could you please repeat that question?

The Hon. TREVOR KHAN: The telephone conversations you had at 9.50 a.m. at which there was a reference to a realisation that OEH had not been notified was one in which you were able to conclude that not only was that a realisation on your part but also one on the part of Mr Stuart Newman, the site manager?

Ms WOODROFFE: I am sorry, I cannot speculate on what was Stuart Newman's realisation at the point of that conversation.

The Hon. TREVOR KHAN: Is it not the case that under the site emergency plan both you and he shared the obligation to notify OEH? Is that the case.

Ms WOODROFFE: I do not believe that that is correct under the emergency response plan.

The Hon. TREVOR KHAN: Under whose responsibility under the emergency response plan was it to notify OEH?

Ms WOODROFFE: I am sorry, I do not recall that.

The Hon. TREVOR KHAN: Why not?

Ms WOODROFFE: Because I do not.

The Hon. TREVOR KHAN: As the sustainability manager for this site you do not know who was responsible for notifying OEH? Is that genuinely your evidence?

CHAIR: I remind committee members that the witnesses are here by invitation. Members should not badger witnesses. If witnesses say they do not recall we will leave it at that.

The Hon. TREVOR KHAN: Do you know whose responsibility it was to notify OEH?

Ms WOODROFFE: There is a procedure that talks about responsibilities in relation to notification of regulators.

The Hon. TREVOR KHAN: Whose responsibility on the night of 8 August was it to notify OEH?

Ms WOODROFFE: I am advised that that matter goes into sub judice areas.

CHAIR: I rule the question out of order.

The Hon. TREVOR KHAN: Mr Bonner, whose responsibility on the night of 8 August do you think it should have been to notify OEH?

Mr BONNER: I think it is the responsibility, first of all, to ascertain whether OEH are required to be notified that was I think there.

The Hon. TREVOR KHAN: Do you suggest it was not the responsibility to notify OEH?

Mr BONNER: No, I am not suggesting that.

The Hon. TREVOR KHAN: Let us get past that. Whose responsibility was it?

Mr BONNER: I would have to understand in the context of responsibility in regards to the emergency plan but I would hold the most senior person on the site—

The Hon. TREVOR KHAN: I note the lawyer is intervening part way through the answer to the question.

The Hon. ADAM SEARLE: It depends on what the local site plan has to say about that.

Mr BONNER: You asked me for my opinion. My legal adviser has advised me that it is getting into the area of sub judice and, as a consequence, I would prefer not to answer the question.

CHAIR: The Government's time has expired. I thank the witnesses for appearing today and for giving their answers. I ask that the answers to questions on notice be returned to the committee within 21 days. I also understand that Orica asks whether witnesses are likely to be recalled. The committee has not determined yet whether there will be a recall. I understand that we do not have Mr Liebelt's answers until 12 December. The committee will take those into account and then advise Orica.

(The witness withdrew)

(The Committee adjourned at 12. 42 p.m.)