



The Hon Barry O'Farrell MP

Premier of NSW

Minister for Western Sydney

MEDIA RELEASE

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TOUGH NEW POLLUTION LAWS: O'REILLY REPORT ACCEPTED IN FULL

The NSW Government today announced tough new pollution laws, including requiring immediate notification of pollution incidents and a doubling of fines to \$2 million for failing to do so. It will also urgently establish an environmental monitoring network for the Lower Hunter area.

NSW Premier Barry O'Farrell and Minister for the Environment Robyn Parker said the NSW Government would accept all the recommendations of the O'Reilly report into the incident at the Orica plant at Kooragang Island on 8 August 2011.

"The people of Stockton were let down and went through unnecessary worry and frustration as a result of this incident which is most regrettable," Mr O'Farrell said.

"The incident highlighted weaknesses in the State's environmental protection laws and my Government is taking urgent action to correct those faults.

"These new laws will be among the toughest in the nation and are designed to ensure companies can no longer flout the State's pollution laws and put the public at risk."

Legislation to be introduced into Parliament next week will implement recommendations of the O'Reilly report including:

- Requiring pollution incidents to be immediately reported, not notified 'as soon as practicable';
- Establishing the Environmental Protection Authority as an independent, statutory authority headed by a Chief Environmental Regulator to better regulate polluting industries; and,
- Improving procedures to require improved public notification, community engagement and emergency planning and response exercises around pollution incidents.

In addition, the legislation will also:

- Double to \$2 million the maximum penalty for failing to report an incident immediately;
- Require notification of pollution incidents to the EPA, NSW Health, NSW Fire and Rescue, WorkCover, NSW Police and the local council;
- Urgently establish an industry-funded network of environmental monitors for communities adjacent to the heavy industrial precinct of the Lower Hunter;
- Expand community 'right to know' by requiring industry make its monitoring results available to the public and expanding the information on the EPA's public register;
- Create a community advisory committee for the people of Newcastle, particularly the suburbs of Stockton and Mayfield; and,
- Clarify the EPA's powers to conduct mandatory environmental audits.

Mr O'Farrell said the Lower Hunter community, especially around Stockton and Mayfield, can be assured of up to date information about air quality with the urgent establishment of an environmental monitoring network.

The EPA will consult with the local community and industry on the development of the monitoring network.

"This strong package of changes will give the EPA back its bite," Mr O'Farrell said.

"The new Chief Environmental Regulator will ensure companies which deal with toxic materials do so with public safety as their priority.

"Companies with environmental licences will be required to have pollution incident management response plans in place which include community notification and communication protocols.

"The creation of these emergency management plans will ensure protocols are in place for public notifications and warnings as directed by the relevant authorities, including the EPA, NSW Health, NSW Fire and Rescue and the NSW Police.

"Inter-agency communication is highlighted as an issue in the O'Reilly report and it is important the agreements already in place between these agencies are clarified to ensure the roles, responsibilities and contact arrangements for responding to pollution incidents are clear to everyone involved," he said.

Ms Parker said as part of the NSW Government's comprehensive response she directed the EPA to establish a new community advisory and consultative committee in the Lower Hunter to help co-ordinate information between residents and local industry.

"One of their first tasks will be to participate in the design and establishment of a new industry funded environmental monitoring network for the areas in and around Kooragang," Ms Parker said.

"While it's important to remember that according to the Chief Health Officer the recent incidents involving Orica have not resulted in any health impacts to locals, they have highlighted the need for better community information – and the new laws will deliver it," Ms Parker said.

The O'Reilly Report can be viewed at www.dpc.nsw.gov.au.

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