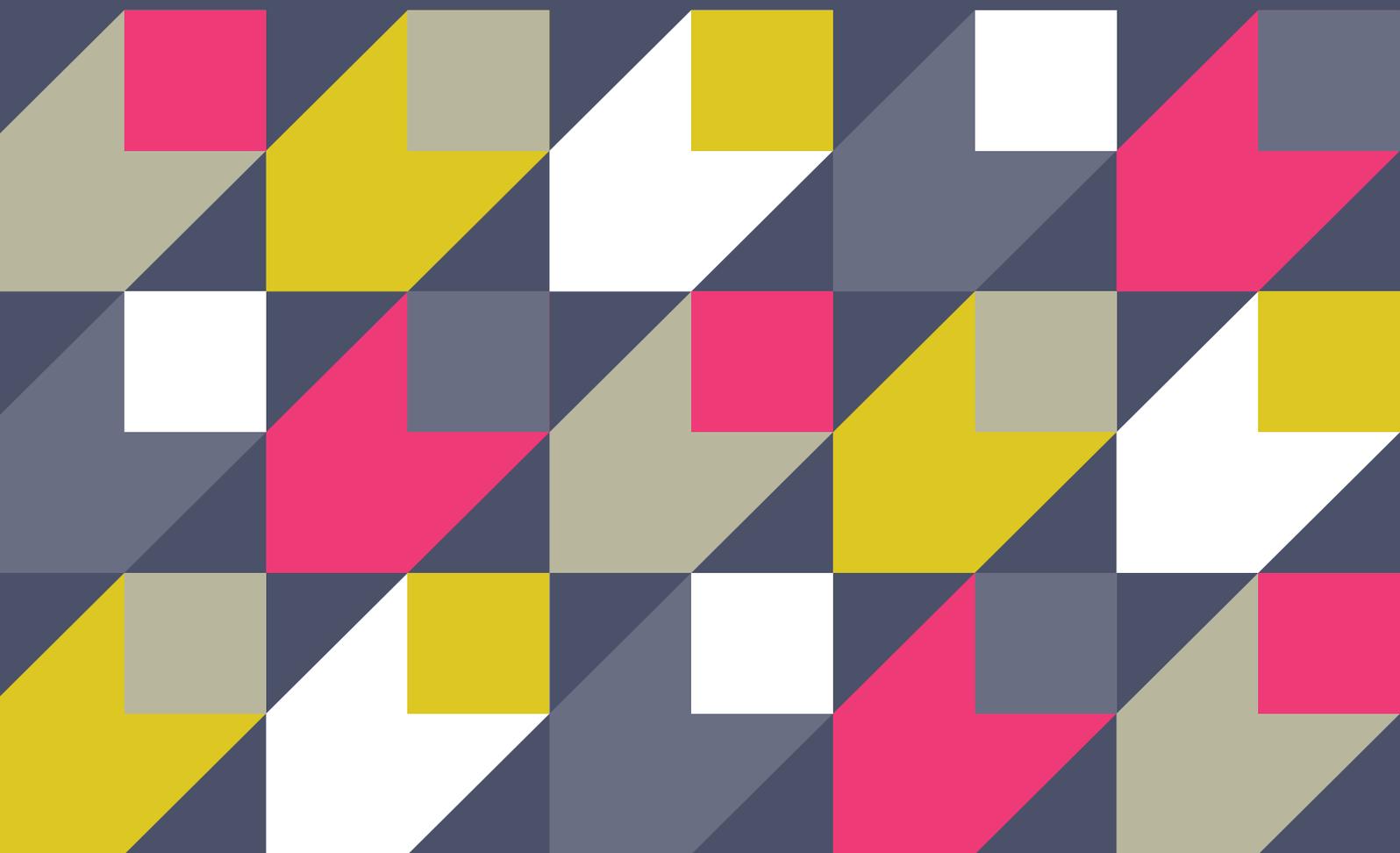


Independent Review Summary and Response Plan to the Targeted Lead Abatement Program



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TARGETED LEAD ABATEMENT PROGRAM

Response to 2020 Review

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BACKGROUND

Since the early 1980s the South Australian government, through the Health department, has worked to minimise the effects of lead contamination within Port Pirie, home to one of the world's largest lead smelters. The Port Pirie Environmental Health Centre was established in 1984.

In 2006, the smelter's then owner, Zinifex (which later became Nyrstar) formed a partnership with SA Health, the Environment Protection Authority, the Port Pirie Regional Council and the community, to work together to achieve a sustainable and healthy future for the community of Port Pirie and the smelter.

The company's vision was to work with stakeholders to drive a step change reduction in children's blood lead levels by the end of 2010 – this commitment was named the tenby10 project. Between the end of 2010 and 2014 community blood lead programs continued to raise awareness and implement initiatives to remove community exposure pathways with the aim of driving community blood lead levels down.

Following these previous lead abatement programs, and as part of the Nyrstar Port Pirie Redevelopment Project, the State of South Australia and Nyrstar Port Pirie Pty Ltd (the parties) entered into a Targeted Lead Abatement Program (TLAP) Agreement in May 2014. TLAP was developed to assess current and potential future community lead exposure reduction strategies and progress those likely to have the greatest impact on reducing children's blood lead levels.

Nyrstar committed up to A\$3 million per annum for up to 10 years (till 2024) to the program, and a further A\$5 million to accelerate the objectives of TLAP. The South Australian government committed about A\$1.5 million per annum for up to 10 years, the annual funding of SA Health's Environmental Health Centre.

As part of the TLAP Agreement the parties also agreed that if a detailed review of the program was necessary, an independent consultant would be selected and jointly engaged by Nyrstar and the State.

As 2020 was just over halfway into the 10 year term of TLAP, the parties decided that a detailed, independent review of TLAP and its activities, especially its governance structure, should be undertaken in accordance with the agreement.

Subsequently the parties agreed to engage Mr Lew Owens (the Reviewer), to undertake the review.

Specifically, the overarching purpose of the review was to assess what changes (if any) should be made in connection with TLAP to give it the greatest opportunity to meet its objectives.

The Review was to include an assessment of:

- changes in funding (sources, amounts) up to the end of TLAP and beyond
- changes in personnel (committee members, support staff) and their workload and responsibilities
- the operation of the TLAP Committee
- opportunities for further involvement of other parties
- key stakeholder considerations for adoption in coming years and post TLAP
- changes in TLAP governance, particularly under the TLAP Agreement
- the overarching direction of existing and proposed initiatives and what changes are necessary to meet the new objectives.



THE REVIEW PROCESS

The Review commenced on 26 May 2020 and was to be completed inside three months.

As this period coincided with the restrictions on meetings of groups of people under the COVID-19 controls it limited the ability of the Reviewer to hold public meetings and stakeholder workshops: many of the interviews undertaken as part of the review were done by teleconference rather than face-to-face although some personal meetings were possible when restrictions were loosened from late June 2020.

The Reviewer held numerous discussions with around 50 individuals and experts, read extensive reviews and reports on TLAP, and contrasted the structure and delivery of the Port Pirie TLAP with other interstate and international lead abatement programs that aimed to improve community health. The majority of people contacted were supportive of the review and keen to offer their views on TLAP and to share their experiences and observations regarding the program.

Specifically the Reviewer spoke with the TLAP Committee Chair and individual committee members commenting that “each Committee member and the Chair have been open and frank and willing to share their ideas about how TLAP could operate more effectively in the future”.

The Reviewer also stated that the final report drew “on the ideas, experiences and insights of many people who have been involved with TLAP and wish it to succeed, for the good of the children of Port Pirie”.

The review was completed in August 2020, with 36 recommendations being made, aimed at streamlining TLAP’s governance and gaining greater community input into TLAP decision-making processes.

The parties have subsequently considered the recommendations put forward by the Reviewer and are supportive of all of the recommendations. Other areas examined by the Reviewer are detailed in the below table of his recommendations.



TLAP 2020 REVIEW

RECOMMENDATIONS

No.	Recommendation	Responsibility	Response	Comments
1	The Trail approach to community engagement is recommended.	TLAP Board	Support	Successful elements of 'the Trail approach' are under adoption or consideration as an outcome of the review. TLAP will be encouraged to incorporate successful elements of other similar programs.
2	<p>Alter the key performance measures for the program to:</p> <ul style="list-style-type: none"> A Lead in Air (LIA) measure or measures Blood lead level (BLL) targets based on the numbers of children aged 0 – 4 who exceed the 10 and 5 micrograms per decilitre (µg/dL) levels of concern The geometric mean BLL for 2 year old children as a way of avoiding the inherent problems with selective non participation in testing regimes. 	State government / Nyrstar / TLAP Board	In principle	<p>Revision of performance measures for TLAP and its initiatives is supported.</p> <p>In addition to achieving National Health and Medical Research Council recommended community blood lead level outcomes, TLAP may consider and implement new, complementary performance measures to monitor elements of the TLAP program.</p> <p>A community lead in air measure may be more appropriate as an input rather than a measure of TLAP success.</p> <p>The Environment Protection Authority regulates Nyrstar's lead in air emission levels. Nyrstar will report results to TLAP.</p>

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TARGETED LEAD ABATEMENT PROGRAM

No.	Recommendation	Responsibility	Response	Comments
3	Commission a review of the SA Pathology procedure for measuring BLL using the Inductively Coupled Plasma Mass Spectrometry (ICP-MS) technique, to ensure the management of isotopic variation is being handled correctly; and if there is an error, the results from Q4 2018 to the present should be re-processed and historical results corrected.	State government	Support	<p>A review of the current laboratory analysis has been completed. The review reported <i>'no problems of inconsistencies were found in the calculation of concentrations from either laboratories raw and reported data'</i> and that any difference between laboratories was not considered statistically significant. On that basis, the review has confirmed the suitability of the current analysis methodology.</p> <p>The review did not assess the current laboratory method against different methodologies in use up to 2018.</p>
4	Consider whether the BLL reporting regime for TLAP should move to annual rather than quarterly reporting.	State government	In principle	The government will consult with stakeholders (e.g. TLAP Board) to determine whether blood lead levels reports occur annually.
5	Consider how the BLL reports should more clearly report and reflect the discontinuity in testing method.	State government	Support	The government will consider the blood lead testing technique review to inform future blood lead reports and consult with stakeholders following completion of the testing/pathology review.
6	Discuss use of the Media Protocol (as developed under cl10(c) of the TLAP Agreement) in Sub-program and TLAP planning and include topic of 'Media' as a distinct Agenda item.	TLAP Board	Support	Engagement of all stakeholders, including media, will be considered by the new TLAP Board and Community Reference Group.
7	Concentrate the Committee's program of work on a limited number of areas where work to date has shown a significant benefit to LIA and BLL, and to cease funding activities that are not focused on lead remediation.	TLAP Board	In principle	<p>Nyrstar and the South Australian government support a change in focus for TLAP initiatives.</p> <p>It is proposed the air quality and site emission control focus area remain the responsibility of Nyrstar rather than TLAP, however, Nyrstar will regularly report on air quality management to the new governance structures.</p>

No.	Recommendation	Responsibility	Response	Comments
8	Redesign of templates for TLAP Committee that assist month by month and year to year comparisons and allow members (current and new) to become familiar with the finances and program delivery and that enable identification of Sub-program 'project leads'. This includes resource development such as redesign of: Annual Planning documents, Annual Reporting and tracking documents, Quarterly Reporting and tracking documents, Action Plan, Risk Register, separate Sub-program Action Plans, Budget and associated financial documents, revision and re-write of TLAP Agenda template to clearly identify Sub-programs as Agenda items.	TLAP Board	Support	
9	Schedule financial planning into an annual timetable. Given that external TLAP resources are utilized to build reports, this may require negotiation of appropriately timed resource allocation.	TLAP Board	Support	
10	Add a dedicated cost centre 'department' within SAP and allow remote access for the Implementation Manager (IM) to manage this within the remit of the role.	Nyrstar	Support	Streamlined administrative processes to improve efficiency are supported and will be a focus of the new Executive Director.
11	Design the annual allocation of funding to each program base and allow the expenditure of funds through relevant finance systems and delegations with regular reporting on acquittal.	TLAP Board / Nyrstar	Support	

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No.	Recommendation	Responsibility	Response	Comments
12	Include an annual Program and Budget planning session into the TLAP Agenda at a specified time in each calendar year of the program so that timelines for commencement of each year can be adhered to and the approved expenditures are known. For each Sub-program, a Responsible Party should be identified to avoid confused governance and duplication of effort.	TLAP Board	Support	
13	Either change the practice of 'preferred provider' or provide TLAP staff (also visible to Committee members) with a list of preferred providers at the time of Sub-program planning based on expected purchases to enable ease of procurement.	Nyrstar	Support	Streamlined administrative processes to improve efficiency are supported and will be a focus of the new Executive Director.
14	Identify and create appropriate financial delegations for each of the Implementation Manager, Project Manager and Administration Officer in line with Sub-program outcomes and requirements.	Nyrstar / TLAP Board	Support	Streamlined administrative processes to improve efficiency are supported and will be a focus of the new Executive Director.
15	Review the TLAP Committee membership to ensure it comprises a high-level strategic group of people from the key Parties whose primary role is to oversee the delivery of the program and to agree the priorities and funding (and the people must be capable of committing their Party to any decisions). See also Recommendations 22 and 23.	Nyrstar / State government	Support	

No.	Recommendation	Responsibility	Response	Comments
16	Conduct an exercise to identify the amount of EHC services provided as part of the TLAP scope versus other 'business as usual' health activities within the EHC to enable clearer identification of required funds from TLAP. Any shortfall for EHC operations should be provided through normal government budgetary systems, as part of the Health Budget.	State government / TLAP Board	Support	The South Australian government will work with the TLAP Board to address this issue.
17	The funding of onsite Nyrstar activities should require annual planning and prior approval through the TLAP Committee and be clearly visible. This should be achieved through the annual planning process.	Nyrstar / TLAP Board	Support	Use of TLAP funds are for the advancement of TLAP objectives in the community. Any future use of TLAP funds within the Nyrstar site must be considered and approved by the TLAP Board.
18	Funding of all services paid for by Nyrstar under the TLAP Agreement should be handled at arm's length from the Nyrstar accounting system. A system of MOUs and/or Contracts for delivery of services needs to be implemented, with payments in accordance with appropriate procedures and delegations.	Nyrstar / TLAP Board	In principle	The need for transparency and agility is acknowledged, however implementation of changes must be reviewed and implemented by the new TLAP Board.
19	Procurement should be separated from the Nyrstar procurement system set up for smelter operations or the current arrangements need to be changed to be less restrictive – also see Recommendation 10.	Nyrstar / TLAP Board	Support	Streamlined administrative processes to improve efficiency are supported and will be a focus of the new Executive Director TLAP.

No.	Recommendation	Responsibility	Response	Comments
20	Current staffing arrangements in terms of employer and lines of reporting need to be clarified to all TLAP Committee members and incumbents and expressed within Job Descriptions, to address perceptions of conflict of interest and to adopt best practice in Human Resources and Work health and safety practices.	Nyrstar / State government / TLAP Board	In principle	All TLAP positions have existing job descriptions, and reporting and management arrangements. Further review may be undertaken by the new Executive Director TLAP and the TLAP Board informed.
21	There are a number of other matters that the Review has not commented on in detail as its focus has been on the overall governance and performance of the Program. But these other matters require attention as well and need to be addressed in drawing up a Program for the next four years and beyond. They include: <ul style="list-style-type: none"> • Water Strategy development • Master Plan development • Approval for Contaminated Waste landfill site • Housing Strategy • Government to finish previous projects 	State government / Nyrstar / PPRC / TLAP Board	Support	The new TLAP Board will actively consider any initiatives to advance the objectives of TLAP.

No.	Recommendation	Responsibility	Response	Comments
22	Each Party to decide their appropriate Executive Level Nominee Members of the TLAP Committee, and Nyrstar and the State to decide jointly whether to invite the Port Pirie Regional Council (PPRC) to join as External Members. See Recommendation 28 below.	Nyrstar / State government	Support	The Port Pirie Regional Council will be invited to join TLAP's governing structure including the TLAP Board, TLAP Working Group and Community Reference Group.
23	Nyrstar and the State to review the role of the Chair under the revised arrangements and either extend the term of the current Chair or consider whether different skills are required.	Nyrstar / State government	Support	A full-time Executive Director for TLAP is to be appointed.
24	Consider the pathway and timeline to the establishment of a Community Health and Environment Committee or Forum (CHEC/CHEF) including who should Chair it, and what the process should be to select members.	TLAP Board	In principle	Nyrstar and the South Australian government propose a TLAP Community Reference Group is established to increase involvement and consultation with TLAP. It is proposed the TLAP Board has responsibility for this group, with its composition determined with the new Executive Director for TLAP.
25	A group of experienced officers from Nyrstar, the State, TLAP, PPRC and EPA be established to develop Sub-program plans for 2021 for costing and approval, and to institute this as an annual event (with community input via a CHEC or CHEF if and when adopted).	Nyrstar / State government	Support	Nyrstar and the South Australian government propose a TLAP Working Group is established to support the Board, that would contribute to the annual planning process with involvement of the Community Reference Group.

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No.	Recommendation	Responsibility	Response	Comments
26	The current TLAP Committee could be given the task to manage this work over the next four months before handing over to the new responsible entities, with the new arrangements to commence in December 2020; or a revamped Committee could do this as its first priority.	TLAP Board	In principle	The existing TLAP Committee has continued to develop and manage the program.
27	Use the proposed Homes and Houses pilot program to inform a longer-term engineering program to be rolled out over the next 10 to 15 years across the Port Pirie community.	TLAP Board	Support	
28	Membership of the TLAP Committee should change to two Nominee Members from each of the State and Nyrstar, two External Members from PPRC, and the Independent Chair. EPA could continue to be an Observer or at least be invited to present to the Committee on a regular basis on its observations on progress on Lead in Air programs and related matters. The people appointed to the Committee must be from senior executive levels in their organisations, able to influence and speak for the Party they represent concerning programs and funding. They need to be committed, strategic and prepared to show leadership for the program.	State government / Nyrstar / TLAP Board	Support	<p>A new TLAP Board will be put in place with executive representation from the South Australian government, Nyrstar and the Port Pirie Regional Council.</p> <p>Over time, the TLAP Board will consider involving other relevant parties as appropriate.</p> <p>The board will be supported by the TLAP Executive Director.</p>

No.	Recommendation	Responsibility	Response	Comments
29	Relocate TLAP appointed staff as employees to PPRC, with the Council contracted to perform those projects agreed as applicable to their remit.	TLAP Board	In principle	TLAP positions being engaged by other parties in the future is supported in principle. Further, the TLAP Board may consider contracting initiatives to the PPRC in the future.
30	The Committee should contract out all responsibilities for Program delivery to third parties with the necessary expertise to deliver against their work plan.	TLAP Board	In principle	The intent of the recommendation is supported. The TLAP Board will review and determine contracted work on a case-by-case basis.
31	TLAP meeting arrangements – change from monthly to a maximum of four or five meetings per year, supported by upgraded executive and administrative procedures.	TLAP Board	Support	
32	The Committee should engage an Executive Officer capable of providing strategic reports to the Committee, organising and managing contracts with program deliverers, and representing the Committee in community and stakeholder engagement.	TLAP Board	In principle	A full-time Executive Director for TLAP is to be appointed.
33	The TLAP Committee should hold some open and transparent meetings – consider holding at least one community consultation each year around the development of the work program for the following year. During the year, more modest communications using the Facebook facility now in place should continue and avoid the need for expensive media and promotional campaigns.	TLAP Board	Support	Engagement of all stakeholders will be considered by the new TLAP Board and Community Reference Group.

16 TARGETED LEAD ABATEMENT PROGRAM

No.	Recommendation	Responsibility	Response	Comments
34	TLAP Committee should engage with the Inter-departmental Group established by the State government to explore development of programs that extend across the different areas such as housing, urban renewal, water, education, health and child services. Consider establishment of a group comprising representatives of government agencies based in Port Pirie to ensure a coordinated and effective delivery of services.	TLAP Board	Support	Nyrstar and the South Australian government support collaboration by the TLAP Board with the Inter-departmental Group's initiatives for lead contamination management in Port Pirie.
35	TLAP Committee to consider engagement of wider community (schools, retirees and environmentalists) via programs to establish the social infrastructure for the community to take responsibility for its future beyond TLAP.	TLAP Board	Support	The proposed TLAP Working Group and Community Reference Group to have a greater community reach.
36	Implementation – If the transformational approach preferred by the Review is considered too risky, the Minimalist approach could be applied for the next 12 months as the development of program arrangements is progressed and the new governance structure is finalized for implementation in the second half of 2021.	State government / Nyrstar	In principle	Revised governance structure to be in place by mid-2021.



MOVING FORWARD

SOUTH AUSTRALIAN GOVERNMENT AND NYRSTAR WELCOME TLAP REVIEW RECOMMENDATIONS

The South Australian government and Nyrstar (the parties) acknowledge the considerable work undertaken as part of the review and thank Mr Lew Owens, the independent Reviewer of the Targeted Lead Abatement Program 2020, for his efforts in delivering a comprehensive number of recommendations aimed at improving the outcomes of the Port Pirie Targeted Lead Abatement Program (TLAP).

The parties welcome and support Mr Owens' recommendations and have commenced discussions to implement a number of the recommendations that support advancing TLAP improvements in the immediate future.

Specifically the recommendations to make governance structural changes have been acted on. A full time Executive Director has been engaged, who will have access to the highest levels of State Government and Nyrstar management to implement and manage an additional number of further TLAP changes recommended as part of the review.

The parties also acknowledge and thank the TLAP Committee led by part-time independent Chair Ms Julie Mitchell, for their commitment and efforts to deliver the TLAP objectives since TLAP commenced in 2014.

The parties also support the recommendation for a more formalised process for the Port Pirie community to have increased input into TLAP's projects. The parties will commit to set up a TLAP Community Reference Group in the near future.

The Port Pirie Regional Council will be invited to join TLAP's changed governing structure, including the TLAP Board, the TLAP Working Group and the Community Reference Group.

Throughout the review process the work of TLAP has continued, with a specific focus on removing exposure pathways in the community such as:



Planting community vegetation to minimise dust movement.



Placing handwashing stations in playgrounds.



Introducing a new, more comprehensive road and footpath cleaning program

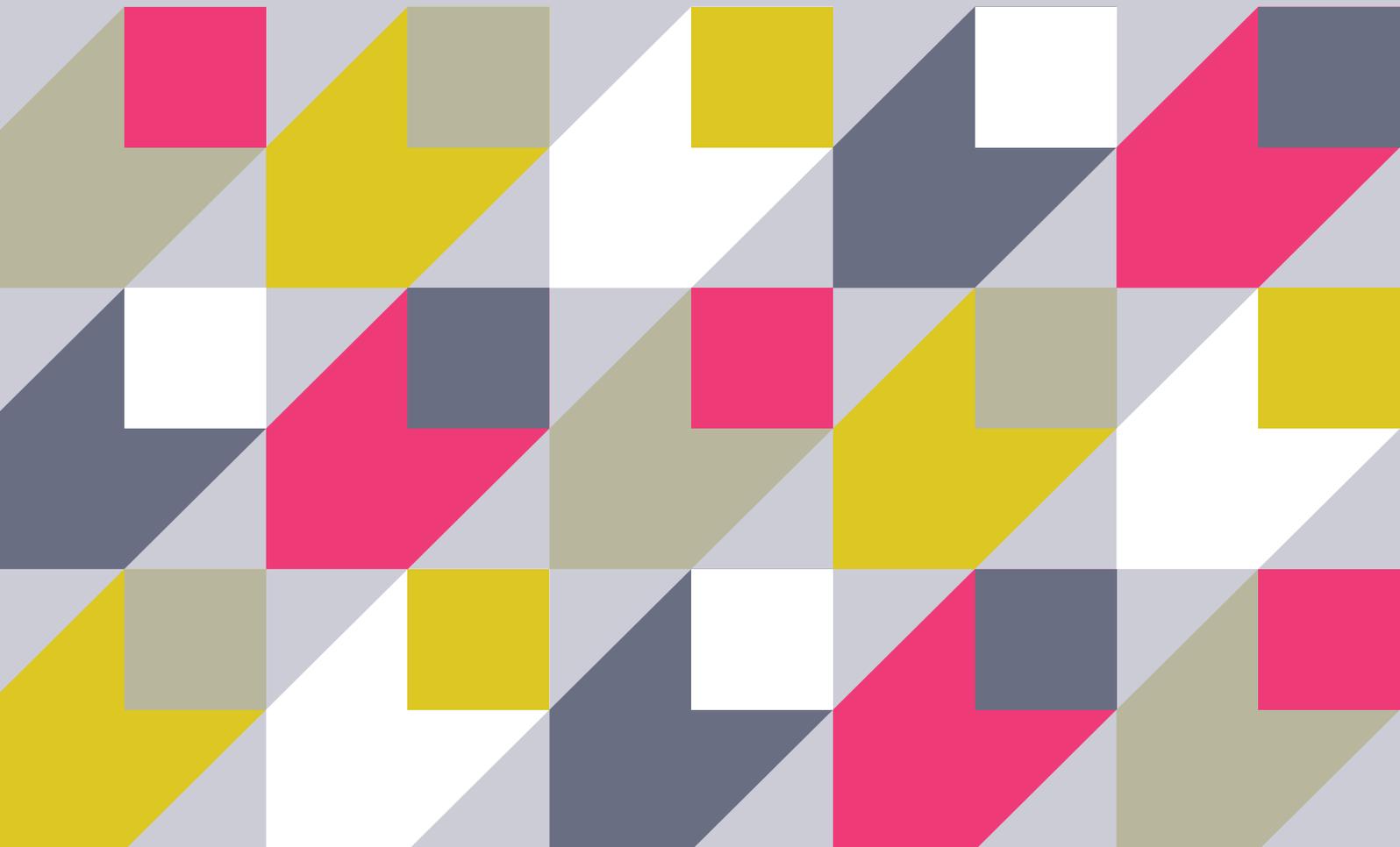


Commencing the new "Homes & Houses" project, which seeks to identify and remove lead exposure pathways that can contribute to elevated blood lead levels in homes occupied by young children.

The parties are confident that the changes made to TLAP in coming months will deliver a number of improvements that will assist in ensuring the goals and objectives of TLAP are met and an improvement in community health is achieved.

Acknowledgement of Country

We acknowledge Aboriginal people as the First Nations Peoples of South Australia. We recognise and respect the cultural connections as the traditional owners and occupants of the land and waters of South Australia, and that they continue to make a unique and irreplaceable contribution to the state.





Government of
South Australia

www.tlap.com.au

www.facebook.com/tlapportpirie/

enquiry@tlap.com.au

