

# OFFICIAL



## LAND AND WATER ADVISORY COMMITTEE TERMS OF REFERENCE

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### Metadata

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## 1. INTRODUCTION

### 1.1. Overview

Integrated Catchment Management (ICM) is an important strategy in achieving sustainability. In Victoria, ICM underpins sustainable management of land and water resources and contributes to biodiversity management. Victoria's ICM system is established under the *Catchment and Land Protection Act 1994* (CaLP Act). It is through the CaLP Act that Catchment Management Authorities (CMAs) were developed in each of Victoria's 10 catchment regions.

CMAs hold responsibilities under both the CaLP Act and the *Water Act 1989*.

### 1.2. The Mallee Catchment Management Authority

Established in 1997, Mallee CMA is governed by a ministerially appointed Board of up to nine members. The Board serves a governance role to ensure the structures and processes relating to decision-making, accountability, controls, and behaviour established for Mallee CMA enhance its effective performance in fulfilling its mandate.

The Board may establish committees at its discretion to achieve specific objectives in line with its primary functions. The committees serve an advisory role and are not decision-making bodies.

### 1.3. Strategic context

The Mallee Regional Catchment Strategy (RCS) provides long-term (20-year) objectives for each of the five regional asset themes identified within the strategy.

Community Capacity for Natural Resource Management (NRM) is one of the five regional themes and is defined as: *The inherent knowledge, skills, and motivation that the community has for effective and sustainable NRM (where 'community' encompasses all land managers, Traditional Owners, organisations, groups, and individuals contributing to NRM related activity across the region).*

The vision for this asset is:

- Connected and resilient communities leading positive change across our natural, cultural, and productive landscapes.

## 2. PURPOSE

The Land and Water Advisory Committee (LWAC) is a committee of the Mallee CMA Board, established to provide guidance on Mallee CMA initiatives and regional plans from a community perspective.

A direct link to the Board is provided through Board representative/s on the committee.

## 3. OBJECTIVES

Through the LWAC, Mallee CMA aims to:

- Establish direct connections and two-way communication between Mallee CMA operational areas and members of the Victorian Mallee community
- Support progress against long-term outcome targets for Community Capacity for NRM by providing direct and meaningful ways for members of the community to be involved in the development and delivery of Mallee CMA projects
- Align project development and delivery with community expectations and aspirations, where possible.

## 4. FUNCTIONS

The core function of the LWAC is to:

- Provide general advice to Mallee CMA operational areas on the development and delivery of projects and programs from a community perspective
- Advise MCMA operational areas on process and appropriate levels of community ownership, consultation, and engagement.

The LWAC may also be requested by the Board to provide feedback on issues identified as necessitating a community perspective.

## 5. DUTIES

The duties of the LWAC are to:

- make recommendations to Mallee CMA operational areas, and Board as requested
- contribute to programs in accordance with the Mallee RCS and the directions, priorities, procedures, and policies established by the Board
- represent broad community interests, not the interests of a specific group that a member may belong to
- actively participate in meetings with integrity and in accordance with good governance practices
- maintain confidentiality.

## 6. MEMBERSHIP

### 6.1. Composition

The LWAC covers the Mallee CMA region, incorporating a diverse and unique swathe of natural, cultural, and productive landscapes along the Murray River from Nyah to the South Australian border, and south to the Wimmera.

To reflect the Mallee CMA's integrated approach to NRM, it is important to ensure the LWAC includes representation from diverse geographic areas in the Mallee CMA region, as well as promoting a gender equity and inclusiveness on the forum; however, it is important not to unnecessarily restrict community representation on the LWAC.

<b>Community members</b>	Up to 10 individuals, preferably with balanced gender representation, from a diverse geographic spread across the Mallee region.
<b>Board representatives</b>	A minimum of one (1) Board representative, nominated annually by the Board.
<b>Mallee CMA employees</b>	The Mallee CMA will provide executive and administrative support to the LWAC. Relevant Mallee CMA staff will attend meetings to provide information and support as required.
<b>Guests</b>	External guests may be invited to participate in meetings as required.

### 6.2. Chair

The appointed chair will be the Mallee CMA General Manager Operations and Strategy, or other as delegated by Mallee CMA CEO.

## 6.3. Appointment

Appointment of community members to the LWAC is made by the Board following an expression of interest process. Gender equality is embedded within the committee membership process along with equal opportunity, diversity, and inclusion principles, in accordance with Mallee CMA Gender Equality Policy, Diversity and Inclusion Policy and the Equal Opportunity Policy.

The Board will consider recommendations from the Mallee CMA CEO, LWAC Chair, and managers for membership of the committee.

The following criteria will be considered:

- Applicants should reside/own property in the Mallee CMA boundary
- Applicants should demonstrate experience and/or knowledge in at least one of the following areas:
  - community connection, networks, and participation
  - natural resource management issues relevant to the Mallee region
  - community involvement in Natural Resource Management programs.

Applicants will not be appointed to represent a specific area, sector, or group.

## 6.4. Terms and vacancies

Members are appointed for two-year\* terms. If not fully allocated, new members may be appointed on an ongoing basis - all appointment terms expire on 30 June of the end-of-term year.

*\*Future (two and four year) appointments may be staggered, at the Board's discretion.*

Members can nominate for further term/s after the expiry of their initial term.

In appointing LWAC members, the Board shall take account of the need for consistency, continuity, and succession between retiring and new committee members.

If the office of an LWAC member becomes vacant, the group may recommend to the Board the appointment of a person to act in place of that member for the remainder of that person's term of office, subject to approval by the Board.

## 6.5. Termination of appointment/s

The Board reserves the right to terminate membership of any member of the LWAC:

- In accordance with PRO 034-010 - Committee Dispute Resolution Procedure, as appropriate; and/or
- Who fails to attend three consecutive meetings, unless they provide an apology with the Committee Chair, or LWAC Committee Support Officer.

## 6.6. Code of conduct

Members of the LWAC will observe the following principles in their conduct as committee members:

- Ensure the work of the committee is not compromised or affected by any direct or indirect pecuniary or non-pecuniary interest
- Ensure the confidentiality of information dealt with by the committee, where appropriate
- Act in good faith for proper purposes without exceeding their authority
- Be open, honest, and respectful in all official dealings.

Members have the right to:

- constructively debate issues
- be valued as a member of the committee
- be listened to respectfully when speaking or voicing an opinion or concern.

## 6.7. Confidentiality

As a community committee all material dealt with and/or presented to the LWAC shall be treated as public information, unless otherwise specifically stated.

In the event confidential information is dealt with by/presented to the committee, members will be informed the material is confidential. Confidentiality must be observed and must not be used to obtain any advantage, whether direct or indirect, for members or for any other person or body.

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

Where confidential information is provided to a committee member, all copies should be returned at the conclusion of the meeting.

It is the responsibility of the Mallee CMA to maintain or destroy copies of confidential information provided at meetings.

## 6.8. Improper or undue influence

Members must take care not to use their position on the committee to influence other members, employees, or stakeholder organisations for the purposes of obtaining any advantage for themselves, or any other person or body, whether that advantage is direct or indirect.

## 7. MEETINGS

### 7.1. Frequency

LWAC will meet up to four times a year for its ordinary meetings and may schedule extraordinary meetings, when necessary, with the approval of the Board.

Ordinary meetings may take up to three hours. Meetings with field trips may take up to a full day.

It is expected members will devote time outside of meetings for reviewing agendas, strategies, and other material to be discussed at meetings and/or via email or teleconference discussion.

### 7.2. Arrangements

Meeting protocols and procedures include:

- Four LWAC meetings will be conducted annually, with:
  - a maximum of three meetings to be held at the Mallee CMA office in Irymple
  - a minimum of one field trip to be conducted as part of a scheduled meeting
  - a minimum of one meeting to be held at another location within the region
  - the option for members to attend via online videoconferencing where available/appropriate.
- Meeting dates will be set at the beginning of each calendar year to ensure coordination between program managers, with the agenda of each meeting focusing on one of the Mallee CMA's four operational themes, specifically:
  - Waterways
  - Biodiversity
  - Dryland Agriculture
  - Irrigated Agriculture.
- Other topics for discussion outside of these themes may be included at each meeting if required for time critical decision-making processes.
- Appropriate reports/discussion papers will be circulated to members via email.

## 7.3. Reporting

LWAC is a committee of the Board and reports directly to the Board via the Chair.

## 7.4. Retention and disposal of meeting papers

Committee members may return committee meeting papers to the Committee Support Officer for destruction in accordance with Public Records Office Victoria (PROV) standards upon their resignation from the committee and/or when they no longer have a use for them. Upon request to the Committee Support Officer, a serving member may be granted access to the master of those meeting papers, if required.

Where the contents must be disclosed in court proceedings or for the purposes of litigation, for a period of seven (7) years after ceasing service on the committee, a member may be granted access to documents that were made available to the committee during the term of their membership.

Mallee CMA reserves the right to restrict committee members' access to exclude any committee meeting documents over which it claims legal professional privilege.

## 8. DISPUTE RESOLUTION

Dispute resolution will be managed in accordance with the Mallee CMA Committee Dispute Resolution Procedure.

## 9. CONFLICT OF INTEREST

Conflicts of interest will be managed in accordance with the Mallee CMA Conflict of Interest Policy – Board.

## 10. COMMUNICATION PROTOCOLS

The following outlines the normal responsibilities in relation to communicating with the Board, employees, the community, and the media.

### 10.1. Board members

LWAC members are encouraged to communicate with the Board representative/s on general matters. Significant issues should be raised with the LWAC Chair who will take the matter up with the Board Chair.

If there is an issue of conflict between an LWAC member and the Board, the conflict resolution process is to be enacted.

### 10.2. With Mallee CMA employees

Members are encouraged to discuss projects with relevant employees attending LWAC meetings. If a member would like further information on a project, they are encouraged to raise this with the LWAC Chair, who can request more information on their behalf.

If a member has an issue with the implementation of a project, this should be raised with the LWAC Chair. The LWAC Chair will then decide on the best method of addressing the issue, in consultation with the CEO.

### 10.3. With the community

General communication with the community should always be viewed as a two-way communication. Members are encouraged to communicate Mallee CMA's objectives and projects to their respective communities and to listen and take to the LWAC community aspirations, expectations and issues raised.

Issues that are potentially volatile or of concern should be referred to the CEO by the LWAC Chair or General Manager Operations and Community.

## 10.4. Media

All press releases and media interviews regarding LWAC activities are subject to the approval of the CEO and/or Board Chair. The LWAC Chair can provide public comment on behalf of the LWAC for approved communication activities. This responsibility can be delegated to a senior Mallee CMA staff member, subject to CEO approval.

## 11. RESOURCING

The Committee Support Officer is responsible for providing support to the LWAC at a level that enables the committee to fully carry out its role within the organisation, including:

- scheduling meetings to align with Mallee CMA critical decision-making schedule/business calendar
- preparing meeting agendas and papers
- drafting meeting minutes for approval by the relevant manager/s and CEO within five (5) working days following a meeting
- circulating approved draft minutes to committee members within 10 working days of the meeting
- preparing LWAC updates for the Board, as required
- other duties as requested by the LWAC Chair, in consultation with the CEO.

### 11.1. Operating Budget

Each year, an operating budget will be developed for the LWAC. The budget will include the following expense items:

- Member sitting fees
  - Refer to Section 11.2.
- Member travelling expenses
  - Refer to Section 11.5.
- Meeting expenses
  - Including venue hire, meals, inspection tours, guest speaker costs and any other directly related expenses.
- Executive support expenses
  - Including employment costs for administrative support and travel related expenses.
- Incidental expenses, as approved by the CEO and/or Board.

### 11.2. Sitting Rates

As determined by the Ministers Instrument of Remuneration for Community Committees sitting fees are available to community members. These fees are reviewed regularly by the Minister and on receipt of an updated Instrument the Mallee CMA Board will review GPOL 094 – Board and Committee Member Remuneration Policy (available from the Committee Support Officer) and update the rates payable to committee members accordingly. Sitting fees are paid based on the duration of the meeting.

DURATION	
Half day	Less than 4 hours
Full day	4 hours or greater

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Meeting	Sitting fee payable	Authorisation required
Ordinary meetings	YES	No authorisation required. Invoice Mallee CMA.
Extraordinary meetings	YES	No authorisation required. Invoice Mallee CMA.
Invitation to a meeting, inspection etc. by a program manager	YES	No authorisation required. Invoice Mallee CMA.
Any other meetings that a member is asked to attend to represent the committee/group	YES	Authorisation by the relevant Mallee CMA committee/group Chair or General Manager Operations and Community. Invoice Mallee CMA.
Any other meetings that a member is invited to attend to for information purposes	NO	No authorisation required.

Invitations to members to attend meetings, conferences, inspections etc. where authorisation is required will be accompanied by an authorisation slip detailing whether sitting fees are payable.

Mallee CMA requires an invoice to be submitted or signed off by the committee member as soon as practicable following a meeting, to enable prompt payment of sitting fees and travel expenses. All payments are made into a bank account. New committee members will be asked to supply required information in relation to their individual or business status.

## 11.3. Committee member – private individual

A member of the committee that is a private individual:

- **does not** have an Australian Business Number (ABN)
- is not **registered for GST**
- **must** complete the ATO form – ‘Statement by a supplier’.

## 11.4. Committee member – business, with or without GST registration

A member of the committee with a registered business name choosing to be paid under that business name must provide a Tax Invoice which meets ATO requirements or complete the form ‘*Recipient created tax invoice*’ to allow the Mallee CMA to create a ‘Recipient Created Tax Invoice’.

A Tax Invoice must contain the following:

- Words ‘Tax Invoice’
- Business name (contact details are optional)
- Australian Business Number (ABN)
- Date the invoice was issued
- A brief description, for example - LWAC meeting 1 July 2015, greater than four hours \$current fee
- If registered for GST - the GST amount is added. This can be shown separately and/or in the total, with the statement ‘Total price includes GST’
- If not registered for GST - no GST amount is added. The statement ‘Total price does not include GST’ must be included.

*N.B: The forms referenced are available from the Committee Support Officer.*

## 11.5. Travel allowance

Travel and other expenses will be paid consistent with Mallee CMA policy. Calculated by multiplying the kilometres travelled to and from a meeting by the current travel allowance per kilometre (annual ATO Determination). The owner of the vehicle will be reimbursed.



## **12. RELATED DOCUMENTS**

### **Internal**

[GPOL 044 - Equal Opportunity Policy](#)

[GPOL 061 - Conflict of Interest Policy - Board](#)

[GPOL 094 – Board and Committee Member Remuneration Policy](#)

[GPOL 097 - Gender Equality Policy](#)

[PRO 034-010 – Committee Dispute Resolution Procedure](#)