

Charter for the Lake Mokoan Future Land Use Steering Committee

Update September 2005

Introduction

In **July 2004**, the White Paper *Our Water Our Future* water reform package, the Government announced the decision to return the man-made Lake Mokoan to a wetland. In January 2005 the Lake Mokoan Future Land Use Steering Committee was established by the Department of Sustainability and Environment (DSE) to assist the Government in developing a strategy for the reclaimed site following the decommissioning of Lake Mokoan.

The prime function of the Steering Committee is to guide the development of a vision and strategy for the future land use, and provide recommendations and advice to the Victorian Government in the form of the Lake Mokoan Future Land Use Strategy. Central to this role will be representation of a range of local and regional interests and to act as a conduit for the sharing of information and knowledge between the community and Government agencies.

The Steering Committee will regulate its own proceedings, consistent with its Terms of Reference, relevant government policies and legislation, the Code of Conduct for the Victorian Public Sector and with the agreed protocols which are provided below.

Structure and Term of Office of the Steering Committee

The duration of work of the Steering Committee shall be determined by the Minister for Water, as sufficient time to develop and present the Lake Mokoan Future Land Use Strategy. It is planned that the work will entail a minimum seven meetings of the Steering Committee and be completed by December 2005.

The Steering Committee shall be comprised of up to thirteen members (including seven from the community, plus one each from the following agencies: DSE North East Region; Goulburn Broken CMA; Goulburn-Murray Water and two from Benalla Rural City Council), unless a larger number can be justified to and approved by the Project Team.

The selection criteria for members include:

- No convictions under the Water Act 1989, Catchment & Land Protection Act 1994, *Environment Protection Act* ***;
 - Must pass all probity checks and have completed a satisfactory declaration of private interests;
 - Members must bring a diverse range of skills including one or more of the following areas:
 - A commitment to achieve the best outcomes for the project in line with the Terms of Reference for the Steering Committee;
 - Demonstrated knowledge of, and connection with, the Broken Basin and Lake Mokoan eg. Social, environmental, economic, geographic, recreation, academic etc;
 - Ability to adequately prepare for and attend meetings (some which will be outside normal business hours).
 - Experience in the analysis of, and provision of advice on, issues in natural resource management, environmental sustainability and public policy;
 - Interest and ability to work across and within diverse stakeholder representatives, including effectively working through Government processes;
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- Ability to develop and maintain extensive networks, to facilitate ongoing development and delivery of a quality project;
- Well developed communication and interpersonal skills, including ability to undertake or assist with community/ stakeholder consultation and negotiation processes;
- Demonstrated ability to work effectively within a team environment.

Administrative and Consultancy Support by the Executive Support team

The Steering Committee will be allocated appropriate resources to provide executive and administrative support. This will be provided through the GBCMA Mid-Goulburn Broken Implementation Committee.

The Chair of the Steering Committee will be confirmed by way of consensus of the Steering Committee. Sally Simson has been appointed interim Chair of the Steering Committee for the first meeting.

The MGBIC Executive Officer, other administrative support, and Benalla Rural City Council Officer shall collectively be referred to as the Executive Support team for the Steering Committee and although they provide professional services to the Committee, they are not members of the Steering Committee and do not have voting rights.

Specifically the role of the Executive support team includes:

- consultative service to the Steering Committee relevant to their particular areas of expertise
- administrative support to the Steering Committee and any of its sub-committees, key liaison between the Committee and the Chairperson, preparation of documents, executing expenditure in accordance with government policies and procedures.

Core Values and the Code of Conduct

- The core values of conduct for each Steering Committee Member and the Executive Support team are:
- Fairness, honesty and consistency in dealings;
- Acting in good faith in the best interests of the Steering Committee's work and the Future Use Plan;
- Using due care and diligence in fulfilling the functions of the role of members including ensuring that the Steering Committee is making progress towards achieving its objectives;
- Recognising that the primary responsibility is to achieving the objectives of the Steering Committee but that the interests of all stakeholders have been considered as part of the decision making process;
- Not make improper use of information acquired as a Member;
- Not taking advantage of being in the position of a Member;
- Not using the position of a Member to advantage any particular interest group or community group;
- To be independent in judgement and actions and to take all reasonable steps to be satisfied as to the quality of information being provided as a basis for Steering Committee decisions and soundness of all decisions taken by the Steering Committee;
- Not disclosing any confidential information received as a Member;
- Not engaging in conduct likely to bring discredit to the Steering Committee;
- Treating other Members with respect and dignity;
- Respecting the law and policy and acting accordingly;
- Resolving conflicts of interest in favour of the public interest;
- Accepting responsibility for our actions and accountability for their consequences;
- Support and adhere to all Steering Committee decisions, regardless of the individual's particular viewpoint
- At all times the members and the Executive support team will as a minimum standard, comply with the Code of Conduct for the Victorian Public Sector.

Induction

To ensure that the quality and timelines of decisions are maintained at a high level, all new appointees to the Steering Committee will be provided with a detailed briefing regarding the relevant activities and responsibilities of the Steering Committee. This induction process will be completed at the inaugural meeting of the Steering Committee. An induction briefing will also be provided prior the attendance at the first meeting by all new members appointed to fill any future vacancies.

The Role and Powers of the Chairperson

The Chairperson is considered to be the “leader” of the Steering Committee.

The Chairperson will use a consensus model to manage meetings and to reach agreement. However if there appears to be no consensus on a particular motion, the Chairperson may at his/her discretion either:

- defer the decision on the motion pending the provision of further information which can better clarify the issues over which there is disagreement; or
- put the issue to a vote.

If an issue is voted upon and the voting is equal, the Chairperson presiding over the meeting has a casting vote as well as a deliberative vote.

Quorum

A quorum of the committee consists of 7 members.

Urgent Decisions Between Meetings

The Chairperson may make urgent decisions of a relatively routine nature without reference to the rest of the committee. Urgent issues, which are significant in nature, will be considered of the whole Steering Committee between meetings. Each member will be contacted and provided with relevant information to make their individual decision (phone-call, mail, courier delivery, e-mail or facsimile as the Chairperson considers is appropriate) . The individual decisions of each member will be recorded and presented during the next meeting of the Steering Committee.

Unless exceptional circumstances arise, the Chairperson will provide members with 48 hours to consider and decide an issue between meetings.

It is particularly important for members to give early advice about any issues of concern about a motion being decided between meetings. If the Chairperson determines that it is necessary, he/she may adjust the proposal to accommodate the concerns of individual members and circulate the amended motion for final consideration by all members.

Vacancies

A position will become vacant if the member:

- offers resignation in writing to the Chairperson of the Steering Committee;
- fails to attend two consecutive scheduled meetings of the Steering Committee without apology for unforeseen circumstances.

If a position on the Steering Committee becomes vacant, the Steering Committee may recommend a person to act in place of that member for the remainder of that person’s term of office. The person filling such a vacancy must endeavour to obtain information about the concerns and priorities of the groups that were represented by the outgoing member.

Dealing with Conflicts or Concerns about the Handling of Meetings

At the end of each meeting, the Chairperson will ask the members if they have any concerns about the operations of the meeting or the quality and timeliness of information being provided.

This is a forum for openly and promptly communicating with the group about any issues that have arisen during the course of the meeting for example if a member considers that they have not been given enough time to speak about an important concern or conversely if members consider that some issues have been considered in unnecessary detail.

Dealing with Conflicts or Concerns about the Progress of the Project

Where Steering Committee members have concerns or grievances that could:

- potentially affect the good relationships within the Steering Committee or with the Project Team,
- potentially harm the good standing of the Steering Committee within the community;
- impact on the ability of the Steering Committee to achieve the objectives outlined in the Terms of Reference;

they are obliged to communicate this to the Chairperson of the Steering Committee who must then immediately discuss the matters with the Project Manager, DSE with an aim of resolving the matter. If the matter cannot readily be resolved and it is agreed to be significant the Chairperson will write to the Deputy Secretary, Water Sector Group of DSE to provide the details of the concerns and their possible consequences.

Appropriate Communication about the Steering Committee

Individual members are encouraged to:

- maintain close contact and a positive relationship with the community;
- maximise opportunities to communicate natural resource management issues relevant to the Future Land Use Plan; and
- canvass opinions from the community to assist in informed decision making by the Steering committee.

When a Steering Committee member represents the Steering Committee at any external forum, that member will present the decisions of the Steering Committee in a positive light. At all times each member will respect the need for confidentiality about the detailed discussions and viewpoints expressed by other members prior to the Steering Committee coming to a decision.

Members should report to the Steering Committee through the Chairperson and consultation is to occur before either party enters into any formal correspondence.

The Steering Committee Chair and the Project Team are authorised to conduct formal communications, press releases and speak on behalf of the Steering Committee to the media. Individual members are encouraged to communicate discussion of the Steering Committee, subject to confidentiality, to the interest or community group they represent.

The aim of the above communication should always be in the best interests of the achievement of the objectives of the Steering Committee as outlined in the Terms of Reference; and actively promotion of consultation and interaction of the community in progressing the work of the of the Steering Committee.

It is important that the range of local and regional interests be fully considered by the steering Committee as part of its deliberations.

Active Monitoring to Ensure Potential Conflicts of Interests Are Averted

Prior to attending the first meeting of the Steering Committee, each member (and the executive support team) shall complete and submit to the Chairperson the standard declaration of Private Interests form. This shall be incorporated into a register of interests which will be available to the Chairperson when distributing meeting documents, and available for the duration of all meetings.

No Steering Committee member, Project Team member or Executive Support staff will have access to documents or take part in any discussion of a matter for which a Conflict of interests has been confirmed by the Chairperson. Each member is required to actively consider potential conflicts and declare any issues prior to the discussion of a relevant matter, or as soon as possible after the potential conflict is identified. The Chairperson will discuss the matter with the relevant member and will decide whether the potential conflict of interests is real, and if so will exclude that member from any consideration on the relevant matter.

All breaches of Corporate Governance will be reported to the Chair. Counseling will be adopted in the first resort, but repeated breaches will result in a recommendation to the Deputy Secretary, Water Sector Group, DSE to terminate the offender’s appointment.

Confidentiality

Members must treat minutes of Steering Committee meetings as confidential until they are confirmed. Minutes will be circulated to members for confirmation. Following confirmation by Steering Committee members and the Project Team, the minutes will be available at www.lakemokoan.com.au.

All matters dealt with by the Steering Committee shall be treated as not confidential, unless otherwise determined by the Committee. Any member tabling a document may identify it as being of a confidential nature, and seek the Committee’s agreement to that status.

Confidential information available to members must be used only in ways that are consistent with the obligations of members to act impartially, with integrity and in the public interest.

The Steering Committee may establish Sub-Committees / Working Groups as the need arises. Members of Sub-Committees / Working Groups must adhere to the points detailed in this Charter. Submissions for funding of Sub-Committees / Working Groups should be as a recommendation to the Project Team.

Remuneration

The Chair and voting members of the LMFLUSC will be paid a sitting fee. Sitting fees will be paid at the rate of \$80 per LMFLUSC meeting, in accordance with Government guidelines for a committee established to deal with local issues - Group C, Band 2. Payments will be made as a lump sum at the conclusion of the LMFLUSC’s term.

Liability

Members of the Steering Committees will be covered by the Victorian Government insurance covers.

Name:

Signed:

Date:

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Greg Wilson–Deputy Secretary, Water Sector Group, the Dept of Sustainability and Environment

