

Lower Maribyrnong Audit Reference Group (LMARG)

Agreed Terms of Reference

1 December 2005

History/Context

In response to community interest, EPA has called for a statutory environmental audit of the Lower Maribyrnong River, Lower Yarra River and Stony Creek Backwash (refer draft scope of work for the environmental audit).

The audit is to be led and project managed by EPA and scoped in consultation with key stakeholders.

The environmental audit will build on the existing information about the condition of the Yarra and Maribyrnong Rivers in this area, and on the requirements EPA has placed on a number of companies in the Whitehall Street precinct to investigate and clean-up soil and groundwater contamination which may be affecting the river.

What is the role of the Reference Group:

- To provide a link between the environmental auditor and the community;
- To provide openness and accountability to the audit process; and
- To provide advice in relation to community communication and information dissemination for local residents, interest groups and river users.

Membership:

It is proposed to use the existing Whitehall Street Companies Community Liaison Group (CLG) as a basis for forming a Reference Group of up to 16 persons. Existing members of the CLG will be invited to take part in the Reference Group with additional community members and local river user groups also included.

Port of Melbourne Corporation	Maribyrnong City Council
Orica	Hobsons Bay Council
Sugar Australia	EPA
CSR	Parks Victoria
Albright & Wilson	Community representatives (3)
Mobil Yarraville	
Local river users (2) – fishers (Vietnamese community), local angling clubs, canoeists, rowers etc.	

Chair of the Reference Group

Professor John Cary, Institute for Sustainability and Innovation, Victoria University has been appointed by EPA to chair the Reference Group.

Functions of the Reference Group

- It is proposed that the Reference Group will meet on five occasions. Additional meetings may be deemed necessary as determined by the Chair. Specific tasks of the Reference Group are as follows:
 - **Meeting 1 (1st week of October 2005)** – The Reference Group will first meet to be briefed with background information on the Whitehall Street precinct, Victoria's environmental audit process and why the audit is being conducted. This draft terms of reference document will also be discussed and finalised at this inaugural meeting.
 - **Meeting 2 (1st week of December 2005)** - EPA will detail how the scope for the audit was initially developed via stakeholder consultation with landholders. The selected environmental auditor/audit team will be introduced to the Reference Group. The auditor will detail the proposed scope of works for the audit to the Reference Group. Feedback will be sought from the Reference Group during the course of the meeting on any particular issues of concern. This will ensure the audit is designed to meet the required outcomes. The auditor will also provide examples of previous work history to demonstrate independence and EPA will explain its role in managing independence throughout Victoria's Environmental Audit System process. At the conclusion of this meeting the auditor will be in a position to close out Phase 1 of the audit and finalise the audit scope and proposed methodology
 - **Meeting 3 (late February 2006)** – The auditor will present the outcomes of Phase 2 of the audit which is the review of existing data and discussions will be held about the need for gathering of additional information. Comments will be sought from the Reference Group with particular emphasis on any key omissions.
 - **Meeting 4 (late March 2006)** – The auditor will present a summary of the key findings and recommendations of the audit. Reference Group members will have 1 month to provide response to the summary of key findings and recommendations. At the same time, auditees will receive copy of the draft audit report to provide comment on matters of fact. **Note:** there is no public submission phase in the audit process – it is the Auditor's report and contains his/hers views based on the evidence collected. Auditees however,

have a right to ensure that any information they have provided is correctly reported by the auditor and that there are no factual errors in the report.

- **Meeting 5 (early April 2006)** – The Reference Group will meet with the auditor to discuss matters of fact comment on the summary of key findings and recommendations of the audit. The auditor will then be able to finalise the audit report soon thereafter.
- Any decision-making by the Reference Group will be by consensus with the independent chair to determine any decision where there is an impasse.
- The Reference Group will respect at all times the confidentiality issues that may arise with the sharing of individual company information. The Chair of the Reference Group will communicate which information is deemed confidential and can be considered only during meeting times. All draft documents will be considered confidential. The audit, when finalised, will be a public document.
- All Reference Group members will have respect for other Group members' rights and beliefs at all times.

Information provided to the Reference Group

The Reference Group should agree to the way information is provided to and used by the Reference Group. The information the Reference Group is likely to receive will be from the appointed auditor and government agencies as described in meetings 1-5 above.

The following are proposed principles relating to information that the Reference Group should consider for adoption:

- the concept and principle of the community right to know;
- information should be presented to the Reference Group at the earliest possible stage;
- information, via the appointed auditor, with the exception of personal and commercially confidential information should be made available to the Reference Group;
- all information provided to the Reference Group is deemed confidential unless the Chair states otherwise; and
- the information should be presented in a form that the Reference Group can understand.

Information Management

EPA will manage the release of public information relating to the environmental audit as well as providing the Reference Group with secretarial and technical/administrative requirements as required. The Chair of the Reference Group will provide comment on behalf of the Reference Group where necessary.

EPA will also provide:

- recognition of the information needs of people of non-English speaking backgrounds and provide information in the appropriate press and languages; and
- release of general information and activities of the Reference Group in a regular newsletter to disseminate information to the local community.