

REPORT OF PROCEEDINGS BEFORE

SELECT COMMITTEE

NOTICE OF HEARING

**INQUIRY INTO KOORAGANG ISLAND ORICA CHEMICAL
LEAK**

At Stockton on Tuesday 15 November 2011

The Committee met at 9 a.m.

PRESENT

The Hon. Robert Borsak (Chair)

The Hon. Cate Faehrmann

The Hon. Trevor Khan

The Hon. Matthew Mason-Cox

The Hon. Melinda Pavey

The Hon. Adam Searle

CHAIR: Sorry, ladies and gentlemen, for the slightly late start. We are here today for the first day of the public hearings. So welcome to these hearings for 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 incident and the response of both Orica and the New South Wales Government to the incident. Today we are hearing the representative of Orica's Kooragang Island plant as well as members of the Stockton community. The Committee is also holding further hearings in Sydney this week and next where we will be hearing from the general manager of Orica and from the Premier, the Minister for the Environment, Minister for Health and the Minister responsible for WorkCover.

As Chair of the Committee I would like to thank all the witnesses who are attending today and thank those members of the public in attendance for their interest in the inquiry.

Before we begin with our first witness 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 broadcasts governing broadcast of these proceedings are available from the staff.

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 published or what the interpretation is placed on anything that is said before the Committee.

Regarding questions on notice, if there are any questions that you are not able to answer on today but you 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 at a later date.

In camera deliberations, if you would consider at any stage during your evidence that your response to particular questions should be heard in private by the Committee, could you please state your reasons and the Committee would then consider your request. I would also like to remind all those present in the room today that the 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 any further court proceedings.

Regarding adverse mention, I would also remind witnesses that the freedom afforded to witnesses by parliamentary freedom is not intended to provide an opportunity to make adverse reflections upon specific individuals. Witnesses are asked to avoid making critical comments about specific individuals and instead speak about general issues of concern.

For particular reference to Orica, we are aware that the EPA 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 we will be mindful that legal proceedings are afoot and in light of the sub judice convention 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 the actions of their employer or Government agency or in fact any other individual.

I appreciate that appearing before a parliamentary committee can be a daunting experience for witnesses and I ask the Committee members to be mindful that the witnesses are appearing at the Committee's invitation to assist us with our examination of our terms of reference.

Regarding mobile phones, may I remind everyone to please turn off their mobile phones for the duration of the hearing. I would now welcome our first witnesses from Orica Kooragang Island plant, Mr Stuart Newman and Mr Warren Ashbourne.

All witnesses must be sworn prior to taking evidence. I ask that each in turn state your name and job title, swear either an oath or an affirmation. The words of the oath and the affirmation are on the cards on the table in front of you.

Please begin with the first witness.

WARREN JAMES ASHBOURNE, Orica shift supervisor, and

STUART ALAN NEWMAN, site manager at Kooragang Island, sworn and examined:

CHAIR: I will start the questioning maybe with you first, Warren. Can give us a description of your role and where you fit in the company at the plant?

Mr ASHBOURNE: Sure. I have probably been employed with Orica for the best part of 24 years. I went straight from school and did an apprenticeship there and for the last 18 years I have been an operator and since about 2000 shift supervisor. My day to day role, I have a group of five other people on my shift who I help coordinate to run the ammonia plant. Also I deal with any day to day maintenance jobs that need to be done as far as locking out, isolating and getting ready for maintenance.

CHAIR: Thank you. Stuart?

Mr NEWMAN: I graduated with an chemical engineering degree and started work with Orica straight after that 18 years ago, various operations and plant management roles in that time. I have been the site manager at Kooragang Island for just over three years. So as a site manager my responsibility is the overall meeting of the safety, health, environment, production, quality, costs type roles for the site. I have a management team of people who report to me and look after the various functional areas and those sorts of things on the site.

The Hon. Adam SEARLE: The incident occurred during the starting up after a shut down after a five-year maintenance overhaul, is that right?

Mr NEWMAN: Yes.

The Hon. Adam SEARLE: And it was on about day three of the eight-day starting up again phase that the incident occurred in?

Mr NEWMAN: Correct.

The Hon. Adam SEARLE: And you were on the site on the time?

Mr NEWMAN: I was not on the site at the time of the incident.

The Hon. Adam SEARLE: You were, Mr Ashbourne?

Mr ASHBOURNE: Yes.

The Hon. Adam SEARLE: And you were the relevant site supervisor at that time?

Mr ASHBOURNE: Yes, I was.

The Hon. Adam SEARLE: And in relation to the leak, because the chromium VI had been created during the start-up process and had not condensed. Is that correct?

Mr ASHBOURNE: Yes.

The Hon. Adam SEARLE: And the level of condensate was in volumes much greater than you had expected?

Mr ASHBOURNE: We were expecting small amounts to be collected at the bottom of the SP8 drain, probably in the order of maybe one ton and the volumes that come through, yes, overwhelmed us.

The Hon. Adam SEARLE: Okay. Now there had recently been a site overhaul, is that correct, and you removed the coil from part of the machinery?

Mr ASHBOURNE: Yes, removed a flue duct coil.

The Hon. Adam SEARLE: Can you explain to us what that was and why it was removed?

Mr ASHBOURNE: Yes, the flue duct coil has water going towards our steam drum so it could run through a furnace - there is a coil that runs through the furnace. It heats it up before going to a vessel, 102C. The idea to go to the vessel is then to cool the gas before it goes to our steam drum. Now the coil was removed. There was a decision made due to upgrading of the plant that 102C would not be able to handle the heat load going through so they decided to cut that coil out from that part of that process and they reused it in another part of the process.

The Hon. Adam SEARLE: Was it the removal of the coil that created the increased condensate?

Mr ASHBOURNE: Removal of the coil, yes. It created a lot cooler temperatures going to 102C, which in turn created a lot more condensate than was expected.

The Hon. Adam SEARLE: And the removal of the coil was part of the site upgrade and I believe the company had engaged overseas experts to help with the redesign, is that correct?

Mr ASHBOURNE: Yes. As far as I am aware--

The Hon. Adam SEARLE: Just pausing there, that was not something that you were not personally involved in?

Mr ASHBOURNE: Not personally involved in, no.

The Hon. Adam SEARLE: Mr Newman, was that something you were personally involved in?

Mr NEWMAN: No, we have a design and engineering team who did that work.

The Hon. Adam SEARLE: As best as you understand then, overseas experts were engaged to do the redesign as part of the upgrade of the site?

Mr NEWMAN: Yes, they reviewed the design and were part of the design team.

The Hon. Adam SEARLE: And it was on their advice that the coil was removed?

Mr NEWMAN: I cannot comment on exactly how that decision was arrived at between our own engineers and overseas people.

The Hon. Adam SEARLE: But Orica's engineers and the design team worked with - was it a Swiss company, do you know?

Mr NEWMAN: It is a company called Casale. It is one of the big major plant technology providers.

The Hon. Adam SEARLE: And as a result of the collaboration between and Orica and this company the site was overhauled and redesigned to some degree and part of that was removing the coil and that created the increased condensate that ultimately caused the incident. Is that a correct understanding?

Mr NEWMAN: That was one of two contributors, so the independent engineer's report certainly identifies that the removal of that coil or the change in surface of that coil contributed to the lower temperatures in the secondary waste head boiler, but also the low temperature in the (inaudible) was a contributor as well. So there are two key contributors identified in the independent engineer's report.

The Hon. Adam SEARLE: I think that was indicated in the engineer's report and in your company's submission that the volume of condensate was not participated. Do you know what assessments, if any, were done about how much condensate was likely to be generated as a result of the change in the structure of the plant?

Mr NEWMAN: There is a range of hazard studies and design reviews and so on where they recognise the creation of condensate. I am not aware of any quantification with the actual volume of the condensate that was generated.

The Hon. Adam SEARLE: So you were not made privy to or given any assessments about how much could be expected to be generated?

Mr NEWMAN: Not in terms of quantity.

The Hon. Adam SEARLE: Even though your role, I think as you put it, the overall management of the site included maintaining the standards of health and safety on the day?

Mr NEWMAN: Yes.

The Hon. Adam SEARLE: Do you think that is information that would have been very useful for you to have had?

Mr NEWMAN: I am not a major plant design expert by any stretch. The project team are the people who - their role is to do the design work on an ammonia plant.

The Hon. Adam SEARLE: But leaving aside the issue of the design, if you and your team, including the site supervisor, had known how much condensate was going to be generated presumably then you would have been able to take steps to make sure that it did not get out of control as it did.

Mr NEWMAN: Given that we had the systems in place that was the quantity that we were expecting. It would be reasonable to suggest that had we been expecting more then we would not have been able to deal with it.

The Hon. Adam SEARLE: You say the amounts that you were expecting, on what basis was that assessment made as to how much you were expecting?

Mr NEWMAN: Our experience during the last time we did this activity, which was in 2006, was that there was condensate (inaudible) condensate form which would be collected in the drains of that system. The reason for that experience, I think that it is in my submission, that at the time in 2006 we did not have the containment systems in place. What is normally clean, clean water from that system close to our effluent system, in 2006 it was contaminated chromium that caused the exceedance on our effluent discharge licence on our effluent. So we were certainly aware of the issue and, as Warren said, the order (inaudible) of condensate that would need to be collected from the system.

The Hon. Adam SEARLE: So that assessment, was that an assessment made by you based on past experience or was it made by someone else in the company and you were given that assessment to work on? How did it work?

Mr NEWMAN: The engineering and design team.

The Hon. Adam SEARLE: So you do not know what studies, if any, they did to make that assessment but it was their assessment?

Mr NEWMAN: I know there was a range of studies done and their assessment was as a result of those studies.

The Hon. Adam SEARLE: So when the incident occurred when were you first notified?

Mr NEWMAN: I was at home and I received a phone call from the plant manager about 8 p.m. advising me that the incident had occurred.

The Hon. Adam SEARLE: What did you do when you received that phone call?

Mr NEWMAN: There were three concerns that I had: The possibility of people who had been exposed; the safe shut down of the plant to ensure that the incident was not continuing or recurring during the course of the evening; and containing material on the site from the storm water and effluent systems.

The Hon. Adam SEARLE: Did you travel to the site?

Mr NEWMAN: No.

The Hon. Adam SEARLE: So you were at home (inaudible). Mr Ashbourne, you were the site supervisor at the time?

Mr ASHBOURNE: Yes.

The Hon. Adam SEARLE: How did you become aware of the incident?

Mr ASHBOURNE: Probably about 10 to 6 that evening had a hand over from the day shift supervisor. Then about 6 o'clock a couple of fitters walked in through the door and they asked me what was these yellow spots on his helmet. I knew immediately that it was most probably chromium. That is how I became aware of it.

The Hon. Adam SEARLE: What did you do when you become aware that there had become some discharge of chromium?

Mr ASHBOURNE: First thing to do was told him to wash up, change clothes. I went over and had a look out the window and you could see the chromium hitting the window.

The Hon. Adam SEARLE: Whereabouts were you at this time?

Mr ASHBOURNE: This is inside the control room.

The Hon. Adam SEARLE: So this is the window of the control room?

Mr ASHBOURNE: The window of the control room facing the SP8. From there I asked the control room operator to make an announcement over our loudspeaker for anybody who was working out there to come in. I then made a phone call to the plant manager and advised him what was going on.

The Hon. Adam SEARLE: Did you give you any advice about what to do or what was the procedure?

Mr ASHBOURNE: We had a quick discussion and a decision was made to change the vent to a vent further downstream. This would enable us to capture the liquid in a larger knock-out pot. So after speaking with him, (inaudible) and myself and a couple of other operators went out and opened some valves, got the control room operator to change the venting.

At that stage we thought we had stopped it. It certainly stopped coming out of the stack.

The Hon. Adam SEARLE: So you could see it coming out of the stack?

Mr ASHBOURNE: You could see that it had stopped hitting the ground.

The Hon. Adam SEARLE: So that was an identifiable thing--

Mr ASHBOURNE: It was just like a misty sort of rain falling down.

The Hon. Adam SEARLE: Like mist?

Mr ASHBOURNE: Droplets of rain falling down immediately below the SP8 stack. Once we changed the venting this stopped immediately. So we thought we were on top of it. However, probably five, ten minutes later I had radio contact from an operator who asked me to come to the base of SP8 stack, that we were starting to lose control of the liquid there. Went over and had a look.

And--

The Hon. Adam SEARLE: Sorry, sir. Is this at the base of the stack?

Mr ASHBOURNE: Directly right at the base of the stack where they had the pump equipment set up to pump away the chromium liquid.

The Hon. Adam SEARLE: Right. Was that leaking?

Mr ASHBOURNE: When I walked over and had a look the level of the stack had risen approximately five or six metres, maybe a little bit more, up the stack. It was coming out from a pinhole leak out the side. You can see it squirting it out, so I ascertained from that we did not have control of our liquid that the level was building up again. So I got--

The Hon. Adam SEARLE: I do not mean to interrupt, where do you say it was leaking from the side of the stack?

Mr ASHBOURNE: The stack itself - you can tell there was a temporary repair put around the stack and the liquid going up that was coming of this temporary repair.

The Hon. Adam SEARLE: Sorry. This was a temporary repair that had been made sometime before?

Mr ASHBOURNE: Yes.

The Hon. Adam SEARLE: When was that temporary repair made. Do you know?

Mr ASHBOURNE: Could not tell you.

The Hon. Adam SEARLE: Just so I have got this right. The first leak was from the top of the stack?

Mr ASHBOURNE: The first leak, yes, it was percolating out the top.

The Hon. Adam SEARLE: Then you had the liquid going to another vent to try and avoid that leakage?

Mr ASHBOURNE: Yes.

The Hon. Adam SEARLE: Then there was a second leak coming out of the side of the stack from a previously made temporary repair?

Mr ASHBOURNE: Yes, we changed vents and then the first initial leak, yes, it did stop. However the knock-out pot that had been collecting all the chromium, it could not handle the volume either and it filled up and overflowed into that same vent system. So then we had liquid coming in through there and the vent system itself started filling up approximately five or six metres up in the air until it hit that temporary repair and it was squirting out there. So once I have noticed it was there we radioed through to the control room and had an emergency shutdown.

The Hon. Adam SEARLE: Okay. As a result of that second leak?

Mr ASHBOURNE: Yes.

The Hon. Adam SEARLE: What steps did you take to ascertain that the leak was limited to the site?

Mr ASHBOURNE: Initially we could see the pools of liquid directly below us - the SP8 stack. The direction of the SP8 stack on the evening was towards our car park, employee car park. Approximately maybe an hour after the event I asked people to go and put their cars through the car wash. We had a local car wash on site. Just in case I gave my keys to another employee. I had a white car and he had a white car, along with several others, when they came back they said there was no evidence at all on the cars. Given that that was the direction--

The Hon. Adam SEARLE: So what would have been the evidence, yellow spots?

Mr ASHBOURNE: Yellow, spots, yes.

The Hon. Adam SEARLE: What level of employee did you send out to do this task?

Mr ASHBOURNE: He was one of my outside operators. He is also a trained control operator.

The Hon. Adam SEARLE: What time of night was this?

Mr ASHBOURNE: Approximately 7.30.

The Hon. Adam SEARLE: So it was dark?

Mr ASHBOURNE: Yes, but the car park was reasonably well lit.

The Hon. Adam SEARLE: So in your opinion would someone have been able to see small yellow spots with the naked eye at that time of night?

Mr ASHBOURNE: On the night I assumed they would have.

The Hon. Adam SEARLE: But you do not yourself actually know?

Mr ASHBOURNE: No.

The Hon. Adam SEARLE: Just an assumption. Okay. When and how did you discover that the leak was not contained to the site?

Mr ASHBOURNE: I believe it was a couple of days later.

The Hon. Adam SEARLE: So it was not something you knew on the night?

Mr ASHBOURNE: No. When we left that morning, myself and all the other guys that worked that night, we honestly thought we had done a good job in trying to contain it to the site. We

went home thinking that is what we had done.

The Hon. Adam SEARLE: Just returning to the second leak in the SP8 stack, that temporary repair, do you know when that temporary repair was done or why it was done?

Mr ASHBOURNE: It was on our SP8 stack, which is a very low pressure piece of pipe. The pressure in that pipe does not get very high at all, so it would have been--

The Hon. Adam SEARLE: Usually? Does not usually get that high?

Mr ASHBOURNE: No, the pressure does not get high at all. It is an open-ended pipe. The repair would have been done some time in the previous two years. It is a temporary clamp that gets used quite regularly on low pressure systems that we do not seem - we do not feel is necessary to have a proper repair done.

The Hon. Adam SEARLE: So it was not a proper repair. It was just a band aid job?

Mr ASHBOURNE: It was just a patch repair.

The Hon. Adam SEARLE: Do you know why the repair was necessary?

Mr ASHBOURNE: There would have been a hole that corroded probably a pin-hole there.

The Hon. Adam SEARLE: Do you know that for a fact or is it just an assumption you are making?

Mr ASHBOURNE: That is just an assumption.

The Hon. Adam SEARLE: I will ask you again: Do you know why the repair was done?

Mr ASHBOURNE: Not directly, no.

The Hon. Adam SEARLE: Are you able to take that on notice and get back to us?

Mr ASHBOURNE: I can try and find that out, yes.

The Hon. Adam SEARLE: You say that when the first leak occurred you had it redirected to a second stack to take the pressure off. Why was it then that the pressure kept building to the point where the liquid got to the level of the temporary repair?

Mr ASHBOURNE: It is not a fact that the pressure kept building, the liquid in that knock-out pot that we directed it to, it overflowed that knock-out pot, I think to the vent system.

The Hon. Adam SEARLE: So, what, it backed up?

Mr ASHBOURNE: Yes, it filled up and overflowed. We had the vent off the top of that and the liquid overflowed that vessel and that vessel actually vents back into that SP8 stack.

The Hon. Adam SEARLE: And so you redirected the liquid to a second stack, that filled

up, it overflowed and backed up back into the SP8 stack?

Mr ASHBOURNE: Yes, back into the original.

The Hon. Adam SEARLE: And it kept going until it hit the level of the temporary repair?

Mr ASHBOURNE: Yes.

The Hon. Trevor KHAN: Mr Newman, you made reference to hazard studies that had been undertaken. Were those hazard studies made available to you?

Mr NEWMAN: They are available. It would not be actually part of my role to review that detail.

The Hon. Trevor KHAN: You did not review them?

Mr NEWMAN: No.

The Hon. Trevor KHAN: In the circumstances are you able to make those hazard studies available to us?

Mr NEWMAN: I take that on notice.

The Hon. Trevor KHAN: Does that mean yes?

CHAIR: The witness has said he will take it on notice, Trevor.

The Hon. Trevor KHAN: Well, the question is what taking on notice means. If it means: Yes, I will do it, that is fine. If it means: I will think about it, then we are entitled to know what it means.

The Hon. Adam SEARLE: It must be the second category.

The Hon. Trevor KHAN: I think it is. Look, just so that we understand the dynamics of this, we talk about the SP8 stack, how high is the SP8 stack?

Mr NEWMAN: I am not sure of the exact height, but 50 metres.

The Hon. Trevor KHAN: So we have a stack that goes 50 metres up in the air and so what we are talking about - and the diameter of it? What, a metre? So we have a stack that is about a metre wide that is some way filled with condensate and gas. Is that right?

Mr NEWMAN: Yes.

The Hon. Trevor KHAN: And the condensate gas, I think Mr Ashbourne used the term, percolates. But essentially the gas and condensate is ejected out the top of about a 50-metre high stack in the air, is that right?

Mr NEWMAN: Yes.

The Hon. Trevor KHAN: It obviously forms the particles of varying diameters. Is that right? Some of which fall to the ground in the vicinity of the stack. Is that right?

Mr NEWMAN: Yes.

The Hon. Trevor KHAN: And some of it is ejected sufficiently high up in the atmosphere that it is blown over Stockton. Is that right?

Mr NEWMAN: Yes. It has become evident after the incident that is the case, yes.

The Hon. Trevor KHAN: Let me go back a little bit, you have seen the chronology that has been prepared in this matter, have you?

Mr NEWMAN: Yes.

The Hon. Trevor KHAN: You were involved in the preparation of that chronology. Would that be right?

Mr NEWMAN: The parts that I was involved in, yes.

The Hon. Trevor KHAN: You know, do you not, that at 5.39 p.m. an alarm goes off in the control room indicating essentially that there is condensate at the bottom of the SP8 vent stack. Is that right?

Mr NEWMAN: Yes.

The Hon. Trevor KHAN: That alarm goes off because there is some sort of monitoring equipment actually on the stack. Is that right?

Mr NEWMAN: Correct.

The Hon. Trevor KHAN: And that was able to identify that there was condensate in the bottom of the stack. Is that right?

Mr NEWMAN: Yes.

The Hon. Trevor KHAN: I think everyone is aware that we visited the plant yesterday. That would be right? It is the case, is it not, that that monitoring equipment was able to tell you that there was condensate in the bottom of the stack, but it was not able to actually tell things like flow rate of that condensate. Is that right?

Mr NEWMAN: It was a little switch so it either detects that there was a level there or not.

The Hon. Trevor KHAN: And it was not able to tell you apart from finding out subsequently because there was a pinhole on the side of stack actually what height it has reached in the stack?

Mr NEWMAN: That's right.

The Hon. Trevor KHAN: So workers were down the bottom with pumps and drums essentially trying to clear up condensate when this stuff was bubbling some 50 metres up to the top of the stack?

Mr NEWMAN: Correct.

The Hon. Trevor KHAN: And then ejected out the top of the stack. Is that right?

Mr NEWMAN: Yes.

The Hon. Trevor KHAN: It would be safe to say if that material had been, for instance, highly corrosive we could be looking at a different sort of inquiry going on now with the workers down below. Is not that right?

Mr NEWMAN: Except we do not have highly corrosive materials that can be formed, but in theory yes.

The Hon. Trevor KHAN: In theory. In theory what we could be looking at is serious injury to workers because you did not know what was going in the process to start with?

Mr NEWMAN: Correct.

The Hon. Trevor KHAN: If I can take you back to 2006, that was another incident of chromium VI discharging. Is that right?

Mr NEWMAN: Correct.

The Hon. Trevor KHAN: And what was that, a couple of tons of condensate discharging?

Mr NEWMAN: Yes, I do not know the quantity, but it was discharged to our (inaudible) system.

The Hon. Trevor KHAN: Now knowing that in 2006 that there was a couple of tons of condensate discharging, there is then an engineering redesign done on the plant which you know then will create the prospect of more condensate being created on this day? Is that right?

Mr NEWMAN: I do not know the extent to which they quantify the additional amount of condensate. The studies, as I understand them, identified that the condensate would still be able to be collected at the base of the stack.

The Hon. Trevor KHAN: Was that advice given to you in writing?

Mr NEWMAN: Not prior to the incident. That is something that the engineering design team does as part of their normal design and hazard study process.

The Hon. Trevor KHAN: What I am asking: You are charge in this plant. Is that right?

Mr NEWMAN: Yes.

The Hon. Trevor KHAN: And you would want to ensure that all those levels of management and operators beneath you understood what was to occur in the start-up process?

Mr NEWMAN: Yes.

The Hon. Trevor KHAN: So you would have ensured, would you not, that you had a clear idea of the potential hazards that would arise on the start-up?

Mr NEWMAN: But I am not a major plant design engineer so I employ - my role is to employ appropriately qualified engineering personnel using appropriately robust design and review techniques.

The Hon. Trevor KHAN: Sure.

Mr NEWMAN: To do that. I cannot do that myself.

The Hon. Trevor KHAN: I understand that. We are all limited by our qualifications and experience. But as the manager of it, you would want to know, would you not, precisely what the hazards that were in front of you on this day?

Mr NEWMAN: Yes.

The Hon. Trevor KHAN: And you would have received, would you not, in writing, the details of the nature of those hazards?

Mr NEWMAN: I do not think there is specific details in the report that identifies that.

The Hon. Trevor KHAN: Did you create or cause to be created any advices to those levels of management beneath you and the operators identifying the hazards that were to occur on the start-up?

Mr NEWMAN: The process is that the engineering design team do all of that as part of the design. There might be engineering design construction procedures, other controls, that is all part of the engineering and project management activity.

The Hon. Trevor KHAN: I understand that. But we have finished the project. We are now doing a start-up. I am asking what did you do to ensure that people like Mr Ashbourne, who has been in a sense dragged into this, and the plant operator, what did you do to ensure that they knew of what hazards they would have been confronted by on this start-up?

Mr NEWMAN: From the personnel perspective, I employed a team of highly experienced and qualified designers and engineers to do that project and to assess all of those sorts of things and provide that information.

The Hon. Trevor KHAN: I will put it a different way. What information did Mr Ashbourne give that identified precisely the hazards that would be confronted on the start-up?

Mr NEWMAN: There is the range of involvement of people at all levels of the plant including the team leaders in operations through the design phase and then through familiarisation and training during construction and prior to operation without the changes that were going to occur in this matter.

The Hon. Trevor KHAN: Mr Ashbourne, did you receive anything in writing that indicated that the amount of condensate which was to be produced during this start-up phase?

Mr ASHBOURNE: No.

The Hon. Trevor KHAN: Did any of the operators who reported to you receive advices either orally or in writing that identified the level of condensate that would be produced on this day?

Mr ASHBOURNE: Not that I am aware. We were under the understanding that there were going to be very similar amounts to 2006.

The Hon. Trevor KHAN: Mr Ashbourne, I am not being critical of you. You have identified your training and skill, but you were aware that part of the plant had been changed so that the start-up temperatures were going to be less. Is that right?

Mr ASHBOURNE: Yes, all the operators were trained in the months leading up to the turnaround with all changes that were happening. Yes, we were aware.

The Hon. Trevor KHAN: Mr Newman, perhaps with the benefit of hindsight, it was plain, is it not, that there was a gross failure by the company to train its workers adequately with regards to the implications and the design changes that has been made. Is that not right?

Mr NEWMAN: I think--

CHAIR: Order! Order! I do not think you can ask him that question as to whether the company has made or caused a gross failure. He is not in a position to make that judgment call.

The Hon. Trevor KHAN: Mr Newman, let me put it another way. Could I suggest to you that there was a gross failure on your part to adequately train your workers on the implications of the design change that had been made to the plant?

CHAIR: That question is out of order too. You cannot ask him to self-incriminate or potentially self-incriminate.

The Hon. Trevor KHAN: Mr Newman, let me go on. You attended the plant after the plant manager had already arrived. You attended the plant at what time on that evening?

Mr NEWMAN: I did not go in until the next morning.

The Hon. Trevor KHAN: So you knew that there had been some major incident at the plant that night. Is that right?

Mr NEWMAN: Correct.

The Hon. Trevor KHAN: And you did not go to the plant to take charge of it?

Mr NEWMAN: No.

The Hon. Trevor KHAN: Why not?

Mr NEWMAN: Because two of my senior management team were involved in the containment work on the evening.

The Hon. Trevor KHAN: Let me ask you this, again having visited the site, if it had been raining heavily on that night and there had been water flowing around in the vicinity of SP8 and the control room area, what would have prevented all the containment that had fallen to the ground simply washing away or washing across the site?

Mr NEWMAN: Well, there are areas of the plant largely contained to our effluent system, so depending on the amount of rain there would have been the ability to capture that material again in the system and they successfully did during the evening.

The Hon. Trevor KHAN: Even when overborne by rain falling on the site?

Mr NEWMAN: I cannot quantify how much rain would have caused the effluent system to flood, but there is the capacity to - rainwater that falls in the process areas is directed to our effluent system.

The Hon. Trevor KHAN: So you came to the site, if I can describe it that way, the following morning. Is that right?

Mr NEWMAN: Yes.

The Hon. Trevor KHAN: When did you become aware of telephone calls from a resident indicating that yellow spots had been identified on her or her husband's motor vehicle?

Mr NEWMAN: Sometime around - so the sustainability manager had been at the plant most of the night helping the operations team in containing the material in the site. She went home to bed in the early hours of the morning about 5 or 6 o'clock. She called me sometime around 10 having taken that phone call.

The Hon. Trevor KHAN: That is 10 in the morning?

Mr NEWMAN: Tuesday morning.

The Hon. Trevor KHAN: Why had there not been at that stage a report to any government agency that the incident had occurred?

Mr NEWMAN: From a personal perspective when I arrived at work on the morning about 7 a.m. and went out to the plant to see for myself, it became evident to me that the extent of the material on-site was much greater than had been reported during the evening, as it became daylight, that the spread of the materials were evident. And from a personal perspective my concern was from a - given that this was material that we had around the plant my immediate concern was the toxicological effect.

So still it was the tail end of the turnaround. There was still some hundreds of people on the site scheduled to work on that day.

My immediate concern was for the toxicological issues and understanding the safety implications for the people. So I spent the majority of the time during that morning understanding for myself exactly what the material was, what its acute exposure risks were, coordinating, given the sustainability manager had gone home to bed, continuing to coordinate the clean-up activities and start to arrange for things like treatment of the material that had been collected during the night. So that was the focus for me in the morning.

The Hon. Trevor KHAN: Does that mean that you did not turn your mind to notifying government agencies that there had been a pollution incident at the site? Or had you turned your mind to it and decided it was not a priority at that time?

Mr NEWMAN: I was focussed on the toxicological issues. I had 200 or 300 people who I was concerned for, part of the plant was not contaminated based on wind direction. A large part of the plant was not contaminated so the question around whether it was safe for people to continue to work in that area, whether the entry in the area where they had to get from where they were based in the plant, they were the focus of my attention at the time.

The Hon. Trevor KHAN: It is clear, is it not, that from the SP8 stack to the car park is roughly, if you were to look in that direction, roughly south east?

Mr NEWMAN: Yes.

The Hon. Trevor KHAN: And it is clear that if you were to stand at the base of the SP8 stack and look south east, subject to the constructions that are in the way, you would be overlooking the northern part of Stockton. Is that right?

Mr NEWMAN: Based on (inaudible).

The Hon. Trevor KHAN: The answer is yes?

Mr NEWMAN: Yes.

The Hon. Trevor KHAN: And you have weather data that is available on to site?

Mr NEWMAN: Yes.

The Hon. Trevor KHAN: Did you check that weather data available on that morning to identify the direction of the wind?

Mr NEWMAN: No.

The Hon. Trevor KHAN: If you had, you would have known that the wind direction was essentially over Stockton from the SP8 stack?

Mr NEWMAN: It was evident that that was the wind direction because that was the area of the site (inaudible)

The Hon. Trevor KHAN: So from what was available to you you had a yellow substance, which was likely to be chromium VI, on the ground. Is that right?

Mr NEWMAN: Correct.

The Hon. Trevor KHAN: That you knew had been ejected from a stack 50 metres up in the air - some height up into the air. Is that right?

The Hon. Trevor KHAN: With a prevailing wind direction towards Stockton?

Mr NEWMAN: Yes.

The Hon. Trevor KHAN: By the time you got there in the morning you knew that the incident was far more serious than you had anticipated than what you had been told on the phone over the night. Is that right?

Mr NEWMAN: Yes, certainly in terms of its spread on-site.

The Hon. Trevor KHAN: Notwithstanding all of that, you decided not to contact any government agency, is that right?

Mr NEWMAN: I did not make a decision one way or the other. My focus was on the toxicological issues for the people at the site.

The Hon. Trevor KHAN: But not apparently the potential toxicological implications for anyone off site?

Mr NEWMAN: No knowledge and no reason I guess at that stage in my mind to believe that it had gone any further than I could see, which was the areas around the site.

The Hon. Trevor KHAN: There was a phone call that was made finally to OEHL made at 10.28 a.m?

Mr NEWMAN: Correct.

The Hon. Trevor KHAN: That was after the telephone call that had been received from the Stockton resident identifying yellow spots on the car?

Mr NEWMAN: Yes.

The Hon. Trevor KHAN: And the contaminate on-site was yellow?

Mr NEWMAN: Yes.

The Hon. Trevor KHAN: It is, I would suggest, quite reasonable to assume that if there was yellow spots upon a car in Stockton on the morning at least at 9.45 that that was discharged from the plant?

Mr NEWMAN: Except that I think it is included in our submission that the initial information that was taken in that call, and I did not take the call, but as it was relayed to me the timing associated was when the resident reported washing their car versus the timing of the incident. It was not immediately - you know, it did not line up. On the basis even at that stage we still believed that we had an incident that was largely contained on-site, it certainly triggered us to go and investigate the possibility that it had gone off-site. But it was not a conclusion that we immediately drew.

The Hon. Trevor KHAN: And it was not a conclusion or it was not a belief that you shared with OEH when I take it you rang at 10.25 to tell them that there had been a pollution incident at the site?

Mr NEWMAN: I did not ring.

The Hon. Trevor KHAN: Who rang?

Mr NEWMAN: The sustainability manager.

The Hon. Trevor KHAN: You did not cause the sustainability manager - she was also aware of this telephone call from a Stockton resident?

Mr NEWMAN: She took the call.

The Hon. Trevor KHAN: So she knew that there had been a report of yellow spots on a car?

Mr NEWMAN: Yes.

The Hon. Trevor KHAN: And yet neither you nor her made a government agency aware of the evidence that was consistent with the discharge of chromium VI from the plant onto Orica when the phone call was made at 10.25?

Mr NEWMAN: I cannot comment on the exact - what was said during the phone call. I did not make the phone call.

The Hon. Cate FAEHRMANN: Thanks for coming today. We have already heard that you understood that there was going to be some amount of chromium VI condensate produced during the start-up process. Some part of condensate that would be (inaudible) from chromium VI?

Mr NEWMAN: That's correct.

The Hon. Cate FAEHRMANN: We heard yesterday at the site visit that we had that there was an ability to capture maybe about 1 tonne produced?

Mr NEWMAN: 1 to 2 tonnes.

The Hon. Cate FAEHRMANN: Is that fair to say that that is the amount then that you are expecting to be produced?

Mr NEWMAN: Correct.

The Hon. Cate FAEHRMANN: So how much chromium VI or how much condensate was produced that day?

Mr NEWMAN: I think it might be in some of the technical information in the submissions, so I am working from memory here and I think it was in the order of 10 tonnes.

The Hon. Cate FAEHRMANN: So 1 to 2 tonnes of that was captured?

Mr NEWMAN: I cannot recall the exact volumes that were captured.

The Hon. Cate FAEHRMANN: But it makes sense though if that is how much the plant was built or modified to capture was 1 to 2 tonne, which you have said in your previous answer?

Mr NEWMAN: From memory there were a number of these bulki-box containers that had the material in it. So I think it would probably be more than 1 tonne that was actually collected just from my mental image of a series of containers with material in it, but I cannot remember.

The Hon. Cate FAEHRMANN: You have now disposed of that? The company has now disposed of that condensate that you did capture off-site, as I understand?

Mr NEWMAN: Yes, it was transferred to the Liquid Waste Treatment Facility in Sydney.

The Hon. Cate FAEHRMANN: So in Orica's submission you say that you had 45 kilos that was captured on-site and 21 kilos that landed off-site that you believe that you were able to capture.

Mr NEWMAN: Correct.

The Hon. Cate FAEHRMANN: How much landed off-site?

Mr NEWMAN: I think we engaged Holmes to try and model and calculate that. I think the submission quotes that number

The Hon. Cate FAEHRMANN: The submission says about 10 to 20 kilos. So was there a fair degree of missing condensate or chromium VI then, given that you are saying that the plant produced probably that day about 10 tonnes and you were able to capture maybe 1 to 2?

Mr NEWMAN: No, we are talking total volume versus chromium content so 10 tonnes of sodium chromate solution contains about 2 per cent chromium VI. I cannot do the maths balance off the top of my head. But the other thing is that a significant quantity of the chromium VI will remain in the vessel. Not all the chromium will be washed out of the vessel.

The Hon. Cate FAEHRMANN: Orica has an emergency response plan?

Mr NEWMAN: Correct.

The Hon. Cate FAEHRMANN: And you are familiar with that plan?

Mr NEWMAN: Yes, I wrote it.

The Hon. Cate FAEHRMANN: Was that plan activated fully on the night and the following day?

Mr NEWMAN: No.

The Hon. Cate FAEHRMANN: What aspects of the plan were not enacted?

Mr NEWMAN: The plan as it stood at the time defines three levels of emergency that the site has. A local emergency, which is an emergency that is contained to an area of the plant or the site and can be controlled using the resources that are available to the team without requiring broader resources from across the site or externally. A site emergency, which is an emergency which could affect the whole site and/or requires the full resources available on the site to respond and/or the assistance of external resources and then an off-site emergency which has off-site implications and requires external resources to be resolved. So the--

The Hon. Cate FAEHRMANN: You enacted the local on-site--

Mr NEWMAN: The incident was treated as a local incident.

The Hon. Cate FAEHRMANN: Are you familiar with your requirements under the Protection of the Environmental Operations Act?

Mr NEWMAN: Yes.

The Hon. Cate FAEHRMANN: And you are aware of what material harm to the environment is as defined under that Act?

Mr NEWMAN: Yes.

The Hon. Cate FAEHRMANN: Who else needs to be aware of that in Orica? Would you say it is yourself and those above you? Is it yourself and Chris Ambush the supervisor?

Mr NEWMAN: Certainly myself and the sustainability managers, department managers in terms of the exact definition of the Act, but we translate it to the materials that we have on the site.

The Hon. Cate FAEHRMANN: Yes. And you are aware obviously of the notification refinements notwithstanding the recent changes, the Act as it stood on the day of the incident. Your understanding of material harm to the environment, Mr Ashbourne, are you aware of what material harm to the environment is as defined under the Act in terms of your requirements to notify when an incident happens?

Mr ASHBOURNE: At that time I was not aware that there was a time it had to be notified by. My responsibility is to notify my direct manager and that is what I did.

The Hon. Cate FAEHRMANN: Is the requirement to notify written, for example, in the emergency response plan, for example, your requirements under WorkCover to notify WorkCover of

an incident and the requirements under the POEO Act is that contained in the emergency response plan, for example, for the shift supervisor at the time to have a look at that response plan and who they need to notify, is it written down somewhere?

Mr NEWMAN: The way our response plan is that the plant commander and his team are charged with sort of the tactical response, so the containment isolation, search and rescue, that sort of thing. As a layer above them, it is the site incident command team, which is myself and the management team.

The Hon. Cate FAEHRMANN: But you were not on-site at the time.

Mr NEWMAN: No, but the plan activates whether we are on-site or not in an on-site or off-site emergency. It is our role as the site incident command team to notify neighbours - to consider all those aspects. So notifying neighbours, emergency services, coordinating emergency services, making the appropriate--

The Hon. Cate FAEHRMANN: Sure. So you as a site manager are aware that the definition within the Act - or your requirements under the Act to notify the authorities of the material harm to the environment are not just in relation to off-site?

Mr NEWMAN: Absolutely.

The Hon. Cate FAEHRMANN: They are, for example, if it causes property damage of more than \$10,000 or it looks like it would cause harm to community health?

Mr NEWMAN: Yes.

The Hon. Cate FAEHRMANN: So why then when you were called by Mr Ashbourne you called Mr Newman?

Mr ASHBOURNE: No, I called my plant manager. I believe he called Stuart later.

Mr NEWMAN: Yes, Peter called me about 8 p.m.

The Hon. Cate FAEHRMANN: So ultimately it is the sustainability manager in the end that notified the authorities?

Mr NEWMAN: That has been our custom on the site for a number of years.

The Hon. Cate FAEHRMANN: But you are very aware of what material harm to the environment means and that that incident was clearly - even though you did not know it had contaminated anywhere off-site - there was no doubt there was material harm to the environment?

Mr NEWMAN: Absolutely no doubt whatsoever. There would never be any question that it was not a reportable incident. It would never have entered our minds that it would not been reportable, regardless whether it was on-site or off-site.

The Hon. Cate FAEHRMANN: The sustainability manager was the person who spoke to OEH the following day. Is that right?

Mr NEWMAN: Yes.

The Hon. Cate FAEHRMANN: Did you converse with her afterwards about that conversation?

Mr NEWMAN: No, not that I can recall.

The Hon. Cate FAEHRMANN: So in relation to notifying NSW Health after the Office of Environment and Heritage were notified, what discussions took place?

Mr NEWMAN: As I recall, there was some discussion with OEH about the requirement to do that and given our emergency response plan and our notification systems that were in place at the time of the incident, our incidents historically and our planning is really around - the two agencies that we would talk to would be WorkCover and/or OEH.

So the notification of Health is something that we have not got the details of in our plant. So there was some discussion that I cannot recall the exact details of with OEH during the course of Wednesday around their advice to us that we needed to do that and for us to make the appropriate arrangements to do that.

The Hon. Cate FAEHRMANN: What about notifying WorkCover? I am not saying that you were not worried about the toxicological effects on your roughly 300 workers. When did you notify WorkCover?

Mr NEWMAN: Sometime on Tuesday morning, I think around 11 o'clock.

The Hon. Melinda PAVEY: Chair, can I just follow up there in terms of the Department of Health. If you did not have the conversation with your sustainability officer, how were you aware that there may have been a suggestion or not to ring the Department of Health, because in the timeline that has been provided to us the Office of Environment and Heritage say that they told you to contact the Department of Health and that did not happen?

The Hon. Trevor KHAN: No. That is Orica's timeline that says OEH told them to contact Health.

Mr NEWMAN: I mean it is not a memory test. I am recalling a conversation when OEH were on-site on the Tuesday where they made that recommendation, but I cannot recall the exact details. By this stage of the day it was pretty chaotic and I cannot recall the exact details of that conversation. I do not personally remember being told that, but I am aware that OEH maintain that.

The Hon. Trevor KHAN: No. Your timeline identifies 12.30, essentially OEH tells you to contact Health. Orica does not contact Health until the Wednesday morning.

Mr NEWMAN: I do not recall the specifics at the time, by that stage of the incident there was a lot going on. I do not recall.

The Hon. Trevor KHAN: About 11.15, close to 23 hours later, or 22 hours later you finally getting around to notifying Health.

CHAIR: What I might do there is call a five-minute break.

(Short adjournment)

The Hon. Adam SEARLE: Mr Newman, whose responsibility within Orica was it to notify the external government authorities such as Environment and Heritage, Health and WorkCover?

Mr NEWMAN: The way that we have operated that historically is anyone can do it, but by custom and practice the sustainability manager is our sort of lead contact with OEH and complies with (inaudible) our lead contact that WorkCover, so it has typically been that in the past but anyone can do it.

The Hon. Adam SEARLE: I think in response to the question from Mr Khan, Environment and Heritage was notified about 10.28 on 9 August.

Mr NEWMAN: Correct.

The Hon. Adam SEARLE: Was that by the sustainability manager?

Mr NEWMAN: Yes.

The Hon. Adam SEARLE: WorkCover was given a verbal notification at 10 past 11, again on the 9th, that was from your compliance manager. Was it?

Mr NEWMAN: Correct.

The Hon. Adam SEARLE: So why was it the compliance manager rather than the sustainability manager?

Mr NEWMAN: The practice has been just the experience of those individuals on the site and who they have dealt with in terms of the government agencies, the compliance manager has tended to be the one who has dealt with WorkCover.

The Hon. Adam SEARLE: So you have different persons who liaise with different external authorities. Is that the sort of practical--

Mr NEWMAN: At that stage, yes.

The Hon. Adam SEARLE: And whose job is it to liaise with the Department of Health?

Mr NEWMAN: At that stage we - in terms of our on-site emergency response planning - did not have a clear linkage with the Department of Health. So in this incident it was taken over by the crisis management team as it was formed during the Tuesday and Wednesday.

The Hon. Adam SEARLE: Now the crisis management team was created at 10.36 on 9 August, whose decision was it to form the team?

Mr NEWMAN: I am not sure within our organisation who actually made those decisions.

The Hon. Adam SEARLE: Is there a protocol or policy that says when certain events happen you create a crisis team?

Mr NEWMAN: Yes, the organisation has crisis management at different levels of the organisation certainly.

The Hon. Adam SEARLE: So it was not your decision?

Mr NEWMAN: No. I suppose the way it works is that I am advising some of the people above me in the organisation that this is getting out of control and the decision is made to form the crisis management team. In terms of who actually makes that decision, okay, in this instance I am not sure who made that.

The Hon. Adam SEARLE: Do you know whether or not there is a documented policy of Orica that says when these things are meant to occur such as the creation of the crisis management teams?

Mr NEWMAN: Yes.

The Hon. Adam SEARLE: Do you think we could have a copy of those documents?

Mr NEWMAN: I take that on notice.

The Hon. Trevor KHAN: Is that a yes?

The Hon. Adam SEARLE: No, Mr Khan, I think it means he does not know and he will be informed by Orica's lawyers who are sitting next to him.

CHAIR: He is taking it on notice.

The Hon. Adam SEARLE: In relation to the site overhaul, I think you were saying that there was a project team that worked with the Swiss company?

Mr NEWMAN: Yes.

The Hon. Adam SEARLE: Now they designed what was to be overhauled and when and what was to be the scope of the overhaul?

Mr NEWMAN: Aspects of it. It was a \$100 million project so people had different roles in the company.

The Hon. Adam SEARLE: And what was your role in that process?

Mr NEWMAN: Overall governance of establishing the - well, I suppose I should correct that. Essentially in that project I am the customer of the project work in the way that project was structured within our organisation.

The Hon. Adam SEARLE: So you would have been involved in the discussions about what

was redesigned and why and you were not involved in those meetings?

Mr NEWMAN: No. Partly because I am not an ammonium plant technical expert by any stretch.

The Hon. Adam SEARLE: This is not a trick question. I am just trying to understand that when Orica decided to overhaul the plant and obviously engaged external and expensive experts and had their own project management, is it your evidence to this Committee that in that important process you as the site manager were not intimately involved by Orica?

Mr NEWMAN: Big projects like that are overseen by a project steering committee and I am one of a number of people on that steering committee.

The Hon. Adam SEARLE: So you were involved?

Mr NEWMAN: To the extent I was a member of the project steering committee.

The Hon. Adam SEARLE: But it involved going to meetings and receiving briefings about what was being done and why and all of that?

Mr NEWMAN: Yes.

The Hon. Adam SEARLE: In Orica's own submission to this Committee, it indicates that the modifications made as part of the overhaul, that was no wholistic assessment of the whole operation of the overhaul and it was assessed as a series of individual, fragmented projects rather than as one project?

Mr NEWMAN: Correct.

The Hon. Adam SEARLE: Is that your understanding? Is that correct?

Mr NEWMAN: Yes.

The Hon. Adam SEARLE: And all of this would have been funneled through the steering committee. Do you recall the steering committee discussing whether or not there should be an assessment of the whole project?

Mr NEWMAN: I do not recall that discussion specifically.

The Hon. Adam SEARLE: Just returning to the issue of the condensate and the extreme amount of condensate for which Orica was not prepared. Orica's own submission to this Committee indicates that one of the causes was that Orica's own operating procedures such as the timing of vent-valve operations were not followed?

Mr NEWMAN: Yes.

The Hon. Adam SEARLE: Are you aware of what the timing of the vent-valve operations should have been?

Mr NEWMAN: I do not understand the start-up procedure with the ammonia plant in that much intimate detail that I could comment on it.

The Hon. Adam SEARLE: Mr Ashbourne, is that something you would have knowledge of?

Mr ASHBOURNE: Yes. On the particular occasion we were putting the process steam through the reformer - come through the MOV-24. What it is referring to there is once we put that steam through we can should wait a certain amount of time to establish temperatures are increasing before we actually go through to PIC8 and divert the steam back through the vessel, the HT shift. On this occasion an independent person has said that probably did not wait sufficient amount of time and we probably did it a little bit too early.

The Hon. Adam SEARLE: I do not want to put you on the spot. Can we get some precise timings as to what the procedure was compared to what did happen? Obviously you do not have an exact recall of that at this moment. Can we get that information?

Mr ASHBOURNE: I cannot give you the exact timing of it. I can take it on notice, but as I said I come in at 6 o'clock. Most of that stuff that was done then was done prior to me starting.

The Hon. Adam SEARLE: So who would have made the decision to have the vent-valve operations done earlier than they should have? I mean who would have made the decision to release them?

Mr ASHBOURNE: Again I would not know the exact person who made the decision. I can take it on notice.

The Hon. Adam SEARLE: Again it is not a trick question. Would that would have been the day-shift supervisor, the person in your role, or would it have a technician lower down? It was your decision?

Mr ASHBOURNE: On this particular occasion because we were doing an HT shift reduction, it would have been done in conjunction with the chemical engineer at the time, commissioning engineer and the shift supervisor. Both of them would have had a conversation and out of that a decision would have been made.

The Hon. Adam SEARLE: But that is an assessment you are making based on your knowledge of how the plant works. You do not have any knowledge that is what took place?

Mr ASHBOURNE: I am unaware of that.

The Hon. Adam SEARLE: You are just making an educated guess?

Mr ASHBOURNE: Yes.

The Hon. Adam SEARLE: Another variation in operating procedures is the temperature or the deaerator temperature. On this occasion the temperature was much lower than on the two previous start-ups. Is that correct?

Mr ASHBOURNE: Yes.

The Hon. Adam SEARLE: Do you know why that was so? Was there a decision made to have it at a lower temperature?

Mr ASHBOURNE: Again I was not there when that was done. I can only speak from my experience in starting the plant up. At some stage control of the aerated temperature in the early stages of the start-up, can be a little bit tricky to try and keep a steady temperature so a lot of times he has put a smaller flow of steam into the deaerator for the heating. It is done by manual control. And it is left there until the plant starts up or a bit further along in the process and then you come back to it. In the past it has not made any difference whether we have had a cold temperature there or a hot temperature. At the time we did not put the pieces together.

The Hon. Adam SEARLE: Perhaps, Mr Newman, you can cast some light on this. One of the contributors to the significant amount to condensate in Orica's own submission to this Committee is said to be the much lower temperature. Whose decision was it to have the start-up at that lower temperature and why?

Mr NEWMAN: So I think it is probably made clear in the independent engineer's report, the way that our start-up procedures have been written prior to this incident provide description and general guidance and they do not nominate - or have not historically nominated specific critical parameters, critical process parameters and whole points through the start-up procedure. As Mr Ashbourne described, those sort of operating parameters are established by guidance through the procedures. But prior to this incident there would have been no specific requirement to have the temperature at a specific temperature before commencing with the next step of the procedure.

The Hon. Adam SEARLE: Which leads to this question: Who makes the decision as to what temperature it should be and on what basis do they make that decision if it is not written down clearly in the written procedures?

Mr NEWMAN: In terms of the way that the start-up procedure is written and developed over time critical temperatures that have been identified would be written in there. Others where there is some flexibility and freedom for the people doing the start-up to do whatever they need to do, will not be defined. This is one of those instances where that temperature was not predetermined or predefined as a critical hold point for the start-up.

The Hon. Adam SEARLE: Just going back to some of your earlier questions, it was said that Orica as a result of the modifications to the site there would be an increase of condensate but it was much more than they expected. Now there seems to be a clear correlation between the temperatures that you operate the machinery at and the generation of condensate. Now I am not a chemical engineer, but that seems to be pretty clear to me; the lower the temperature, the more condensate. So again I ask the question: Who would have made the decision as to what temperature to operate the start-up at?

Mr NEWMAN: I think we answered this earlier, the engineering and design team throughout the design process--

The Hon. Adam SEARLE: I am talking about the operation on the day. I think Mr Ashbourne said these decisions were made before he came on shift. I am just trying to understand

who made the decisions.

Mr NEWMAN: The start-up procedure that people are using to make those decisions is an output, one of the outputs of the projects, and it is when you are modifying the plant, you are modifying design, you modify the start-up procedure that goes with it. The operators are then trained on the content of that start-up procedure and then during the start-up they implement it. If a particular step is not identified through the engineering design phase as having a critical parameter, then it will not have been in the start-up procedure. I think that is exactly what the independent engineer's report says about that particular aspect.

The Hon. Adam SEARLE: Whose job is it to document the start-up procedure?

Mr NEWMAN: The plant. My understanding is that the plant has a start-up procedure that is a bit of an evergreen document. It has been changed as the plant is modified and over time. And then a big project comes along like this, part of the project team's responsibility is updating the changes to the start-up procedure for new equipment, new processes, new parameters and that sort of thing.

The Hon. Adam SEARLE: So the project team would have done the revised start-up procedure?

Mr NEWMAN: In conjunction with the operations there.

The Hon. Adam SEARLE: Is that something you remember going to the steering committee to tick off or for approval?

Mr NEWMAN: That sort of thing would be managed at the project team and plant team level.

The Hon. Adam SEARLE: So it is not something that you were made aware of as to, you know, these are the things that have been done to overhaul the site, these are physical and other implications. Were you given any guidance and training in the modifications that were made as part of the overhaul?

Mr NEWMAN: I am not an ammonium plant expert.

The Hon. Adam SEARLE: I understand that.

Mr NEWMAN: The role of the steering committee is to ensure that things work like updating the start-up procedure, which they were.

The Hon. Adam SEARLE: So not to review the content of that, just to make sure that the job was done. I am getting the impression from your evidence that although you were on this steering committee you had no real role in or interaction with the project team that designed and effected the overhaul of the site for which you were ultimately responsible because of your position within Orica.

Mr NEWMAN: Not at the detailed, technical level, no. My role does not work at that detailed, technical level.

The Hon. Adam SEARLE: I understand that. But nevertheless whoever occupies your role has overall responsibility for meeting the health and safety standards for the whole site. A \$100 million overhaul was being effected by Orica, your employer, it does not sound like your employer properly or indeed at any stage gave you any meaningful involvement in that overhaul process, although they basically dumped you with the responsibility of making sure that it was all okay. Is that a fair assessment?

Mr NEWMAN: The role of the steering committee is well defined. Myself and the other members of the steering committee have a well-defined role in terms of project governance. The steering committee met monthly and it overviewed the project in the way that a steering committee should.

The Hon. Adam SEARLE: Again I am just trying to return to this. This is a \$100 million overhaul. You would accept that that is a significant investment of time and money.

Mr NEWMAN: It is a big project.

The Hon. Adam SEARLE: Although you were on the steering committee, which was responsible for making sure that the different steps were done, you were not involved in the discussions around what the redesign of different aspects of the plant was going to mean in an operational sense. I know you are not an expert in that field but you were not given any real involvement with discussions around: We are changing these. We are taking the coil out here and putting it over here. There is going to be more condensate.

Mr NEWMAN: Not at that level, no.

The Hon. Adam SEARLE: And you were not given any training around that or about what changes to operations you might expect as a result of these modifications?

Mr NEWMAN: Not to the level of detail that you are describing.

The Hon. Melinda PAVY: Just following on that from questioning, you were three days into a start-up after the company spent \$100 million increasing capacity of the plant by about 20 per cent. Is that right?

Mr NEWMAN: Yes.

The Hon. Melinda PAVEY: So you had done the \$100 million overall, which has increasing the capacity at the ammonia plant by 20 per cent?

Mr NEWMAN: Yes.

The Hon. Melinda PAVEY: You have spent another \$40 million on the five-year maintenance cycle?

Mr NEWMAN: Correct.

The Hon. Melinda PAVEY: How long had you been shut down for?

Mr NEWMAN: I think at that stage it was about six weeks.

The Hon. Melinda PAVEY: So a six-week process. Going on past events, this is a very stressful time, I should imagine, in terms of plant. You had a similar event in 2006. Is that right?

Mr NEWMAN: Correct

The Hon. Melinda PAVEY: This event on 8 August released 45 kilos of chromium VI on-site. How much off-site?

Mr NEWMAN: Based on the air model somewhere between 10 to 20 kilos.

The Hon. Melinda PAVEY: So we are looking at about around 60 kilos. In 2006 where you had the condensation fall to the ground on-site, how much was collected? How much was it estimated during that start-up process?

Mr NEWMAN: I do not have those impact numbers. I would have to take that on notice.

The Hon. Melinda PAVEY: Was it more or less?

Mr NEWMAN: I do not know.

The Hon. Melinda PAVEY: Potentially it could have been a bigger event?

Mr NEWMAN: I do not know the numbers.

The Hon. Melinda PAVEY: How much did Orica then invest in the plant after the 2006 start-up that resulted in that release of chromium VI in terms of effluent catchment systems?

Mr NEWMAN: Okay. The investigation of the 2006 incident concluded that the corrective action was to contain the material rather than allow it to flow into the effluent system. So the 2006 incident resulted in a breach of our effluent licence limit to chromium discharge. So the corrective action from that incident was to contain the material rather than allow it to flow to the effluent system and the way that containment was effected by some bumps or some bulki-boxes. To answer your question in terms of costs it would have been quite minimal.

The Hon. Melinda PAVEY: But you were ready this time to catch it before it went into the Hunter River as opposed to the 2006 event?

Mr NEWMAN: Correct.

The Hon. Melinda PAVEY: In terms of the 2006 event, what type of public notification went on at that time?

Mr NEWMAN: For any licence where we breach - so we ran a 24-hour sampling system on our licensed effluent discharge. When we detect a breach in our licence limit, we report it to OEHL and that is done.

The Hon. Melinda PAVEY: I recall that Bob Debus was the Environment Minister in

2006. Was there any ministerial press release or announcement from Bob Debus at the time the chromium VI went into the Hunter River?

Mr NEWMAN: I am not aware of any.

The Hon. Melinda PAVEY: Was there any public notification aside from putting it on a website through your EPA licence conditions?

Mr NEWMAN: I am not aware of any.

The Hon. Melinda PAVEY: So we potentially had a bigger event in 2006 that basically went unnoticed?

Mr NEWMAN: Yes. You know I did not start on the site until 2008 so I can only answer to what happened in 2006 based on what I have been told.

The Hon. Melinda PAVEY: So in terms of the 2006 event, you did learn and you were ready to capture it at a ground level, as you did, but you were not expecting the condensation to be at such a level that it actually went up through the stack?

Mr NEWMAN: Correct, yes.

The Hon. Matthew MASON-COX: If I could just take you to the Johnson Mathey report, in particular at 8.5 it states:

"Magnitude tests consequence of increased level of condensation whilst expected do not appear to be appreciated."

Now I presume that this is a report that Orica stands by in terms of its recommendation. The recommendations that have been actually been made.

Mr NEWMAN: Correct.

The Hon. Matthew MASON-COX: It is clear in that report that there seems to be a design-risk management issue that has been overlooked in relation to some consequences that were expected but not appreciated so far as condensation is concerned. Is that a fair comment?

Mr NEWMAN: Yes.

The Hon. Matthew MASON-COX: And that risk management strategy, who is responsible for those project limitations?

Mr NEWMAN: The organisation has a well-defined hazard study and risk management processes, but ultimately those processes are as good as the ability of the team of people who are doing those risk assessments to identify and quantify the hazards that they were doing.

The Hon. Matthew MASON-COX: So in this case there was no identification of the amount of condensate that may or may not flow from the start-up?

Mr NEWMAN: My understanding is there was no quantification so it was identified that condensate would be a problem and has historically been a problem in the plant. But there is no quantification of the amount that would be generated as a result of these design changes.

The Hon. Adam SEARLE: I did not mean to butt in, but just on that point: I think when I previously asked a question in this area you said you believed that assessments had been done by the company, but you had not seen them. Is that correct? Or were the assessments not done?

Mr NEWMAN: Based on the information in the submission of the engineer's report--

The Hon. Adam SEARLE: Those assessments were not provided to you by more senior Orica management but you believe they were done. Is that correct?

Mr NEWMAN: Done by the project team.

The Hon. Adam SEARLE: I do not know who did them. That is why I am asking you. Someone did the assessment that there would be more condensate. Yes?

Mr NEWMAN: Yes, those sort of considerations were part of the way - when a project team is doing design and engineering all of these various process parameters that will change are the sort of things that are studied.

The Hon. Adam SEARLE: And that data was not provided to you even though you are the site manager?

Mr NEWMAN: It is not my role to review data at that sort of level of detail. That is what the project team are there for.

The Hon. Adam SEARLE: No. But it might have been a good idea for the safety of the site, the workers, and indeed the community, if the person in your role knew what quantum of condensate was assessed as being created.

I would appreciate if your adviser just allowed you to answer the question, or not as the case may be, Mr Chairman.

Mr NEWMAN: My role as the site manager and as a member of the steering committee for a project like that is to ensure that the appropriate hazard studies are done and appropriately qualified people attend them, but not to mark them in a sense for correctness.

The Hon. Adam SEARLE: That was not the point of my question. My point was you were not aware of the content of those studies.

Mr NEWMAN: It is not my role to be aware of the content of studies in that level of detail. My role as the site manager and as a member of the steering committee would be to ensure that is done by appropriately qualified people.

The Hon. Adam SEARLE: If the person in your role does not have that information, how can you ensure the safety on the site?

Mr NEWMAN: But ensuring that they are done by the appropriately qualified people.

The Hon. Adam SEARLE: It is your job it to make sure standards are adhered to. Correct? And procedures are followed. If you do not know what they are then more senior management is just setting you up to fail. You do not have to answer that question.

CHAIR: No. I was going to say you can withdraw that question.

The Hon. Matthew MASON-COX: Mr Newman, and by way of background, clause 7.9 of Johnson Mathey's report states, just to be very clear on this:

"Although anticipating an increase in condensation due to modifications, the amount of condensation was not quantified and hence effective safeguards were not implemented."

Okay?

Mr NEWMAN: Correct.

The Hon. Matthew MASON-COX: It goes:

"Modified on to a range of recommendations so that the plant is modified so that condensation does not occur in the future" - which has been implemented - "along with recommendations about using the catalyst nitrogen, so we do not end up with the problem at all, and replacing improving drains and containing systems."

Now given that you knew from past practice and incidents in 2006 and before that there would be condensation and you did not actually bother to work out how much condensation as part of your risk management, why did you not in this process simply negate this whole issue by putting the modifications that you had just introduced to this plant to stop this problem ever occurring in the first place?

Mr NEWMAN: Yes. I think in terms of reading the causes that the independent engineer has identified there - that the amount of condensation was not quantified. I think that is the key to it. That the safeguards that were put in place were based on a view that we could easily contain the amount of material that we were expecting to generate to prevent any of the effluent system and repeating the 2006 incident. The reason that the modifications that we have done since the incident were not done prior is because we did not quantify that level of condensate.

The Hon. Matthew MASON-COX: So this whole incident was avoidable if you had adopted those procedures, those quantifications in the first place as part of your 2011 modification upgrade. Yes or no?

Mr NEWMAN: If the quantity of condensate had been calculated--

The Hon. Matthew MASON-COX: It is all avoidable is what I am saying. If the modifications (inaudible) you no longer have a problem.

Mr NEWMAN: Yes. Could be worse by the modifications.

The Hon. Matthew MASON-COX: Could you explain to me just as a layman why that modification was not done as part of the 2011 \$100 million upgrade?

Mr NEWMAN: Because the amount of condensate that was expected to be generated was not quantified and therefore it was believed that it could be contained by the pumping and container systems that were in place.

The Hon. Matthew MASON-COX: This is a plant which - would you call it state of the art in relation to ammonia plants world-wide?

Mr NEWMAN: It is comparable with other ammonia plants.

The Hon. Matthew MASON-COX: It is fairly standard process and there are differences between plants.

Mr NEWMAN: Yes.

The Hon. Matthew MASON-COX: In different sort of countries?

Mr NEWMAN: Every plant is subtly different but the main process--

The Hon. Matthew MASON-COX: The main process is pretty robust and standardised in that sense. Do other plants used nitrogen in the start-up process to ensure that we do not have temperatures so low so as to produce condensate.

Mr NEWMAN: Some do, some do not.

The Hon. Matthew MASON-COX: Any of the new plants in Australia, there is only one in Burrup in Western Australia, what process are they looking at in relation to this?

Mr NEWMAN: I am not (inaudible). I cannot tell you anything.

The Hon. Matthew MASON-COX: There are plants that you are aware of that as standard practice use nitrogen to ensure that there is enough temperature so you do not go below the dew point?

Mr NEWMAN: Yes, some (inaudible).

The Hon. Matthew MASON-COX: And they do not have the problem with condensate as a result?

Mr NEWMAN: Correct.

The Hon. Trevor KHAN: Could I take you to Tuesday, 9 August at 12.30. You become aware from OEHL that you should notify the Department of Health. Is that right?

Mr NEWMAN: Correct.

The Hon. Trevor KHAN: And you knew earlier on that day, I think you described as a toxicological issue on-site?

Mr NEWMAN: Correct.

The Hon. Trevor KHAN: Because of what you became aware of by about 12.30 on that day that this cloud of chromium VI had extended on to Stockton, it was fair to conclude that you knew that you had a toxicological problem at Stockton.

Mr NEWMAN: Correct.

The Hon. Trevor KHAN: Why did it take Orica until after 11 o'clock on the following day to notify Health?

Mr NEWMAN: I cannot answer that. I was not involved in that the aspect of the crisis management team's workings from that time on Tuesday onwards so I cannot answer that.

The Hon. Trevor KHAN: As site manager you had a responsibility to the workers on-site. Is that right?

Mr NEWMAN: That is what my focus would be during the course of Tuesday.

The Hon. Trevor KHAN: As site manager you had a responsibility to ensure that it was a safe environment. Is that right?

Mr NEWMAN: Correct.

The Hon. Trevor KHAN: That extended beyond the site?

Mr NEWMAN: Correct.

The Hon. Trevor KHAN: And you knew you had a toxicological problem in Stockton, and you did not notify Health that there was a toxicological problem in Stockton. Why?

Mr NEWMAN: By the middle of the day on Tuesday when the crisis response team was forming and my role during the rest - it started on Tuesday morning, but during the course of Tuesday and then right through the crisis response was focussed on the on-site activities. I was only part of that crisis management team and I do not specifically know the discussions and decisions in the crisis management team around the notification requirement. I cannot recall anything specific on that.

The Hon. Trevor KHAN: You were part of the project team, but you are not quite certain what the outcome of that is. You are part of the crisis management team and are not quite sure who was doing what. Who do we go to to find out who was making the decisions? Is it somebody in Melbourne?

Mr NEWMAN: In terms of the crisis management team, I would have to take that on notice.

The Hon. Trevor KHAN: You do not even know who appointed the crisis management team?

Mr NEWMAN: I would have to take that on notice.

The Hon. Melinda PAVEY: Just in terms of the crisis, during that period who flew in from Melbourne and came up from Sydney to help deal with the problem on-site from Orica?

Mr NEWMAN: There was a couple of people flew in from Melbourne.

The Hon. Melinda PAVEY: Who were they?

Mr NEWMAN: Russell Higgins, Richard Hoggard--

The Hon. Melinda PAVEY: Their positions?

Mr NEWMAN: Couple of major - I cannot recall the exact position titles, but senior manufacturing and engineering people from Melbourne and also a range of the senior management team from the Australian (inaudible) Business based at Kurri Kurri. So the general manager, the sustainability manager, marketing manager, project manager. Yes.

The Hon. Melinda PAVEY: When they did arrive? So there was about five from Kurri Kurri, was there?

Mr NEWMAN: Yes. Possibly more, I cannot recall exactly.

The Hon. Melinda PAVEY: Can we take that on notice that we actually get a list of who came from Kurri Kurri and who came from Melbourne and when they arrived and their positions?

Mr NEWMAN: Yes.

The Hon. Cate FAEHRMANN: Mr Newman, you are aware of the door-knocking script that was written by Orica employees?

Mr NEWMAN: I am aware of it.

The Hon. Cate FAEHRMANN: Do you know who wrote it?

Mr NEWMAN: Not specifically.

The Hon. Cate FAEHRMANN: So it is contained in Orica's submission and what the company's employees were told to say to residents about chromium VI, if they found any evidence of chromium VI on-site, and I am quoting from the script:

"This appears to be sodium chromium. Please do not be too concerned. We have consulted with our internal medical and occupational hygiene professionals and they have advised that there is little to no risk from this substance. However, we would like to clear this up for you."

Is that what you were telling your employees at the time when you were concerned about the toxicological impacts of chromium VI on their health?

Mr NEWMAN: So during the course of Tuesday morning I was speaking with our internal

toxicologists and occupational physicians and learning for myself about the acute - the difference - the nature of chromium VI.

The Hon. Cate FAEHRMANN: So who on-site then was the expert on chromium VI during the start-up process? Who did you think did know about its impacts or who was supposed to know?

Mr NEWMAN: In terms of its occupational hygiene incidents?

The Hon. Cate FAEHRMANN: Yes.

Mr NEWMAN: Chromium VI is not a material that we would normally in any sense have any expectation would come into contact with workers. I think in our submission the key issue here is that it does not normally - in the previous incidents it was contained in the effluent systems and had no personnel exposure. This incident was unique in that it had the personnel exposure.

The Hon. Cate FAEHRMANN: There was some risk though. You did know that chromium VI, the condensate, would be produced. There was some risk of course that a similar incident to 2006 could occur which of course went into the Hunter River at that time. So--

Mr NEWMAN: Does not cause personnel exposure though.

The Hon. Cate FAEHRMANN: What about the script though, that your company Orica - employees were provided with to tell the local community that they have been advised from apparently your internal medical and occupational hygiene professionals. I will come to who they are in a minute. That they advised that there is little to no risk from this substance. And it would be interesting to get your views on that. "However, we would like to clean this up for you."

So two questions there: Do you agree that there is little to no risk from this substance and who were the internal medical and occupational hygiene professionals who advised that there was little to no risk?

Mr NEWMAN: I am not a toxicologist, so I cannot really answer your first question. That question of risk has been addressed I think ultimately by the toxicological report that Orica commissioned and by the Department of Health. So my knowledge to answer the first question is only based on those reports which concluded that.

The Hon. Cate FAEHRMANN: When was Orica provided with the toxicological report? Was that the toxic cost report?

Mr NEWMAN: Yes.

The Hon. Cate FAEHRMANN: When did they give that to you?

Mr NEWMAN: I cannot recall the exact day.

The Hon. Cate FAEHRMANN: Was it that week?

Mr NEWMAN: I do not know.

The Hon. Cate FAEHRMANN: If we can get that on notice. But as I understand it, Orica employees were door knocking, was it Wednesday or Thursday?

Mr NEWMAN: Wednesday.

The Hon. Cate FAEHRMANN: Do you think that was before the toxic cost report was provided?

Mr NEWMAN: We were certainly talking to toxicologists through that period, but the final toxicologist report would have been prepared by then.

The Hon. Cate FAEHRMANN: So who were the internal medical and occupational hygiene professionals who were advising that chromium VI, that there was no risk from the substance?

Mr NEWMAN: We have a corporate hygienist who I guess (inaudible) toxicologist based in Sydney. He was the person I contacted first on Tuesday morning to seek advice about the toxicological and occupational hygiene exposure issues on the site.

The Hon. Cate FAEHRMANN: In relation to the door-knocking script that was provided, were they members such as yourself that were door knocking the area?

Mr NEWMAN: It was not me. It was some people from my team.

The Hon. Cate FAEHRMANN: Which team? Were they shift supervisors? Who was actually out there door knocking?

Mr NEWMAN: I cannot recall exactly who, but I would speculate some of the environmental officers, some of the engineers.

The Hon. Cate FAEHRMANN: Do you know if notes were made during the conversations that Orica employees had with the residents at the time as to whether anybody was experiencing any health impacts whatsoever or potential health effects after the incident? So I think you started door knocking Wednesday morning, or Wednesday at some stage, was it documented, the conversations, in relation to health impacts?

Mr NEWMAN: I do not know the detail, as I say. My role in the crisis management team was focused on the on-site efforts primarily, not some of these off-site efforts, so will have to take that on notice.

The Hon. Cate FAEHRMANN: Back to on-site efforts then, the emergency response plan, how old is that response plan? The one that you had in operation however much it was operated on the night, how old is that?

Mr NEWMAN: I completely rewrote it in 2009.

The Hon. Cate FAEHRMANN: So how often do you undertake the test run of that plan?

Mr NEWMAN: Four or five times a year.

The Hon. Cate FAEHRMANN: So if you completely rewrote it in 2009, in the emergency response plan I am assuming is your legislative responsibilities when there is an incident that causes material harm to the environment. And by that I mean notifying authorities if an incident occurs that does cause or has potential to cause material harm to the environment.

Mr NEWMAN: No. The emergency response plan contains the contact details for making notes, but the procedures that you have been referring to is a separate procedure that defines those requirements.

The Hon. Cate FAEHRMANN: What is that procedure? What is that called?

Mr NEWMAN: I cannot remember the exact name of the notification of external authorities.

The Hon. Cate FAEHRMANN: So you are a huge company obviously that produces very toxic, dangerous chemicals. The risk of an accident is always there. Emergency response plans are clearly a very important part of doing business and ensuring the local community and your workers are safe.

Mr NEWMAN: Yes.

The Hon. Cate FAEHRMANN: So in that emergency response plan in terms of following that to the letter, you do not have in there that if an incident occurs that is likely to cause material harm to the environment or workers, staff on duty must immediately phone WorkCover and staff on duty must immediately phone the EPA? That is not contained in the emergency response plan or it is?

Mr NEWMAN: Prior to the incident it was a separate procedure. Clearly as a result of the incident--

The Hon. Cate FAEHRMANN: Sorry. But you do not know the name of that procedure as site manager who wrote the emergency site plan. You are unsure of what the separate procedure is in terms of notifying authorities.

Mr NEWMAN: I cannot quote you its exact name. Certainly I know it exists and I know where to find it and I know exactly what it does.

The Hon. Cate FAEHRMANN: Were you aware of that, Mr Ashbourne, the procedures that we are unclear of the name of, were you--

Mr ASHBOURNE: I am aware that anyone can contact the EPA at any time.

The Hon. Cate FAEHRMANN: Were you aware of your responsibility as the person on duty when an incident occurs?

Mr ASHBOURNE: My responsibilities are to contact my plant manager as soon as an incident happens and that is what I did.

The Hon. Matthew MASON-COX: A couple of quick questions, going back to the Johnson Matthey catalyst report and the modification which has since been implemented to stop this ever happening again, what was the cost of those modifications?

Mr NEWMAN: We have to take that on notice.

The Hon. Matthew MASON-COX: Secondly, in relation to the 2006 incident when condensate went into the Hunter River, what were sanctions from the EPA to Orica in those circumstances?

The Hon. Melinda PAVEY: On notice.

Mr NEWMAN: Okay. On notice.

CHAIR: Thanks very much, ladies and gentlemen. On that level we will finish the examination of the Orica witnesses. Thank you both very much for attending. You have a number of questions on notice. The Committee has resolved that answers to questions are to be taken on notice and returned within 21 days and the secretariat will contact you in relation to the questions that have been taken on notice.

The Hon. Adam SEARLE: Chairman, before they go, reference was made to an emergency response plan. Could I request through you that Orica provides us with the documented emergency response plan as it existed on the day before commencing?

CHAIR: I take it you will take that on notice. Okay. Thank you very much.

(The witnesses withdrew)

(Short adjournment)

CHAIR: Before we get started I will just mention some things. Questions on notice, if there are any questions that you are not able to answer today and you would like to be able to answer if you were given more time and had certain documents then you are able to take the question on notice and provide us with the answer later on.

Also regarding adverse mention, I might just remind the witnesses that it is important to understand that the freedom afforded to witnesses by parliamentary privilege is not intended to provide any opportunity to make adverse reflections about specific individuals. Witnesses are asked to avoid making critical comments about specific individuals and instead speak about general issues of concern.

I would ask you to please be sworn prior to giving your evidence. I would ask each of you in turn to state your full name and title of who you are representing and swear either on oath on an affirmation. The words of both the oath and the affirmation are on cards on the table in front of you.

JEMMA LOUISE SARGENT, member, Stockton Community Action Group,

KATE JOHNSON, interim chairperson, Stockton Community Action Group, and

KEITH CRAIG, member, Stockton Community Action Group, affirmed and examined:

The Hon. Adam SEARLE: Can you tell us how you became aware of the leak from the Orica plant?

Ms JOHNSON: I became aware on the Thursday night when my father - I was in my house at Stockton - was watching the ABC news and he rang and said: "Did you hear that something is happening in Stockton?" My husband drove home and he said, "Did you hear something has happened?" And then we did not hear anything until Friday morning and (inaudible).

The Hon. Adam SEARLE: You say you heard the following morning, what did you hear it from?

Ms JOHNSON: What I heard was what was on ABC news. They just said that hexavalent chromium had come across Stockton and that was really it at that stage. We did not really know what that meant.

The Hon. Adam SEARLE: Where you lived was that in the area that was door knocked by Orica staff?

Ms JOHNSON: No.

The Hon. Adam SEARLE: Do you know where Orica staff door knocked in Stockton?

Ms JOHNSON: On the Wednesday I spoke to two people who were door knocked and most of the people in the zone - I have spoken to various people who lived in the zone so there was the main affected zone. There were a lot of people then who I have spoken to who found out on the news like I did. They were not door knocked.

The Hon. Adam SEARLE: You talked about there being different zones and I think you

referred to the main affected zone. Is that the terminology the community uses or is that Orica's terminology? Do you know where it comes from?

Ms JOHNSON: I think we have actually got zone 1, zone 2, zone 3.

The Hon. Adam SEARLE: Do you know who developed those zones?

Ms JOHNSON: Orica.

The Hon. Adam SEARLE: Do you know on what basis they referred to those zones?

Mr CRAIG: I think they looked at some modelling to work out where it might go with prevailing weather conditions. That is my understanding.

The Hon. Adam SEARLE: So they looked at what the weather was supposed to be doing?

Mr CRAIG: Yes.

The Hon. Adam SEARLE: Do you know whether they did any modelling based on what the weather did do on the day or was it just projections?

Mr CRAIG: We have little information on that. They just mentioned at the community information sessions that they did some remodelling to work out where the area might be effected, but we have not got the details of that from Orica.

The Hon. Adam SEARLE: Did you also find that out through the media?

Mr CRAIG: Yes, I was working in Sydney I think. I think it might have been a call from my wife that night, but I think it may have even been Friday that I just found out from the media.

The Hon. Adam SEARLE: Are you able to say whether or not that is the experience of most people in the Stockton community, that they found out through the media?

Mr CRAIG: I think that is the case, yes.

The Hon. Adam SEARLE: What interaction with the local community in Stockton has Orica had in the wake of this event?

Ms JOHNSON: Straight after the event we called a public meeting. Stockton people called a public meeting on the Saturday morning and that was a very rushed thing. It was really us going putting things in windows realising that we needed to do something about this.

Another meeting was organised a bit more formally by Stockton people for the following Tuesday, ten days later. At that stage Orica was invited and quite a few parliamentarians and council was invited to that as well. Orica organised a public meeting between times on the Thursday night, which would have been Thursday, the 15th or something. That was when they had a meeting. Since then they have had some subsequent meetings at the surf club.

The Hon. Adam SEARLE: What has Orica said to the community at those meetings about

what happened and why it happened?

Mr CRAIG: "We are very sorry. We will try and do better." That has been about it.

Ms JOHNSON: What we have heard over and over is apologies. "We are very sorry."
And: "It's a learning experience." They have learned a lot.

The Hon. Adam SEARLE: To the best of your knowledge have they explained why in their view the incident took place? Like what failures or other causes might have resulted in the emissions?

Mr CRAIG: I guess it was more the independent report. They had an expert come out from the UK, so we eventually got access to look at that report. Obviously it is very technical some of that, so it is hard for all the community to get across. I am a chemical engineer, and we have a couple of chemical engineers in our group and environmental scientists, but some of that would be difficult for the Committee to understand.

The Hon. Adam SEARLE: To the best of your knowledge has Orica tried to explain that to the community as to the root causes?

Mr CRAIG: I think at the beginning they did talk to that report briefly.

The Hon. Adam SEARLE: Who from Orica did?

Mr CRAIG: That was Stuart.

Ms JOHNSON: Stuart Newman.

The Hon. Adam SEARLE: Anybody else from Orica?

Mr CRAIG: I think their environmental lady.

The Hon. Adam SEARLE: The sustainability manager?

Ms JOHNSON: They had their independent toxicologist come along as well.

The Hon. Adam SEARLE: What did the independent toxicologist say to the community?

Ms JOHNSON: They came to that one meeting and they were saying that all the tests were below levels (inaudible).

Mr CRAIG: I think they talked about the chance of cancer was 1 in - I forget the figure, so that the levels were fairly low, but there was not a definite negative, just a chance and it would be low.

The Hon. Adam SEARLE: You mentioned I think that you were a chemical engineer?

Mr CRAIG: Yes.

The Hon. Adam SEARLE: Was the information in the independent report accessible to

you? Like, was it readily understandable?

Mr CRAIG: Yes, generally. Yes. I think from the changes they have done at the plant were - from the best of my ability I have a general understanding, not exactly the details, but I understood the changes they had made to the plant that allowed this material to go up in the stack, which is quite disturbing.

The Hon. Adam SEARLE: Having regard to the nature of the material or the substance, do you understand a need for a relationship between condensate and the temperature; the lower the temperature the more likely there is to be greater condensate?

Mr CRAIG: It is a while since I read the report, but, yes, it was all about the start-up and the temperatures related to that, so certainly it is a start-up issue but I would have to look at that.

The Hon. Adam SEARLE: What has been the overall impression of the community of the steps that Orica has taken to engage with it in the wake of the incident?

Ms JOHNSON: I think the community appreciates that Orica has come and spoken to them a number of times, but it does not take away the feeling that people had, particularly during that week and with the subsequent leaks, the arsenic leak into the river that happened afterwards. I think that was a joke. I had a phone call from a journalist asking for my opinion and I thought it was one of my brothers being silly. Since then the ammonium leak as well, so people are quite unbelieving about what happened.

The Hon. Adam SEARLE: What is the level of comfort or anxiety about the Orica plant?

Ms JOHNSON: From what I have seen it is still very high and growing still because these other incidents have happened.

Mr CRAIG: I think the community is sort of saying: Enough is enough. They really want to see the plant closed down because they are now starting to realise there was not going to be hexavalent chromium leak. It is very safe. You read their website. There was not going to be an arsenic leak. There was not going to be an ammonia leak.

Now the next thing is there will not be an explosion. You only to get a number of compounds in contact with that ammonium nitrate and it can set off a fire and explosion as we have seen overseas and in a number of places over the last ten years. So now people are concerned that this could be the next accident and this is a whole Newcastle issue. If that plant goes up, that is going to effect a lot of people.

Ms JOHNSON: Can I just add to that a little bit too. Sure, we are looking at this as an Orica inquiry but there are a number of other industries planned for within a very small area, so within a couple of kilometres there is planned to be an export terminal for the natural gas, the coal seam gas. There is a plan for fuel storage, diesel storage, Marstell has land there as well. Orica has planned a 70 per cent expansion and Incitec also has approved a 70 per cent expansion. Incitec is also wanting to put another ammonium nitrate plant there.

So within this very, very small area within a couple of kilometres, we have this really explosive mix of industries which is becoming cumulative. So the community is feeling stressed

about what is happening, but I think with each thing we are getting told about there is more and more distress.

The Hon. Adam SEARLE: Which day of the week you say you found out through the media?

Ms JOHNSON: Thursday.

The Hon. Adam SEARLE: That would have been Thursday, the 11th?

Ms JOHNSON: Yes.

The Hon. Adam SEARLE: Do you know now that Orica informed Environment and Heritage on 9 August?

Ms JOHNSON: So we just heard.

The Hon. Adam SEARLE: And you know that the Department of Health was informed on 10 August? And do you know that WorkCover was also informed on 9 August by Orica?

Ms JOHNSON: Yes.

The Hon. Adam SEARLE: What steps, if any, did any of those three government agencies take before Thursday to inform the community that you are aware of?

Ms JOHNSON: Not any of the people I have spoken to have been aware of it. Oh, there might have been some people door knocking in Stockton.

The Hon. Adam SEARLE: In one of the zone affected areas?

Ms JOHNSON: (Inaudible).

The Hon. Trevor KHAN: In terms of previous incidents, and we have obviously heard over these days a number of previous incidents involving Orica, discharges in the river and the like, you would have received any advices from any government department of those previous incidents?

Mr CRAIG: No.

Ms JOHNSON: No.

The Hon. Trevor KHAN: For instance, the 2006 incident, were you apprised of that incident?

Mr CRAIG: No. In fact I call up the hotline. It is probably one of the few - there are more people knowing the number now. So I have called up a few times in the past and I know they put that through to the local EPA and I have had absolutely no feedback over those years at all. You have to really chase the local office to try and talk to anyone about it. Since the Orica incident we have phoned up the EPA and within a few hours we have had a response, not just in relation to Orica but to other complaints on Kooragang Island. So I think over those years the EPA have really been affected

on their ability to address these issues.

The Hon. Trevor KHAN: Indeed, there has been more than simply an improved responsiveness from the EPA when you make a phone call. It is the case, is it not, that the two of you have been appointed to the community consultative committee? That is Kate and Keith. Is that right?

Ms JOHNSON: Yes.

The Hon. Trevor KHAN: Now that was a process, was it not, let us be frank, that was initiated after the August event?

Ms JOHNSON: Yes.

The Hon. Trevor KHAN: Do I take it that both of you applied to newspaper advertisements?

Ms JOHNSON: Yes

Mr CRAIG: Yes.

The Hon. Trevor KHAN: And essentially the two of you were appointed by the Minister. Is that right?

Mr CRAIG: We are not sure of the process. The Minister did select one community representative, minister appointment. We are not sure of the process and selection.

The Hon. Trevor KHAN: There has already been a meeting of the community consultative committee?

Mr CRAIG: We have had the first meeting, yes. The next meeting is this Thursday.

The Hon. Trevor KHAN: We will not hold you up too long. Do I take it that apart from yourselves on that committee there is also an independent environmental expert?

Ms JOHNSON: Yes.

The Hon. Trevor KHAN: Who is that?

Mr CRAIG: Zoe. She is a community member from Cooks Hill.

The Hon. Trevor KHAN: Zoe Rogers. I take it that Zoe is a local of some sort?

Mr CRAIG: She lives at Cooks Hills, but she certainly has a lot of friends and relatives in suburbs close to Koorang Island.

The Hon. Trevor KHAN: That counts as local I suppose.

Mr CRAIG: She has a lot of friends in Carrington as well.

The Hon. Trevor KHAN: Right. Do I take it that at that first meeting there were also industry representatives there?

Mr CRAIG: Yes. There is someone from Incitec. Someone from Port Waratah coal services and someone from One Steel.

The Hon. Trevor KHAN: And there was some government agencies involved in the consultative committee meeting as well?

Mr CRAIG: There was someone involved in the Office of Environment and Heritage there. They did a presentation on the Upper Hunter monitoring stations. That is something that we are looking at here.

The Hon. Trevor KHAN: The Minister was also there?

Mr CRAIG: No, she did a video link in the morning to start the meeting off.

The Hon. Trevor KHAN: And it worked.

Mr CRAIG: It worked.

The Hon. Trevor KHAN: That is a new one. So do I take it that we all have to take it on the basis of it being a first meeting, but it seemed to be relatively positive in terms of drawing interested parties together.

Mr CRAIG: Yes. As we were - I guess the setting of the process, the next meeting now with the community is forming a priority list. We will start talking about the issues. So we will see how this process goes. It is a pilot group. We are hoping to get some outcomes from it. We do not know, but we are prioritising our list and certainly Orica is at the top of the list at the moment for things to discuss.

The Hon. Trevor KHAN: If I take it that the Minister made some commitments with regards to air quality monitoring?

Mr CRAIG: Yes. And in fact I guess there is another thing here, Orica also gave us a commitment that they would fund two monitoring stations on Stockton. We are preparing a proposal at the moment with assistance from the Office of Environment and Heritage. So that is something that we are putting to the Orica and obviously they have not seen the form of price et cetera. That is something that they have committed at various levels of management that they would fund to do business here. That includes NOx, NO2, small particles PM2.5 and PM10 and a weather station at those locations.

The Hon. Trevor KHAN: Do I take it that the Minister also gave commitments with regards to the production of realtime data in some form?

Mr CRAIG: Yes. That is something that we requested, basically that data would link into the Office of Environment and Heritage website. It would be audited, so it would be about an hour behind but that would then be accessible for the community like the Upper Hunter ones are now. It would go on the OEH website to access that data.

The Hon. Trevor KHAN: I think some of you were here last evening with regards to the public forum. That issue of the availability of realtime data was one of the recurrent themes, was it not, from many people who spoke?

Mr CRAIG: Yes.

The Hon. Trevor KHAN: So in that sense what the Minister is now doing in a sense is responsive to some of those community concerns. But I am not trying to overcook the egg, but a number of issues have already been (inaudible) would that be fair?

Ms JOHNSON: And to be fair also, the Minister rang me, found my own personal mobile number and rang me and has rung a couple of times, to try and find out what our concerns were.

The Hon. Trevor KHAN: I will just move on. If I can go on, you talked about zone 1, zone 2 and zone 3. So I can it get in my own head, do I take it that zone 1 will have been in a sense that strip of Stockton from the northern end of - is it Mitchell Street?

Mr CRAIG: Yes.

Ms JOHNSON: The northern end of Mitchell Street.

The Hon. Trevor KHAN: So that is where the preschool is? And it seems that is what was called the prime dump zone in terms of the exercise?

Ms JOHNSON: Yes.

The Hon. Trevor KHAN: Indeed if you drive on to the street that adjoins the end of Mitchell Street there, there are a number of new houses that have gone there. Old houses I assume knocked down and new ones going up?

Mr CRAIG: Yes.

The Hon. Trevor KHAN: This is a bad term, but in a sense that area of Stockton is going through a large investment of money and in a sense a gentrification. Would that be right?

Mr CRAIG: I think all along that waterfront on Mitchell Street the old buildings are being knocked down and new ones are being put up. So certainly along that area as well.

The Hon. Trevor KHAN: Just in terms of zone 2 and zone 3, are you able to identify where relative to that strip involving that preschool?

Ms JOHNSON: Yes. It goes to north of the public school, zone 2, and then zone 3 is further down.

The Hon. Trevor KHAN: So north of the public school is sort of just back from where we are here. Is that right? It was the public school I drove past coming in today?

Ms JOHNSON: Yes.

The Hon. Trevor KHAN: So it extends a fair way down into Stockton itself?

Ms JOHNSON: I might be wrong with that one.

Mr CRAIG: I think Pembroke Street was the cut off.

The Hon. Trevor KHAN: So in terms of zone 1, am I safe to say that Orica did a fair bit of door knocking in that area. Is that your understanding?

Ms JOHNSON: Not before Thursday, definitely not before Thursday, and mostly did not get back to Friday, because it was still on the news Thursday night or Friday morning.

The Hon. Trevor KHAN: I am not going to ask you to identify the person. But I think you have been here, so you have heard evidence that somebody made a telephone call and there was yellow residue on their car. I do not want you to identify them, but do you happen to know who that person is?

Ms JOHNSON: It would be easy to find out.

The Hon. Trevor KHAN: But you are not aware of somebody?

Ms JOHNSON: I am aware of somebody who rang, but I do not know if it was because of yellow substance on the car.

The Hon. Trevor KHAN: Do we know if yellow residue on people's cars, laundry, and the like, extended beyond zone 1 or was the actual physical evidence of the chromium VI only in zone 1?

Mr CRAIG: I think there was something in zone 2. I think there was some chromium VI in zone 2.

The Hon. Trevor KHAN: Has Orica ever disclosed to you a map identifying the location of their tests point and where they identified the presence of chromium VI?

Mr CRAIG: I think when they did the toxicology report.

Ms JOHNSON: I think it might actually be with the Department of Health. We got a map which told us where the tests were taken from, so there is a map.

The Hon. Trevor KHAN: I do not think we have seen it yet.

Ms JOHNSON: However, one thing that we are very concerned about is that all of those tests were taken after rain.

The Hon. Trevor KHAN: Understood. Indeed, I think what you would have gathered is that one of the problems in terms of the early staging of the tests was really dependent upon Orica making a timely notification of their being an incident. You would agree with that?

Ms JOHNSON: Yes.

Mr CRAIG: Yes.

The Hon. Trevor KHAN: I take it that what you would be seeking is not only the timely notification of incidents but also a full and reasonable disclosure of the nature of the incident occurring?

Ms JOHNSON: Absolutely.

The Hon. Trevor KHAN: In terms of those monitoring reports that have been talked about, can you just indicate again where they are supposed to be?

Mr CRAIG: In a community we are looking at areas to cover a westerly wind, so directly across from the plant, and also north-westerly, which would be further down this way. But at the moment we have asked Orica whether they would fund an expert to locate those two stations because you have got to take into account all the weather data et cetera, so there are some experts that have been involved in that.

We are talking with a professor from the Newcastle University about possibly doing that and also another man in Sydney who set up the Upper Hunter system. So you have to take on an expert to look at that. But generally that is the areas that the community are looking to cover and that will be confirmed, the exact location, through the consultant.

The Hon. Trevor KHAN: Do I take it that the consultative committee is to extend beyond the simple issues of Stockton, is that right?

Mr CRAIG: Yes. It is the LGA.

The Hon. Trevor KHAN: All right. If we talk in that concept. Obviously we know that in winter the prevailing winter conditions are westerlies or northwesterlies and the like. In some ways it is quite the reverse. It is either northeasters through to southerlies. Has there been any discussion of monitoring points other than in the vicinity of Stockton?

Mr CRAIG: Yes. There is a proposal to set upper and lower. So we have the Upper Hunter monitoring system being almost finalised. There is a proposal for the Lower Hunter one. We said that there was a roundtable meeting after the incident that we attended and what we strongly said is that that process was going to take a while and the Stockton community did not want to wait that long. That is why we pushed to get ours in. So they have seen that Stockton is a pilot for the Lower Hunter scheme.

But the OEH are working on a Lower Hunter system of monitoring and obviously they are still establishing where those points can be. Interestingly, this work I believe was starting even before the incident. Interestingly, it did not show any monitors to be located in Stockton but there is work progressing on that. The trouble is that it is going to take years to get fully installed. We do not want years.

The Hon. Trevor KHAN: I will ask one more question without wanting to monopolise the floor: What is the time frame of the monitoring of it?

Mr CRAIG: I think the very earliest we could get it would be six months. We have to get some approvals where this goes. We have to get the equipment, so the very earliest would be six months to get them installed and operated. We met with OEH's technical people to get some assistance because they have set up exactly the same stations up the Upper Hunter Valley because ultimately this will be an OEH system. It will be part of the Lower Hunter scheme so it needs to be the same equipment and it needs to access the OEH website but we are talking about six months.

The Hon. Matthew MASON-COX: Thank you all for coming in today. You mentioned a range of outcomes you are seeking as part of the action group and the community group. Could you just expand on that? Obviously there has been a response in relation to the monitoring and some aspects. What other outcomes are you seeking?

Ms JOHNSON: We had a number of recommendations put in our report. We do not need to read all those. One, as I mentioned before, is looking at the types of industries that are co-located with each other and their proximity to the population particularly Stockton. That is a very real outcome of what is to be looked at. We have to try to make sure that our whole mission statement that we set up after the August incident - was to try and have a safe and clean environment. That does not seem huge, but it seems quite impossible at the moment at Stockton. So that is a really big one. We want to be able to get a planning issue and we think it is crazy to have such a mix of industries located so close to residential area. So we want that sorted out. The other one is the monitoring stations.

Mr CRAIG: I think it has now come really just in the last couple of weeks to really a closure of Orica.

The Hon. Matthew MASON-COX: It has moved to that?

Mr CRAIG: It has and I think last night also showed that--

The Hon Melinda PAVEY: Are you able to survey that or quantify that or is it a feeling?

Mr CRAIG: No. For instance, we have put out a petition for the Incitec plant came out. We have put out a petition already and within less than a week we have got to 1,000 signatures. So obviously we do not want another one. You can see that in the community. Last night you would have seen that everyone was talking to that. So I think that is the real feeling in the community, not just Stockton.

We are in touch with the other community groups and the feelings are the same. I think people are now starting to realise the danger of such a plant. The explosion issues. People did not really understand that and I think they are now understanding particularly with all the incidents that are happening, this is a real risk as well.

Ms JOHNSON: Other things we have talked about as a group are having effective community management plans for emergencies. As you would have noticed when you came in there is one road in, one road out. If something happens here, we are very isolated so we have been told maybe that is in hand with the emergency services but we have not been told any of the plans. So it is really important for us to have that communication.

We have also talked about having audible alarm systems, so there might be one alarm which tells us to go inside and batten down the hatches. There might be another one which might be: Get

out as quick as you can. So having some sort of system where if you were sitting on the beach then you might be able to hear that alarm and know basically what actions you should take.

Mr CRAIG: In relation to that I think the community has been calling for an audible alarm for over ten years now and we just get the answer that it is all too hard. Even if with the immediate response from Orica, if you get the emergency services in action it could be 30 minutes still to an hour before community is aware. You have people on the beach, people fishing, kids outside. If you get an immediate alarm then you can come inside immediately, close all the windows and turn on ABC local radio, you can look at the SMS. Then you can understand what has happened. It is a tsunami or any event. You come inside then you can understand what action you have to take. So I think this all too hard. We are not really happy with that and that is something that needs to be looked at.

CHAIR: Would each of you like to tell us how you personally feel and/or were affected by this recent event?

Ms JOHNSON: We moved to Stockton ten years ago. I have got four sons and a husband. When we thought of coming here it was about the beaches, the beautiful environment, the proximity to the CBD, the jobs, all that sort of stuff. It is a wonderful place so we decided to move here ten years ago.

Obviously you saw, it was over the river so I contacted the EPA to find out what might be the dangers, what might be in the air, what might be affecting our four little kids. They said that it was no worse than living on a road in Sydney. Someone said if I planted palm trees around it might give me more oxygen. Basically it is okay they were saying. So I took that on board and we moved in and it has been wonderful.

Since then my parents who are out here have moved in. My nephew and his wife have moved in and they have since had a little boy who was at that childcare centre during the time we are talking about. And a little while ago my cousin and his wife had moved in. So my family has seen this as being a wonderful place. People have come here. So I feel a level of responsibility for bringing all those people that are very close to me into Stockton.

During that week my son had finished his trials for his HSC so we had a big slap-up dinner. We had fish from the river, crabs from the river, veges out of the garden. All the things that are not very good to have after hexavalent chromium. I thought I was giving them a great time but in fact I probably was not really. Also during that time my great nephew was at the childcare centre and his mother was mortified. She is an environmental scientist and to think that she had allowed her son to be in a dropout zone of such a carcinogenic, terrible chemical. She has been beating herself up over that.

My two middle children came over and were doing the walkathon that is an annual thing from high school over in Mayfield. They came on the Tuesday morning and I was helping with the sausage sizzle. They started directly across from the Orica plant right on that patch of grass. That is where they started. The whole school, 600 kids walked right around Stockton. Some were really keen and went twice, jogged it once and walked it and then they rolled around on that grass and ate those sausages. I was there watching thinking this is a laugh.

The Hon. Melinda PAVEY: What day was that?

Ms JOHNSON: Tuesday, Tuesday morning. So I feel a huge sense of responsibility for bringing my family and them being subjected to what they have been subjected to.

So I guess from my point of view since then there has been one thing after another that has happened and so that is just reinforcing this sense of responsibility. So for me that is why I have taken up the issue. I am working full-time. I am obviously a mum with four kids, but I see this as something that has to - I mean I do not know what we will do if it continues. We have to get four different families and try and move everybody out. I am really angry. I am really upset and I feel very responsible.

Mr CRAIG: My son and daughter-in-law live in Sydney and they have just had their first child. They have not been game to come to Stockton. They were very concerned about hexavalent chromium. They were very concerned, even though we are not in the area, they had to come through the area. Then they were thinking about the arsenic, then the ammonia, each time there is stuff to think about. But they are actually going to come up this weekend because Orica has shut down. So we have an elderly great grandmother here who will see her for the first time. There is a lot of extended family so it is a relief.

But we just feel just so angry about that and the fact that the people will be exposed to a powerful carcinogen for days without any notification and really it has to be actioned for people to take responsibilities. It is negligent. Even up to the CEO of Orica or the board of directors, penalties and fines for them as well, but there has to be some action for this. To expose people to a powerful carcinogen for almost a week without notification just beggar's belief.

Ms SARGENT: I found out about it on the Friday afternoon. I was driving down the valley. I work in environment and community within heavy industry and mining, so I understand the situation that we are in. I understand the situation that you are in and I have worked in communities where they have had arsenic poisoning in the water and other heavy metals so I understand why this is coming to the Committee to deal with that.

The thing that really astounds me in this situation is that it just appears over and over and over that there is no control on this site. I moved here with my son five years ago. I understand that we are living near heavy industry. I understand what we are here for, the community itself but also the beaches and the lifestyle.

I was under the assumption that there was some strict monitoring happening on this site and there have been work processes in place that have been communicated within the company itself and also locating managers. It is becoming abundantly clear that there has been belligerence and negligence in how they are actually managing this and there does not seem to be real movement forward.

There is a real fear in the community and people are starting to think about should I be living here? And am I exposing my son? What happens in 30 years if he becomes ill and I knew there was something going on here and I did not move out of that situation? It is deeply disturbing to everyone. I do not think any of us have felt any security that anything is going to get any better from that site from all the community meetings.

The Hon. Melinda PAVEY: So you work in the mining sector, so you are dealing with other companies?

Ms SARGENT: That is why it astounds me. The regulations, particularly in mining, is for safety and for community and how you react to the community is so strictly regulated that it has totally astounded me how things are being handled on that site and have been in the past.

The Hon. Trevor KHAN: You are talking in terms of the apparent incompetence or whatever with management?

Ms SARGENT: I am saying what we are seeing what seems to be the controls that were on-site and how they are being implemented just do not seem to be--

The Hon. Melinda PAVEY: Or lack of communication?

Ms SARGENT: It could be that as well. I mean we were all learning stuff today that we did not know before. But I think from an industry perspective it is disturbing it is unnecessary.

The Hon. Melinda PAVEY: So do you think regulation over mining is more than over chemical production?

Ms SARGENT: It must be.

The Hon. Melinda PAVEY: Do you have any members of your group that are actually in the employ of Orica or other community members in Stockton that rely on their pay cheque from Orica?

Ms JOHNSON: Not on the Committee but there are people in Stockton who rely on the pay cheque, yes.

The Hon. Melinda PAVEY: What are their views about the way the company was handled the situation? Not naming them, but has there been any sort of comment along that line?

Ms JOHNSON: I am not sure if they are people who actually work their regularly or whether they are contractors, but it seems to be that things have happened over a series of years that we have not known about and that has been said by contract workers - I mean people who are out fishing have seen cloud of substance coming out of pipes.

Mr CRAIG: Just on that too, my son is in IT. He was working with a company and they did some work with Orica. He came home and said the Orica guys joke that when certain humming birds are flying over the Orica plant they just fall out of the sky dead. Then he said they also joke to him that if the Orica plant ever goes up, Stockton is gone. That is the sort of jokes when he was attending on site.

But I just applied to go in the Orica community reference group. I have been to one meeting on that. That was set up some time ago. I was on the community group some years ago and Orica set up this reference group with the promise of transparency et cetera, but I think people in that group have just seen it as not being there and I think they just pay lip service to it. They get in the media. They have got this reference group. They can refer to it. But even in that first meeting I was really pushing to get the monthly monitoring data and even something in *The Messenger* here each month just showing their performance. I was hoping to really push that. They were not very keen at all. So

the transparency certainly is not and has not been there from Orica in the past. There is an employee from Orica that lives in Stockton on the community reference group, but he did not have anything really to say during the meeting so I am not sure of his opinion.

CHAIR: Thank you very much. Thank you for helping us today.

(The witnesses withdrew)

CHAIR: Mr Rigby, I just remind you that if there are any questions that you are unable to answer today or you need more information to provide it you can take them on notice and provide the answer to those questions or provide some further information at a later time.

I would also remind you that the freedom afforded to the witnesses by Parliament is privileged and not intended to provide an opportunity to make adverse reflections. Witnesses are asked to avoid making critical comments about some specific individuals and they should speak about the general issues of concern.

You will need to be sworn to give evidence, so when you do would you please state your full name and your position. You can either swear an oath or an affirmation.

FRANK RIGBY, resident, sworn and examined:

The Hon. Adam SEARLE: How long have you been a resident of Stockton?

Mr RIGBY: 84 years and a bit.

The Hon. Adam SEARLE: Long-term resident.

Mr RIGBY: Does not seem very long.

The Hon. Adam SEARLE: How did you become aware of the incident at the Orica plant?

Mr RIGBY: My son is working on a drilling rig in the middle of the Indian Ocean and he rang me up and he said: "Are you still alive?" I said: "I think so. I will have a look in the mirror." That was on the Thursday.

The Hon. Adam SEARLE: Roughly what time of the day was that?

Mr RIGBY: Say about 6 o'clock, around that time.

The Hon. Adam SEARLE: Obviously he told you what he had heard through the media?

Mr RIGBY: No, he is on a ship and they have contact throughout the world on what is happening everywhere I think. I am not too sure about that, but he seems to know everything.

The Hon. Adam SEARLE: What was your next notification?

Mr RIGBY: The next notification was that we were having a meeting over at Kooragang in front of Orica I think at 9 o'clock, it could have been 10.

The Hon. Adam SEARLE: On the Thursday?

Mr RIGBY: On the Friday.

The Hon. Adam SEARLE: That was the community organised event?

Mr RIGBY: Yes.

The Hon. Adam SEARLE: At that stage you had not heard from either Orica or government department or anything like that?

Mr RIGBY: No. No.

The Hon. Adam SEARLE: And you attended that community meeting?

Mr RIGBY: Yes.

The Hon. Adam SEARLE: Was there a person from Orica present at that meeting?

Mr RIGBY: No.

The Hon. Adam SEARLE: So who was present and what did you learn from that meeting?

Mr RIGBY: There were people from Stockton and I think roughly all of the people that there were, about 20 or 25 people from Stockton. I would not be sure of that. I think there was somebody from every media, certainly in Newcastle, maybe New South Wales. That was the group there and I knew practically every one of them bar for a few.

The Hon. Adam SEARLE: Have you had any contact yourself from any person from Orica either coming to your place or through public meetings?

Mr RIGBY: Not personally, but I was at a meeting I think on the following Tuesday and we had Orica people there. That was down at the oval. After that, no, I never had any.

The Hon. Adam SEARLE: You said there was a representative from Orica at that meeting on the Tuesday?

Mr RIGBY: There were people - where they come from - I think there were experts or so-called experts. They gathered from hither and thither.

The Hon. Adam SEARLE: Do you remember their names?

Mr RIGBY: No.

The Hon. Adam SEARLE: Do you remember what they told the meeting as to what had happened and why?

Mr RIGBY: I did not agree with half of it. Just to put you in the picture, all my working life as a foreman, plumber and coppersmith at the state dockyard, all my working life I have been putting in big, and I mean big, piping systems. Orica is a big one and I worked at Cordells in there. We contracted through the dockyard on power stations and dams and things like that. They were all big and a lot of things they were saying was just a pack of rubbish. That was my work for probably 50 years.

The Hon. Adam SEARLE: What kind of things were they saying which you disagree with?

Mr RIGBY: They were so proud they were going to have somebody with a spanner running around. They were going to get on every nut and every bolt on Kooragang. I will tell you right now if I had a spanner and went round every nut and every bolt on every flange on Kooragang I would not have the strength to move one of them. Bolts do not come undone. Big, high pressure pipes do not leak. They break. Like you see on a submarine, pictures of a bloke with a spanner tightens and saves the submarine. That does not happen.

Any high pressure pipe work - and some of stuff we done on power stations, superheated steam and this sort of thing, every weld is x-rayed and every pipe is tightened up. When we were doing ship repair we would take the flanges off. Of course the pipe had rusted out or heaven knows what. Take the flanges off because they had come from all over the world and we use those flanges and put them back on the new ones. You get a tanker. You can imagine. You have seen tankers and you have seen the pipes on them. All them pipes carry every sort what you could think of and nobody ever sits down on the deck.

The Hon. Adam SEARLE: Are representatives of Orica suggesting that the leak might have been caused by bolts not being tight enough or?

Mr RIGBY: No.

The Hon. Adam SEARLE: Is that the impression you have?

Mr RIGBY: The leak probably came out of a pressured relief valve but again you do not have leaks going up chimneys. If you have a leak in your house, I am sure if it was a gas leak it would not go up the chimney, it would go out the front door or whatever. It just seemed to me that they got these blokes and told them things to do and they went on. I was pretty disgusted with the old damn thing to tell you the truth.

The Hon. Adam SEARLE: From your knowledge from other people in the community, what would you say has been the general community attitude towards the way in which the incident was dealt with by Orica?

Mr RIGBY: If you tried to do it more wrong, I do not know if that is the right words to say, but if you tried to do it more wrong you would not be able to. If you were a tech teacher it would be a perfect example of what not to do.

Just to add on to that, the day we were over there. We had a couple of ladies with two year or three year old babies and we asked them to talk to us. All we wanted to do was talk to the chemist to find out what the heck it was that was coming out the chimney and what effect it had on the babies. He knew what was happening to us. There had been people who had seen the doctor down here and he said: "I do not know much about it", which he would not. We wanted to talk to the chemist. We were orderly. There was no bluing. There was nothing. We talked just like you are here. They would not talk to us.

The Hon. Adam SEARLE: Which meeting is this?

Mr RIGBY: This is the one with Orica. They never came out to see us at all. Just with that, you just imagine a lady there with a little baby, one of them about three year old and he had been crook all week and he could not get any help. It is like somebody on the side of the road. You run

over them and leave them there on the side of the road and run away. All we wanted was a bit of help. All we wanted is somebody to tell us you do this or you do that or you are going to all die. We did not know.

The Hon. Adam SEARLE: So the lack of timely notification in your view caused a fair amount of anxiety?

Mr RIGBY: It caused a lot of anger and anxiety. We were starting to get - all the kids who have done chemistry - and my grandson has. I went over and asked him: "What is this stuff?" And he sort of told me a bit about it. But we were all under the impression that if it went underground it would break and this seems to be pretty right. But we were not told if it got in the water it is reasonably stable. What was worrying us then was it was raining at that time and also everybody in Stockton has got a pump or did this stuff go down and is down there and is it stable. I do not know.

The Hon. Adam SEARLE: Do you know that Orica informed government authorities on the Tuesday and the Wednesday about the incident?

Mr RIGBY: Yes.

The Hon. Adam SEARLE: And to your knowledge before you heard that on the Thursday do you know whether those agencies took any steps to inform the public?

Mr RIGBY: Well, they never informed the public. That is for sure. I told a lie there. I will go a little back. I was at soccer practice on Tuesday. A lady said to me: "What is the problem over Kooragang?" I said: "That wouldn't be anything. It would be the new gas terminal they are going to put in. That is what they would be crook about." And just left it at that. Then I never heard another thing until I was informed and went over to that meeting on the Friday.

The Hon. Adam SEARLE: Who was this person who raised this issue?
I do not want her name. Just someone you were talking to?

Mr RIGBY: Just one of the kid's mother. Under 13s or 14s or something or other.

The Hon. Adam SEARLE: Do you know what she was referring to when she raised that?

Mr RIGBY: Now I do. She had heard something. There had been some trouble over there. Maybe somebody who worked there, or whatever, she did not say anything. I sort of told her what it was and that I was worried.

The Hon. Trevor KHAN: I think you were here earlier when we were talking about zone 1 and zone 2 and zone 3?

Mr RIGBY: No, I was not.

The Hon. Trevor KHAN: You were not here. You obviously know where the preschool or childcare centre is?

Mr RIGBY: I certainly do. I opened it.

The Hon. Trevor KHAN: You may have opened it. Do you live near there?

Mr RIGBY: Yes, I live near it. That was the surf club.

The Hon. Trevor KHAN: Is that right? Did you as a result of this incident see any yellow spots near your place in terms of chromium VI?

Mr RIGBY: I cannot recall that I did. I never said we saw anything to anybody really until somebody told us and we started doing funny things.

The Hon. Trevor KHAN: In terms of your neighbours did any of those subsequently indicate to you that they would - I am interested in how thick or otherwise the stuff was on the ground and the vegetation. Was it very noticeable that people told you about it?

Mr RIGBY: Well, we had rain mixed up in that time. I could not tell you the day that it was raining. No, there was nothing noticeable. I am in the garden every day. I never seen anything. I have got a pump and most everybody else has got a pump. That pump comes on automatically and goes for an hour and waters the whole backyard.

The Hon. Trevor KHAN: Do I take it that people have a variety of bores down in their backyards?

Mr RIGBY: Yes, I would say 80 per cent of people.

The Hon. Trevor KHAN: Do you know if there has been any testing of these bores?

Mr RIGBY: I would say there would have, but I do not think they have done mine. I have got a tank and they tested the water tank and they tested for ammonia and they tested those and it came back a bit funny. It was not enough to register or some such thing.

The Hon. Trevor KHAN: Mr Searle asked you various questions about government verification. You have lived here for how many years? You were certainly here in 2006?

Mr RIGBY: Yes.

The Hon. Trevor KHAN: We were aware that an incident occurred, for instance, in 2006 out at Orica involving chromium VI?

Mr RIGBY: I was on the council for 15 years and I was aware of pretty near every spill at Orica over that time. I have got a double-storeyed house and we would go up once a day. My big thing in council was pollution from Kooragang Island. I led the first inquiry into pollution in New South Wales and it was in the Coffee Report over pollution from Kooragang, so I have been aware of the whole thing the whole way through. Five ladies and myself went down to Parliament House and we wrote the Coffee Report which has been the plan for the whole of the port of Newcastle ever since.

The Hon. Trevor KHAN: To cut to the chase, there has been a lot of criticism of the current Minister in terms for not having visited and the like, the bottom line is that governments of all political persuasions in the past have not really been on the front foot, have they, in terms of this issue?

Mr RIGBY: That is not quite true. Once we got the Coffee Report we went for probably--

The Hon. Trevor KHAN: I am talking about governments coming out and notifying.

Mr RIGBY: You see the EPA was very strong, and I did not even know that the EPA still existed to tell the truth. When I heard the Minister and boss of the EPA trying to work out who was the boss on the ABC the other night, I thought there should be something done here.

The Hon. Trevor KHAN: Those were legislative changes made some years ago.

Mr RIGBY: Well, it has been nearly non-existent.

The Hon. Melinda PAVEY: Was there public notification of the 2006 incident? You knew about it as a local councillor, but evident in the conversations I have heard the public were not alerted to the 2006 incident at Stockton.

Mr RIGBY: I am not too sure what happened in 2006. In 2006 it was exactly the same as this. The EPA has not really been much chop this century.

The Hon. Melinda PAVEY: And the previous start-up was 2001. Do you know what happened then? You were on council then?

Mr RIGBY: No, I left council in 1995.

CHAIR: No more questions? Thank you very much, Mr Rigby.

Mr RIGBY: Am I allowed to have five minutes to speak?

CHAIR: Yes, you can.

Mr RIGBY: I am real interested in what has happened. I am very angry and we have got to do something. I have thought what can we do? I have wrote a few things that I would like to come out of this report. The first one is for the EPA to be strengthened and the head office to be in Newcastle. It seems crazy to have it in Sydney as far as I am concerned. Wollongong would be the other place to put it but I feel it should be here in Newcastle. I tell for you why a little later on.

We should know who is in charge and all, like with the earthquakes and the floods, the fire brigade of course, but the police have always - and I was under the impression that the police were in a calamity and I still think that is right. The police are in charge. Even about two weeks ago the Minister and her head of the department were on ABC arguing the point who the heck was in charge. I do not think any of them were. If they were, they were not up here, that is for sure.

If you would get the police - the thing about the police, we have got the northern police here, which is a pretty strong group of policemen, and also I would like to see the head of the northern police be the deputy commissioner and that be a thing that would just actually go. You would do it here and then you would go to Sydney. If you like at all the other things that we do here with the water board and everything else, they come here and get the damn place going really good. When it is fixed up, Sydney pinches them. We do not want to pinch the commissioner, just make what generally

happens to be a thing that the head - you see, you do not need - what we had here, the bloke who was talking like the head of the EPA. He is a chemist or something or other. You need an administrator. You need somebody who is going to - when we had the earthquake we did it on our own. The government never got up here for months after we started. It has been used right throughout Australia as an example of what do you do when you have a disaster. So we know how to look after them and every time we get Sydney tangled up in it, the bloke takes off.

We had an accident at Kooragang, took the bloke. The accident was at half past 5 in morning and I got out of Stockton about 2 o'clock. That is something. We have not got the roads to get the people out of Stockton if we ever had a disaster. We certainly have not got the administration to be able to handle it at the moment. So that is something that would not happen if we had the police here in charge of anything that happens.

So those sorts of things, to just say, bang, get somebody up from Sydney. A bloke run into a car on a motor bike, both of them got hurt pretty bad. It was not the accident of the century. Wheat is coming in at the port, gold is coming into the port, everything is coming into the port. It is costing the country millions. That half a day off the road, I would hate to get the bill for it. And nobody seems to care.

What we have here is three major coal loaders and we are going to get another one, that is four. Two of the coal loaders take out 160 million tonne of coal a year. That is roughly between \$200 and \$300 a tonne. Nearly the same as wheat. We are playing Russian roulette. What we need with this explosive stuff, what they have got over there is carbon. Mix the carbon together and you have got an explosive. Simple as that. Now the coal is carbon. They are bringing wheat in here all the time. It is a big wheat port now. If anything happens here, the amount of money that - you can work it out for yourself. You have another coal loader to come. That would probably be 100 million and at \$200 a tonne, that is the cheapest, and up to \$300 and probably above that. The whole State is running - you blokes get your pay out of this place. That is for sure. And if it stops, we are going to be in worse trouble than we already are. We are playing Russian roulette right alongside of this place. And I am not advertising that to be there, we have another one, but they import that stuff in there.

I think we have got to rid of this place and get it as far away from the coal as you possibly can. It is coal dust. There is bushfire dust. It is all carbon. The amount of diesel now that we have the wheat coming in. The day that the bloke run into the motor bike and had the accident, there were vehicles parked on every bit of road and grass or anything you could get all over the place. Diesel fumes coming out of the whole lot of them and right alongside them. So I think we have got to really - I would hate to think that we have walked away from here and said we will not worry about it and we did get a disaster. And I tell you what it would be a beauty.

My son was working - we were going to be a gas terminal in here too. He used to work in a gas ship going to Japan and they told them that if the ship went up all you would get is a big hole in the ocean. And they were on there when there was an American destroyer and lot of the American ships up there and this one started playing with the guns. The ship was going past and my son was on the bridge at the time. The skipper got in touch with the skipper on the other one and said: "You silly so and sos. Make a mistake, you are going with us."

So we are dealing with extremely volatile stuff. Honestly when you talk to Orica, if you are not talking to Mickey Mouse, I tell you what. That is the impression you get when you walk away. They just do not care and something has to be done. Otherwise I would hate to think we had been

down there and spoke at this and nothing happened. What you will have is a big port put it that way if something goes wrong.

I would nearly say the way we are going it would be a pretty fair bet that something is going to happen. The place is old. It has been there for 40 years. We do not run ships for 40 years. We run ships for 15 years. The Japs run them for about 20. This thing has been going on and on and on. I know what ships are like if they have been there for 20 years and this place must be exactly the same. Nobody from Orica, and we have spoken to several, has impressed me one little iota.

CHAIR: Thank you very much, and I think you have another 84 years residency in Stockton.

(The witness withdrew)

ARK GRIFFIN, Owner and editor of The Stockton Messenger, affirmed and examined:

CHAIR: You have been present when I have previously announced the terms. I do not need to repeat it to you, do I?

Mr GRIFFIN: No. Thinking that I had a five minutes to speak I have prepared a statement which I would like to read because I think that will pre-empt a lot of your questions.

On the night of 8 August I was returning on foot from the ferry to my then home at 179 Mitchell Street, Stockton. This is outside the designated area on the corner of Hereford Street.

The next morning I rose early as I was going to Sydney. My eyes were watery and my nose was runny. I stayed in Sydney that night, Census night. My eyes were continually watering. I had to constantly dab at them with a tissue and my nose was running continuously. My throat was dry and sore in an unusual way.

I returned to Stockton on Wednesday, 10 August by this time there were flecks of blood in my snot suggesting multiple lesions. The dryness in my throat continued and seemed worse. I walk a lot. I knew that I did not have a respiratory tract infection because my fitness was not affected. Apart from my symptoms, I felt well. On Saturday, 13 August the symptoms started to subside. This was gradual and they took a month to completely subside.

On Monday, 15 August multiple small shallow lesions had broken on my shins, they quickly formed crusts and scabs and healed and disappeared by Friday, 19 August. I did not see a doctor. I have only been in Stockton since the end of March this year. New residents do not get a slot with a local doctor. My GP is in Thornton. I cannot get an appointment with him within two weeks. So going to a GP was pointless.

On Thursday night, 11 August, I was phoned by a resident of Flint Street, Stockton who had been on an ABC radio program earlier that night. She said that a manager from Orica was attending her home the next morning at 11am. He had phoned her after she was on radio. She had asked him if I could attend and he said yes. On 12 August at about 10.20 a.m. I was phoned by an Orica representative who said that if I attended the meeting it would not go ahead. He said they just want to meet one on one with residents and keep it simple. I told him that the resident had invited me. It was up to her to uninvite me. I went to her home in Flint Street, but Orica representatives did not visit as promised.

I then went across to Orica's site at Kooragang and was there at about 12 o'clock and that is when an impromptu press conference was held that Frank Rigby has mentioned.

How did I hear about the Orica chemical spill? When I was in Sydney on the Tuesday morning, 8 August I got anonymous text message at 11 a.m. saying that workers from Orica were refusing to attend work because of the cancer risk from a chemical spill. As I said, the text message was anonymous.

I thought when I was walking from my ferry to the home the previous night that there was a bit of a sea breeze and I thought the wind was blowing that chemical spill from Orica, I am in the clear. I did not connect my symptoms at that time with what Orica had put into the atmosphere.

A Comment on Orica's understanding of the geographic extent and environmental impact of the leak. Orica's modelling of the geographic extent was flawed. I did not live in or pass through the projected area on 8 August.

Whether the potential health and other impacts of the leak on Orica workers and on the community around the company's plant were adequately addressed? No. Orica's initial response was denial. Residents' anger at this response created a chain of events that led directly to angry public meetings and the formation of the Stockton Community Action Group.

Point 6 of the terms of reference. Compliance by Orica with licensing or regulatory obligations arising from the incident. The licensing or regulatory obligations do not seem to contain a restore-and-make-good component. They are deficient. Orica and the agencies have made people feel unsafe in their homes. Orica has assaulted its neighbour.

Point 7. Whether other toxic chemicals stored or produced on the Orica Kooragang site have potential to effect the community and the environment. The explosion of ammonium nitrate in Toulouse on 21 September 2001 received scant attention in the Australian media because of the dominance of the 9/11 coverage. It is most pertinent to the people of Stockton, Carrington, Throsby Creek area, Mayfield. An amount of 350 tonnes of ammonium nitrate exploded because of unknown causes. Orica regularly stores much more than that amount of ammonium nitrate at Kooragang. Orica's track record shows that they are a high-risk operator, as the French operator was and believed to be well in advance of the explosion.

Point 8. Orica's response plan to the incident. What response? Denial. Until the PR machine kicked in, then a mea culpa and then other incidents, it all feels like denial.

Point B(1) of the terms of reference: The timeliness and reporting of various government departments. I speak specifically of the Department of Health through its subsidiary Hunter Health. When a community of 4,000 people is assaulted by its big, belching, noisy neighbour an appropriate response would be along the lines of: "Oh, my goodness. What they have done to you? Come and sit down while I make a cup of tea and then we will talk about it." The actual response was: "No, nothing to worry about. A bit of chromium is good for you anyway." They actually said that in the document that they put in out letterboxes. "Go see your doctor if you are worried." Subtext: If you are worried, you are neurotic.

In a year in which they have been major spending initiatives for mental health, Hunter Health was completely missing the collective community mental health of Stockton residents. There needs to be a long-term, multigenerational, epidemiological study of the Stockton population. It needs to be funded by Orica and other polluting industries of Kooragang Island. Existing agencies already collect a lot of health data. Some pollutants are not currently measured. Some pollutants are allowed. Many things are unknown. Give us some effective scientific measurement. Do not just measure the air, measure us.

Points B(2) and (3): The actions of government departments and agencies and the actions of government ministers and ministerial staff once notified. In regards to these two points it is pleasing to have this inquiry in Stockton. It is healthy to be listened to. However, there is a major systemic problem relating to the area generally. Community consultations is a one-way street in my experience. When a billion dollar business does community consultation they engage many consultants, experts in various disciplines, industry plans their big dollar expansions well in advance,

perhaps years ahead. Communities engage well-intentioned individuals who have little time to study reams of documentation or to make and prepare responses inside tight time frames.

The nearby communities of Newcastle are presently overwhelmed by the plethora of projects clamouring for community consultation. They have already been mentioned here. I am sure you are aware of them. A sincere and just consultation process would operate if the billion dollar industries fund the community response mechanism that will allow communities to engage consultants and experts and administrative support and have a level field in the consultation process.

The consultation period needs to be well extended to at least a six-month minimum. In my view not one agency of the State handled the hexavalent chromium discharge incident well. The lights were on - you should Kooragang at night - but no one was home when Stockton needed help. Orica has demonstrated systemic problems. The regulator, EPA, to most effectively address this, is still applying band aid fixes to those systemic problems. Chromium VI is coming out the stack? Redesign that. Arsenic in the river? Lock that up. Ammonium discharge? Empty those tanks.

This is just the tip of the iceberg. Orica has a cultural issue. EPA needs to shut down Orica's culture otherwise when the band aids are in place other problems will emerge.

Orica made me sick and I am so over that.

The Hon. Trevor KHAN: You indicated that Hunter Health or Orica distributed a document, I am not--

Mr GRIFFIN: It was Hunter Health. And it is here in their submissions to this inquiry. It stated: "On 11 August"--

The Hon. Trevor KHAN: Just hold on. You said they distributed a document to the Stockton residents. Do you have a copy of that?

Mr GRIFFIN: And you have too. At the concluding paragraph on the first page is: "Chromium III is important in certain biological processes. Therefore, it is generally considered that the intake of a small amount is necessary for good health."

The Hon. Trevor KHAN: That is chromium III?

Mr GRIFFIN: That is chromium III. Chromium VI breaks down to chromium III over about ten years.

The Hon. Trevor KHAN: But the issue that we are dealing with is the discharge of hexavalent, which is chromium VI?

Mr GRIFFIN: Yes. Yes.

The Hon. Trevor KHAN: Is there anywhere in that document that deals with chromium VI as being good for your health?

Mr GRIFFIN: No, there is no suggestion that chromium VI is good for your health.

The Hon. Melinda PAVEY: I am interested in your health and how you believe it was effected. And you did not live in the zone that was most effected, so how do you think your health become affected? At what point did chromium VI effect you?

Mr GRIFFIN: I think that I was outside, outdoors between 6 and 7 p.m. on 8 August and I breathed in some chromium VI.

The Hon. Melinda PAVEY: Do you know of any other residents who had similar symptoms to you?

Mr GRIFFIN: Yes, I do.

The Hon. Melinda PAVEY: How many?

Mr GRIFFIN: I have not collected numbers on that, very few.

The Hon. Melinda PAVEY: And have you provided any statement to the Department of Health or any other organisation explaining your situation?

Mr GRIFFIN: Yes, I organised a community forum here at the RSL, I think it was on the - I forget the date. There was a professor from the Department of Health who talked down to the community at that meeting. I spoke to him after the meeting and told him of my issues. I had some email correspondence with him about my issues. He said if there is anything further, get in touch with your doctor, but the acute symptoms had passed at that time.

CHAIR: Any other questions?

Thank you very much, Mr Griffin for coming day.

On that I will close the meeting but please keep in mind that for any questions taken on notice that the Committee has resolved that answers to questions taken on notice can be returned within 21 days. The secretariat will contact you in relation to any questions you may have taken on notice.

(The witness withdrew)

(The Committee adjourned at 12.50 p.m.)