

# Terms of Reference

## SQID Technical Advisory Committee

### Preamble

The SQID technical advisory committee has been established to elicit specialist technical advice from proprietary device manufacturers and suppliers for the purpose of assisting the stormwater industry to develop a robust, nationally consistent approach to undertaking performance testing of stormwater treatment devices.

The advisory committee will operate in an advisory capacity and through its Chair will communicate advice and make recommendations to the Stormwater Industry management through a SQID co-ordinating committee.

The formation of the technical committee has been undertaken with mindfulness of trade and competition legislation. Schedule 1 to these Terms of Reference outlines the expectations and procedures around meetings and discussions between committee members to ensure that appropriate level of transparency in developing advice are maintained.

### Formation and duration

Formation of the SQIDTAC was authorised by the SIA Board at its June 2014 delegating a Director to form a special subcommittee under provision 17.5, with the final Terms of Reference to be agreed before considering and accepting advice.

The SQIDTAC will be formally convened for in June under the Chairmanship of National President with recommended Terms of Reference to be ratified and progress evaluated and a determination made as to future requirements.

### Purpose

The purpose of the SQIDTAC is to support Stormwater Australia to develop a comprehensive suite of technical procedures, performance classifications and assessment specifications that will allow proprietary product claims to be presented to industry in a transparent and understandable manner.

### Co-ordination with other sub committees

The SQIDTAC is established to provide specific technical expertise that is necessary for a robust and practical set of testing regimes to be established. It is expected that the specialist knowledge that the SQIDTAC members are able to provide allow Stormwater Australia to undertake informed consultation with the wider industry.

Stormwater Australia will be responsible for establishing other sub committees that represent the views of end users, regulators and academia and for co-ordinating various inputs (through the SQIDTAC Chair and National Board).

The SQIDTAC is required to be mindful of this broader context and consider making necessary accommodations on technical and timing in undertaking its work.

Particular requirements will be communicated to the SQIDTAC via the Chair as these various other sub committees are convened.

## Membership

Membership of the SQIDTAC is by an expression of interest and invitation process. It is expected to be predominantly association members and their representatives who have a proprietorial interest in the development of appropriate testing procedures.

Other members can be drawn from various state committee representatives who have been properly nominated by their respective association and empowered to provide technical insight and stakeholder views.

To ensure workability, total membership will be capped at 15. If there are additional nominees which exceed this number, advice will be sought from Stormwater Australia as to how to deal with the situation.

In considering nominations the sitting advisory committee need to be mindful of the needs of balanced representation including;

- Diversity of industry views- this includes-
  - No more than one representative from each supplier;
  - Established and emerging industry participants;
  - Representation from a broad suite of performance objectives (e.g. target pollutants).
- Technical knowledge;
  - Experience in product Research, Development and commercialization
  - Experience with device performance across climatic zones

Manufacturers are recognised to provide technical input to the protocol. Membership (including dates of currency, and professional/ corporate affiliation) are listed in Schedule2 to this Terms of Reference.

## Tasks

The SQIDTSC will be empowered to undertake specific tasks that are expected to include a mix of proprietorial input and work packages that are externally outsourced.

In the event of outsourcing work, the STSAC will be responsible for developing project briefs and appointing an evaluation panel of up to three members to review responses.

Stormwater Australia will be responsible for confirming available budget and enacting any contractual arrangements to undertake particular work packages.

The STSAC will be responsible for appointing project control groups to monitor the progress and deliverables arising out of agreed work packages.

Work packages will be defined in a schedule to this Terms of Reference. The SQIDTAC will be responsible for (initially) defining particular work packages they consider as necessary and (later) adapting these to meet the needs of broader industry consultation or developing supplementary work packages.

Work packages will need to be developed in concept, detailed scope and associated budgets determined, along with their prioritisation. Before being adopted into the schedule the work packages will need to be ratified and agreed to by the Stormwater Australia Board.

## Timelines

Develop work packages and budget as described in schedule 3 to these Terms of Reference.

Develop protocols

Now – September 2014

Confirm budgets- ratify work October

Undertake work – October- March

Integrate with other aspects- April -August

## Providing advice

The SQIDTAC shall undertake its deliberations based an agreed, transparent and democratic process.

As an advisory body the SQIDTAC will aim to provide commentary on technical issues laying out reasons underpinning these, and the pros and cons associated with accepting or rejecting advice in part or in full.

In providing its advice the SQIDTAC shall establish processes which allow interested advisory committee members to provide review of issues and offering a point of view. In considering points of view a strong emphasis should be placed on quantifiable, factual or scientifically valid arguments.

The Chair of the SQIDTAC shall be responsible for synthesising advice on particular issues into a format that is able to be considered by the broader Stormwater community. In developing summary material commentary should be made on any agreed or preferred approach, as well as outlining any divergent views.

SQIDTAC members shall have the opportunity to provide a statement of endorsement (full, partial or qualified) for any publication, report or advice summary developed by it. Regardless of the level of endorsement reports may be forwarded the SIA higher body for consideration. Issues where 75% of SQIDTAC members provide endorsement will be able to be shared in the public domain. Where endorsement is less than 75% advice will be treated as confidential by the SIA higher body.

Where an endorsement threshold is reached, public release of advice will not identify endorsing parties unless agreed by all, and then at the discretion of the SIA Board.

Advice so provided should identify any conflicts that arise and include statements of endorsement that are necessary to ensure legislative requirements (especially around competition and trade practices) are accommodated.

### QUORUM

At meetings of the SQIDTAC there should be a quorum of participants to ratify any advice being provided for consideration. This quorum shall comprise of at least 75% of current members, except in the circumstance when final draft of advice documentation has been provided to all members and responses indicating acceptance from members has been received. In these instances the acceptance advice shall be treated as sufficient for decision making purposes, and the quorum numbers shall be adjusted to reflect by including accepting respondent numbers towards a quorum tally.

In these circumstances the Chair shall note the acceptance and ensure final advice is consistent with the views of members.

## Voting

Not required if committee is acting in advisory capacity.

## Conflict of Interest

Conflicts of interest are expected and manufacturers' comments and advice (due to the extensive level of knowledge and experience in their products from their technical (not sales) personnel) must be provided in a full and open transparent manner with the merits allowed to be presented between committees) and presented, with agreement, in accordance with the spirit of 'providing advice' clauses above.

Where appropriate, the conflicted views of members should be assimilated in advice that is provided by the SQIDTAC for consideration.

## Dispute Resolution

Given the advisory nature of the SQIDTAC and the requirement to represent views in a fair and transparent manner to allow consideration elsewhere it is not anticipated that significant disputes should arise.

In the event that a member feels their views have not been properly represented this should in the first instance be raised with the SQIDTAC Chair, who should then seek to understand the nature of the alleged misrepresentation from a procedural and/ or technical perspective and suggest remedies.

The matter should be raised with other members of the SQIDTAC in the context of updating or amending advice with a view to seek resolution on a way forward.

In the event that these processes are unable to resolve issues or concerns, the aggrieved parties have the option to raise matters specifically relating to process and the Chair's handling in writing to the SIA Board for their consideration to seek opinion and advice.



## **Schedule 1.**

### **PROTOCOL COVERING DEVELOPMENT OF NATIONAL STANDARDS FOR ASSESSING AND VERIFYING PERFORMANCE CLAIMS FOR PROPRIETARY STORMWATER QUALITY TREATMENT (IMPROVEMENT) DEVICES (SQID)**

The Stormwater Industry Association (Stormwater Australia- SA) Pty Ltd (ABN 96 988 307 922) is the industry peak body representing the interests of stormwater practitioners nationally.

It is the intent of Stormwater Australia to work with the proprietary device manufacturer industry segment to develop a nationally consistent approach to developing procedures to assess performance claims of devices in respect to the treatment of different pollutant classes.

Developing a nationally consistent approach will benefit all members of the industry by providing a consistent and standardised approach to interpreting claims that can be used in the design, specification and operation of installed proprietary products.

The proprietary product segment of the industry has specialist knowledge of the necessary steps in undertaking research and development and commercialisation of products that will allow information to be presented in order to assess the ability to achieve regulatory and client specifications.

In working with the proprietary product segment of industry, there is a commitment to complying with the Competition and Consumer Act 2010 (CCA) from all parties.

Proprietary product suppliers are likely to compete with each other in the supply and acquisition of products and services and this fact raises issues under the CCA.

Stormwater Australia has resolved at a board meeting to establish an advisory committee to allow issues involved in developing a consistent and standardised approach to presenting and assessing performance claims of proprietary devices to be considered. It is the intent that this committee will present suggested approaches for consideration of the wider association membership, and with a view to develop and implement an agreed way forward.

In resolving to establish the advisory committee the board recognised the need to advance work in this area for the benefit of the broader membership which includes end users, regulators, designers and specifiers.

The advisory committee will receive and consider only information that is relevant to its stated objectives. Data management arrangements will protect the integrity of competitively sensitive business information. In the event information is considered relevant to its task and required to properly assess performance claims on an evidence base there will be a process established to ensure this information can be made available to all necessary parties.

Consistent with the board decision to establish an advisory committee a Terms of Reference will be developed which will detail:

- Purpose
- Duration
- Membership
- Meeting frequency

- Tasks and outcomes
- Communication protocols
- Information sharing protocols
- Decision making
- Dispute resolution

Except as provided above, advisory committee members will not disclose or discuss any competitively sensitive information relating to either party's business, such as current or future prices, or terms on which a party acquires or supplies products or services, the customers or suppliers with whom the party deals, capacity expansion or rationalisation, current turnover, market share or volumes.

Advisory committee members will not make joint marketing approaches to customers as a result of advisory committee deliberations. This requirement will not preclude participants from making separate business arrangements outside of the advisory committee process and Stormwater Australia expects that where such arrangement develop they are in good faith and will comply with relevant legislation in all relevant jurisdictions.

Advisory committee members will not discuss or agree with each other to cease or reduce current production in advisory committee deliberations. Stormwater Australia understands that decisions relating to supply or production are a necessary consideration to business viability and expects that where these decisions are required they are undertaken in good faith and will comply with relevant legislation in all relevant jurisdictions.

Advisory committee members will not agree or reach an understanding with each other that one or other of them will or will not bid for a potential projects as a result of privileged information arising from advisory committee deliberations.

Meetings may be in person, by video conference or by teleconference. An agenda will be prepared and circulated to the parties prior to each meeting to clarify in advance the purpose and topics to be discussed at the meeting.

Advisory committee representatives will limit discussions to the identified purpose and topics to be discussed at the meeting.

Minutes of each meeting will be prepared to record what was discussed. A copy of the minutes will be provided to the Stormwater Australia board and provided to advisory committee members for review. Minutes of each meeting will be circulated to the parties and confirmed. In the interests of transparency and to support a broader advocacy agenda, the Stormwater Australia board reserves the right to disclose all or part of the confirmed minutes to the wider membership. Where such a disclosure is authorised the disclosure and the reasons for the decision will be provided to advisory committee members.

As far as reasonably practicable, all communications between advisory committee members will take place in formal meetings. Advisory committee representatives will ensure that any informal communications (including telephone calls or email exchanges) between the parties are generally limited to matters of an administrative nature, such as arranging meetings or other incidental matters.

Stormwater Australia reserves the right to hold separate discussions it deems necessary to ensure the advisory committee and broader industry remain engaged with the process. These nature of these discussions will be determined as required and are likely to address issues such as

unconstructive participation, and a requirement to ensure adequate representation within the advisory committee to ensure an outcome that will benefit the broader membership.

Where advisory committee members are required to enter into a mutual confidentiality agreement the relevant parties will ensure all representatives comply with the agreement and its representatives understand their obligations of confidentiality. All hard or electronic copies of confidential information disclosed will be labelled CONFIDENTIAL and all hard or electronic copies of information disclosed will include the date of disclosure.



## Schedule 2

### SQIDTAC Membership (current as at date these are accepted)

Current members		
Name	Affiliation	Date joined
1. Andrew Allan (Chair)	Stormwater Australia	June 2014
2. Darren Drapper	SPEL	July 2014
3. Michael Wicks	Stormwater 360	June 2014
4. Andrew Macklin	Ecosol	June 2014
5. Stephen Baker	Rocla	June 2014
6. Charles Kelly	Holcim	August 2014
7. Chris Rochfort	Star Water	October 2014
Past members		
Name	Affiliation	Serving dates
Andy Hornbuckle*		June 2014- July 2014
Danny Lee	Holcim	June 2014- August 2014
Eric Love	Star Water	July 2014- October 2014

\*Involved in establishment phase. Subsequently deferred representation on technical issues to Darren Drapper. Listing for historical context.

### Schedule 3. Workplan/ Outputs

Item	Description	Date
Develop draft protocols for consultation	<ul style="list-style-type: none"> <li>• Field/ Pilot scale testing. Largely based on PDEP but including suggested refinements around Chain of Custody, Aliquots etc. as discussed at meeting 2.</li> <li>• Laboratory testing. As a useful step in the product development phase able to be used in establishing scale relationships and a Quality assurance plan for field testing.</li> <li>• Body of Evidence assessments. This would interpret the requirements of field/ pilot testing and laboratory results to establish evidence pro-formas to guide minimum requirements for collation and presentation of historical data.</li> </ul>	Mid December 2014
Develop draft rules for the implementation of the draft protocols	Given the likely industry acceptance of the implementation of these protocols and the resultant market advantages that will be achievable from compliance with them, as well as the differing capacities of manufacturers and suppliers to comply with these protocols, particularly with respect to existing products, rules as to the timing and manner of the implementation of the protocols should be considered so as to ensure, as much as possible, that an even playing field is provided to all manufacturers and suppliers	Beyond October 2014.

	<p>after and with respect to the implementation of the protocols.</p> <p>These rules would, for example, give the industry time within which to comply with the protocols before the commencement of any external certification of compliance process with respect to the protocols.</p>	
TBD2		
TBD3 etc.		