



NSW ASBESTOS COORDINATION COMMITTEE

Terms of Reference

Version 2

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Document control sheet

Contact for enquiries and proposed changes

If you have any questions regarding this document or if you have a suggestion for improvements, please contact:

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Contents

1. Introduction.....	4
2. Authority	4
3. Purpose	4
4. Appointment of members and tenure	5
5. Responsibilities of members	5
6. Coordination of NSW Asbestos Coordination Committee	6
7. Meeting schedule, engagement and frequency	6
8. Attendance.....	7
9. Meeting preparation, agenda, distribution of materials and communication.....	7
10. Role of independent chair	7
11. Resources and responsibilities	8
12. Confidentially.....	8
13. Scope and boundaries – advice and reporting	9
14. Review	9
Appendix 1.....	10
Membership of NSW Asbestos Coordination Committee.....	10

1. Introduction

The NSW Asbestos Coordination Committee (NACC) works to minimise the impacts of asbestos on the people and environment of NSW by ensuring that New South Wales Government agencies and emergency managers (including councils and Local Aboriginal Land Councils) effectively coordinate to achieve the safe management of asbestos at all stages of the asbestos lifecycle. This applies across the policy areas of workplace health and safety, planning and development, public health, emergency response and environment protection.

It is responsible for coordinating activities contributing to this goal, primarily through working with key State authorities and representatives of emergency managers and regulators.

Coordination relates to all aspects of asbestos information/awareness, assistance, major incident response, compliance and enforcement.

The NACC replaces the Heads of Asbestos Coordination Authorities (HACA), which operated from 2011 until 2018. The arrangements were changed following recommendations made by the NSW Ombudsman's Office in late 2017 and aim to ensure a strong continuing focus on asbestos management in NSW.

2. Authority

The NACC is established under s29 of *the Protection of the Environment Administration Act 1991*, to provide advice to the Environment Protection Authority (EPA). In practice, the NACC will be responsible to the Minister for Energy and Environment and will provide advice to Government (either the Minister or other members of Cabinet) as necessary. The activities of the NACC will be routinely reported to the Minister, and the independent Chair will publish a communique following each meeting.

The Committee will be supported by a secretariat provided through the EPA. The Committee will be supported by a technical working group that is comprised of (but not limited to) officers from each of the agencies or organisations represented on the NACC. The role of the working group will be to advance issues in practice and provide advice and technical support to the NACC.

3. Purpose

The purpose of the NACC is to drive a strategic and coordinated approach to asbestos management in NSW to protect human health and the environment. This includes:

- (a) Developing a whole-of-government strategy on asbestos management in NSW
- (b) Monitoring the implementation of the strategy and trouble-shooting any risks, delay or blockages to progress
- (c) Engaging with the best evidence of the day to drive continuous improvement to asbestos management
- (d) Championing the importance of asbestos safety in NSW.

4. Appointment of members and tenure

Members will be appointed by the EPA for a period of two years through direct invitation. Membership at the Deputy Secretary level or equivalent representation is expected. Please see **Appendix 1** for the current Membership List.

Membership will be reviewed annually to ensure there is equity of representation across government.

Additional attendees will be invited as required to contribute to the deliberations of the NACC.

Members are appointed in accordance with Schedule 2 of the *Protection of the Environment Administration Act 1991*.

5. Responsibilities of members

It is the responsibility of all members to:

- Provide feedback, guidance and contribute advice on behalf of their agency or organisation.
- Act as a conduit into their agency and representative of their agency's collective views and needs.
- Identify and raise significant current or emerging issues relating to asbestos that require discussion at a senior level.
- Attend with the spirit of cooperation between all attendees to work through issues and proposals raised.
- Respect the contribution of all attendees, be open to new ideas and innovative approaches.

- Respect the confidentiality of advice and information shared by members
- Declare and actively manage any conflict of interest.

6. Disclosure of pecuniary interest

The disclosure of pecuniary interests for this advisory committee is an EPA requirement.

If a member of the NACC has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the NACC, and this interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter, the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the NACC.

A disclosure by a member at a meeting of the NACC that the member:

1. is a member, or is in the employment, of a specified company or other body, or
2. is a partner, or is in the employment, of a specified person, or
3. has some other specified interest relating to a specified company or other body or to a specified person, is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person which may arise after the date of the disclosure and is required to be disclosed under subclause (1).

Particulars of any disclosure made under this clause must be recorded by the NACC in the minutes of the meeting concerned.

A member of the NACC is not disqualified from taking part in any deliberation of the matter, or in a decision with respect to the matter, because of the member's pecuniary interest.

A contravention of this clause does not invalidate any advice of the NACC.

7. Coordination of NSW Asbestos Coordination Committee

Secretariat support and coordination of the NACC will be undertaken by officers from the EPA.

8. Meeting schedule, engagement and frequency

Meetings will take place quarterly. Meetings can be held more frequently as required.

Where a member cannot attend in person, participation by telephone or video conferencing

will be arranged, noting that it is not necessary to attend the meeting in person.

9. Attendance

It is expected that all members will attend every meeting, noting that it is not necessary to attend the meeting in person.

Members who are unable to attend a meeting are expected to relay their apologies as soon as possible before the meeting to properly record absence in the minutes. Members who are unable to attend a meeting may send a deputy in their place with prior notice to the secretariat.

10. Meeting preparation, agenda, distribution of materials and communication

The NACC's secretariat will be responsible for circulating the agenda and meeting papers electronically at least five working days prior to each meeting. Members of the NACC are expected to prepare for each meeting accordingly.

Minutes will be distributed to all members by the secretariat within 10 working days of the last meeting. The minutes are confidential. A communique will be prepared by the Secretariat for the Chair for external publication.

Members are asked to communicate through the NACC secretariat. Regular communication is encouraged.

Committee members are to proactively exchange asbestos operational and policy information, subject to any statutory prohibitions, and will make other parties aware of matters of public interest, including new guidance and technical standards, significant enforcement actions and media releases.

11. Role of independent chair

The Chair will be responsible for leading the work of the NACC and will:

- Foster an environment of collaboration and creativity to find solutions to asbestos management
- Broker solutions and commitments between committee members where necessary
- Ensure that the roles, responsibilities and timelines for priorities and action are clear

- Hold agencies (and others) to account for carrying out the agreed commitments.

The Chair has the authority to publish independently and advise Government Ministers.

The Chair may also advocate for funding with Government or for increased support for asbestos programs, where it is appropriate and supported by the members of the NACC.

The chairperson vacates office as Chair if the person:

1. is removed from office by the EPA, or
2. ceases to be a member.

The EPA may at any time remove the chairperson from office as Chair.

The Chair will be entitled to be remunerated (including travelling and subsistence allowances).

12. Resources and responsibilities

Each State Government agency will bear the administrative costs associated with attendance of their representative at NACC and associated working group meetings.

The Chair and all non-government members are eligible to receive remuneration (including travelling and subsistence allowances) in accordance with decisions made by Government under the *Classification and Remuneration Framework for NSW Government Boards and Committees*.

Costs associated with the implementation of NACC initiatives will be funded by individual agencies, except for those initiatives for which additional funding has been identified and provided.

Funds allocated to the NACC and expenditure of those funds will be reported on annually.

13. Confidentially

From time to time NACC members may be given access to confidential material.

Non-government committee members will be required to sign a confidentiality agreement.

Confidential materials are shared in good faith and committee members will ensure that confidentiality is strictly maintained, are not to be discussed with third parties unless otherwise advised. Documents that are confidential will be marked accordingly.

All documents must be kept in a secure location by members.

14. Scope and boundaries – advice and reporting

The NACC has an advisory role; the group cannot make binding recommendations to Government. The Government will consider any advice arising from the NACC.

15. Review

The Terms of Reference will be reviewed every 12 months.

Appendix 1.

Membership of NSW Asbestos Coordination Committee

1. Independent Chair

One senior official (deputy secretary or representative) from the following state Government agencies or their successor organisations:

2. Environment Protection Authority (DPIE)
3. SafeWork NSW (Customer Service)
4. Ministry of Health
5. iCare (former Dust Diseases Authority)
6. Planning and Assessment (DPIE)
7. Public Works Advisory (DPIE)
8. Resilience NSW
9. Fire and Rescue NSW
10. Aboriginal Affairs NSW (Department of Premier and Cabinet)
11. Local Government, Planning and Policy (DPIE)

One senior official (Chair/President or their delegate) from the following organisations:

12. Local Government NSW (LGNSW)
13. NSW Aboriginal Land Council (NSWALC)

One observer from the following organisations:

- a. NSW Ombudsman's Office
- b. Asbestos Safety and Eradication Agency (Commonwealth)