

# Berry Springs Water Advisory Committee

## Terms of Reference

### 1. Purpose

The Berry Springs Plan Review Water Advisory Committee (the Committee) is established by the Minister for Environment (the Minister) to advise the Controller of Water Resources (the Controller) on the implementation and effectiveness of the Berry Springs Water Allocation Plan 2016-2026, its five-year review and on any other matters referred to it by the Controller.

### 2. Statutory context

The Berry Springs Water Allocation Plan 2016-2026 was declared on 2 August 2016.

When a water allocation plan is declared, section 23(1a) of the *Water Act* 1992 (the Act) authorises the Minister to establish, and appoint the members of, a water advisory committee and allocate a name to the committee.

Under section 23(1B)(a) of the Act, a water advisory committee can advise the Controller of Water Resources on the effectiveness of the water allocation plan in maximising the economic and social benefits within ecological constraints and to carry out any other functions that the Controller of Water Resources may from time to time direct the water advisory committee to perform.

A water advisory committee shall consist of such members as the Minister thinks fit and the members shall hold office at the Minister's pleasure, as outlined in section 23(2) of the Act.

### 3. Functions

The function and matters the Committee shall advise the Controller on are established in these Terms of Reference, signed by the Controller or as otherwise requested in writing from the Controller to the Chairperson.

The Committee's general functions are to:

- Provide advice to the Controller and the department on the effectiveness of the Berry Springs Water Allocation Plan 2016-2026 (Plan) in maximising the economic and social benefits within ecological constraints.
- Consider and advise the Controller on any other matters referred to it by the Controller.
- Comply with the Northern Territory Government Boards Handbook.

Specifically, the Committee will:

- Seek and/or consider stakeholder and community feedback on the effectiveness of the Plan in terms of the economic and social benefits of the Plan.
- Provide advice to the Controller on the review of the Plan.

- Provide advice to the Controller on key matters to be addressed in a revision of the Plan prior to 2026.

#### **4. Additional matters referred to the Committee by the Controller**

- Communicate water planning processes and plans to stakeholders and the broader community to keep them informed of the environmentally sustainable use and management of the water resource.
- As otherwise requested in writing from the Controller to the Chairperson.

#### **5. Terms of appointment**

Members are appointed to the Committee by the Minister for Environment under section 23(1a) of the Water Act 1992 and hold office at the Minister's pleasure.

The committee is appointed until the review is complete and the water allocation plan updated (if this is required) as per the appointment instrument. Memberships are expected to expire on 31 July 2026. The Minister may choose to extend member appointments beyond this date.

#### **6. Composition**

The Committee will consist of members appointed at the Minister's pleasure. One member will be appointed as the Chairperson.

Membership will aim to reflect the following factors, skills, knowledge and experience with a focus on the plan area:

- diversity of stakeholders representing consumptive and non-consumptive users of water
- breadth of knowledge about water and its sustainable use
- diversity in terms of race, ethnicity, gender and age
- members who are well-connected to the community and key stakeholders, and can represent their views in a collaborative and constructive way
- members who are good communicators for disseminating information and collecting feedback from the community and key stakeholders.

#### **7. Proxy members**

Since members are appointed for their individual skills and because continuity in process is important, proxies are not encouraged. If members require support to participate in a meeting, the Chairperson may invite other people to participate for that purpose.

A proxy may attend a meeting in place of a member if prior notice is given by the member and approved by the Chairperson. As a proxy is not formally appointed to the committee, they cannot be remunerated for attending the meeting.

Requests for proxy and observer attendance should be made to the Chairperson and approved at least five business days prior to the meeting date.

## 8. Operating arrangements

Members shall declare conflicts of interest and inform the Chairperson immediately if a matter comes before the Committee in which they may have a personal, financial or other substantial personal interest. The member shall abstain from discussions on the affected matter, by removing themselves from the meeting. Declared conflicts of interest will be recorded in the minutes of each meeting.

Meetings will be held to conduct the business of the Committee. The Committee may meet in person or remotely via telephone, email or video or a combination of these methods.

Confidentiality will be maintained by all meeting participants at all times. The Chairperson can decide if all or part of a meeting will be held in camera, such as if there are sensitive or confidential discussions requiring this.

Quorum will comprise the Chairperson and at least half the number of members of the Committee.

## 9. Decision-making

Whenever possible, the Committee will seek consensus in its positions or recommendations. Only Committee Members participate in providing advice to the Controller.

The Committee may elect to present different advice or options that reflect the different views within the Committee. If consensus is not possible, a motion can be passed if the meeting has a quorum and at least 75 percent of members present support the motion.

## 10. Role of the Chairperson

The Chairperson is the presiding member of the Committee and has the following responsibilities:

- to set meeting dates and agendas for meetings in consultation with the department's secretariat
- to conduct meetings in way that fosters effective, respectful consideration of issues referred to the Committee or raised by members
- to invite observers to provide information or advice to the Committee
- to approve attendance by observers and those providing support to members and advice the department's secretariat of any approvals given
- to remind members of their roles and obligations if required
- to ensure accurate minutes and timely reporting of advice to the Controller after each meeting
- to be the primary media spokesperson.

In the event that the Chairperson is not able to attend a meeting, she/he/they shall nominate an alternate Chairperson or, if this is not possible, the Committee shall elect a Chairperson from those members present at the meeting. This person will have responsibilities related to the conduct of the meeting and members and ensuring accurate minutes and timely reporting of advice.



## 11. Role of the Committee members

Members of the committee:

- shall bring relevant expertise, knowledge, skills, perspectives and opinions related to the beneficial uses of water and water management in the Plan area - in doing this, members are expected to canvass the views of stakeholders and the broader community
- will ensure that considerations relate to all beneficial uses of water as far as is practicable. Beneficial uses include agriculture, aquaculture, environment, cultural, industry, rural stock and domestic use, Aboriginal economic development, mining activity, petroleum activity and public water supply.
- are required to respect each other and the views of other Members as well as those of any people presenting to the committee or providing advice to the committee

The Chairperson may refer inappropriate behaviour of Committee members to the Controller which can result in membership being reviewed by the Minister.

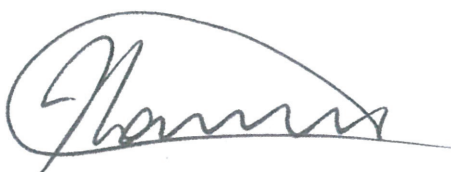
## 12. Role of the department

The Department will support the efficient and effective operations of the Committee by providing secretariat support and resources to the Committee including the payment of remuneration and assisting the Chairperson to organise meetings, prepare agendas and record the outcomes of a meeting.

The Executive Director of Water Resources has budgetary decision-making responsibility for the Committee and will oversee the payment of remuneration. Sitting fees, travelling allowance and other entitlements will be paid as per the Remuneration for Statutory Bodies Schedule payable to non-government appointees in accordance with the Handbook. 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, as stated in the Handbook.

Subject to budgetary and resourcing considerations, the department will use its best endeavours to ensure that the Committee is:

- informed of matters relevant to the Committee's purpose, role and functions; and
- provided with support and resources to assist the Committee to develop its advice and report in a timely and efficient way.



JOANNE TOWNSEND  
Controller of Water Resources

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