



Status of actions in response to Targeted Lead Abatement Review 2020 recommendations (at 26 Nov 2021)

Executive summary

In 2014 the then South Australian government and Nyrstar established a 10-year Targeted Lead Abatement Program (TLAP) aimed at reducing unacceptable levels of lead in blood.

At the time, Nyrstar committed up to \$3 million per annum and a further \$5 million to accelerate the objectives of TLAP. At the same time the then South Australian Government committed approximately \$1.5 million per annum through SA Health's Port Pirie Environmental Health Centre operational funding.

During 2020, the parties agreed that a detailed, independent review of TLAP and its activities, with a focus on TLAP's governance structure should be undertaken in accordance with the agreement.

Mr Lew Owens was appointed to conduct the review and in August 2020, Mr Owens handed down his recommendations which are contained in *Targeted Lead Abatement Program 2020 Review*. The review comprised 36 recommendations all of which have been supported or supported in principle by Nyrstar and the government.

Since the release of the review, TLAP, the government and Nyrstar have worked towards implementing the recommendations. Following is a progress update for the recommendations.

Aim of the Review

The overarching purpose of the review was to assess whether changes should be made in connection with TLAP to provide the greatest opportunity to meet its objectives.

Responses

A total of 24 recommendations are supported in full, 11 are supported in principle, and one is supported in part.

Of those recommendations 19 have been implemented, with a further 15 in progress and 2 yet to be commenced.

Recommendations

Recommendation 1: The 'Trail approach' to community engagement is recommended.

Response: Support

Responsibility: TLAP Board

Comment: 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.

Outcome: In progress – a Community Reference Group, led by the Port Pirie Regional Council and including community representatives will be established to increase community involvement and engagement.

Recommendation 2: Alter the key performance measures for the program to:

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 ($\mu\text{g}/\text{dL}$) 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 the testing regimes.

Response: In principle support

Responsibility: State government/TLAP Board

Comment: Revision of performance measures for TLAP and the initiatives is supported in principle.

In addition to achieving National Health and Medical Research Council (NHMRC) recommended community blood lead level outcomes, TLAP may consider and implement new, complementary performance measures to monitor elements of the TLAP program.

A community lead in air measure may be more appropriate as an input rather than a measure of TLAP success. The Environment Protection Authority regulates Nyrstar's lead in air emission levels. Nyrstar will report results to TLAP.

Outcome: In progress – work has commenced to develop appropriate performance measures for the program, and with consideration to the NHMRC's blood lead investigation level of 5 micrograms per decilitre.

Recommendation 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 data corrected.

Response: Support in part

Responsibility: State government

Comment: A review of the current laboratory analysis has been completed. The review reported “*no problems of inconsistencies were found in the calculation of concentrations from either laboratories’ raw and reported data*” 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.

The review did not assess the current laboratory method against different methodologies in use up to 2018.

Outcome: Implemented – the review of the current laboratory analysis has been completed and confirmed the suitability of the current analysis methodology.

Recommendation 4: Consider whether the BLL reporting regime for TLAP should move to annual rather than quarterly reporting.

Response: In principle support

Responsibility: State government

Comment: The government will consult with stakeholders (e.g., TLAP Board) to determine whether blood lead levels reports occur annually.

Outcome: Implemented – SA Health has undertaken to produce an annual Port Pirie blood lead levels report. The final quarterly report, for the six months to June 2021, was released on 30 August 2021; the 2021 annual report is planned for late February 2022.

Recommendation 5: Consider how the BLL reports should more clearly report and reflect the discontinuity in testing method.

Response: Support

Responsibility: State government

Comment: 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.

Outcome: In progress

Recommendation 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.

Response: Support

Responsibility: TLAP Board

Comment: Engagement of all stakeholders, including media, will be considered by the new TLAP Board and Community Reference Group.

Outcome: In progress – a revised TLAP Media and Communications protocol has been developed. Media, communications and engagement is a standing agenda item for TLAP Board meetings. A Community Reference Group, led by the Port Pirie Regional Council, will be established to increase community involvement and engagement with TLAP.

Recommendation 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.

Response: In principle support

Responsibility: TLAP Board

Comment: Nyrstar and the South Australian government support a change in focus for TLAP initiatives.

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.

Outcome: In progress

Recommendation 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.

Response: Support

Responsibility: TLAP Board

Outcome: In progress – templates have been redesigned for the TLAP agenda, program plan and budget reporting for the TLAP Board.

Recommendation 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.

Response: Support

Responsibility: TLAP Board

Outcome: Implemented

Recommendation 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.

Response: Support

Responsibility: Nyrstar

Comment: Streamlined administrative processes to improve efficiency are supported and will be a focus of the new Executive Director for TLAP.

Outcome: Implemented – the Executive Director TLAP has remote access to SAP.

Recommendation 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.

Response: Support

Responsibility: TLAP Board/ Nyrstar

Outcome: Implemented – delegation for the Executive Director TLAP and expenditure monthly reports produced.

Recommendation 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.

Response: Support

Responsibility: TLAP Board

Outcome: Implemented

Recommendation 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.

Response: Support

Responsibility: Nyrstar

Comment: Streamlined administrative processes to improve efficiency are supported and will be a focus of the new Executive Director for TLAP.

Outcome: Implemented – TLAP staff have access to the preferred provider list and have been trained in the use of SAP.

Recommendation 14: Identify and create appropriate financial delegations for each of the IM, Project Manager and Administration Officer in line with Sub-program outcomes and requirements.

Response: Support

Responsibility: Nyrstar/TLAP Board

Comment: Streamlined administrative processes to improve efficiency are supported and will be a focus of the new Executive Director for TLAP.

Outcome: Implemented – the Executive Director TLAP has appropriate financial delegations.

Recommendation 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.

Response: Support

Responsibility: Nyrstar/State government

Outcome: Implemented – TLAP Board membership confirmed, comprising:

- Nyrstar – Vice President Australian Operations; Global Head Environment
- State government – Chief Executive Department for Energy and Mining; Chief Public Health Officer SA Health; Chief Executive Department of Human Services
- Port Pirie Regional Council – Mayor.

Recommendation 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.

Response: Support

Responsibility: State government/TLAP Board

Comment: The South Australian government will work with the TLAP Board to address this issue.

Outcome: In progress

Recommendation 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.

Response: Support

Responsibility: Nyrstar/TLAP Board

Comment: 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.

Outcome: Implemented – no funding for onsite Nyrstar activities was included in TLAP's 2021 and 2022 budget. Any future proposals within the Nyrstar site must be considered and approved by the TLAP Board.

Recommendation 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.

Response: In principle support

Responsibility: Nyrstar/TLAP Board

Comment: The need for transparency and agility is acknowledged, however implementation of changes must be reviewed and implemented by the new TLAP Board.

Outcome: Implemented – the Executive Director TLAP has delegation and approval authority within the Nyrstar accounting system.

Recommendation 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.

Response: Support

Responsibility: Nyrstar/TLAP Board

Comment: Streamlined administrative processes to improve efficiency are supported and will be a focus of the new Executive Director for TLAP.

Outcome: Implemented – TLAP staff have been trained in the use of SAP, with the Executive Director TLAP having delegation and approval authority.

Recommendation 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 HR and WHS practices.

Response: In principle support

Responsibility: Nyrstar/State government/TLAP Board

Comment: 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.

Outcome: In progress – TLAP employee needs are under review by the Executive Director TLAP.

Recommendation 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:

- Water Strategy development
- Master Plan development
- Approval for Contaminated Waste landfill site
- Housing Strategy
- Government to finish previous projects.

Response: Support

Responsibility: State government/Nyrstar/PPRC/TLAP Board

Comment: The new TLAP Board will actively consider any initiatives to advance the objectives of TLAP.

Outcome: In progress – The government announced:

- on 22 October 2021, upgrades to 43 public housing properties with funding of \$2.5 million.
- on 4 November 2021, a strategy to green the city with \$500,000 for a water supply feasibility study, \$125,000 for small-scale community greening grants and \$250,000 to develop a master plan for Port Pirie

Recommendation 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.

Response: Support

Responsibility: Nyrstar/State government

Comment: 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.

Outcome: Implemented – Port Pirie Regional Council is represented on TLAP Board (refer recommendation 15).

Recommendation 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.

Response: Support

Responsibility: Nyrstar/State government

Comment: A full-time Executive Director for TLAP is to be appointed.

Outcome: Implemented – Peter Dolan appointed full time Executive Director TLAP commencing 12 July 2021.

Recommendation 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.

Response: In principle support

Responsibility: TLAP Board

Comment: 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.

Outcome: In progress

Recommendation 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).

Response: Support

Responsibility: Nyrstar/State government

Comment: 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.

Outcome: In progress – a TLAP Working Group, led by the Executive Director TLAP, has been established to support progressing TLAP initiatives and held its first meeting on 29 October 2021 with locally based representatives where possible from Nyrstar, the council, and the state government (SA Health, education, human services, SA Housing Authority, EPA, energy and mining departments).

Recommendation 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.

Response: In principle support

Responsibility: TLAP Board

Comment: The former TLAP Committee continued to develop and manage the program.

Outcome: Implemented – the former TLAP Committee continued to manage and implement TLAP until July 2021.

Recommendation 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.

Response: Support

Responsibility: TLAP Board

Outcome: In progress – refer to recommendation 21 in relation to state government-owned housing.

Recommendation 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.

Response: Support

Responsibility: State government/Nyrstar/TLAP Board

Comment: A new TLAP Board will be put in place with executive representation from the South Australian government, Nyrstar and the PPRC.

Over time, the TLAP Board will consider involving other relevant parties as appropriate. The board will be supported by the TLAP Executive Director.

Outcome: Implemented – the TLAP Board comprises:

- two Nyrstar representatives
- three State government representatives, and
- one Port Pirie Regional Council representative.

Refer to recommendation 15.

Recommendation 29: Relocate TLAP appointed staff as employees to PPRC, with the Council contracted to perform those projects agreed as applicable to their remit.

Response: In principle support

Responsibility: TLAP Board

Comment: 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.

Outcome: Not commenced

Recommendation 30: The Committee should contract out all responsibilities for Program delivery to third parties with the necessary expertise to deliver against their work plan.

Response: In principle support

Responsibility: TLAP Board

Comment: The intent of the recommendation is supported. The TLAP Board will review and determine contracted work on a case-by-case basis.

Outcome: Not commenced

Recommendation 31: TLAP meeting arrangements – change from monthly to a maximum of four or five meetings per year, supported by upgraded executive and administrative procedures.

Response: Support

Responsibility: TLAP Board

Outcome: Implemented – the TLAP Board will meet up to five times per year.

Recommendation 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.

Responsibility: TLAP Board

Comment: A full-time Executive Director for TLAP is to be appointed.

Outcome: Implemented – Peter Dolan appointed full time Executive Director TLAP o 12 July 2021.

Recommendation 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.

Response: Support

Responsibility: TLAP Board

Comment: Engagement of all stakeholders will be considered by the new TLAP Board and Community Reference Group.

Outcome: In progress

Recommendation 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.

Response: Support

Responsibility: TLAP Board

Comment: Nyrstar and the South Australian government support collaboration by the TLAP Board with the interdepartmental group's initiatives for lead contamination management in Port Pirie.

Outcome: In progress – opportunities for collaboration between TLAP's governance structure and the interdepartmental group are being explored. The TLAP Working Group includes government agencies based in Port Pirie (refer recommendation 25).

Recommendation 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.

Response: Support

Responsibility: TLAP Board

Comment: The proposed TLAP Working Group and Community Reference Group to have a greater community reach.

Outcome: In progress – The TLAP Working Group includes the Department for Education (refer recommendation 25).

Recommendation 36: 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.

Response: In principle support

Responsibility: State government/Nyrstar

Comments: Revised governance structure to be in place by mid-2021.

Outcome: Implemented – the former TLAP Committee continued to manage TLAP until July 2021. A full-time Executive Director commenced on 12 July 2021, and the new TLAP Board representation finalised with the first meeting held on 6 August 2021.