

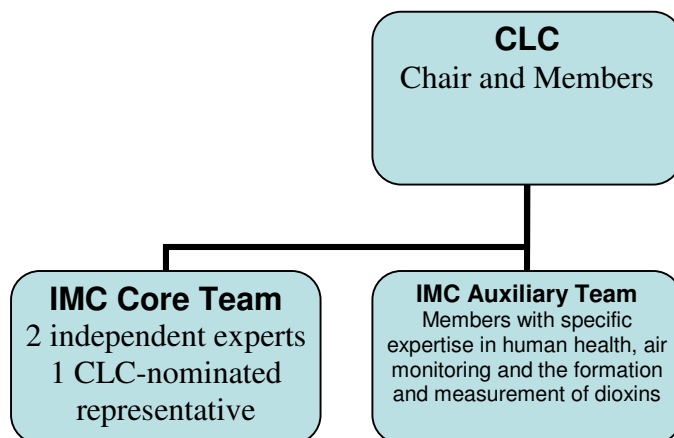
# Terms of Reference for the Chair of the Botany Groundwater Community Liaison Committee (CLC)

## Responsibility

The Chair of the Botany Groundwater Community Liaison Committee (CLC) will provide leadership to and, in conjunction with Orica, ensure the CLC functions effectively. The CLC is an ongoing forum for the involvement of representatives from the community in the planning and implementation of investigation and remediation activities for the Orica contaminated Botany Groundwater. The Chair, in conjunction with the CLC members, also oversees, monitors and evaluates the performance of the Independent Monitoring Committee (IMC) which has been established to provide technical guidance to the CLC on Orica's performance in relation to the operations of the Groundwater Treatment Plant.

The Chair is chosen by the CLC. The role, while paid for by Orica, is independent of the company. The person chosen to perform the Chair's duties must remain unbiased in performing their duties to the satisfaction of the CLC.

## Structure



## Role of the Chair

### In relation to the CLC:

- I. In conjunction with Orica, help set the agenda for upcoming CLC meetings ensuring that the agenda is both reflective of the need to review progress against the groundwater cleanup plans put forward by Orica to the key government stakeholders and that the agenda encourages discussion and allows for community feedback on the progress of the groundwater cleanup.
- II. Arrange for minutes to be taken at all CLC meetings, have them reviewed for accuracy and ensure they are distributed to all relevant parties in a timely manner (at least two weeks before the next scheduled CLC meeting).
- III. Attend CLC meetings as the independent Chair and ensure CLC meetings function effectively and efficiently for all parties involved by moderating and, where necessary, leading discussion on key issues by taking an holistic approach to topics and items discussed and debated.
- IV. Encourage the membership of the CLC so that it reflects the local community.

- V. Ensure the necessary progress reports on the implementation of all aspects of the groundwater cleanup plan are tabled at CLC meetings and are to the satisfaction of the CLC members.
- VI. Facilitate discussion so that consensus might be reached during decision-making.
- VII. As an independently appointed position, the Chair will not have the right to vote in the event that voting might be required.
- VIII. Lead the review of the CLC Terms of Reference as required.
- IX. If required, be the spokesperson for the CLC in any dealings with the media.
- X. If directed to do so by the CLC, the Chair will seek meetings with relevant Government agencies or representatives.

**In relation to the IMC:**

- XI. On behalf of the CLC, ensure that each member of the IMC can provide genuinely independent and open-minded counsel, to ensure that he/or she is able to make unbiased technical assessments of the Groundwater Treatment Plant (GTP) and its associated operations.
- XII. Ensure the CLC provides ongoing representation on the IMC.
- XIII. On behalf of the CLC, provide instruction to the IMC and its technical experts to meet the needs of the CLC, consistent with the Terms of Engagement.
- XIV. Ensure appropriate monitoring and evaluation of the performance of the IMC members, in accordance with the IMC Terms of Reference.
- XV. Lead the review of the IMC Terms of Reference as required.
- XVI. Lead the review of the Terms of Reference for the CLC Representative on the IMC as required.

**Other Terms of Reference**

- XVII. Ensure the CLC and IMC are supported by a secretariat to assist in administrative matters as required. Orica will provide this support.
- XVIII. In the event of a dispute among members of the CLC, between the CLC and the IMC, or between the CLC and Orica, the Chair of the CLC will mediate between the disputing parties. If resolution is not forthcoming the parties will consider other options such as using a registered mediator to help resolve the conflict.
- XIX. On behalf of the CLC, ensure that adequate annual funding is provided by Orica to allow the CLC and IMC to operate and perform its duties efficiently and effectively. The Chair will ensure that an annual IMC Budget is prepared and presented to Orica.
- XX. Orica will provide a quarterly financial report to the Chair, for presentation to the CLC at the quarterly meetings, of expenditure breakdown and year-to-date expenditure of the CLC and IMC activities.
- XXI. The Chair will be entitled to a fee for undertaking his or her duties in keeping with the Terms of Reference for the position. The Chair will invoice Orica for the agreed amount, plus any approved out of pocket expenses, after each CLC meeting.
- XXII. In the event of unsatisfactory performance in relation to the Terms of Reference for the position, the Chair can be replaced by the CLC.
- XXIII. These Terms of Reference will be a living document and will be reviewed and amended as appropriate by the CLC, in consultation with the Chair.
- XXIV. The Chair is required to give the CLC 4 weeks' notice of his/her intention to resign from the position.

### **Personal requirements of the Chair**

- XXV. Understands the process of community consultation
- XXVI. Is balanced, compassionate and reasonable in his/her dealings with people and has outstanding communication skills.
- XXVII. Be tolerant of differing and conflicting points of view but is still assertive when required to ensure all parties have an equal opportunity to be heard.
- XXVIII. Has the ability to manage conflict in such a way as to be never accused of being biased toward Orica, the CLC, the IMC or any individual.
- XXIX. Does not need to be a technical expert, however should have an understanding of the groundwater issue at Botany.
- XXX. Can facilitate healthy debate, allows equal opportunity for all stakeholders to play a part in discussions at CLC meetings and has a belief in open communication and transparency.
- XXXI. At CLC meetings, instinctively knows when to move the debate on when issues or a topic have been discussed at length.

*A draft version of the Terms of Reference for the Chair of the CLC were discussed, amendments made and final terms endorsed at the extraordinary meeting of the CLC held 18 October 2005.*