

# TERMS OF REFERENCE

## Loch Garry Future Service Strategy Community Reference Group

### Introduction

The purpose of this draft Terms of Reference is to outline the roles, responsibilities, and principles of conduct for the Community Reference Group to be established for the Loch Garry Future Service Strategy (Strategy).

### Loch Garry Future Service Strategy objectives

Goulburn-Murray Water (GMW) is undertaking a broad ranging review about the future state of the Loch Garry Flood Protection District.

The Future Service Strategy will include:

- A flood study developed in conjunction with Goulburn Broken Catchment Management Authority (GBCMA)
- Infrastructure and service options available for the future of Loch Garry and how GMW would manage this at a strategic and operational level
- Impacts of climate change and increased flood protection upstream of Loch Garry
- Current price structure and testing the sustainability of any proposed price modelling into the future
- Broader benefit of Loch Garry to other communities and how the costs and benefits can be recognised and shared with the broader beneficiaries
- Consultation with customers and stakeholders, via a Reference Group, and broader engagement about what a sustainable model may look like, the financial impacts and options around the future of Loch Garry.

### Loch Garry Future Service Strategy Community Reference Group Purpose

The Community Reference Group will be involved at key times to provide considered input and advice on the Strategy's direction and deliverables to ensure that it meets overall objectives. The Strategy recognises local expertise will be important to identifying appropriate options for the future of Loch Garry.

It is important to note that the final Strategy will need to be:

- Consistent with the requirements of Victorian and Commonwealth water legislation and the Victorian water entitlement framework
- Accord with Victorian water policy and obligations under the *Murray-Darling Basin Plan*
- Consider multiple benefits and impacts, including economic, social, cultural, and environmental.

### Community Reference Group Processes and Functions

GMW establishes the Community Reference Group (Group) as a non-statutory advisory group from the date of these Terms of Reference. It is not a decision-making body. Its functions are to provide local perspectives on opportunities and challenges for the future service state of Loch Garry.

GMW may amend these Terms of Reference in writing at any time and may revoke these Terms of Reference in writing at any time and upon revocation of these Terms of Reference the Group ceases to exist.

# TERMS OF REFERENCE

## Community Reference Group Accountabilities

The Group will provide its recommendations or advice through a series of structured discussions and as required by these Terms of Reference.

Each member of the Group is required to comply with these Terms of Reference, and each member's ongoing participation in the Group is their implied acceptance of these Terms of Reference.

## Timeframe and Indicative Meeting Schedule

The Group will operate no later than December 2024 unless an extension is granted by GMW. It is expected to meet four times through the life of the project according to the proposed meeting schedule in Table 1.

Meeting #	Approx. timing	Proposed Meeting Focus
1	December 2023	Inception meeting
2	April 2024	Exploration of options/engagement activities
3	August 2024	Options analysis and discussion regarding implications
4	November 2024	Proposed final strategy and next steps

Table 1. Community Reference Group proposed meeting schedule and focus

## Roles and Responsibilities

**Community Reference Group members** will:

- Draw on their local knowledge and experience and contribute to the development of the Future Service Strategy consistent with its objectives
- Be responsible for fairly and accurately reflecting the views of stakeholders with similar interests or, in the case of agency representatives or participants nominated by an organisation, to represent that organisation's/agency's views in such a way
- Review and discuss papers presented to the Group
- Prepare for and attend Group meetings either virtually or in person where possible and if they cannot attend, send apologies
- Seek to support broader community engagement activities.

The **Independent Facilitator** will:

- Facilitate the Group proceedings in an impartial and professional manner
- Lead the Group to support discussions for review guidance and foster a culture of respect and inclusion
- Confirm the dates, locations and frequency of Group meetings in close consultation with the Project Team
- Ensure that the review considers the views, opinions and issues raised by the Group
- Communicate closely with the Project Team on any matters raised by the Group that warrant further investigation.

**Goulburn Murray Water (GMW)** will:

- Assist with the appointment of the Group
- Provide support to the Project Team including technical information as well as payment of remuneration and expenses for the Group.

The **Project Team** will:

- Coordinate and administer services for development and maintenance of the Group including report writing, attending meetings in an observer/presenter/facilitator capacity and secretariat services such as preparation

# TERMS OF REFERENCE

of agendas, meeting papers and minutes

- Develop review deliverables such as reports, maps etc.
- Provide technical information and other items to inform meaningful discussion by the Group.

## Principles of Conduct

The Group is expected to operate in alignment with the following guiding principles:

- Honesty and respect in all aspects of communication
- Professional courtesy and fairness in working with others
- Provide opportunity for all Group members to participate in the discussion.

The Group will support a collaborative approach through:

- Respect for all individuals, despite differing opinions
- Open and honest discussion
- Encouraging innovative thinking and being open to different ideas
- Acknowledging that difficult discussions may take place
- Contributing to a safe and collaborative environment for concepts, issues, and knowledge to be shared
- Treating sensitive issues discussed within the study with respect and confidentiality
- Providing input and commentary in alignment with study timelines.

## Term of Appointment

Members are appointed for the term of office specified in their letter of appointment unless there is an extension to the operation of the Group.

## Remuneration and Expenses

Subject to the Government's Appointment and Remuneration Guidelines (Guidelines) and these Terms of Reference, an eligible member is entitled to receive remuneration for their service on the Group as set out in their letter of appointment.

In accordance with the Guidelines, the Group will be remunerated in line with similar GMW arrangements.

A member who is a public sector employee is only eligible to be paid remuneration as determined in accordance with the Guidelines. This typically will only be the case if they are on the Group in a community member capacity.

A member is entitled to the reimbursement of reasonable travelling and personal expenses directly related to their service on the Group at the rates, and on the terms, that apply to public sector employees.

To claim for remuneration and expenses, members must:

- complete GMW's Commencement Form and other required forms, on appointment
- submit Claim Forms to the Project Team as required, together with supporting evidence.

## Changes in Community Reference Group Membership

Whilst there is a desire to have continuity in Group membership, GMW, without cause or notice, may remove a member from the Group at any time and for any reason or for no reason at all.

The Group membership becomes vacant if:

- a member resigns in writing addressed to GMW

# TERMS OF REFERENCE

- (b) a member is removed from the Group
- (c) a member dies or in the opinion of the Project Team, becomes incapable of performing their duties
- (d) a nominating body advises GMW, in writing, that it wishes to nominate a new person for appointment as a member to represent them
- (e) a person who is a representative of a particular organisation ceases to be employed by that organisation, or otherwise ceases to represent that organisation.

Upon a vacancy occurring in the Group, the vacancy may be filled by GMW in accordance with these Terms of Reference.

## Meeting Procedure

The Group is expected to meet a minimum of four times during the development of the Strategy, with members to review and confirm the proposed meeting calendar.

Meetings are expected to take no longer than four hours in person (including lunch/refreshments) and will be lesser if they are conducted completely online.

Members are expected to attend as many meetings as possible and in person attendance is preferable.

The quorum of a meeting consists of a majority of the members presently appointed to the Group.

The Independent Facilitator, must ensure, as far as practicable, that every member has adequate opportunity to participate in discussions.

Given the in-camera nature of meeting discussions, they will not be formally minuted, however notes will be taken to inform the project's implementation with written communiques and an action register subsequently provided to Group members and the Project Team.

## Community Reference Group Membership and Observers

The composition of the Group will include up to fifteen full members, key agency representatives and members of the project team.

Key agency representatives will be invited from:

- Yorta Yorta Nation Aboriginal Corporation
- Goulburn Broken Catchment Management Authority
- Greater Shepparton City Council
- Moira Shire Council

Other nominated agencies with an interest in project outcomes will be invited to participate in Group meetings as observers. Observer agencies invited to Group events are anticipated to include:

- Department of Environment, Energy and Climate Action
- Victoria State Emergency Service
- Regional Development Victoria
- Local government.

## Confidentiality

Members should note the requirements of sections 79(2) & (3) and 81(1)(c) of the Public Administration Act 2004 in regard to confidentiality apply as if they were a director of a 'public entity'.

On the termination or expiry of a member's appointment, the member must return all documents relating to the Group to the Project Team, or if material was provided in electronic format then all material must be deleted.

# TERMS OF REFERENCE

## Conflicts of Interest

In these Terms of Reference:

(a) a 'conflict of interest' is a conflict between a member's public duty to act in the best interests of the Group and their private interests. It includes a conflict of duty, which is a conflict between a member's public duty to act in the best interests of the Group and their duty to another organisation (e.g. due to their role as a board member or employee of that organisation).

(b) A private interest:

- may be direct or indirect; and
- can be pecuniary (financial) or non-pecuniary (non-financial), or a mixture of both. A non-pecuniary interest may arise from personal or family relationships or from involvement in sporting, social, or cultural activities, etc.

(c) A conflict of interest exists whether it is:

- real (i.e. it currently exists);
- potential (i.e. it may arise, given the circumstances); or
- perceived (i.e. members of the public could reasonably form the view that a conflict exists, or could arise, that may improperly influence the member's performance of his/her duty to the Group, now or in the future).

Any conflict of interest arising will be managed within the functions of the Group, which require that members must declare the nature of the interest:

(a) in full at the first meeting of the Group; and

(b) if they become aware of an additional conflict of interest during discussions, as soon as possible after becoming aware of the interest.

The Independent Facilitator at a meeting at which a conflict of interest is declared must note in consultation with the Group how the conflict of interest will be managed.

The Independent Facilitator is responsible for monitoring the management of real, perceived, and potential conflicts of interest in accordance with these Terms of Reference and must notify GMW in writing as soon as practicable after becoming aware of any breach, including whether the breach is material.

## Privacy

The Group and Project Team must comply with the requirements imposed by or under the Privacy and Data Protection Act 2014.

## Freedom of Information

Members of the Group should be aware that all documents of the Group (such as meeting agendas, papers, communiques) will be held by GMW and will be subject to the Freedom of Information Act 1982.

# TERMS OF REFERENCE

## Appendix 1

### October 2022 floods

In 2022, widespread rainfall led to major flooding along the Goulburn River.

Following the Goulburn River reaching 10.36m, GMW commenced removing bars at the Loch Garry regulator at 12pm on Sunday 16 October, as per the operating rules.

Due to the magnitude of the event and the rapid rise in water levels, GMW staff were able to remove about half of the bars before needing to abandon operation of the regulator.

During this flood, there was also significant damage to sections of the Loch Garry levee bank.

### Loch Garry Flood Protection operating rules review

The magnitude of the 2022 floods identified several opportunities to enhance the operating rules of the Loch Garry infrastructure, including:

- Confirmation and definition of the service to be provided to the Flood Protection District
- Improving flexibility of when bars are removed and added in major events such as that experienced in October 2022
- How landowners (and emergency services) are notified of operations at the Loch Garry regulator
- How to manage the addition/removal of bars at Loch Garry where multiple flood events (greater than 10.36m at Shepparton) occur in quick succession.

In order to undertake the review of the Loch Garry Flood Protection operating rules, GMW worked with customers and relevant agencies. The Loch Garry Reference Committee was created to guide the review of the operating rules, and comprised of various stakeholders, customers and interested community members who met regularly.

Revised Operating Rules were approved by the GMW Board on 23 August 2023. The Loch Garry Reference Committee has been recognised for their contribution and disbanded.

Reference Committee meeting summaries, a summary of recommendations, and the approved revised operating rules can be found at <https://yoursay.gmwater.com.au/loch-garry-reference-committee>