

Western Davenport Ti Tree Water Advisory Committee: Meeting 8 minutes

Date: Thursday 14 December 2023

Meeting no: 08

Time: 9 am to 11.50 am

Location: AZRI / Tom Hare Building and Teams meeting (video)

Attendance			
Initials	Name	Position	Notes
JK	Jade Kudrenko	Member, Environmental interests	
KP	Kate Peake	Proxy for Paul Burke, Agribusiness interests	
NA	Nick Ashburner	Member, Aboriginal water interests	
SM	Steve Morton	Member, Ecosystem science and natural resources interests	
PM	Paul McLaughlin	Member, Irrigated agriculture interests	
AT	Adrian Tomlinson	Observer, Arid Lands Environment Centre	
Facilitator			
RM	Rod Marsh	Watertrust Australia (WTA)	Facilitator (as Chair resigned in April 2023)
AW	Amanda Weelands	Watertrust Australia	Miro Board note taker
DEPWS staff			
EDWRD	Amy Dysart	Executive Director Water Resources	
CEWRD	Nicole Joy	Committees & Engagement Officer	Secretariat

Apologies			
Initials	Name	Position	Notes
AD	Annette D'Emden	Member, Regional development and remote water supply interests	
BS	Barbara Shaw	Member, Aboriginal water interests	
ML	Michael Liddle	Member, Aboriginal water interests	
RC	Roy Chisholm	Member, Agribusiness interests	

1. Meeting opening and attendance

Meeting commenced at 9:15am and there was unanimous approval to record the meeting.

1.1 Introduction of facilitator

EDWRD introduced Rod Marsh from Watertrust in the role of facilitator for the day, due to the vacancy in the position of Chair.

1.2 Welcome, acknowledgement of country, and meeting purpose

EDWRD welcomed everyone to the meeting and acknowledged country and traditional owners.

The facilitator confirmed the agenda and meeting quorum. He clarified Watertrust's role and noted that Watertrust's independence. Watertrust received no payment for facilitating the meeting and is not under contract to Government. Watertrust seeks to operate with an authorising environment created by the support of both Government and committee members. Pending continuing support from all parties, Watertrust may have an ongoing role in facilitating future engagement processes with the committee.

All agreed that Watertrust could act as the facilitator for meeting 8. However, the committee noted that this approach is not covered by the committee's terms of reference. Moving forward, formally defining roles and responsibilities should be considered and this may require updating the terms of reference.

1.3 Attendance, conflicts of interest and confidentiality

The committee noted the increasingly complicated representation at meetings, including the vacant position of Chair, ongoing proxy representation, and observers, which likely requires resolution before the committee's work on the Ti Tree review begins.

KP reported a conflict of interest relating to her new role as a Principal at Watertrust Australia. She noted that she was attending this meeting as the Proxy for Paul Burke and not in her Watertrust capacity. The committee accepted that this conflict could be managed during the course of the meeting.

Nil confidential matters declared.

1.4 Previous minutes

The committee expressed concern that the previous meeting minutes were not finalised and on the public record prior to the release of the draft plan for public consultation.

Given the significant time lapse between the circulation of minutes for meeting 7 and the current meeting, the committee requested that the minutes be recirculated with a clear record of: (a) the feedback provided by committee members and (b) how previous feedback had been incorporated in the minutes circulated. This will allow the committee to properly review and approve the minutes.

Action 1: Circulate by 15 December 2023 the draft WDWAC meeting 7 minutes, clarifying how feedback from the committee members was considered.

Action 2: Committee members to ratify meeting 7 minutes by circular resolution ASAP so that they can be uploaded on the department website.

The committee agreed that in future the minutes need to provide a better reflection of committee members' input, rather than a high-level summary. Minutes also need to be finalised more quickly following a meeting so that members can approve them based on a clearer memory of proceedings. A faster approval turnaround process also ensures the minutes are on the public record in a timely fashion.

2. Matters for noting and discussion

2.1 Overview of the consultation summary

The facilitator introduced the agenda item and summarised feedback received from committee members prior to this meeting. The committee emphasised that the current consultation summary does not adequately reflect the feedback received through the public consultation process nor through the committee's deliberations.

Consultants ([2rog](#)) engaged by the department to prepare the consultation summary provided a short presentation describing the scope of works they were given, the methods they used, and the feedback received prior to this meeting ([2rog's slide presentation is at attachment 1](#)).

2.2 Committee feedback on the consultation summary

The committee noted that: (a) the feedback misrepresented community and committee assessments and sentiments; (b) the summary was too high-level and lost critical detail; and (c) key elements of the consultation process were not included in the summary. For example, the summary did not note that the committee had agreed to not endorse the plan and glossed over negative community views. A subset of committee members had made a submission to the consultation process, which was not referenced or identified in the consultation summary, the unique elements of submissions drawn from a 'template' were ignored along with the comments of school children. The summary also glossed over widely shared public concerns about the size of the estimated sustainable yield (ESY) and, in the committee's view, had been drafted as a defence of the plan rather than a record of the community feedback received.

The committee requested that the consultants' scope be reworked to enable a full update of the consultation summary report, with the aim of developing a better record of the consensus of public and stakeholder opinion about the plan.

Following this feedback, the department agreed to receive input from the committee on a revised scope of works to guide the consultants in a rewrite of the consultation summary. The department confirmed that this revised scope will be used in other plan areas across the Territory as part of the continuous improvement of planning processes.

Committee members provided the following specific comments on the consultation summary:

- NA reflected that it was too broad, with justifying statements rather than accurately capturing the sentiment and important detail of what was submitted.
- JK reflected that it misrepresented the committee's views, was over-summarised and consequently lost important detail, and that widely-held concerns (for example with the ESY) were not accurately reflected. The committee's decision to not endorse the plan should be clearly recorded, and a number of committee members made a joint submission which should also be acknowledged. Providing the committee a short time to review the consultation summary without being able to view the submissions was a failure of process.
- KP reflected that the absence of any reference to the committee's formal position to not endorse the plan, nor to the submission from a subset of committee members was remarkable. It is significant that the community and stakeholders are on the same page, for example youth and peak bodies. The structure of the report must clearly delineate between the committee's views, the public feedback received, and the department's position. Overall, the tone is defensive rather than being an impartial record of various opinions.
- As an observer, AT appreciated JK and KP comments and highlighted many of the same issues. Reading the large body of powerful comments, the summary doesn't convey the tone of the submissions. The consultation summary should be a more expansive document, outlining the consultation process and more accurately reflecting the feedback. AT suggested there would be value in broader stakeholder analysis including offering consultation opportunities in language to traditional owners.
- SM reflected that the summary does not tell the truth, it glosses over the reality, is 'schizophrenic' -- partly a consultation summary and partly a gloss from the department. The reality is that everyone hates the plan. The department is on the brink of losing social license yet this is not represented at all in the summary.
- PM reflected that the plan is a product of the "sins of the past". The plan is the result of a desire for speed, the impact of politics, and poor consultation and stakeholder influence. The agenda was already written before we started the planning process. The plan overestimates the ESY rather than being conservative. The committee needs to have more say over the content of the plan. We need to protect existing investments for the next generation who will be impacted by the decisions we make today.

The facilitator led a workshop-style session with the committee to identify revisions to the scope-of-work for the consultants needed to update and improve the consultation summary. The results of this part of the meeting can be found at attachment 2. The department confirmed that these comments would provide input into a revised scope-of-work for the consultants, which would be shared with committee members for comment.

Action 3: The department to draft a new scope-of-work for 2rog, based on the feedback provided by the committee in this meeting. The new scope to be circulated to members for final input ASAP to facilitate 2rog's revision of the consultation summary.

Action 4: 2rog to revise the consultation summary in response to the new scope and the feedback provided by committee members. The department to circulate the revised consultation summary to members for input as soon as it is complete in the New Year.

Action 5: Watertrust to facilitate the next committee meeting in early 2024 and this meeting will finalise the revised consultation summary.

The committee and department agreed that submissions should be made available to the public whenever possible, links have been provided in the consultation summary report to those that are already publically available (CLC and ALEC). This permission was not requested at the time submissions were made it would need to be sought or submissions would need to be redacted. The department committed to a process improvement and it would ensure permission for submissions to be published and accessible to the public will be sought for all future water planning public comment processes. The department has also committed to added detail to the consultation summary providing more clearly the content of submissions, which will be included in future consultation summaries for other plan areas, based on feedback from the committee.

Action 6: Department to modify public consultation processes for other plan areas to include options on submissions being made available publicly online or treated as confidential.

The department clarified why some of the responses in the consultation summary referred to aspects of the regulatory framework (like water extraction licences) that are not in the plan. The department presented 2 slides of the regulatory framework in terms of the responsibilities of the Minister, Controller and the department. These relate to sections of the *Water Act* as well as supporting water allocation plans, policies and guidelines that work together in water resource management.

2.3 Water planning process

The department acknowledged that there is value in the committee providing the department with their advice on lessons learnt and recommended improvements for committee involvement in the development of plans through their experience with the Western Davenport plan. The department confirmed that this advice would, inform practice improvements to future water planning processes and reshaping the role of advisory committees and community engagement in the drafting of the new *Water Act*. Committee members agreed to participate in a workshoping exercise, facilitated by Watertrust next year, separate to the committee meeting schedule and without the department present.

The department and committee members agreed that this should include follow up with those committee members not present at this meeting.

Watertrust confirmed its interest in supporting process improvements based on feedback from all stakeholders involved, to inform the Ti Tree review, future water planning processes under the current *Water Act* as well as to contribute to the new *Water Act*.

Action 7: Watertrust to facilitate a meeting of the committee members, independent of the department, to workshop and compile feedback on potential improvements to the water planning process based on their Western Davenport planning experience.

The department confirmed that the current plan structure (in three documents) will continue to be

implemented in the short term, as seen in other plan areas like Georgina Wiso and Mataranka (under development). The department sees this change in the structure of the planning documentation and the content of plans as part of a process of continuous improvement. The development of new water legislation in 2026/27 will offer an opportunity to consider a range of issues including the structure and content of water plans.

NA requested that the legal advice provided to the department on plan structure and content be shared with the committee. The meet facilitator confirmed the department position that it will not waive legal professional privilege by providing the advice.

The committee and department agreed that Watertrust should work with the department and come back to the committee to clarify where there may be room for further changes to be made to the current draft plan for Western Davenport.

Action 8: Watertrust to work with the department to develop a clear charter for review by the committee outlining where there may be opportunities to influence the draft plan before it is finalised.

This charter will influence both committee members' and the department's approach to the Ti Tree plan review, and any potential future role played by Watertrust.

The department noted that it listening to the feedback from Central Land Council that there needs to be greater Aboriginal representation on the committee and it should be the majority. The department is also progressing the establishment of Aboriginal reference groups in other plan areas that may inform the reset of the committee's terms of reference.

The department and committee agreed the process to date had not been ideal, committee members are dissatisfied, and that Watertrust could be a good independent body to facilitate process improvements moving forward including changes to the terms of reference.

Action 9: Committee members to have an opportunity to input into potential changes to the terms of reference.

Action 10: Committee members to have an opportunity to input into a review of membership to address changes in members roles and to ensure the appropriate ongoing representation of key stakeholders. The membership review will focus particularly on improving the representation of Aboriginal interests across the planning area.

2.4. Engagement

The department provided an update on ongoing engagement in the region. The Water Engagement team have delivered a number of water workshops regarding water management and listening to concerns across the Western Davenport region. This included attending an Ali Curung Local Authority meeting, a Barkly Regional Council meeting, and a Traditional Owner Ranger Advisory Committee (TORAC) meeting in Tennant Creek, the department is working with these groups to arrange follow up information in response to questions and concerns raised.

Action 11: The department to provide an update on engagement across the Western Davenport region at meeting 9.

2.5 Reporting

The department presented the draft State of the Water Resource report for Western Davenport to give a sense of how these reports will look. The aim is to have the report published in the first quarter of 2024. Producing this report is a commitment identified in the Western Davenport implementation actions, meets responsibilities under section 34 of the Act, and has a specific allocation in the Water Resources budget.

This reporting process is a significant shift, effective across all plan areas, which will contribute to ensuring the department's adaptive resource management strategies are focused and accountable.

Action 12: The department to share the Western Davenport Annual State of the Water Resource report if ready by meeting 9 or circulate to committee members when published.

2.6 Next steps

See the action register for a schedule of future activities discussed during the course of the meeting.

Watertrust agreed that a Gantt chart would be useful tool to facilitate an understanding of the interactions and timescales of the various activities discussed at the meeting and to assist in prioritising and ordering actions.

Action 13: Watertrust to develop a Gantt chart for prioritisation of their actions outlined above and circulate to committee members.

Closing comments

The facilitator thanked everyone for their contribution.

The department thanked everyone for their input today and throughout the process.

Meeting closed at 11:50am

Attachments:

1. 2rog's slide presentation
2. Workshop output facilitated by Watertrust

Action register

No.	Action	Action officer	Comments	Status
1	Circulate by 15 December 2023 the draft WDWAC meeting 7 minutes, clarifying how feedback from the committee members was considered	WRD	Sent on committee members on 14 December 2023	Completed
2	Members to ratify meeting 7 minutes by circular resolution ASAP so that they can be uploaded on the department website	WAC, WRD	Awaiting endorsement by committee	In progress
3	The department to draft a new scope-of-work for 2rog, based on the feedback provided by the committee in this meeting. The new scope to be circulated to members for final input ASAP to facilitate 2rog's revision of the consultation summary	WRD, WAC	Sent on committee members on 20 December to provide feedback	In progress
4	2rog to revise the consultation summary in response to the new scope and the feedback provided by committee members. The department to circulate the revised consultation summary to Members for input as soon as it is complete in the new year	2rog, WAC		
5	Watertrust to facilitate the next committee meeting in early 2024 and this meeting will finalise the revised consultation summary	Watertrust, WAC		
6	Department to modify public consultation processes for other plan areas to include options on submissions being made available publicly online or treated as confidential	WRD	Review of process underway	In progress
7	Watertrust to facilitate a meeting of the WAC, independent of the department, to workshop and compile feedback on potential improvements to the water planning process based on their Western Davenport planning experience	Watertrust, WAC		
8	Watertrust to work with the department to develop a clear charter outlining where there may be opportunities to influence the draft plan	Watertrust, WRD		
9	The committee members to have an opportunity to input into potential change to the terms of reference	WAC		
10	Committee members to have an opportunity to input into a review of membership to address changes in members roles and to ensure the appropriate ongoing representation of key stakeholders. The membership review will focus particularly on improving the representation of Aboriginal interests across the planning area	WRD, WAC	Discussion paper will be developed and provided to committee to review and provide feedback	

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11	The department to provide an update on engagement across the Wester Davenport region at meeting 9	WRD	Verbal update in draft by CEWRD	In progress
12	The department to share the Western Davenport annual state of the water resource report if ready by meeting 9 or circulate to committee members when published	WRD	Report in draft aiming to be finalised in late January 2024	In progress
13	Watertrust to develop a Gantt chart for prioritisation of their actions outlined above and circulate to committee members	Watertrust		

WRD = Water Resource Division

WAC = Water Advisory Committee