Orica Mercury Independent Review Steering Panel Meeting 1 July 2013 –
Outcomes and Actions

Attendees:

Mark Gifford (EPA, Chair), Greg Sheehy (EPA), Dr Klaus Koop (OEH), Talebul Islam (Randwick City Council), Professor Alison Jones (University of Wollongong), Chantal Snell (Community Member), Lynda Newnam (Community Member), Zack Thomas (EPA, Executive Officer), Dr Erwin Benker (EPA Contaminated Sites Section, Selection Committee Member), Liza Cassidy (EPA, Public Affairs)

Apologies

Steven Poulton (CoBB Council)

Documents distributed

- 1. Agenda
- 2. Outcomes and Actions of 23 May meeting
- 3. Procurement Evaluation Methodology
- 4. Shortlisted applicant's submissions

Item	Discussion/Action	Responsibility	Actions
1	Welcome and Apologies		
	 Meeting started late due to access to premises. The EPA to confirm with Botany Council that appropriate arrangements are in place for future meetings. 	Zack Thomas	Action 1.1 EPA to confirm future meeting arrangements with Botany Bay Council
	 Meeting commenced but due to late arrival of Alison Jones as previously agreed by the panel, no formal decisions were made in her absence. 		
	The panel noted that Botany Bay Council was an apology. The Chair requested that if panel members are unable to attend, that suitable alternatives are proposed. The previous agreement that no alternative is available for Alison Jones was noted.	All (other than Alison Jones)	Action 1.2 Members to try to ensure that suitable alternatives are proposed if they are unable to attend.
2	Outcomes and Actions of 23 May meeting		
_	 Action 2.1 - Penrhyn Estuary fishing closure has now been gazetted and signage is being prepared. NSW Fisheries has been requested to provide a preview of signage for panel input and a site visit with a Fisheries officer prior to placement. Panel members expressed that this was a positive public health outcome. Discussion occurred about possible further communications with NSW Fisheries to support this. 	Zack Thomas	Action 2.1 NSW Fisheries to be asked about awareness-raising activities, input on signage and the planned site visit.

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- Action 2.2 Information on Office of Water website does not include rationale for exclusion zone placement. Information has been requested from Office of Water.
- Actions 2.1 and 2.2 of 18 April meeting Information regarding the 'Sewer Report' and 'Pressure Relief Valves' has been provided by Orica for submission to the Independent Review.
- Discussion about panel members having access to this information included:
 - Orica's view is that some information is commercial-in-confidence.
 To address this, Orica has indicated that it will make such information available to the appointed Reviewer but may not want it released more broadly, including to the panel.
 - The Chair pointed out that any concerns about access to particular documentation is dealt with by ensuring that all available information is provided to the independent Reviewer.
 - It is the Reviewer's role to collect, collate and analyse the information and provide recommendations to the panel based on the assessment of the documents and other information available.
 - The Independent Reviewer will be required to demonstrate the completeness of the process of document review and provide summaries, findings and recommendations.
 - The Independent Reviewer will further need to indicate the significance and relevance of documents. This will include at an intermediate point demonstrating progress by presenting to the panel.
 - Some panel members expressed concern that they would not be able to personally review the document referred to by the exemployee in the teleconference of 18 April 2013 and asked if Orica could be formally requested to provide the document to the steering panel members?

Zack Thomas Action 2.2

Report back to panel the outcomes of the information request from the Office of

Water.

Zack Thomas

Action 2.3
Orica to be formally requested to provide the document to steering panel members.

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	 Those panel members identified the purpose of gaining access to the document was to reduce any potential alarm about the content of the document and in the interests of transparency. Other panel members felt that it wasn't necessary given the established process for review of information. Action 6.1 from previous meeting - Recent HCB, mercury, pesticides 	Zack Thomas	Action 2.4 Ensure that Independent Reviewer provides a list of all documents reviewed and summarises the significance of content.	
	and PCBs test results for the area around the Sydney Water easement at Hillsdale were made available to panel members who requested them.			
3	 Procurement Process and Assessment of Shortlisted Applicants for Stage 1 A Selection Committee of Greg Sheehy (EPA), Professor Alison Jones (University of Wollongong) and Dr Erwin Benker (EPA Contaminated Sites section) with support from Zack Thomas (EPA) reviewed and assessed the Stage 1 applications and established a shortlist of the preferred applicants. The process and applications were discussed with the panel. Some panel members felt that the process for shortlisting the applicants was not expressed clearly enough and that the minutes of the previous meeting should have reflected the process better. The Selection Committee discussed all of the applications with the panel and explained how each met the selection criteria, the benefits and disadvantages of each and the reasons for choosing the shortlisted consultants. 	Zack Thomas	Action 3.1 In future, the EPA will ensure greater clarity of process and that this is reflected in the minutes.	
	 This included explanation and discussion around actual, potential or perceived conflicts of interest, their significance and how they can be managed. The panel advised that further clarification should be sought regarding 	Zack Thomas	Action 3.2 The EPA will seek clarification regarding a potential conflict identified by one of the shortlisted applicants prior to determining if they will present to the panel.	

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	a potential conflict identified by one of the shortlisted applicants.				
	The panel requested that two of the applicants should be asked to present their appreciation of the scope of the project and proposed methodology to the Steering Panel at the next meeting.	Zack Thomas	Action 3.3 The EPA will request two of the applicants to present to the panel. (Subsequently increased to three following an email		
	Following this, the Steering Panel will then advise the Selection Committee on their preference. The Selection Committee will submit a report recommending the proposed supplier to the EPA. The EPA will make the final decision and appoint the Independent Reviewer.		exchange).		
	 The EPA confirmed that there will be a tender process for the Stage 2 Environmental Testing Regime as determined by Stage 1 and with direction from the Steering Panel. 				
4	Community Engagement				
·	 Liza Cassidy (EPA, Manager Public Affairs and Communication) spoke to the panel about community engagement strategies for both the Mercury Independent Review and the EPA's general approach to engaging and communicating. 				
	For example, for the Independent Review the EPA:				
	o put out a media release requesting community input to the review				
	o advertised this in the local press				
	 provided a template for input on the website which is also available through Environment Line 				
	 will be having community engagement 'Pop-Ups' in the Southpoint shopping centre to provide information and elicit feedback, the first on the morning of Saturday 13 July. 				

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	 The EPA's approach to engagement in areas where there are elevated levels of community concern was discussed. This includes the development of an EPA strategy that will provide a model and guidance to staff. The role and function of the EPA in emergency management and response was discussed and clarified, in particular where it is appropriate for the EPA to take the communications lead. The EPA would only be the lead agency for communication during a pollution incident. The combat agency (NSW Fire and Rescue and/or the Police) have the lead for public communications in emergencies. Questions about how the EPA and NSW Health work cooperatively were also raised. This happens regularly at both officer and senior levels for issues and pollution incidents and WorkCover, Health and the EPA have a standing Strategic Liaison Group that has regular meetings to ensure cooperation and consistency in approach. 				
5	Budget Nothing to update at present.				
6	Any Other Business A member felt that the recent changes to the website had made the Botany webpage appear too focused on mercury-related issues.	Zack Thomas	Action 6.1 The EPA will look into adding an extra explanatory sentence to the Botany main webpage.		
7	Next Meeting Proposed for 2-5 pm Wednesday 17 July and to include presentations from shortlisted applicants.	Zack Thomas	Action 7.1 Organise next meeting (Subsequently changed to Thursday 25 July due to member attendance issues)		