

# Daly River water advisory committee

## Terms of reference

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# 1. Introduction

The [Water Act 1992](#)<sup>1</sup> (the Act) provides for the investigation, allocation, use, control, protection and management of the Territory's water resources.

The Act enables water control districts to be declared as a mechanism to define areas for focused management of water resources. Water allocation plans (plans) are declared where there are competing demands for the water resources and or where natural aquatic ecosystems have significant ecological or social values.

Effective engagement is the keystone of 'good practice' principles in contemporary water resource management in the Northern Territory.

There are three primary ways to participate in water resource management, through:

- water advisory committees – established primarily for the purposes for water allocation plans
- peak bodies/interest groups – tailored engagement on relevant water policy, legislation and water allocation plans
- public comment – on Have Your Say for the community to engage across water resource management in the Territory.

Water advisory committees are established and maintained ongoing where plans are being developed or implemented to inform social, cultural and environmental values.

During the development of the first plan for a water resource, the objective is to build an understanding of the water resource, the values government and the community associate with the resource, identify priorities and trade-offs, and establish broad management arrangements for the water resource. This first plan sets out specific management strategies for the water resource, building upon the policy settings that apply more broadly across the Territory. Engagement with the committee focuses on the IAP2 phases of informing and consulting. Community input is particularly critical to the identification of the range of values associated with the resource.

Example: When developing a plan, the committees provide valuable local experience and knowledge. Their knowledge, through their cultural teachings and lived experience in the area enhance the evidence base for planning.

Once a plan is in place, there is opportunity to increase committee participation along the IAP2 spectrum, to involve and collaborate. Enduring and ongoing water advisory committees can influence how and when implementation actions are carried out. Committees can also refine the plan and its implementation in response to information gained from ongoing monitoring of the resource, and observed natural variability or impacts of extraction, as well as feedback on the effectiveness of the plan.

Example: During plan implementation, the water resource is monitored. The committee can help identify priorities for monitoring or help with the interpreting monitoring results. They may also identify collaborative opportunities, such as having local ranger groups involved in monitoring activities.

## 2. Statutory effect

Section 23(1) of the Act authorises the Minister to establish and appoint the members of a water advisory committee and allocate a name to the committee.

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<sup>1</sup> <https://legislation.nt.gov.au/Legislation/WATER-ACT-1992>

The committee is established to advise on the effectiveness of a water allocation plan in maximising economic and social benefits within ecological restraints. The Minister may also seek advice on water management from time to time.

Members of the committee will be appointed for a term determined by the Minister and may be reappointed at the conclusion of that term to support continuity of membership.

The Daly River water advisory committee was established on [date].

### 3. Chair appointment

A chair may be appointed from the membership of the committee. Otherwise, the Minister will utilise local and national networks to identify a chair, independent chair or facilitator.

Principles for selecting a chair are:

- must have superior facilitation skills and demonstrated ability to conduct meetings in way that fosters a respectful and culturally safe environment for the effective participation of all members and ensure accurate and concise record keeping
- must have the skills to identify key messages, direct challenging deliberations and encourage consideration of likely trade-offs
- must be independent of interests in the water resource
- must have an understanding or appreciation of the Territory context
- preferably have an understanding of government processes, natural resource management or the water industry.

## 4. Terms of reference

### 4.1 Purpose

The Daly River water advisory committee (the committee) is established by the Minister for Environment, Climate Change and Water Security (Minister) to participate in water resource management by providing advice in the development, review and implementation of water allocation plans in the Northern Territory.

The committee provides input on the environmental, social and cultural values associated with the water resources being managed under the plan.

### 4.2 Responsibilities

The committee is responsible for advising the Minister on the effectiveness of water allocation plans in maximising economic and social benefits within ecological constraints.

The committee will:

#### 4.2.1 Developing the plan for Katherine by 2025 and the Daly River by 2027 onwards

- Develop understanding of the water resources and risk based management strategies.
- Share the water related values, so that these can be reflected in the objectives and outcomes of sharing water.
- Provide feedback on the water resource management options.

## 4.2.2 Finalising the plan for Katherine by 2026

- Provide advice on the reflection of water related values in the objectives and outcomes of sharing water and the water resource management options in the draft planning documents.

## 4.2.3 Implementing the plan for Ooloo by 2024 onwards and Katherine 2026 onwards

- Provide advice on the delivery of implementation actions.
- Advise on the incorporation of Aboriginal cultural values and knowledge in the planning process.
- Advise on actions in response to monitoring and reporting.

## 4.2.4 Water resource management

- Provide feedback and advice on water resource management and specific aspects of the Northern Territory water regulatory framework identified by the Minister, from time to time.

## 4.3 Membership

The committee membership will comprise a combination of chair, independent chair, deputy chair and members.

### 4.3.1 Composition

Committee members are appointed in their personal capacity, rather than as a representative of an organisation, institution, or other entity.

Collectively committee members:

- represent the diverse water interests and water users of the region
- are gender diverse
- have knowledge of and lived experience within the region
- represent Aboriginal interests
- are able to work productively with people with different values, interests, backgrounds and expertise
- are able to commit the necessary time to participate as a committee member and commit to the meeting schedule.

### 4.3.2 Term of appointment

Members are appointed for the term specified by the Minister and may be reappointed at the conclusion of that term to support continuity of membership.

Members can resign from the committee through a letter to the Minister.

### 4.3.3 Attendance

To ensure members are properly informed and supported to participate in water management and effectively perform their roles and responsibilities, all committee members will attend an induction and information forum on the Northern Territory water regulatory framework. This will include an overview of the legislation, regulations, policy, guidelines and plans, as well as ways to participate in water management.

Members will be required to attend regular meetings, held every two to six months or as agreed by the committee. It is likely that meetings for committees advising on the first plan for a region will meet more frequently than those advising on implementation or review of a plan.

Members should attend the majority of meetings and members who do not attend three consecutive meetings may have their membership reviewed.

Where appropriate or requested the department and chair will support Aboriginal participation through pre and post meetings, such as Aboriginal member only subcommittee meetings or other approaches to ensure effective engagement.

#### 4.3.4 Proxy members

For continuity in meetings, the use of proxies is discouraged. Proxies may attend the meeting if approved by the chair prior to the meeting.

- Proxies may participate as members in the meetings in lieu of the absent member.
- Proxies are entitled to remuneration.

If members require support to participate in a meeting, the chair may invite other people to participate for that purpose as observers.

Requests for a proxy, support person or observer attendance to attend a committee meeting must be submitted to the chair and approved at least five business days prior to the meeting date.

#### 4.3.5 Remuneration

Members are entitled to sitting fees, travelling allowance and other entitlements as per the classification for a Class C3 Advisory and Review body. Members may also be reimbursed for use of their private vehicle to travel to and from meetings held away from their usual place of residence.

The department will pay sitting fees, travelling allowance and other entitlements as per the remuneration for statutory bodies schedule payable to nongovernment appointees in accordance with the [Northern Territory Government Boards Handbook<sup>2</sup>](#).

### 4.4 Roles

The roles of the chair, members and the department are defined as below.

#### 4.4.1 Role of the chair

The chair presides over the committee and has the following responsibilities:

- commit to the terms of reference for the committee
- facilitate the expression of views and deliberations by members to provide advice to the Minister
- conduct meetings in a way that fosters a respectful and culturally safe environment for the effective participation of all members and manage inappropriate behaviour
- demonstrate independence from government and non-government interests in the water resource
- support members to perform their roles and responsibilities
- provide feedback through the agreed process on the department and members to improve the operation of the committee

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<sup>2</sup> <https://cmc.nt.gov.au/supporting-government/boards-and-committees>

- act as the primary media spokesperson for the committee
- set meeting dates and agendas in consultation with the department and members. Identify when information provided to the committee is in confidence (information cannot be shared) or the Chatham House Rule applies (information can be shared but not attributed to a person)
- work with the department to accurately capturing the issues raised and ensure a timely record of meetings is available on the public record
- approve the attendance of proxies, support persons and observers.

If the chair is not able to attend a meeting, the department will identify an independent facilitator acceptable to the chair.

#### 4.4.2 Role of the members

The members of the committee have the following responsibilities:

- commit to the terms of reference for the committee
- bring relevant expertise, knowledge, skills, perspectives and opinions related to the water resource or region to test and evaluate the evidence available and its link to decision making
- seek to balance diverse water interests as far as is practicable including for the environment, pastoralists, drinking water, Aboriginal economic development and commercial use
- provide a source of independent advice and an avenue to explore workable agreements and identify nonnegotiable issues or trade-offs where these exist
- respect the views of other members as well as those of any people presenting to the committee or providing advice to the committee
- must not: misuse information gained through the committee for personal benefit or gain, or for personal benefit or gain for another person; disclose official information acquired through the course of their membership on the committee, unless required by law or authorised by the chair; make public comment in relation to their duties, unless authorised by the chair to do so.

The chair may refer inappropriate behaviour of committee members to the Minister, which can result in membership being reviewed.

A member may be identified as deputy chair, supported by the chair. This role would build capability to perform the role as chair during their term.

#### 4.4.3 Role of the department

The department will manage the committee's administrative functions, including compliance with legislation, financial management, and operational oversight, as follows:

- support ministerial processes for the management of membership, meetings, and statutory requirements, including maintaining a public record of committee terms of reference, membership, and a record of meetings
- provide an induction and information forum for members on the Northern Territory water laws, policy, guidelines and plans, as well as ways to participate in water management
- assist the chair with the administration of meetings
  - pre meeting: under the direction of the chair confirm a meeting date, ensure a quorum can be met, confirm a venue, draft an agenda, prepare meeting papers and access to other information relevant to the committee's advisory role, and organise travel arrangements as required
  - at the meeting: provide secretarial support to the chair to keep a record of meetings

- post meeting: provide secretarial support to the chair to draft a record of the meeting, pay sitting fees and allowances, following committee endorsement publish the record of the meeting on the public record.

The department will maintain a generic email address for the purpose of providing administrative support to the chair and the committee [WAC.Water@nt.gov.au](mailto:WAC.Water@nt.gov.au).

## 4.5 Operating arrangements

The committee operates in line with the [Northern Territory Government Boards Handbook<sup>3</sup>](#).

A quorum to hold a meeting will comprise the chair and at least half the members of the committee or defined number of members.

The planning process is public, and committee members are encouraged to communicate with stakeholders and the broader community. While the Chatham House Rule may apply and some information may be provided in confidence when identified by the chair.

### 4.5.1 Advice

The committee may provide advice by consensus or electing to present different advice or options that reflect the different views within the committee.

### 4.5.2 Conflicts of interest

As a representative committee, committee members will necessarily have an interest in all committee deliberations. Consequently, potential and perceived conflicts of interest are inherent in committee membership and processes. Actual conflicts of interest may still need to be managed from time to time. The priority for the committee is to ensure appropriate management of any conflicts of interest.

Conflict of interest is a standing agenda item at all committee meetings. A declaration of conflict and its management will be in the record of the meeting. Given the advisory role of the committee, conflicts of interest are likely to be of low risk.

Members must:

- avoid actual conflicts of interest, between their duties to the committee and their personal interests, where possible
- verbally declare any conflicts of interest at the commencement of each meeting on matters pertaining to the prepared agenda and alert the chair of any other potential conflicts of interest that may arise during a meeting.

The chair will decide the appropriate course of action to take if there is a conflict of interest to be managed through the agenda item on the meeting.

### 4.5.3 Meetings

Regular meetings will be held in person or online, in the region, remotely, or a combination of these methods. Meetings may include site visits, including meeting with Aboriginal people on Country.

An indicative schedule of the committee activity is provided at Appendix A.

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<sup>3</sup> <https://ntgcentral.nt.gov.au/our-government/boards-and-committees/statutory-boards>

At the first meeting the committee will:

- confirm the terms of reference
- review the indicative schedule of committee activity and forecast dates
- agree on methods to provide feedback on meetings, members, chair and the department.

The department and its staff will attend meetings by invitation.

Matters to be considered out of session.

Except in exceptional circumstances, the administration of meetings will include:

- the agenda and meeting papers being circulated to members at least 2 weeks prior to the meeting
- the draft record of meeting and actions being circulated to members within 2 weeks following the meeting
- feedback on the draft record of the meeting received from members within 2 weeks.

Preferably confirmation of attending meeting and travel arrangements for members is finalised at least 2 weeks prior to the meeting.

#### 4.5.4 Evaluation and review

An evaluation of the meeting will be conducted at the end of each meeting. A committee member will be nominated at the start of meeting to lead the evaluation, this responsibility will be rotated between members.

Feedback mechanisms will be agreed for the committee to provide confidential or out of session feedback on the planning process, committee members performance, chair performance or the department.

The terms of reference will be regularly reviewed, at least every 12 months.



## Appendix A: indicative schedule

Details of date and time will be refined for specific plan areas.

Water engagement	Activate	Resolve	Refine
Water allocation plan	Developing a plan	Finalising a plan	Implementing a plan
Timeframe	12 months (4 meetings)	3 – 6 months (2 meetings)	5 – 10 years (2 meetings per year)
Induction/information	Northern Territory water regulatory framework - legislation, regulations, policy, guidelines and water allocation plans		
Meeting schedule	<p><b>1. Establish committee (1 day)</b></p> <p>Terms of reference, schedule activity and feedback methods.</p> <p>Department overview of water resources and risk assessment.</p> <p>Workshop to refine objectives and outcomes of water sharing.</p> <p><b>2. Economic water use (1-1.5 days)</b></p> <p>Workshop social and economic needs - licenced/unlicensed and future demand.</p> <p><b>3. Cultural water values (2-3 days)</b></p> <p>Site visit and understanding of Aboriginal cultural perspectives.</p> <p><b>4. Social and environmental water values (1-2 days)</b></p> <p>Workshop to define and map social environmental values.</p> <p>Department overview risk assessment and water monitoring program.</p>	<p><b>1. Draft documents (1.5 days)</b></p> <p>Provide feedback on plan documents prior to release on Have Your Say:</p> <ul style="list-style-type: none"> <li>• water allocation plan – test management options available</li> <li>• background report - environmental, cultural, social and economic values</li> <li>• implementation actions.</li> </ul> <p><b>2. Advice to the Minister (1 day)</b></p> <p>Final review of the plan and supporting documents.</p> <p>Provide feedback on draft consultation summary.</p> <p>Letter of advice to the Minister.</p>	<p><b>1. Priority actions (1 day)</b></p> <p>Identify the priority actions and opportunities for partnership to achieve outcomes.</p> <p>Site visit and appropriate sharing of cultural knowledge or cultural values assessment.</p> <p><b>2. Monitoring and reporting (0.5 days)</b></p> <p>Overview of monitoring and response to changes.</p> <p>Progress of priority actions.</p> <p>Review status of the resource report.</p> <p><b>3. Other</b></p> <p>May provide advice on other aspects of water resource management including legislation, policy or as identified by the Minister.</p>