

**ACT**  
GovernmentChief Minister, Treasury and  
Economic Development

Should you or your staff wish to discuss the technical aspects of the above findings please feel free to contact Mr Mark Heckenberg on 02 6207 2151 or at [mark.heckenberg@act.gov.au](mailto:mark.heckenberg@act.gov.au). For all other correspondence in relation ACT Government involvement in PFAS issues in the JBT please contact Mr Geoffrey Rutledge on 02 6207 8884 or [Geoffrey.Rutledge@act.gov.au](mailto:Geoffrey.Rutledge@act.gov.au).

Yours sincerely

Leesha Pitt

Delegate, Environment Protection Authority

27 September 2016

**White, Sarah-Jane (Health)**

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**From:** Pengilley, Andrew (Health)  
**Sent:** Tuesday, 4 October 2016 5:21 PM  
**To:** Kelly, Paul (Health)  
**Subject:** RE: Next steps for JBT PFOS [SEC=UNCLASSIFIED]

I would say, below the line.

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That's good. DIRD appears to be waiting on Defence, which might take some time to get mobilised, so I think rather than say Defence should do this I would go with "an appropriate Commonwealth Agency, which could be DIRD or Defence at the discretion of the Commonwealth". We basically don't care who does it, just that it gets done.

It might be best to close with 'ACT Health is acting as a professional consultant regarding the human health risks associated with the contaminants discovered in Mary's Creek. It is entirely the Commonwealth's responsibility to action advice given in this regard and to effectively communicate any further expectations of ACT Government in a manner which allows an informed, timely and measured response" or something along those lines.

Thanks  
 Andrew

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**From:** Kelly, Paul (Health)  
**Sent:** Tuesday, 4 October 2016 4:56 PM  
**To:** Pengilley, Andrew (Health)  
**Subject:** FW: Next steps for JBT PFOS [SEC=UNCLASSIFIED]

Andrew, please check the below and comment/amend as you think appropriate.:

**Issues for the email to Geoffrey Rutledge**

1. ACT EPA has now finalised the report on PFAS in JBT.
2. Repeat testing has confirmed the presence of PFAS in Mary Creek, which are above the recommended levels for drinking water according to the enHealth interim national guidance document. For upper Mary Creek, the level also exceeds the recreational water guideline.
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  - v. the HHRA report should be provided to ACT EPA and Health prior to results being made public, with a reasonable timeframe to allow us to assess the findings and assist in formulating an appropriate risk communications strategy

DIRD should be responsible for the contact with the Wreck Bay council throughout, with ACT Government officials (health and EPA) providing technical advice where requested, on the usual cost-recovery basis.

**Dr Paul Kelly**  
 ACT Chief Health Officer & Deputy Director-General |

Population Health | ACT Health Directorate

PH 02 6205 2108 | E [paul.kelly@act.gov.au](mailto:paul.kelly@act.gov.au)

Paul Kelly - ACT CHO (@PKelly\_ACTCHO) on Twitter

<http://www.health.act.gov.au/healthy-living/population-health>




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**From:** Heckenberg, Mark

**Sent:** Thursday, 29 September 2016 9:32 AM

**To:** Rutledge, Geoffrey; Kelly, Paul (Health)

**Cc:** Clapham, David; ACT IGR; Pengilley, Andrew (Health); Harper, Emily (Health); Jones, Greg; Power, David

**Subject:** RE: Next steps for JBT PFOS [SEC=UNCLASSIFIED]

Good morning All,

Please find attached a copy of the EPA's finalised report and cover letter for your records. The report was forwarded to DIRD on Tuesday this week.

Regards

Mark Heckenberg | Manager, Contaminated Sites | Environmental Quality

Phone: 02 6207 2151 | Email: [mark.heckenberg@act.gov.au](mailto:mark.heckenberg@act.gov.au)

Construction, Environment and Workplace Protection | Access Canberra | ACT Government

GPO Box 158 Canberra ACT 2601 | <http://www.act.gov.au/accesscbr>

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**From:** Rutledge, Geoffrey

**Sent:** Thursday, 29 September 2016 8:58 AM

**To:** Kelly, Paul (Health) <[Paul.Kelly@act.gov.au](mailto:Paul.Kelly@act.gov.au)>

**Cc:** Clapham, David <[David.Clapham@act.gov.au](mailto:David.Clapham@act.gov.au)>; ACT IGR <[CMDACTIGR@act.gov.au](mailto:CMDACTIGR@act.gov.au)>; Heckenberg, Mark <[Mark.Heckenberg@act.gov.au](mailto:Mark.Heckenberg@act.gov.au)>; Pengilley, Andrew (Health) <[Andrew.Pengilley@act.gov.au](mailto:Andrew.Pengilley@act.gov.au)>; Harper, Emily (Health) <[Emily.Harper@act.gov.au](mailto:Emily.Harper@act.gov.au)>

**Subject:** RE: Next steps for JBT PFOS

Paul,

On Thursday 22 September, DIRD, Defence, [REDACTED] from Cwlth Health PFAS Coordination Unit and I met to receive an update on JBT.

Defence informed us that

- JBT was on the list for the roll out of community engagement and detailed human health assessment and said they were looking for this to start in October 2016.
- And for the approach to be similar to that in the other sites.

DIRD had asked us to finalise our EPA results and health advice.

EPA has finalised their report (attached and transmittal email below) but contain no recommendations for further action.



Can I ask that you provide a short minute of recommendations (possibly a cut and paste from you minute to HoS) that we can provide to DIRD.

Dr Spencer (6289 1961) said that you could contact her if you wanted to discuss the matter or for further details.

Regards

Geoffrey Rutledge | Deputy Director-General, Policy and Cabinet  
 Phone: +61 2 6207 8884 | Mobile: [REDACTED]  
 Chief Minister, Treasury and Economic Development Directorate | ACT Government  
 GPO Box 158 Canberra 2601 | [www.act.gov.au](http://www.act.gov.au)

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**From:** Heckenberg, Mark  
**Sent:** Thursday, 22 September 2016 3:26 PM  
**To:** [REDACTED] <[REDACTED]@infrastructure.gov.au>  
**Cc:** Power, David <DAVID.POWER@act.gov.au>; Clapham, David <David.Clapham@act.gov.au>; [REDACTED] <[REDACTED]@infrastructure.gov.au>; Rutledge, Geoffrey <Geoffrey.Rutledge@act.gov.au>  
**Subject:** RE: JBT PFAS Contamination [SEC=UNCLASSIFIED]

Dear [REDACTED],

Following discussions between [REDACTED] and David Power earlier this week please find attached a copy of the EPA's final draft report and covering letter for your information.

The report and cover letter is with the EPA for their consideration prior to it being finalised and signed.

Regards

Mark Heckenberg | Manager, Contaminated Sites | Environmental Quality  
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**From:** Rutledge, Geoffrey  
**Sent:** Wednesday, 14 September 2016 3:51 PM  
**To:** Kelly, Paul (Health) <Paul.Kelly@act.gov.au>; Pengilley, Andrew (Health) <Andrew.Pengilley@act.gov.au>; Heckenberg, Mark <Mark.Heckenberg@act.gov.au>  
**Cc:** Clapham, David <David.Clapham@act.gov.au>; ACT IGR <CMDACTIGR@act.gov.au>  
**Subject:** Next steps for JBT PFOS

Dear Paul and Mark

Following a conversation this morning with [REDACTED] responsible for Territories in the Department of Infrastructure and Regional Development (DIRD), there are several next steps on JBT PFC that will require EPA and Health input and agreement.



**EPA report**

██████████ provided comments on the draft EPA report of 8 September. ██████████ will forward written comments, but the substantial feedback was as follows:

- DIRD will shortly forward Defence reports on PFC contamination in Oakey and Williamtown, and requested that analysis and advice in the report be made with consideration of these reports, particularly in regard to level of contamination and response in these comparison sites.
- To aid clear understanding and given the recent release of the Review of enHealth's interim reference values for PFAS, can the analysis in the report reflect the results of this review, and present results only against the enHealth guidelines (not Defence Contamination Directive #8).
- It would be useful if the recommendations that close the report were numbered with regard to priority – both by importance and sequencing, including timeframes.

DIRD discussed making the final report public – I'd appreciate your views on whether the full report is appropriate for release (as is DIRD's preference), whether any changes are required or whether a "public version" should be drafted.

**Formal ACT advice**

Further to the request regarding recommendations, and following conversations between the Head of Service and Secretary of DIRD, DIRD is seeking formal advice from CHO as ACT expert on this issue, consistent with recommendations in the final EPA report, on the response to PFC in JBT and recommended actions. Given that the EPA report makes recommendations with regard to human health, and the seeming difference between the sequence of actions in the report and the CHO's recent minute to Head of Service, can I request formal advice, agreed by EPA and Health and consistent with the final EPA report that can be provided to DIRD, consisting of recommendations and prioritised actions.

Happy to meet in person or by phone Thursday or Friday to discuss. Mr ██████████ has undertaken to arrange a meeting with ACT, Defence and Infrastructure next week to consider the ACT advice and agree steps regarding the commissioning of a Human Health Impact Assessment and communications with the JBT community. A final report and formal advice for discussion at this meeting would be ideal.

Geoffrey Rutledge | Deputy Director-General, Policy and Cabinet

Phone: +61 2 6207 8884 | Mobile: ██████████

Chief Minister, Treasury and Economic Development Directorate | ACT Government

GPO Box 158 Canberra 2601 | [www.act.gov.au](http://www.act.gov.au)

**White, Sarah-Jane (Health)**

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**From:** Kelly, Paul (Health)  
**Sent:** Tuesday, 4 October 2016 5:29 PM  
**To:** Pengilley, Andrew (Health)  
**Subject:** RE: Next steps for JBT PFOS [SEC=UNCLASSIFIED]

Great thanks Andrew,

I need to go to the DG Med Advisory meeting now, so will amend, sned and cc you tomorrow.

Paul

**Dr Paul Kelly**

**ACT Chief Health Officer & Deputy Director-General |**

**Population Health | ACT Health Directorate**

**PH 02 6205 2108 | E [paul.kelly@act.gov.au](mailto:paul.kelly@act.gov.au)**

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**Stedman, Andrew (Health)**

---

**From:** Kelly, Paul (Health)  
**Sent:** Tuesday, 11 October 2016 9:49 AM  
**To:** [REDACTED]  
**Cc:** [REDACTED]; McNeill, Laura (Health)  
**Subject:** RE: CHO advice on JBT based on ACT EPA results

Thanks Ben for this advice and for the phone chat just now.

My bad, i missed the call and didn't see the voicemail message.

Regards,

Paul

**Dr Paul Kelly**

ACT Chief Health Officer & Deputy Director-General |

Population Health | ACT Health Directorate

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<http://www.health.act.gov.au/healthy-living/population-health>




---

**From:** [REDACTED]@doh.health.nsw.gov.au]  
**Sent:** Tuesday, 11 October 2016 7:48 AM  
**To:** Kelly, Paul (Health)  
**Cc:** [REDACTED]; McNeill, Laura (Health)  
**Subject:** Re: CHO advice on JBT based on ACT EPA results

Hi Paul,

It was interesting to read through this report last Thursday, especially given some similarities with HMAS Albatross. I called you a couple of times Thursday afternoon but my recollection is that it went straight to voicemail. I had left a message but perhaps you didn't receive it? Either way, please feel free to call me at any time on my mobile below, you wouldn't be the first after hours PFAS call.

Williamstown very much did have precautionary advice prior to the HHRA being completed. The precautionary advice was based mostly on first principles from toxicological knowledge, not on testing results as such. It was confirmed to be on the right track by the HHRA. I believe we had some results before the advice, such as some troubling fish results and very high water levels, but far from comprehensive.

It is probably worthwhile comparing to HMAS Albatross as that is likely to be the next comparison that DoD may make.

-Jervis Bay max surface reading was between 5 and 10 (PFOS + PFHxS) from memory. I recall it was above the recreational water guideline 5 either way. Jervis Bay has reports (that you mentioned) of recreation water use in this

area and also fishing. You have no results, as yet, regarding levels in fish. Furthermore you mentioned that the HHRA is some time off.

-HMAS Albatross max surface water reading was 4.98 (PFOS + PFHxS). Which is very much borderline with the recreation water guidelines. This is a body of water next to the site and there is no suggestion this is used recreationally. The site does drain into a river where fishing occurs. We have approximately 100 composite samples of a wide variety of fish that have returned levels of PFASs but not nearly as high as some of the early sampling near Williamstown. The HHRA sampling is also reported to be starting at the start of November (they are finalising the plan now apparently).

Albatross is a little different as the recreational exposure pathway does not appear to be present, we have fish data, and the HHRA should be coming soon. Because of these things, precautionary advice has not yet been given.

Comparisons with Williamstown and Albatross are therefore not completely appropriate. But a comparison with Williamstown would suggest precautionary advice is appropriate. Will you be suggesting that the area is not be used for recreation as well as fishing? I was not completely sure when I read 2 ii).

I will give you a call this morning to discuss further.

Regards

██████████  
 BEd MBBS(hons) MPH CTH FAFPHM  
 ██████████ | Environmental Health Branch  
 73 Miller Street, North Sydney NSW 2060  
 Tel 02 9424 5721 | Mob ██████████ [bscal@doh.health.nsw.gov.au](mailto:bscal@doh.health.nsw.gov.au)  
[www.health.nsw.gov.au](http://www.health.nsw.gov.au)

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From: Kelly, Paul (Health) <[paul.kelly@act.gov.au](mailto:paul.kelly@act.gov.au)>  
 Sent: Monday, October 10, 2016 10:40 pm  
 Subject: Re: CHO advice on JBT based on ACT EPA results  
 To: ██████████ <[bscal@doh.health.nsw.gov.au](mailto:bscal@doh.health.nsw.gov.au)>  
 Cc: ██████████ <[██████████@doh.health.nsw.gov.au](mailto:██████████@doh.health.nsw.gov.au)>, ██████████ <[██████████@doh.health.nsw.gov.au](mailto:██████████@doh.health.nsw.gov.au)>, McNeill, Laura (Health) <[laura.mcneill@act.gov.au](mailto:laura.mcneill@act.gov.au)>

Hi ██████████,

I would appreciate an acknowledgement of this email and also being updated on the situation in HMAS Albatross which is very close to Jervis Bay.

In a meeting with Defence and DIRD today I was informed that there was a public meeting with extensive local media coverage last week (6 October). I was also informed that despite clear preliminary evidence of contamination outside the base no restrictions have been recommended. Is this correct? We really need close collaboration on this matter, the two sites are less than 20km away.

I had a long discussion with ██████████ on Friday and he assured me that my position was justifiable. So I have stuck with that. I am still of the view that due to the different and uncertain land use of the Wreck Bay Community on Aboriginal land, that a precautionary approach is justified and I have stood by my advice.

I have also had a long discussion with the Commonwealth Deputy CMO this evening.




I understand that DIRD will inform the Jervis Bay residents including Wreck Bay Aboriginal Council of the contamination of Mary Creek and my advice to not drink, gather food in or near nor swim in the creek as a precautionary measure until the results of further testing and exposure pathway assessment are known. Defence are not fast tracking this assessment and so results will probably take up to 6 months. There is scheduled to be community consultation on 27 October though I suspect this will be brought forward.

Once the preliminary results are communicated with the community, the reaction is unpredictable. When faced with the near certain but in documented contamination in May, we were underwhelmed by the response - not a single community member came to the open community meeting. I suspect that the reaction this time around will be more notable. I am not sure what effect this may have on clinical services including mental health services in JBT or Nowra, but they probably should be informed. I will note that Janean Spencer attended the meeting today on behalf of DOH and she was adamant that the funds pledged by the commonwealth for the health study, blood testing and counseling are only appropriated for Williamstown and Oakey.

Happy to talk this through tomorrow.

Regards


 paul Kelly  
ACT CHO

On Oct 6, 2016, at 8:51 AM, Kelly, Paul (Health) <[Paul.Kelly@act.gov.au](mailto:Paul.Kelly@act.gov.au)> wrote:

Hi [REDACTED],

Just to keep you in the loop, here is the Health advice from ACT to Commonwealth on the situation in JBT. I will forward the report separately shortly.

I understand second hand that Defence will be disputing the action proposed, specifically item 2 (ii) below on the basis that this is inconsistent from the approach taken in other sites notably in Williamstown.

 My understanding is this precautionary approach is entirely consistent with NSW given that we currently have above safe guideline levels in a water source which runs close to human habitation and for which we have no definitive evidence about the nature or intensity of human exposure. Anecdotally I have been told by the community that people and specifically children swim, fish forage and drink from Mary Creek.

In particular, and this is the grounds of the dispute as I understand it, taking measures to limit exposure before the full assessment is contrary to the Williamstown and the Oakey responses.

Please confirm my understanding that the various quite specific restrictions in Williamstown in relation to restricted bore water use (drinking, showering, swimming pool filling etc) and to fishing (commercial and recreational) occurred prior to receiving the comprehensive report from the environmental consultants via Defence.

Thanks [REDACTED]. Happy to talk via mobile if that's easier. [REDACTED]. Available most of the day except 0930-1230.

Regards

Paul



Begin forwarded message:

**From:** "Kelly, Paul (Health)" <Paul.Kelly@act.gov.au>  
**Date:** October 5, 2016 at 9:54:23 AM GMT+11  
**To:** "Rutledge, Geoffrey" <Geoffrey.Rutledge@act.gov.au>  
**Cc:** "Heckenberg, Mark" <Mark.Heckenberg@act.gov.au>, "Pengilley, Andrew (Health)" <Andrew.Pengilley@act.gov.au>, "McNeill, Laura (Health)" <Laura.McNeill@act.gov.au>  
**Subject:** CHO advice on JBT based on ACT EPA results

Geoffrey

As requested, this is my interpretation of the latest EPA results, consistent with previous advice to the Head of Service.

1. Repeat testing has confirmed the presence of PFAS in Mary Creek, which are above the recommended levels for drinking water according to the enHealth interim national guidance document. For upper Mary Creek, the level also exceeds the safe recreational water guideline.
2. ACT Health advice is that the following series of tasks should be coordinated by the authority responsible for the administration of the Jervis Bay Territory:
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    - iv. the HHRA should be organised and paid for by an appropriate Commonwealth Agency, which could be DIRD or Defence at the discretion of the Commonwealth
    - v. the HHRA should preferably be performed by an independent body
    - vi. whilst it would be useful to refer to the HHRA already commissioned by Department of Defence in Williamstown, this cannot be a substitute for a detailed HHRA specifically performed in JBT
    - vii. the HHRA report should be provided to ACT EPA and Health prior to results being made public, with a reasonable timeframe to allow us to assess the findings and assist in formulating an appropriate risk communications strategy.

ACT Health is acting as a professional consultant regarding the human health risks associated with the contaminants discovered in Mary's Creek. It is entirely the Commonwealth's responsibility to action advice given in this regard and to effectively communicate any further expectations of ACT Government in a manner which allows an informed, timely and measured response.


I look forward to hearing that action is being initiated.

Regards,

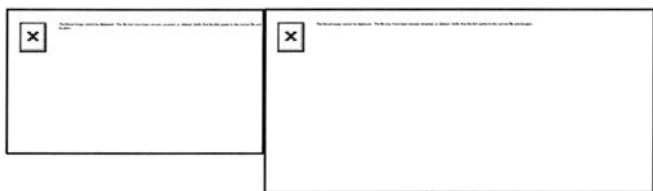
Paul

**Dr Paul Kelly**  
 ACT Chief Health Officer & Deputy Director-General |  
 Population Health | ACT Health Directorate

PH 02 6205 2108 | E [paul.kelly@act.gov.au](mailto:paul.kelly@act.gov.au)

 Paul Kelly - ACT CHO (@PKelly\_ACTCHO) on Twitter

<http://www.health.act.gov.au/healthy-living/population-health>



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**Stedman, Andrew (Health)**

---

**From:** McNeill, Laura (Health)  
**Sent:** Tuesday, 11 October 2016 12:54 PM  
**To:** Dale, Emm (Health)  
**Subject:** FW: Draft advice on PFAS in JBT [SEC=UNCLASSIFIED]

---

**From:** Kelly, Paul (Health)  
**Sent:** Tuesday, 11 October 2016 12:54 PM  
**To:** McNeill, Laura (Health)  
**Subject:** FW: Draft advice on PFAS in JBT [SEC=UNCLASSIFIED]

TRIM this also please!

**Dr Paul Kelly**

ACT Chief Health Officer & Deputy Director-General |  
 Population Health | ACT Health Directorate  
 PH 02 6205 2108 | E [paul.kelly@act.gov.au](mailto:paul.kelly@act.gov.au)  
 Paul Kelly - ACT CHO (@PKelly\_ACTCHO) on Twitter  
<http://www.health.act.gov.au/healthy-living/population-health>




---

**From:** Kelly, Paul (Health)  
**Sent:** Tuesday, 11 October 2016 12:53 PM  
**To:** [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]  
**Subject:** RE: Draft advice on PFAS in JBT [SEC=UNCLASSIFIED]

Hi [REDACTED],

I am happy with the reference to ACT Chief Health Officer advice.

I have in the past ½ hour sent a report on my post-meeting "tasks" to Geoffrey who will forward on to you in due course.

Paul

**Dr Paul Kelly**

ACT Chief Health Officer & Deputy Director-General |  
 Population Health | ACT Health Directorate  
 PH 02 6205 2108 | E [paul.kelly@act.gov.au](mailto:paul.kelly@act.gov.au)  
 Paul Kelly - ACT CHO (@PKelly\_ACTCHO) on Twitter  
<http://www.health.act.gov.au/healthy-living/population-health>






---

**From:** [REDACTED]@infrastructure.gov.au]  
**Sent:** Tuesday, 11 October 2016 12:39 PM  
**To:** [REDACTED]; Rutledge, Geoffrey; Kelly, Paul (Health)  
**Cc:** [REDACTED]  
**Subject:** Draft advice on PFAS in JBT [SEC=UNCLASSIFIED]

Hi [REDACTED] & Paul

As discussed yesterday, here is our draft advice to HMAS Creswell and the Wreck Bay Aboriginal Community Council. It has been prepared to be consistent with the Commonwealth whole of government PFAS response.

Thank you

[REDACTED]

[REDACTED]  
 [REDACTED] Local Government, Mainland Territories and RDA Branch  
 Local Government and Territories Division  
 Department of Infrastructure and Regional Development  
 GPO Box 594, Canberra ACT 2601  
 t 02 6274 7209 | f 02 6274 8205 | m [REDACTED]  
 e [REDACTED]@infrastructure.gov.au | w [www.infrastructure.gov.au](http://www.infrastructure.gov.au)

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---

**Stedman, Andrew (Health)**

---

**From:** Kelly, Paul (Health)  
**Sent:** Tuesday, 11 October 2016 12:54 PM  
**To:** McNeill, Laura (Health)  
**Subject:** FW: Draft advice on PFAS in JBT [SEC=UNCLASSIFIED]

TRIM this also please!

**Dr Paul Kelly**

ACT Chief Health Officer & Deputy Director-General |

Population Health | ACT Health Directorate

PH 02 6205 2108 | E [paul.kelly@act.gov.au](mailto:paul.kelly@act.gov.au)

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---

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**Cc:** [REDACTED]  
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I have in the past ½ hour sent a report on my post-meeting "tasks" to Geoffrey who will forward on to you in due course.

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---

**From:** [REDACTED] [\[REDACTED\]@infrastructure.gov.au](mailto:[REDACTED]@infrastructure.gov.au)  
**Sent:** Tuesday, 11 October 2016 12:39 PM  
**To:** [REDACTED]; Rutledge, Geoffrey; Kelly, Paul (Health)  
**Cc:** [REDACTED]  
**Subject:** Draft advice on PFAS in JBT [SEC=UNCLASSIFIED]

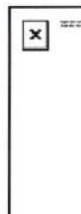
Hi Ron & Paul

As discussed yesterday, here is our draft advice to HMAS Creswell and the Wreck Bay Aboriginal Community Council. It has been prepared to be consistent with the Commonwealth whole of government PFAS response.

Thank you

[REDACTED]

██████████  
██████████ Local Government, Mainland Territories and RDA Branch  
Local Government and Territories Division  
Department of Infrastructure and Regional Development  
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e ██████████@infrastructure.gov.au | w [www.infrastructure.gov.au](http://www.infrastructure.gov.au)



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**Stedman, Andrew (Health)**

**From:** Kelly, Paul (Health)  
**Sent:** Monday, 17 October 2016 2:02 PM  
**To:** [REDACTED]@health.gov.au; [REDACTED]  
**Cc:** [REDACTED]; McNeill, Laura (Health); Dale, Emm (Health); Pengilley, Andrew (Health); Rutledge, Geoffrey  
**Subject:** RE: Agree revised Community Bulletin - PFAS - Information sessions in the Jervis Bay Territory [SEC=UNCLASSIFIED]

Thanks [REDACTED]

That's fine from my perspective.

Paul

**Dr Paul Kelly**

ACT Chief Health Officer & Deputy Director-General |

Population Health | ACT Health Directorate

PH 02 6205 2108 | E [paul.kelly@act.gov.au](mailto:paul.kelly@act.gov.au)

Paul Kelly - ACT CHO (@PKelly\_ACTCHO) on Twitter

<http://www.health.act.gov.au/healthy-living/population-health>



**From:** [REDACTED] [REDACTED] [REDACTED]@infrastructure.gov.au]  
**Sent:** Monday, 17 October 2016 12:36 PM  
**To:** Kelly, Paul (Health); [REDACTED]@health.gov.au; [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Agree revised Community Bulletin - PFAS - Information sessions in the Jervis Bay Territory [SEC=UNCLASSIFIED]

Good afternoon Paul, [REDACTED]

We have taken account of the comments you provided to [REDACTED] on the draft of the Jervis Bay Territory Community Bulletin that advertises the PFAS information sessions scheduled for Thursday 27 October. A revised bulletin is attached for your consideration.

If you could respond today by email, with your agreement to the content, this will help us have the bulletin cleared and distributed tomorrow.

Kind regards, [REDACTED]

[REDACTED]  
 [REDACTED] | Jervis Bay Territory Administration Section  
 Local Government, Mainland Territories & Regional Development Australia Branch | Local Government & Territories Division  
 Department of Infrastructure and Regional Development  
 GPO Box 594, Canberra ACT 2601



t 02 6274 7918

e [REDACTED]@infrastructure.gov.au | w www.infrastructure.gov.au

**From:** [REDACTED]**Sent:** Monday, 17 October 2016 9:27 AM**To:** Kelly, Paul (Health) <Paul.Kelly@act.gov.au>; [REDACTED]@health.gov.au; [REDACTED]@defence.gov.au**Cc:** Pengilley, Andrew (Health) <Andrew.Pengilley@act.gov.au>; [REDACTED] <[REDACTED]@health.gov.au>; Rutledge, Geoffrey <Geoffrey.Rutledge@act.gov.au>; [REDACTED] <[REDACTED]@infrastructure.gov.au>; [REDACTED] <[REDACTED]@infrastructure.gov.au>; [REDACTED] <[REDACTED]@health.gov.au>; [REDACTED] <[REDACTED]@infrastructure.gov.au>; [REDACTED] <[REDACTED]@infrastructure.gov.au>; McNeill, Laura (Health) <Laura.McNeill@act.gov.au>; [REDACTED] <[REDACTED]@health.gov.au>**Subject:** Preparations for PFAS information session in JBT [SEC=UNCLASSIFIED]

Hi Paul

Thanks for your email – it is helpful for our planning for the 27 October community information sessions. I think we have a few wires crossed here as the Department has appropriately responded to your advice. The Department has taken reasonable steps, within our control, to ensure the safety of the public, being the potential users of the Mary Creek waters. So reasonable steps can be taken to warn people of the PFAS contamination, we have provided advice to the Department of Defence and the Wreck Bay Aboriginal Community Council (WBACC) on the ACT EPA sampling results and released your advice to close the Mary Creek to human use.

For your information. We note advice from the WBACC CEO and Operations Manager provided earlier last week that Mary Creek is not a source of drinking for the Wreck Bay village. They also advised that the community has been well aware of contamination in Mary Creek since the 1990s and that local residents do not regularly access or gather food from the creek, as it is well known to contain contaminants. We understand that the WBACC are currently considering your advice to close Mary Creek, and while they consider the PFAS exposure risk is very low, they are preparing warning signs to effect its closure as a precautionary measure.

As we discussed at our meeting on Monday 10 October, Defence as the Commonwealth lead agency for PFAS investigations in JBT will progress a detailed site investigation, including human health risk and environmental risk assessment. It will include Mary Creek environmental waters, subject to the aboriginal landowners providing access to sampling sites – this is not Commonwealth land, it is owned and controlled by WBACC pursuant to the *Aboriginal Land Grant (Jervis Bay Territory) Act 1986*. The Department will support Defence in its engagement with the community, including the WBACC, to progress the detailed investigations to be conducted by experienced environmental service providers. We expect Mary Creek will be closed by the WBACC on the basis of your advice for some time until the details of the Defence site investigation are known.

We shall set up a teleconference with you, [REDACTED] (Defence) and [REDACTED] (Health) this week to confirm the outlines of our presentations. Subject to the views of others, I thought Defence might open the information sessions on their JBT PFAS program, I could provide the ACT EPA verification test results for environmental waters as provided to the Department, advise we have passed on your advice to close Mary Creek to human use to Defence and WBACC and confirm the Department is now supporting the Defence details site investigations, as well as encourage the WBACC to support the on-going investigations. You could then reiterate that the main drinking supply test from March is negative, confirm you have advised that Mary Creek by closed to human use and discuss why you have provided this advice. As the Commonwealth spokesperson on health matters regarding PFAS, Dr Tony Hobbs could provide a presentation on PFAS human health risks as we know them and further research to be conducted. We could then open the meeting up for questions? We also propose that Captain Stephen Hussey be asked to introduce the information sessions and MC the meeting as a known senior leader in the JBT.

We shall set up a teleconference with you, [REDACTED] this week to confirm the outlines of our presentations.



Kind Regards

[REDACTED]

[REDACTED]  
 [REDACTED] Local Government, Mainland Territories and RDA Branch  
 Local Government and Territories Division  
 Department of Infrastructure and Regional Development  
 GPO Box 594, Canberra ACT 2601  
 t 02 6274 7209 | f 02 6274 8205 | m [REDACTED] [REDACTED]  
 e [REDACTED]@infrastructure.gov.au | w www.infrastructure.gov.au




---

**From:** Kelly, Paul (Health) [mailto:Paul.Kelly@act.gov.au]  
**Sent:** Friday, 14 October 2016 2:30 PM  
**To:** [REDACTED]@infrastructure.gov.au  
**Cc:** [REDACTED]@defence.gov.au; [REDACTED]@health.gov.au;  
 Rutledge, Geoffrey <Geoffrey.Rutledge@act.gov.au>; [REDACTED]@infrastructure.gov.au;  
 [REDACTED]@infrastructure.gov.au; [REDACTED]  
 [REDACTED]@health.gov.au; [REDACTED]@infrastructure.gov.au; [REDACTED]  
 [REDACTED]@infrastructure.gov.au; McNeill, Laura (Health) <Laura.McNeill@act.gov.au>; Pengilley, Andrew  
 (Health) <Andrew.Pengilley@act.gov.au>  
**Subject:** Re: Draft community bulletin - PFAS in JBT - for comment/edits [SEC=UNCLASSIFIED]

[REDACTED]

The invite is broadly OK, but it indicates to me that before this meeting can proceed DIRD, Defence and ACT Government need to obtain a consensus on the status of advice I am providing with regard to this matter.

I am providing advice on the health effects of PFAS and the best way of managing this to DIRD, through ACT Government, as a contracted advisor. I do not have jurisdiction over, or primary responsibility for the public health of, the JBT.

Therefore, where the invite states 'The ACT CHO presented results of potable water testing, which found no detectable contamination in the JBT drinking water' I am concerned that there is an implication that I am advising the Wreck Bay community directly and will be doing so at the October meeting. Actually, what I did was provide that advice to DIRD who asked me to present it at the meeting on their behalf. This may appear to be a subtle or even pedantic position, but it is nonetheless an important one to agree upon, as the nature of the way forward depends on that agreement.

Since it is clear to me that Defence and DIRD have some concerns with implementing the full scope of advice I have provided regarding the further investigation of PFAS it must be clear that I have advised DIRD on what I think needs to be done, and it's their decision how to proceed. I (and ACT Government) am only attending the meeting to discuss DIRD's proposed way forward on DIRD's behalf, and I am not going to debate the pros and cons of that action with



DIRD, Defence, or Commonwealth Health in an open forum. That would not only be reputationally risky for all of us, it would also contradict all that I know about successful strategies in risk communication.

Before this meeting occurs, I will need a clear (officially communicated) understanding of DIRD's position regarding what it proposes to do in the further investigation and management Mary Creek. If you prefer the Commonwealth CMO to provide contrary advice, then you have my advice on record and you can proceed without my further involvement.

I suggest that a further pre-meeting to share talking points take place between the Government agencies involved and that should be at least a week prior (not on the day) to allow time for communications and briefing. At that meeting, we need very clear agreement about who is presenting, what they are saying and then who is responding to which questions from the community. As stated above, I have given you the ACT Health advice based on the testing results to date. So, for example, it will be up to DIRD to state quite clearly whether you will act on the advice and, if you will be acting, what form that action will take and when it will commence. Defence will need to talk about when the "further investigations" will take place and how the community will be involved in that process. My role will only be to reiterate my PFAS health effects information (same slides as last time), the ACT EPA results in relation to the enHealth guidelines (that is new since last time, but it will just be the table we have all seen), reiterate that the main drinking supply test from March is negative (same as last time). I would also discuss the concept of exposure pathways (as I did last time) to reiterate the importance of gathering specific information about the use of Mary Creek by the Wreck Bay community, and more detailed assessment of the Creek as I have advised. Again, it will be up to Defence to explain and defend the actual plan and the proposed timelines, not me. The role of Commonwealth Health will need to be clarified, and I will undertake to talk about this with the Deputy CMO.

The fact that everyone at that meeting will be perceived as 'the Government' and therefore can't be seen to be uncertain as to what is being said among themselves is a basic tenet of community consultation, and I am not happy that the process to date has taken this into account.

The proposed on-site pre meeting will be, like last time, a chance to rehearse the likely questions, not to decide the fundamental points as discussed above.

Happy to discuss further at a meeting next week.

Paul Kelly

ACT Chief Health Officer

Sent from my iPad

On 13 Oct 2016, at 9:59 PM, [REDACTED]@infrastructure.gov.au> wrote:

UNCLASSIFIED

[REDACTED]  
Sure happy to add ACT CHO and Commonwealth Health as attending if okay with others.  
Thanks

UNCLASSIFIED

Sent with Good ([www.good.com](http://www.good.com))

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**From:** [REDACTED]@defence.gov.au>  
**Sent:** Thursday, October 13, 2016 7:12:46 PM  
**To:** [REDACTED] (Health); [REDACTED];  
**Cc:** [REDACTED];  
**Subject:** RE: Draft community bulletin - PFAS in JBT - for comment/edits [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi [REDACTED] should the advice identify that ACT CHO and Commonwealth Health will be participating?

Cheers [REDACTED]

[REDACTED] PFAS Investigation and Management Branch  
 Infrastructure Division  
 Estate & Infrastructure Group  
 BP26-2-A033  
 Brindabella Circuit  
 Brindabella Business Park ACT

PO Box 7925  
 CANBERRA ACT 2610

Phone: 02 626 68006  
 Mob: [REDACTED]

---

**From:** [REDACTED]@infrastructure.gov.au]  
**Sent:** Thursday, 13 October 2016 16:23  
**To:** [REDACTED]; Kelly, Paul (Health); [REDACTED];  
**Cc:** [REDACTED];  
**Subject:** Draft community bulletin - PFAS in JBT - for comment/edits [SEC=UNCLASSIFIED]

Hi [REDACTED], Paul & [REDACTED]  
 Please find attached a draft JBT community bulletin for the planned 27 October meetings in JBT for your comment – please provide any edits by track changes. We suggest we distribute this bulletin early next week at the latest. At this stage we plan to meet at the JBT Administration office at 3.00 pm to go over the presentations and confirm our approach prior to our meetings later in the day. If you would like to discuss the presentations before we travel to JBT – please let me know and we can set up a teleconference. Jenean/Sharon – can you please confirm [REDACTED] attendance.  
 Kind Regards  
 [REDACTED]



[REDACTED]  
 [REDACTED] Local Government, Mainland Territories and RDA Branch  
 Local Government and Territories Division  
 Department of Infrastructure and Regional Development  
 GPO Box 594, Canberra ACT 2601  
 t 02 6274 7209 | f 02 6274 8205 | m [REDACTED]  
 e [REDACTED]@infrastructure.gov.au | w [www.infrastructure.gov.au](http://www.infrastructure.gov.au)

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**Stedman, Andrew (Health)**

---

**From:** Kelly, Paul (Health)  
**Sent:** Monday, 17 October 2016 2:36 PM  
**To:** ██████████@health.gov.au; ██████████@defence.gov.au  
**Cc:** Pengilley, Andrew (Health); ██████████; ██████████; ██████████; ██████████; ██████████; ██████████; ██████████; ██████████; ██████████  
**Subject:** McNeill, Laura (Health); ██████████; ██████████  
 RE: Preparations for PFAS information session in JBT [SEC=UNCLASSIFIED]

Hi ██████████,

Thanks for the clarification and the agreement to meet by teleconference. Also the plan for the meeting is acceptable.

In terms of the use of Mary Creek, no disrespect to the WBACC CEO and operations manager, but I think I am correct in saying that they are employees of WBACC and not council members per se. Their view on use of Mary Creek conflicts with information that I was given during my meeting with the WBACC Chairperson and some of the other ward members, who are Wreck Bay residents. In any event, as previously stated, the nature and frequency of use of Mary Creek is what will need to be explored in the future assessment. Wider community views will need to be taken into account at that time.

I look forward to the teleconference. Please note that I will be in Sydney all day on Friday (leaving approximately 5pm Thursday).

Regards,


Paul

***Dr Paul Kelly***

**ACT Chief Health Officer & Deputy Director-General |**

**Population Health | ACT Health Directorate**

PH 02 6205 2108 | E [paul.kelly@act.gov.au](mailto:paul.kelly@act.gov.au)

 Paul Kelly - ACT CHO (@PKelly\_ACTCHO) on Twitter

<http://www.health.act.gov.au/healthy-living/population-health>




---

**From:** ██████████ [██████████]; ██████████@infrastructure.gov.au  
**Sent:** Monday, 17 October 2016 9:27 AM  
**To:** Kelly, Paul (Health); ██████████@health.gov.au; ██████████@defence.gov.au  
**Cc:** Pengilley, Andrew (Health); ██████████; ██████████; ██████████; ██████████; ██████████; ██████████; ██████████; ██████████; ██████████; ██████████; ██████████; ██████████; ██████████; ██████████; ██████████; ██████████  
**Subject:** ██████████; McNeill, Laura (Health); ██████████  
 Preparations for PFAS information session in JBT [SEC=UNCLASSIFIED]

Hi Paul

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Creek waters. So reasonable steps can be taken to warn people of the PFAS contamination, we have provided advice to the Department of Defence and the Wreck Bay Aboriginal Community Council (WBACC) on the ACT EPA sampling results and released your advice to close the Mary Creek to human use.

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We shall set up a teleconference with you, Ron Hunter (Defence) and Dr Tony Hobbs or Sharon (Health) this week to confirm the outlines of our presentations. Subject to the views of others, I thought Defence might open the information sessions on their JBT PFAS program, I could provide the ACT EPA verification test results for environmental waters as provided to the Department, advise we have passed on your advice to close Mary Creek to human use to Defence and WBACC and confirm the Department is now supporting the Defence details site investigations, as well as encourage the WBACC to support the on-going investigations. You could then reiterate that the main drinking supply test from March is negative, confirm you have advised that Mary Creek by closed to human use and discuss why you have provided this advice. As the Commonwealth spokesperson on health matters regarding PFAS, Dr Tony Hobbs could provide a presentation on PFAS human health risks as we know them and further research to be conducted. We could then open the meeting up for questions? We also propose that Captain Stephen Hussey be asked to introduce the information sessions and MC the meeting as a known senior leader in the JBT.

We shall set up a teleconference with you, [REDACTED] [REDACTED] this week to confirm the outlines of our presentations.

Kind Regards

[REDACTED]

[REDACTED]  
 [REDACTED] Local Government, Mainland Territories and RDA Branch  
 Local Government and Territories Division  
 Department of Infrastructure and Regional Development  
 GPO Box 594, Canberra ACT 2601  
 t 02 6274 7209 | f 02 6274 8205 | m [REDACTED] [REDACTED]  
 e [REDACTED]@infrastructure.gov.au | w [www.infrastructure.gov.au](http://www.infrastructure.gov.au)

From: Kelly, Paul (Health) [mailto:Paul.Kelly@act.gov.au]

Sent: Friday, 14 October 2016 2:30 PM

To: [REDACTED] [REDACTED]@infrastructure.gov.au>

Cc: [REDACTED] [REDACTED]@defence.gov.au>; [REDACTED] [REDACTED] [REDACTED]@health.gov.au>;

Rutledge, Geoffrey <Geoffrey.Rutledge@act.gov.au>; [REDACTED] [REDACTED] [REDACTED] [REDACTED]@infrastructure.gov.au>;



[REDACTED]@infrastructure.gov.au>; [REDACTED]  
 [REDACTED]@health.gov.au>; [REDACTED] [REDACTED]@infrastructure.gov.au>; [REDACTED]  
 [REDACTED]@infrastructure.gov.au>; McNeill, Laura (Health) <Laura.McNeill@act.gov.au>; Pengilley, Andrew  
 (Health) <Andrew.Pengilley@act.gov.au>

**Subject:** Re: Draft community bulletin - PFAS in JBT - for comment/edits [SEC=UNCLASSIFIED]

[REDACTED]

The invite is broadly OK, but it indicates to me that before this meeting can proceed DIRD, Defence and ACT Government need to obtain a consensus on the status of advice I am providing with regard to this matter.

I am providing advice on the health effects of PFAS and the best way of managing this to DIRD, through ACT Government, as a contracted advisor. I do not have jurisdiction over, or primary responsibility for the public health of, the JBT.

Therefore, where the invite states 'The ACT CHO presented results of potable water testing, which found no detectable contamination in the JBT drinking water' I am concerned that there is an implication that I am advising the Wreck Bay community directly and will be doing so at the October meeting. Actually, what I did was provide that advice to DIRD who asked me to present it at the meeting on their behalf. This may appear to be a subtle or even pedantic position, but it is nonetheless an important one to agree upon, as the nature of the way forward depends on that agreement.

Since it is clear to me that Defence and DIRD have some concerns with implementing the full scope of advice I have provided regarding the further investigation of PFAS it must be clear that I have advised DIRD on what I think needs to be done, and it's their decision how to proceed. I (and ACT Government) am only attending the meeting to discuss DIRD's proposed way forward on DIRD's behalf, and I am not going to debate the pros and cons of that action with DIRD, Defence, or Commonwealth Health in an open forum. That would not only be reputationally risky for all of us, it would also contradict all that I know about successful strategies in risk communication.

Before this meeting occurs, I will need a clear (officially communicated) understanding of DIRD's position regarding what it proposes to do in the further investigation and management Mary Creek. If you prefer the Commonwealth CMO to provide contrary advice, then you have my advice on record and you can proceed without my further involvement.

I suggest that a further pre-meeting to share talking points take place between the Government agencies involved and that should be at least a week prior (not on the day) to allow time for communications and briefing. At that meeting, we need very clear agreement about who is presenting, what they are saying and then who is responding to which questions from the community. As stated above, I have given you the ACT Health advice based on the testing results to date. So, for example, it will be up to DIRD to state quite clearly whether you will act on the advice and, if you will be acting, what form that action will take and when it will commence. Defence will need to talk about when the "further investigations" will take place and how the community will be involved in that process. My role will only be to reiterate my PFAS health effects information (same slides as last time), the ACT EPA results in relation to the enHealth guidelines (that is new since last time, but it will just be the table we have all seen), reiterate that the main drinking supply test from March is negative (same as last time). I would also discuss the concept of exposure

pathways (as I did last time) to reiterate the importance of gathering specific information about the use of Mary Creek by the Wreck Bay community, and more detailed assessment of the Creek as I have advised. Again, it will be up to Defence to explain and defend the actual plan and the proposed timelines, not me. The role of Commonwealth Health will need to be clarified, and I will undertake to talk about this with the Deputy CMO.

The fact that everyone at that meeting will be perceived as 'the Government' and therefore can't be seen to be uncertain as to what is being said among themselves is a basic tenet of community consultation, and I am not happy that the process to date has taken this into account.

The proposed on-site pre meeting will be, like last time, a chance to rehearse the likely questions, not to decide the fundamental points as discussed above.

Happy to discuss further at a meeting next week.

Paul Kelly

ACT Chief Health Officer

Sent from my iPad

On 13 Oct 2016, at 9:59 PM, [REDACTED]@infrastructure.gov.au> wrote:

UNCLASSIFIED

[REDACTED]  
Sure happy to add ACT CHO and Commonwealth Health as attending if okay with others.  
Thanks

UNCLASSIFIED

Sent with Good ([www.good.com](http://www.good.com))

---

From: [REDACTED]@defence.gov.au>

Sent: Thursday, October 13, 2016 7:12:46 PM

To: [REDACTED]; 'Kelly, Paul (Health)'; [REDACTED]

Cc: 'Rutledge, Geoffrey'; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]

Subject: RE: Draft community bulletin - PFAS in JBT - for comment/edits [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi [REDACTED] should the advice identify that ACT CHO and Commonwealth Health will be participating?

Cheers [REDACTED]



[REDACTED]  
 [REDACTED] PFAS Investigation and Management Branch  
 Infrastructure Division  
 Estate & Infrastructure Group  
 BP26-2-A033  
 Brindabella Circuit  
 Brindabella Business Park ACT

PO Box 7925  
 CANBERRA ACT 2610

Phone: 02 626 68006  
 Mob: [REDACTED]

---

**From:** [REDACTED] [REDACTED]; [REDACTED]; [REDACTED] [REDACTED]@infrastructure.gov.au]  
**Sent:** Thursday, 13 October 2016 16:23  
**To:** [REDACTED]; Kelly, Paul (Health); [REDACTED]; [REDACTED]  
**Cc:** [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]  
**Subject:** Draft community bulletin - PFAS in JBT - for comment/edits [SEC=UNCLASSIFIED]

Hi [REDACTED] Paul & [REDACTED]  
 Please find attached a draft JBT community bulletin for the planned 27 October meetings in JBT for your comment – please provide any edits by track changes. We suggest we distribute this bulletin early next week at the latest. At this stage we plan to meet at the JBT Administration office at 3.00 pm to go over the presentations and confirm our approach prior to our meetings later in the day. If you would like to discuss the presentations before we travel to JBT – please let me know and we can set up a teleconference. [REDACTED] – can you please confirm [REDACTED] attendance.  
 Kind Regards  
 [REDACTED]

[REDACTED]  
 [REDACTED] Local Government, Mainland Territories and RDA Branch  
 Local Government and Territories Division  
 Department of Infrastructure and Regional Development  
 GPO Box 594, Canberra ACT 2601  
 t 02 6274 7209 | f 02 6274 8205 | m [REDACTED]  
 e [REDACTED]@infrastructure.gov.au | w [www.infrastructure.gov.au](http://www.infrastructure.gov.au)

-----  
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**Stedman, Andrew (Health)**

---

**From:** Kelly, Paul (Health)  
**Sent:** Tuesday, 18 October 2016 2:31 PM  
**To:** McNeill, Laura (Health)  
**Subject:** FW: HPRM: Letter from Kathy Leigh re PFC Contamination in Jervis Bay Territory [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]  
**Attachments:** Signed Letter to Mr Mrdak from Kathy Leigh 17102016.pdf


Please TRIM

**Dr Paul Kelly**

**ACT Chief Health Officer & Deputy Director-General |**

**Population Health | ACT Health Directorate**

PH 02 6205 2108 | E [paul.kelly@act.gov.au](mailto:paul.kelly@act.gov.au)

 Paul Kelly - ACT CHO (@PKelly\_ACTCHO) on Twitter


<http://www.health.act.gov.au/healthy-living/population-health>




---

**From:** Rutledge, Geoffrey  
**Sent:** Monday, 17 October 2016 8:58 PM  
**To:** Kelly, Paul (Health)  
**Cc:** Pengilley, Andrew (Health); Clapham, David  
**Subject:** FW: HPRM: Letter from Kathy Leigh re PFC Contamination in Jervis Bay Territory [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Paul,

 your noting only.

HoS has sent this letter to the Secretary DIRD in support of your advice and progress to date.

Regards

Geoffrey

---

**From:** Kalleske, Sarah  
**Sent:** Monday, 17 October 2016 5:14 PM  
**To:** Rutledge, Geoffrey  
**Subject:** FW: HPRM: Letter from Kathy Leigh re PFC Contamination in Jervis Bay Territory [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Geoffrey

FYI.

Sarah

**From:** Kalleske, Sarah **On Behalf Of** Leigh, Kathy

**Sent:** Monday, 17 October 2016 5:09 PM

**To:** [REDACTED]@infrastructure.gov.au

**Subject:** HPRM: Letter from Kathy Leigh re PFC Contamination in Jervis Bay Territory [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Good afternoon [REDACTED]

Attached please find a letter from Kathy Leigh regarding the Perfluorinated Compound Contamination in Jervis Bay Territory. I have sent the original letter to you in the mail.

Kind regards

Sarah

**Sarah Kalleske | Executive Assistant to Kathy Leigh, Head of Service and Director-General**

Phone: 02 6205 0241 | Email: [sarah.kalleske@act.gov.au](mailto:sarah.kalleske@act.gov.au)

**Chief Minister, Treasury and Economic Development Directorate | ACT Government**

Level 5, Canberra Nara Centre, 1 Constitution Avenue Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | [www.act.gov.au](http://www.act.gov.au)





**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Mr [REDACTED]  
[REDACTED]

Department of Infrastructure and Regional Development  
GPO Box 594  
CANBERRA ACT 2601

Dear [REDACTED]

### **Perfluorinated Compound Contamination in Jervis Bay Territory**

Thank you for the recent opportunity to discuss the issue of Perfluorinated Compound (PFC) contamination in Jervis Bay Territory (JBT). I am writing to support the productive steps that have been taken since we last spoke on this issue.

Officials from your Department have established a JBT PFC Working Group to respond to this issue, with representatives from Defence as well as the Departments of Health and the Environment. The formation and membership of this Working Group has enabled a comprehensive understanding of the PFC issue in JBT, the national context and Defence's intentions regarding response in JBT. I am pleased to learn that a number of clear steps have been agreed, including community consultation on the issue in the JBT scheduled for 27 October 2016.

The ACT Chief Health Officer recently met with the Working Group and provided your Department with written advice that, given the preliminary results of testing in the JBT and the level of uncertainty that exists regarding community use of affected waterways, the JBT community should receive precautionary advice to not use areas of identified contamination for drinking, foraging, fishing or swimming until a more detailed assessment is undertaken.

The ACT will continue to support your Department where possible, including with the upcoming community consultation. I look forward to continuing to work productively together to respond to this issue.

Yours sincerely

Kathy Leigh

Director General, Chief Minister, Treasury and Economic Development Directorate

17 October 2016

**Stedman, Andrew (Health)**

---

**From:** Heckenberg, Mark  
**Sent:** Wednesday, 19 October 2016 1:19 PM  
**To:** Kelly, Paul (Health); Rutledge, Geoffrey  
**Cc:** Pengilley, Andrew (Health); McNeill, Laura (Health); Jones, Greg; Power, David; Chester, Heath; Gibb, Timothy  
**Subject:** RE: t/c with DIRD, Defence, C'wealth Health on PFAS and JBT [SEC=UNCLASSIFIED]  
**Attachments:** JBT\_MOU\_1991.pdf; MaryCreekMeetingRequest.pdf

Hi Paul,

I have undertaken a thorough review of EPA records dating back to the early 1990s in relation to its environmental monitoring in the Jervis Bay Territory.

It would appear that the EPA's formal engagement for provision of services commenced in 1991 and has been continued on a rolling basis since that time – please see attached Memorandum of Understanding for further details.

It would also appear that the EPA was requested to extend their level of service in March 1995 following concerns of impacts to Mary Creek from the Naval facility – please see attached meeting request from JBTA. I can again confirm that there is no written evidence of the EPA's formal/written engagement by the Wreck Bay Community.

I am aware that [REDACTED], the person requesting the meeting in 1995, still works for JBTA. Perhaps DIRD should discuss historic engagement issues with [REDACTED] as she is likely to be the only person with the necessary corporate history. [REDACTED], the EPA's former representative, left the EPA a number of years ago.

Regards Mark

Mark Heckenberg | Manager, Contaminated Sites | Environmental Quality  
 Phone: 02 6207 2151 | Email: [mark.heckenberg@act.gov.au](mailto:mark.heckenberg@act.gov.au)  
 Construction, Environment and Workplace Protection | Access Canberra | ACT Government  
 GPO Box 158 Canberra ACT 2601 | <http://www.act.gov.au/accesscbr>

---

**From:** Kelly, Paul (Health)  
**Sent:** Wednesday, 19 October 2016 9:34 AM  
**To:** Heckenberg, Mark <[Mark.Heckenberg@act.gov.au](mailto:Mark.Heckenberg@act.gov.au)>; Rutledge, Geoffrey <[Geoffrey.Rutledge@act.gov.au](mailto:Geoffrey.Rutledge@act.gov.au)>  
**Cc:** Pengilley, Andrew (Health) <[Andrew.Pengilley@act.gov.au](mailto:Andrew.Pengilley@act.gov.au)>; McNeill, Laura (Health) <[Laura.McNeill@act.gov.au](mailto:Laura.McNeill@act.gov.au)>; Jones, Greg <[Greg.Jones@act.gov.au](mailto:Greg.Jones@act.gov.au)>; Power, David <[DAVID.POWER@act.gov.au](mailto:DAVID.POWER@act.gov.au)>; Chester, Heath <[Heath.Chester@act.gov.au](mailto:Heath.Chester@act.gov.au)>; Gibb, Timothy <[Timothy.Gibb@act.gov.au](mailto:Timothy.Gibb@act.gov.au)>  
**Subject:** RE: t/c with DIRD, Defence, C'wealth Health on PFAS and JBT [SEC=UNCLASSIFIED]

Thanks Mark

Intriguing. It was DIRD who asked the question about permissions. This could become an issue and we need to be prepared to defend the process. Wreck Bay are the owners of the land which includes lower Mary Creek and permission to enter is theirs to give or with-hold. Of course, under the ACT Public Health Act at least, we could enter and sample if we truly believed that there was a public health hazard, regardless of permission. However, as discussed last week, I do not think that is warranted at this stage. Voluntary permission to enter is always, of course, preferable.

Is there anything documented from either DIRD or Wreck Bay? Even back to 1990s?

The crucial points which need to be “water tight” and seem to be that:



1. ACT EPA entry and testing of lower Mary Creek has been routine for the past 20 years
2. The Wreck Bay Community Council originally requested ACT EPA to undertake this task and are fully aware of this activity
3. PFAS was added at the request of DIRD to the two most recent rounds of testing this year

Please confirm this is correct Greg or Mark, and provide any documentary evidence of support.


Paul

**Dr Paul Kelly**

ACT Chief Health Officer & Deputy Director-General |

Population Health | ACT Health Directorate

PH 02 6205 2108 | E [paul.kelly@act.gov.au](mailto:paul.kelly@act.gov.au)

 Paul Kelly - ACT CHO (@PKelly\_ACTCHO) on Twitter

<http://www.health.act.gov.au/healthy-living/population-health>



**ACT**  
Government  
Health




---

**From:** Heckenberg, Mark

**Sent:** Wednesday, 19 October 2016 8:59 AM

**To:** Kelly, Paul (Health); Rutledge, Geoffrey

**Cc:** Pengilley, Andrew (Health); McNeill, Laura (Health); Jones, Greg; Power, David; Chester, Heath; Gibb, Timothy

**Subject:** RE: t/c with DIRD, Defence, C'wealth Health on PFAS and JBT [SEC=UNCLASSIFIED]

Hi Paul,

Thank you for the update.

To my knowledge the EPA has no current or historic formal agreement with the Wreck Bay Community to undertake sampling on their land, the only agreement/contractual arrangement the EPA has is with DIRD. Following a discussion on this matter with the EPA, Mr Greg Jones, he has recommended that we seek confirmation from DIRD or Defence that we (collectively) have explicit permission to enter Aboriginal land to undertake future sampling.

From a review of records and anecdotal information it is my understanding that in the late 1990s the Wreck Bay Community requested that the EPA undertake sampling of the lower Mary Creek area, as part of their broader environmental sampling in the JBT, to ascertain whether hydrocarbon or other impacts were coming from the RAN School of Ship Survivability and Safety. I further understand that the EPA's sampling was performed to verify the results of Defence sampling being undertaken at the RAN School of Ship Survivability and Safety due to reported incidents at the site because of the perceived 'mistrust' of Defence by Community at that time.

The extension of sampling to include PFAS was at the request of DIRD.

Regards

Mark Heckenberg | Manager, Contaminated Sites | Environmental Quality

Phone: 02 6207 2151 | Email: [mark.heckenberg@act.gov.au](mailto:mark.heckenberg@act.gov.au)

Construction, Environment and Workplace Protection | Access Canberra | ACT Government

GPO Box 158 Canberra ACT 2601 | <http://www.act.gov.au/accesscbr>



**From:** Kelly, Paul (Health)  
**Sent:** Tuesday, 18 October 2016 4:24 PM  
**To:** Rutledge, Geoffrey <Geoffrey.Rutledge@act.gov.au>  
**Cc:** Heckenberg, Mark <Mark.Heckenberg@act.gov.au>; Pengilley, Andrew (Health) <Andrew.Pengilley@act.gov.au>; McNeill, Laura (Health) <Laura.McNeill@act.gov.au>  
**Subject:** t/c with DIRD, Defence, C'wealth Health on PFAS and JBT

Hi Geoffrey,

I just completed a teleconference with our friends. Defence wheeled out an Admiral!

Mostly a good meeting, and we have made good progress on how the community sessions will run and who will say what. My role will be confined to reiterating the negative potable water result from March, the rationale for the advice based on the EPA testing and what needs to happen next in terms of establishing the nature of any likely exposure pathway. DIRD will present the ACT EPA testing results, Defence will be responsible for discussing the contamination itself and plans for further investigation. Health rep (Cindy Toms) was less engaged, hadn't read the emails and were more reluctant to commit, the Deputy CMO did not attend. It was suggested by DIRD that they talk to PFAS and health risk and the national response including the enHealth guideline and subsequent external review.

One question that came up, and both DIRD and Defence are very sensitive about this, is access to Aboriginal land to conduct testing. A specific question to you Mark is: on what authority did ACT EPA perform the test on lower Mary Creek? My understanding (and I said this at the T/C but promised to seek confirmation and feed back) was that this was part of routine environmental testing and that PFAS was added given that we had been informed of the potential contamination downstream from the Defence facility. Is there a legislative or contractual requirement which we can point to? If so, this would then be akin to fulfilling our obligation under the Public Health Act in relation to the potable water (though that is technically national park rather than community controlled Aboriginal land).

In response to my wish to visit and see the creek to give me some situational awareness (which is a pretty basic field epidemiology instinct I thought) DIRD have refused, citing similar concerns about permissions to enter Aboriginal land, which I can understand. I informed the meeting that I respect their view but that I therefore intend to raise this directly with the Chair of the Wreck Bay Community Council after the meeting – they may still refuse and I won't press it.

Regards,


paul

***Dr Paul Kelly***

**ACT Chief Health Officer & Deputy Director-General |**

**Population Health | ACT Health Directorate**

**PH 02 6205 2108 | E [paul.kelly@act.gov.au](mailto:paul.kelly@act.gov.au)**

 **Paul Kelly - ACT CHO (@PKelly\_ACTCHO) on Twitter**

<http://www.health.act.gov.au/healthy-living/population-health>



file 208  
E.O.

# MINUTE PAPER

Can you advise Neil regarding this  
OK  
M

**Subject: AGENCY AGREEMENTS WITH THE COMMONWEALTH FOR SERVICES TO THE JERVIS BAY TERRITORY.**

CP  
25/2

General Manager  
Environment and Land Management

M(eps)

Copy for file

I refer to your to your letter of 25 January 1991 requesting comments concerning agency agreements with the Commonwealth for services to the Jervis Bay Territory.

pending return of originals

Please note that the proposal is acceptable and I have no comments to offer.

FB/eva  
28/2

A/g *[Signature]*  
Manager  
Environment Protection Service  
" February 1991.

~~Donna~~  
Copy for File  
pending return of originals  
a





# A.C.T. Treasury

FAI House 197-207 London Circuit  
Telephone: (06) 246 2211  
Fax: (06) 246 3293

PO Box 293  
Civic Square A.C.T. 2608

TT 25.1.90

17(209)

*GM (ent)*  
*is this acceptable?*  
*GM*

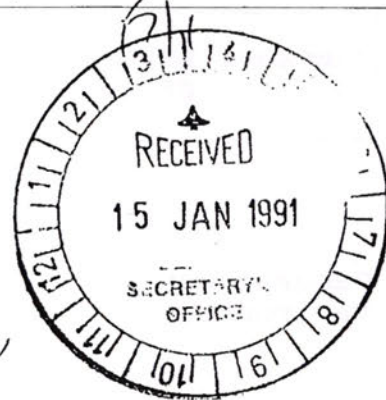
~~Mr. Parsons~~  
Mr Parsons

Ref: 90/4922

*for advice*

*ray*  
Mr Jeffery Townsend  
Secretary  
Department of Environment, Land  
and Planning  
GPO Box 158  
CANBERRA ACT 2901

*ps*  
*15.1.91*



## AGENCY AGREEMENTS WITH THE COMMONWEALTH FOR SERVICES TO THE JERVIS BAY TERRITORY

Please find attached copies of individual memorandums of understanding relating to your area of responsibility which detail the arrangements for specific programs and services to be provided in the Jervis Bay Territory.

The content of the individual memorandums have been developed in consultation with officers from the Department of the Arts, Sport, the Environment, Tourism and Territories, your officers, and the Government Law Office.

The memorandums are based on the "Head" Memorandum of Understanding signed by the Chief Minister and the Commonwealth Minister for the Arts, Tourism and Territories on 1 March 1990 (see separate Treasury advice dated 16 February 1990).


If you are in agreement could you please sign the attached documents (two originals) and return the same to the Treasury who will arrange execution by the responsible parties on behalf of the Commonwealth. One copy of the signed agreement will then be forwarded to you as soon as possible thereafter for safekeeping.

All obligations under the agreements rest with the agencies providing the service and DASETT acting on behalf of the Commonwealth, and any matters arising should be pursued directly between either party.



For any further information or assistance on this matter  
please contact Ms Valerie Schneider on telephone 246 2115.  
The mailing address is:

A/g Director  
Intergovernmental Financial Relations Section  
ACT Treasury  
8 Floor FAI House  
197-207 London Circuit  
CIVIC ACT 2608

  
N J Morgan  
Assistant Under Treasurer  
Intergovernmental Financial Relations  
and Economic Policy

17 January 1991

MEMORANDUM OF UNDERSTANDING between the COMMONWEALTH OF AUSTRALIA ("the Commonwealth") and the AUSTRALIAN CAPITAL TERRITORY ("the ACT") made the                    day of                    1991

1.     **PREAMBLE**

- 1.1    By Memorandum of Understanding dated the First day of March 1990 between the Commonwealth and the ACT ("the Head Agreement") the ACT agreed to be responsible for administering the laws of the Jervis Bay Territory ("the Territory") on behalf of the Commonwealth.
- 1.2    Under the Head Agreement the parties agreed to enter into individual memoranda of understanding or agreements for the provision by the ACT of certain services to the Territory.
- 1.3    This Memorandum between the Department of the Arts, Sport, the Environment, Tourism and Territories (DASETT) on behalf of the Commonwealth, and the Department of Environment, Land and Planning on behalf of the ACT, provides for the administration of environmental control legislation in the Territory.

2.     **DEFINITIONS**

In this Memorandum the following words shall have the meanings shown below:

"environmental control legislation" means the Air Pollution Act 1984, the Water Pollution Act 1984, the Noise Control Act 1988 and the Pesticides Act 1989.

"environmental spillage" means the discharge of any pollutant either deliberately or by accident, outside of controlled premises, so that it is in a position where it may discharge into or affect the environment of the Territory.

"Pollution Control Authority" means the Authority created under the Air Pollution Act 1984.

### 3 RESPONSIBILITIES

The parties agree that the ACT through the Pollution Control Authority and the Registrar of Pesticides will be responsible for:

- (i) the administration and enforcement of the environmental control legislation in the Territory;
- (ii) environmental assessment and advice concerning the control of hazardous chemicals in the Territory; and
- (iii) providing an emergency response in the event of environmental spillage in the Territory.

### 4. LEVEL OF SERVICE

- 4.1 The Pollution Control Authority will licence all discharges of wastes into the waters of the Territory in accordance with the Water Pollution Act 1984.
- 4.2 The ACT agrees to provide inspectors to visit the Territory on at least 6 occasions per year to monitor compliance with the environmental control legislation.
- 4.3 Any additional visits shall only be undertaken if requested by the Commonwealth or in the event of an emergency such as an environmental spillage.

### 5. COST AND PAYMENT

- 5.1 The Commonwealth through DASETT will pay the ACT in fortnightly instalments for agreed costs incurred in the provision of the services under this Memorandum.
- 5.2 The parties agree that the estimated cost of the services to be provided in any one financial year is calculated in accordance with the Commonwealth Department of Finance 'Guidelines for Costing of Government Activities' and is based on:

- . direct salary costs
- . direct recurrent costs

and oncosts applied on the direct salary costs for:



- . below-the-line costs
- . corporate overheads
- . superannuation
- . compensation
- . plant and equipment

5.3 Costs for each financial year will be negotiated between the parties at the appropriate time within the Commonwealth budgetary cycle. The agreed costs for each financial year will be recorded by way of an exchange of letters between the parties.

5.4 Any additional visits undertaken by the ACT will be the subject of additional fees calculated on the pro-rata cost of the total agreed cost. The Commonwealth will be invoiced for these services whenever these services are provided and shall pay on request.

## 6. RECEIPTS

The cost of licensing the discharge of wastes will be met by the licence fee set from time to time by the ACT and listed in the schedule of fees for the Water Pollution Act 1984. Any moneys raised from issuing licences for the discharge of water will be paid to the Commonwealth by the end of each quarter following receipt.

## 7. RESPONSIBILITY FOR CAPITAL COSTS

7.1 The Commonwealth will provide and maintain buildings and fixed equipment at the Territory to enable the delivery of this service.

7.2 The Commonwealth may during the term of this Memorandum, if appropriate, request advice from the ACT on capital works, including fixed equipment.

7.3 The ACT will provide all plant and equipment of a non-fixed nature (including vehicles) and other moveable equipment required for performing the services under this Memorandum.

## 8. ACCESS TO COMMONWEALTH BUILDINGS

The Commonwealth will allow ACT officers, where necessary, to occupy and control use of and access to those buildings, owned by the Commonwealth and maintained by DASETT in the Territory, provided to enable the ACT to undertake the services outlined in this Memorandum.

**9 REPORTING**

The Pollution Control Authority on behalf of the ACT will provide a written inspection report to the Commonwealth relating to each visit undertaken by an inspector to the Territory. This report will be in an format agreed by both parties and shall include details of expenditures and receipts incurred in the provision of these services.

**10 INSPECTION OF RECORDS**

The ACT shall allow the Commonwealth free and reasonable access to and provide administrative assistance as required with the inspection of administrative records, books of account and buildings for the purposes of monitoring the level of service, and also for the purposes of cost recovery and financial accountability.

**11. INDEMNITY**

11.1 The Commonwealth agrees that from 1 July 1989 it will indemnify and continue to indemnify for the term of this Memorandum the ACT, its servants, agents or subcontractors from and against all actions, claims, suits or demands brought, maintained or made against the ACT, its servants, agents or subcontractors arising out of or connected with the performance of the services provided under this Memorandum, other than claims made against the ACT arising from any negligent or malicious acts or omissions by the ACT, its servants, agents or subcontractors.

11.2 The Commonwealth agrees that from 1 July 1989 it will reimburse the ACT for any costs associated with defending or settling such actions, claims, suits or demands on the Commonwealth's behalf.

**12 DURATION OF MEMORANDUM**

12.1 This Memorandum will operate for a period of three years commencing on 1 July 1990.

12.2 If prior to the expiration of the period referred to in clause 12.1 either party wishes to terminate this Memorandum, it will provide the other party with six months written notice of the intention to terminate.

**13 VARIATIONS TO THE LEVEL AND TYPE OF SERVICES**

- 13.1 This Memorandum may be varied or amended by agreement between the parties, provided that any variation or amendment is in writing.
- 13.2 If any new services are required by DASETT on behalf of the Commonwealth, they will be the subject of separate negotiations and agreement between the parties to this Memorandum.

**14 GENERAL**

- 14.1 The parties agree that in the event of an inconsistency or conflict between this Memorandum and the Head Agreement, this Memorandum shall prevail and the Head Agreement to the extent of the inconsistency shall be of no effect.
- 14.2 If the Head Agreement is terminated before the end of the term of this Memorandum, the parties agree that this Memorandum shall also be deemed to be terminated as at the date of termination of the Head Agreement.

**15 NOTICES**

- 15.1 Any Notice, payment or receipt required or permitted to be given for the purposes of this Agreement shall be deemed to have been duly given if delivered personally, or by being left at, or posted by ordinary prepaid mail or sent by facsimile transmission where appropriate to the following addresses or to the parties' last known facsimile numbers:

(a) The ACT:

Assistant Under Treasurer  
Capital Markets and Accounting  
ACT Treasury  
PO Box 293  
CIVIC SQUARE ACT 2608

(b) The Commonwealth:

Collector of Public Monies  
Jervis Bay Administration  
Village Road  
Jervis Bay 2540

- 15.2 A notice, payment or receipt

- (a) if posted, shall be deemed to be received three days after posting; or



(b) if sent by facsimile transmission, shall be deemed to be received upon completion of that transmission.

Signed for and on behalf of the  
**COMMONWEALTH OF AUSTRALIA**

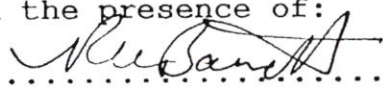
by its duly authorised officer  
in the presence of:

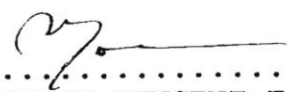
.....  
Witness

) .....  
) CATHY SANTAMARIA  
) First Assistant Secretary  
) Corporate Management  
) and Territories Division  
) Department of the Arts,  
) Sport, the Environment,  
) Tourism and Territories

Signed for and on behalf of the  
**AUSTRALIAN CAPITAL TERRITORY**

by its duly authorised officer  
in the presence of:

  
.....  
Witness

  
) .....  
) JEFFREY VINCENT TOWNSEND  
) Secretary  
) Department of Environment,  
) Land and Planning

---

# Facsimile Cover Sheet

**To:** [REDACTED]  
**Company:** JERVIS BAY ADMINISTRATION  
**Phone:** [REDACTED]  
**Fax:** 044 421 063

**From:** [REDACTED]  
**Company:** OFFICE OF THE ENVIRONMENT  
**Phone:** 06 207 2153  
**Fax:** 06 2076084

**Date:** 14 March 1995

**Pages including this  
cover page:** 2

**Subject: Wreck Bay Creek Sampling**

I will be in your office by lunch time on Thursday 16 March 95. We could have a meeting after lunch to discuss the problems with the Wreck Bay creek.

I have enclosed a copy of estimate for sampling provided by the laboratory. We could discuss this at the meeting.

Please keep the past monitoring results of the STP since October 1994 ready for me to collect during my visit.





# JERVIS BAY ADMINISTRATION

VILLAGE RD  
 JERVIS BAY  
 PHONE: (044) 421 006  
 FAX: (044) 421 063

## FACSIMILE MESSAGE

TO: [REDACTED]	FAX NUMBER:
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FROM: [REDACTED]	DATE: 3-3-95
	TIME: 4:00pm

NUMBER OF PAGES INCLUDING COVER SHEET:

### MESSAGE:

As per our discussion of yesterday (Thursday)  
 the proposed date for your visit -  
 Thursday 16th March is acceptable to all  
 parties.

This visit is necessary due to continuing  
 concerns re possible oil contamination of  
 both soil and Mary Creek.

Regards [REDACTED]



**Stedman, Andrew (Health)**

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**From:** Kelly, Paul (Health)  
**Sent:** Wednesday, 19 October 2016 3:07 PM  
**To:** Heckenberg, Mark; Rutledge, Geoffrey  
**Cc:** Pengilley, Andrew (Health); McNeill, Laura (Health); Jones, Greg; Power, David; Chester, Heath; Gibb, Timothy  
**Subject:** RE: t/c with DIRD, Defence, C'wealth Health on PFAS and JBT [SEC=UNCLASSIFIED]

Good detective work Mark, this is most useful, thanks.

The final "piece of the puzzle" is why PFAS was included in the testing regime in the most recent 2 rounds of testing this year. Was that a direct request from DIRD (or JBTA), Defence or the Wreck Bay Community? If not, who decided to include the tests (totally appropriate from my point of view given what we have been informed about potential contamination). Has DIRD paid the ACT Government for the tests (which to me confirms that have performed this work on their behalf as per the 1991 MoU)?

Sorry to appear pedantic but I need clear line of site on the facts.


Paul

**Dr Paul Kelly**

**ACT Chief Health Officer & Deputy Director-General |**

**Population Health | ACT Health Directorate**

PH 02 6205 2108 | E [paul.kelly@act.gov.au](mailto:paul.kelly@act.gov.au)

 Paul Kelly - ACT CHO (@PKelly\_ACTCHO) on Twitter

<http://www.health.act.gov.au/healthy-living/population-health>




---

**From:** Heckenberg, Mark  
**Sent:** Wednesday, 19 October 2016 1:19 PM  
**To:** Kelly, Paul (Health); Rutledge, Geoffrey  
**Cc:** Pengilley, Andrew (Health); McNeill, Laura (Health); Jones, Greg; Power, David; Chester, Heath; Gibb, Timothy  
**Subject:** RE: t/c with DIRD, Defence, C'wealth Health on PFAS and JBT [SEC=UNCLASSIFIED]

Hi Paul,

I have undertaken a thorough review of EPA records dating back to the early 1990s in relation to its environmental monitoring in the Jervis Bay Territory.

It would appear that the EPA's formal engagement for provision of services commenced in 1991 and has been continued on a rolling basis since that time – please see attached Memorandum of Understanding for further details.

It would also appear that the EPA was requested to extend their level of service in March 1995 following concerns of impacts to Mary Creek from the Naval facility – please see attached meeting request from JBTA. I can again confirm that there is no written evidence of the EPA's formal/written engagement by the Wreck Bay Community.