

Ivan Goodman

From: Andrew Battye <Andrew.Battye@safework.nsw.gov.au>
Sent: Sunday, 22 March 2020 13:06
To: Ivan Goodman
Cc: Selwyn Schroeder; Robert Westgarth; Michele Stromquist; Paige Allen; Ruth Jackson
Subject: RE: Non-Compliant Bunding at Caltex Wickham Facility - 160 Hannell Street & 8 Annie Street Wickham

Follow Up Flag: Flag for follow up
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Dear Mr Goodman,

Further to your email below I can respond as follows to your requests, noting I had anticipated having this response to you sooner but we have been in further deliberations with Caltex and I wanted to wait to see the outcomes of those deliberations before writing to you.

1. SafeWork NSW has fully complied with the GIPA request submitted by Investec, we have nothing further to provide to you at this time. An internal review is underway and the GIPA team have been liaising with my team. I expect those contacting the internal review will be in direct contact with you in due course.
2. SafeWork NSW does not consider the risk to be negligible. However, the likelihood of a catastrophic loss of containment is low as a result of control measures put in place and monitored by Caltex. In the event of catastrophic loss of containment then the impact on the Caltex site and any adjoining sites could be significant, hence why the risk is not categorised as negligible. Caltex is continuing to work proactively with SafeWork NSW in continuing to implement an interim risk management plan. This includes additional spill prevention controls, as well as spill mitigation risk controls. At this time Caltex has prioritised mitigation controls ahead of bund integrity restoration to AS1940 standards. This approach will reduce the overall risk rating.

SafeWork NSW is understanding of Investec's position and will endeavour to work through any issues in collaboration with all parties including Newcastle City Council.

Kind Regards

Andrew

Andrew Battye
Manager, Dangerous Goods & Explosives spill prevention risk controls
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From: Ivan Goodman <ivan.goodman@investec.com.au>
Sent: Monday, 9 March 2020 8:33 AM
To: Andrew Battye <Andrew.Battye@safework.nsw.gov.au>; Michele Stromquist <Michele.Stromquist@safework.nsw.gov.au>
Cc: Selwyn Schroeder <selwyn.schroeder@investec.com.au>; Robert Westgarth <Robert.Westgarth@investec.com.au>
Subject: RE: Non-Compliant Bunding at Caltex Wickham Facility - 160 Hannell Street & 8 Annie Street Wickham

Dear Mr Battye

I refer to my letter dated 28 February 2020, which requested the following by 6 March 2020:

1. Copies of certain documentation held by SafeWork NSW relating to the non-compliant bunding at the Caltex site; and
2. Clarification of the nature and extent of the risks associated with the non-compliances and what steps are necessary to rectify those risks, or otherwise confirmation that SafeWork NSW considers the risks to be negligible such that no urgent remedial action is required.

I refer to the email received from Ruth Jackson of SafeWork NSW's Right to Information team on 2 March 2020 regarding the request in paragraph 1 above and setting out options available to Investec to seek access to the documentation identified in our letter. I confirm that, as suggested by Ms Jackson, Investec has now sought an Internal Review of SafeWork NSW's decision in response to our GIPA application.

With respect to the request in paragraph 2, I acknowledge your email of 2 March 2020 below which indicated that SafeWork may not be in a position to respond by 6 March 2020 as requested. Investec appreciates the need for SafeWork NSW to liaise with relevant groups internally before providing a response.

However, in view of the potentially serious nature of the matters raised in my letter, which could impact the health and safety of occupiers of Investec's site, and Investec's inability to properly appraise the situation and the steps that it may need to take on its own site in the absence of the clarifications sought in my letter, I request that those clarifications be provided as soon as possible and by no later than 20 March 2020.

Should Investec not receive any further clarification of the nature and extent of the risks posed by the bunding non-compliances or the steps that are being taken by SafeWork NSW to ensure that Caltex remedies these non-compliances by 20 March 2020, Investec will take that as confirmation that the risks are considered by SafeWork NSW to be negligible. Investec also reserves the option of tendering this email and my letter of 28 February 2020 to Newcastle City Council as evidence that SafeWork NSW does not consider the non-compliances to be sufficiently material to require any urgent remedial action by Caltex.

We look forward to your response.

Kind regards,

Ivan Goodman

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From: Andrew Battye <Andrew.Battye@safework.nsw.gov.au>
Sent: Monday, 2 March 2020 08:13
To: Ivan Goodman <ivan.goodman@investec.com.au>
Cc: Selwyn Schroeder <selwyn.schroeder@investec.com.au>; Robert Westgarth <Robert.Westgarth@investec.com.au>; Michele Stromquist <Michele.Stromquist@safework.nsw.gov.au>
Subject: RE: Non-Compliant Bunding at Caltex Wickham Facility - 160 Hannell Street & 8 Annie Street Wickham

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Hi Ivan,

We are in receipt of your correspondence and will prepare a response in due course. Note this may not be before 6 March 2020 as demanded in your letter as we will need to liaise with the GIPA team and our Legal Group. SafeWork NSW is bound by certain regulatory instruments regarding the release of documents acquired whilst administering the Work Health & Safety legislation.

Kind regards

Andrew

Andrew Battye

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From: Ivan Goodman <ivan.goodman@investec.com.au>
Sent: Friday, 28 February 2020 4:38 PM
To: Michele Stromquist <Michele.Stromquist@safework.nsw.gov.au>; Andrew Battye <Andrew.Battye@safework.nsw.gov.au>
Cc: Selwyn Schroeder <selwyn.schroeder@investec.com.au>; Robert Westgarth <Robert.Westgarth@investec.com.au>
Subject: Non-Compliant Bunding at Caltex Wickham Facility - 160 Hannell Street & 8 Annie Street Wickham

Dear Mr Battye and Ms Stromquist

Please find attached for your attention correspondence relating to the Non-Compliant Bunding at Caltex Wickham Facility located at 160 Hannell Street & 8 Annie Street Wickham NSW 2293.

Kind Regards

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