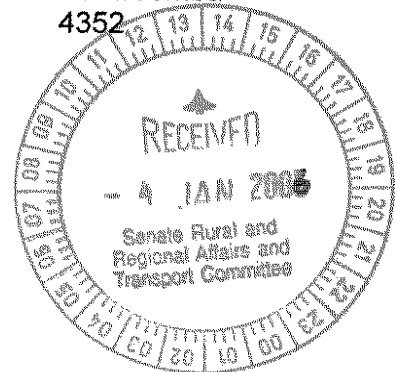


PO Box 7921
Toowoomba
4352



Roxane Le Guen
Rural and Regional Affairs and Transport
References Committee
Parliament House
Canberra, 2600

Dear Roxane

RE: References Committee inquiry into Water policy initiatives.

Thankyou for the opportunity to respond to the comment in the submissions from, Rory Treweeke, Owen and Karen Betts and Rick and Helen Hall.

I attach for your information the Draft Terms of Reference and Operating Arrangements for the Lower Balonne Ministerial Water Resources Advisory Council and draw to your attention the following points which relate to the 3 submissions.

Purpose of the Council

The purpose of the Lower Balonne Ministerial Water Resources Advisory Council (the Council) is to ensure that the Minister for Natural Resources and Mines (the Minister) is advised of the views of all interests, both within and outside of the Lower Balonne, including those downstream of the Plan area on the issues that affect the Lower Balonne. These issues may include the sustainability of the region's water resources and riverine environment, the economic, social and cultural significance of the water, improved management of the Lower Balonne's riverine resources, the impacts of water extractions and matters affecting water quality.

Any decisions made in relation to Council advice will be the responsibility of the Queensland Government.

Role of the Council

The Council provides an **advisory function** to the Minister and/or the chief executive on matters relevant to the water resources in the Lower Balonne.

The Plan states that the role of the Council is—

- (a) to advise the Minister on the implementation of the Plan,
- (b) to assist the chief executive of the Department of Natural Resources and Mines (the Department) in the development and implementation of the resource operations plan (ROP),
- (c) to liaise with any other advisory councils in the Plan area, and
- (d) to assist with the implementation of any agreement made between Queensland and New South Wales about water in the Plan area or downstream of the Plan area.

The ROP must comply with the Water Resource Plan, it cannot review or amend decisions made in the Water Resource Plan, nor can it include new provisions that are unrelated to the Water Resource Plan.

The Council will provide advice on—

- (a) the implementation and operation of event based flow management,
- (b) the development of real time monitoring to support event based flow management,
- (c) research and monitoring programs, including programs to improve understanding of the ecological functioning of the Lower Balonne and the floodplain including downstream of the Plan area, and its ecological assets,
- (d) the further development and use of the Lower Balonne decision support tool, and
- (e) ensuring the best data and science is available to assist in the development of the ROP.

The Council will also provide advice to the Minister on the five and ten year reviews of the Plan, including advice on the research and monitoring required to inform the reviews.

The Council is independent of, and will not perform any of the functions of, the ROP Referral Panel, which will be established under Section 1004 of the Act.

Chair and Deputy Chair

The Chair and Deputy Chair are **non-government, community members** of the Council, **directly appointed by the Minister for a term of four years.**

The role of the Chair is as follows:

- provide leadership to the Council;
- ensure that the Council protocol is adhered to;
- lead, direct, and coordinate activities of working groups and/or sub-committees of the Council;
- work collaboratively with and actively support the members of the Council to fulfil the purposes and roles of the Council;
- represent the Council in dealing with the Minister and/or the chief executive;
- encourage members to liaise with their organisations/networks etc on issues brought to the Council;
- convene and conduct Council meetings;
- ensure the continuation of Council business between meetings in liaison with Council members as appropriate; and
- report to the Minister and/or chief executive as necessary.

The Deputy Chair shall assist the Chair in fulfilling the above role and will act in the capacity of the Chair, if the Chair is not available, with the prior approval of the Minister.

Council Advice

Formal advice to the Minister or chief executive is to be developed only at full meetings of the Council.

Advice of the Council will be that which has been developed through agreement. Where the Council cannot agree on issues, the differing views and approaches and level of support for each view and approach shall be provided to the Minister and/or

the chief executive to assist in the subsequent decision making. A continuous register of advice will be kept and attached to the Minutes.

Dissenting views with regard to any advice given, is to be recorded in the advice register.

Mode of Operation of the Council (The Protocol)

The members of the Council will agree to adopt and act in the spirit of the following protocol:

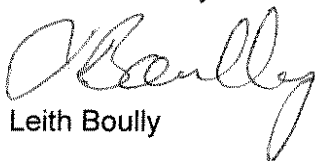
- To act in good faith in the interests of the Lower Balonne community, both within and outside of the Lower Balonne, including those downstream of the Plan area.
- To exercise their responsibilities to each other, their communities and the Minister with care and diligence.
- To give proper consideration to all matters and material brought to the Council
- To be frank and open in Council meetings and to question, request information and raise issues in session.
- To conduct themselves with good will and in a harmonious manner.
- To actively seek technical and other information/views out of session in order to enable active participation in Council deliberations.
- To respect and take into account the views and values of other members, departmental staff and all persons with whom the Council interacts.
- To actively seek the views of other people in their organisations/sector/networks in relation to policy matters that are or should be considered by the Council.
- To actively and accurately communicate Council deliberations (minutes) including alternate views to their own networks.
- To respect the confidentiality requirements of the Minister and/or chief executive at all times. Following consultation with the Minister and/or chief executive as necessary, the Chair will advise members on the confidentially status of agenda items, discussion papers, data etc.
- The Council will keep a register of interests.

Every member of the LBWRMAC has a vested interest in the management of water resources in the Lower Balonne. In order to ensure that members, the community and the Minister are aware of the extent of those interests a Register of Interests is kept.

The Council is advisory only as it is clearly recognised that it would be inappropriate to devolve to a local community the decision making responsibility for sharing a scarce resource. It is not the only mechanism for providing advice to the Queensland Government.

Again, thankyou for the opportunity to respond.

Yours sincerely



Leith Bouilly

**LOWER BALONNE
MINISTERIAL
WATER RESOURCES
ADVISORY COUNCIL**

**DRAFT
TERMS OF
REFERENCE
AND
OPERATING
ARRANGEMENTS**

NOVEMBER 2004

These are draft Terms of Reference and Operating Arrangements until approved by the Minister for Natural Resources and Mines, following the receipt of any advice from the Council, as to any amendments. Once these Terms of Reference and Operating Arrangements are approved by the Minister, this paragraph will be removed and the word 'Draft' will be removed from the front cover.

1. Origin and Conclusion

The *Water Resource (Condamine and Balonne) Plan 2004* ('the Plan') provides for the Minister to establish a Water Advisory Council for the Lower Balonne. This Council is established under section 1005 of the *Water Act 2000* (the Act) and will, unless decided otherwise by the Minister, continue for the remainder of the period of time that the Plan is in force.

[Add in Date of Establishment of the Council]

2. Purpose of the Council

The purpose of the Lower Balonne Ministerial Water Resources Advisory Council (the Council) is to ensure that the Minister for Natural Resources and Mines (the Minister) is advised of the views of all interests, both within and outside of the Lower Balonne, including those downstream of the Plan area on the issues that affect the Lower Balonne. These issues may include the sustainability of the region's water resources and riverine environment, the economic, social and cultural significance of the water, improved management of the Lower Balonne's riverine resources, the impacts of water extractions and matters affecting water quality.

Any decisions made in relation to Council advice will be the responsibility of the Queensland Government.

3. Role of the Council

The Council provides an **advisory function** to the Minister and/or the chief executive on matters relevant to the water resources in the Lower Balonne.

The Plan states that the role of the Council is—

- (a) to advise the Minister on the implementation of the Plan,
- (b) to assist the chief executive of the Department of Natural Resources and Mines (the Department) in the development and implementation of the resource operations plan (ROP),
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- (e) ensuring the best data and science is available to assist in the development of the ROP.

The Council will also provide advice to the Minister on the five and ten year reviews of the Plan, including advice on the research and monitoring required to inform the reviews.

The Council is independent of, and will not perform any of the functions of, the ROP Referral Panel, which will be established under Section 1004 of the Act.

4. Membership

The Plan provides for the Council to consist of members representing a range of interests in the Lower Balonne part of the Plan area and downstream into New South Wales. "Interests" includes persons with a cultural, social, economic or environmental interest in water use.

Each member must participate actively in Council deliberations. Each member will be expected to actively seek the views of other people in their organisations/sectors/networks on policy issues, which are or should be considered by the Council for advice to the Minister and/or the chief executive. Members will be encouraged to take a whole of system/community approach.

Membership on the Council is proposed as follows:

- Chair
- Deputy Chair
- 2 members from each of the following interests/sectors:
 - St George Water Harvesters
 - St George Allocation Holders
 - Dirranbandi Water Harvesters
 - Local Government*
 - Business*
 - Environment*
 - Traditional Owners Groups*
- 1 member from a Water Service Provider* (Queensland SunWater) T.B.C.
- 6 members with Grazing/Dryland Farming interests in the Lower Balonne area and downstream*

* Members with connections to Queensland and New South Wales are sought from these interests/sectors.

No alternative members will be appointed and members are expected to attend all meetings. If a member is absent from 2 consecutive meetings then, at the Minister's discretion, a replacement may be sought through the process at Section 12.

To be eligible for membership a person shall not be in the full-time employment of the State, Territory or Federal Government.

5. Mode of Operation of the Council (The Protocol)

The members of the Council will agree to adopt and act in the spirit of the following protocol:

- To act in good faith in the interests of the Lower Balonne community, both within and outside of the Lower Balonne, including those downstream of the Plan area.
- To exercise their responsibilities to each other, their communities and the Minister with care and diligence.
- To give proper consideration to all matters and material brought to the Council
- To be frank and open in Council meetings and to question, request information and raise issues in session.
- To conduct themselves with good will and in a harmonious manner.
- To actively seek technical and other information/views out of session in order to enable active participation in Council deliberations.
- To respect and take into account the views and values of other members, departmental staff and all persons with whom the Council interacts.
- To actively seek the views of other people in their organisations/sector/networks in relation to policy matters that are or should be considered by the Council.
- To actively and accurately communicate Council deliberations (minutes) including alternate views to their own networks.
- To respect the confidentiality requirements of the Minister and/or chief executive at all times. Following consultation with the Minister and/or chief executive as necessary, the Chair will advise members on the confidentiality status of agenda items, discussion papers, data etc.
- The Council will keep a register of interests.

6. Meetings

6.1. Calling Meetings

The Council will meet in full when and if required. The Executive Officer (refer to Section 11b for the skills, knowledge and role of this position) shall use his/ her best endeavours to give a reasonable amount of notice regarding the date and venue for meetings of the Council. Meetings may be held via teleconference.

6.2. Meeting Agendas

Future high priority agenda items will normally be identified and agreed during Council meetings. Members may notify the Executive Officer in advance of Council meetings of new business.

Agenda items will be determined to be high or low level strategic issues by the Executive Officer, the Chair and Deputy Chair. Those defined to be high level strategic issues will be dealt with in-session at the next meeting, whilst low level strategic issues may be referred to the Minister and/or the chief executive for attention. In these cases, the nominator of the issue will be provided information, material and/or advice by the Executive Officer.

Meeting agendas will be agreed by the Chair, Deputy Chair and Executive Officer and papers associated with an upcoming meeting will be forwarded to members as soon as practicable to give members adequate time to deliberate on the issues.

6.3. Routine Items

The Chair and Deputy Chair will report to the Council concerning any meeting/s with the Minister and/or the chief executive or activities carried out by the Chair and Deputy Chair in regard to Council matters.

The Executive Officer will report on activities undertaken between meetings, including correspondence.

Working Groups of the Council will submit reports concerning aspects of work undertaken between meetings by those working groups and external bodies.

The Council may review each meeting at the end of the meeting for the benefit of continually improving its processes and work environment.

6.4. Rules of Conduct of Meetings

The Council shall adhere to normal meeting procedures.

The Chair will convene and conduct all meetings and may delegate responsibility to the Deputy Chair for this function when necessary/appropriate.

On all issues the full range of views will be sought from members and discussed respectfully.

In all cases when considering any matter the Council shall use its best endeavours to achieve agreement. If it is not possible to reach agreement, then the full range of views shall be provided to the Minister for matters relating to the Plan and the chief executive for matters relating to the ROP.

Points of difference will not be resolved by voting, as the function of the Council is that of an advisory body.

6.5. Council Advice

Formal advice to the Minister or chief executive is to be developed only at full meetings of the Council.

Advice of the Council will be that which has been developed through agreement. Where the Council cannot agree on issues, the differing views and approaches and level of support for each view and approach shall be provided to the Minister and/or the chief executive to assist in the subsequent decision making. A continuous register of advice will be kept and attached to the Minutes.

Dissenting views with regard to any advice given, is to be recorded in the advice register.

The Minister and/or the chief executive will respond to advice given by the Council either by the next meeting or within an agreed timeframe.

An issues log will be maintained to record and prioritise issues raised by members of the Council for future consideration.

6.6. Working Groups / Sub-Committees

Working groups or sub-committees comprising Council members are to be used where appropriate to enable more focussed dealing with particular issues for subsequent consideration by the Council.

The Council may use a sub-committee system, and shall do so effectively and efficiently to enable focussed discussion on core business at meetings. These arrangements may be used to prepare detailed discussion papers (canvassing a range of options), allowing Council to focus at meetings on finalisation of its advice to the Minister and/or the chief executive.

Discussion of process should also be dealt with out-of-session, rather than at meetings.

Working groups or sub-committees shall be responsible for maintaining a record of their discussions and preparing advice for the Council.

The activities of a working group or sub-committee are subject to approval by Council if expenditure is to be incurred as a result of inspections, meetings or any other activities.

6.7. Field Trips

Field trips in conjunction with meetings of Council may be organised by the Department.

6.8. Visitors and Observers

The Chair has the right to invite visitors and observers to part/full Council meetings. Visitors and observers will only contribute to the meeting if invited to by the Chair. The Minister or his/her representative and representatives of relevant State Government agencies in Queensland and New South Wales may attend meetings as observers and/or support staff.

6.9. Minutes of Meetings

Minutes, advice registers, issues logs will be prepared at every Council meeting. These Minutes shall not purport to be a transcript of proceedings. Advice registers and issues logs will be agreed and finalised before the close of each meeting.

7. Reporting

The Chair will report the advice of the Council to the Minister and/or chief executive as appropriate, by providing a copy of the Minutes, advice register and action sheets from each meeting. In addition, the Chair and Deputy Chair will endeavour to report to the Minister and/or chief executive as appropriate verbally where possible.

As soon as possible after the end of the financial year, the Council will provide to the Minister a summary report outlining the matters considered by the Council and the policy advice provided to the Minister and/or chief executive as appropriate during the previous financial year. This report will be publically available on the internet and members will distribute it through their networks.

8. Correspondence

Correspondence will only be directed to and from the Chair and/or the Executive Officer. The only outward correspondence will be directed to the Minister, except in exceptional circumstances and with the Minister's approval. Inward correspondence will be referred to the Minister for comment where appropriate. The Council will not respond directly to inward correspondence without approval from the Minister or the chief executive.

9. Review of the Council's Operations

The Council will periodically review its operations to ensure its operations are effective and efficient.

The Chair and Deputy Chair will review annually the participation and contributions of members, and if considered necessary, will recommend changes in membership to the Minister.

The Minister will periodically review the membership, operational procedures, performance and on-going relevance of the Council.

10. Media Contact

No Council member, including the Chair, shall make comment to the media, nor disclose to the media any matters of Council business, as a representative of the Council without the express permission of the Minister.

The Chair must notify the Executive Officer before making media comment, and should advise the Council as soon as possible after media comment has been made.

The Chair will advise observers that they are bound by the same conditions as Council members in relation to the media.

Council meetings are not open to the media except by prior approval of the Chair.

11. Executive

Council shall have an Executive consisting of the Chair, the Deputy Chair and the Executive Officer.

a. Chair and Deputy Chair

The Chair and Deputy Chair are non-government, community members of the Council, directly appointed by the Minister for a term of four years.

The role of the Chair is as follows:

- provide leadership to the Council;
- ensure that the Council protocol is adhered to;

- lead, direct, and coordinate activities of working groups and/or sub-committees of the Council;
- work collaboratively with and actively support the members of the Council to fulfil the purposes and roles of the Council;
- represent the Council in dealing with the Minister and/or the chief executive;
- encourage members to liaise with their organisations/networks etc on issues brought to the Council;
- convene and conduct Council meetings;
- ensure the continuation of Council business between meetings in liaison with Council members as appropriate; and
- report to the Minister and/or chief executive as necessary.

The Deputy Chair shall assist the Chair in fulfilling the above role and will act in the capacity of the Chair, if the Chair is not available, with the prior approval of the Minister.

b. Executive Officer

The Executive Officer of the Council is to be an employee of the Department. The Executive Officer shall not be a member of the Council.

The Executive Officer shall have administrative skills and a broad knowledge of the issues affecting the Lower Balonne. The Executive Officer is the initial point of contact by organisations or individuals in relation to the business of the Council.

The role of the Executive Officer is as follows:

- Manage the operation and function of the Council, including providing administrative support to the Council;
- Organise meetings, maintain a permanent record of Minutes of meetings, prepare high level meeting agenda papers and briefings, prepare correspondence to the Minister, including advice emerging from policy analyses.

Other Departmental officers may assist the Executive Officer as required.

12. Council Members

Council members are drawn from indigenous, industry, environment and community sectors and interests that have a key stake in the management of water and the riverine environment in the Lower Balonne. Members should possess expertise, experience and skills in one or more of the following areas: indigenous culture and heritage, local government, irrigation, grazing, farming practices, local business, natural resource management, conservation, or environmental management.

a. Appointment

Members will be selected following a public call for expressions of interest, advertised in newspapers (and on the radio, if possible). Potential Council members are to complete a nomination form, a copy of which is attached to this document. A selection panel made up of the Chair, Deputy Chair, a Queensland Government representative and a NSW Government representative shall assess applications for positions on the Council based on the following Selection Criteria:

1. Demonstrated support from relevant organisations/networks/individuals.

2. Demonstrated ability to network and communicate effectively with the community and to form strong links with relevant organisations/networks.
3. Sound understanding of water resource issues affecting the Lower Balonne Plan area and downstream of the Plan area.
4. Demonstrated capacity in one or more of the following areas: indigenous culture and heritage, local government, irrigation, grazing, farming practices, local business or industry, natural resource management, conservation or environmental management, conflict resolution and leadership.
5. Demonstrated personal commitment to the Lower Balonne region and its communities.
6. Demonstrated team player.
7. Commitment to active involvement in the Council's business.
8. Demonstrated personal attributes to respect the integrity and confidentiality of the Council's business.

The selection panel will recommend Council appointments to the Minister, with the Minister having final approval of the Council membership. The Minister may make personal appointments to the Council. The Term of Appointment for members is at the discretion of the Minister but is generally for a period of four years.

As vacancies occur in Council membership from time to time, they shall be filled following a further expression of interest and selection panel process, similar to that outlined above, or by direct Ministerial appointment, depending upon the circumstances.

b. Duties of Members

Communications between people living in the Lower Balonne community and the Council, through member representation is of utmost importance to give the Minister confidence that all of the issues, values and attitudes are considered in decision making processes.

Each member has a particular responsibility to determine and faithfully present the views/range of views of the interest/sector that they come from; to participate in discussions on any issue before the Council unless a conflict of interest exists; and to take back to their networks the outcomes of discussions of the Council, including the views of other parties except where confidentiality is required.

Member's duties and responsibilities are expressed fully in the protocol in Section 5.

13. Expenses for Members

Members will not be paid sitting fees. Members will be paid:

- Transport costs as per Departmental Standards.
- Accommodation costs as per Departmental Standards.

The Department will reimburse all out-of-pocket expenses in accordance with the procedures set out in *Remuneration for Part-time Chairs and Members of Government Bodies, Committees and Statutory Authorities* (Department of Industrial Relations).

The general principle regarding travelling expenses is that the Department will pay for the most economical and convenient form of travel. Hence air travel should be used whenever it is more economical than a motor vehicle allowance.

14. Amendment of Terms of Reference and Operating Arrangements

These Terms of Reference and Operating Arrangements may be reviewed at a meeting of the Council and any potential amendments conveyed to the Minister for approval or otherwise.

The Council will review the Terms of Reference and Operating Arrangements at least every three years. The Chair may recommend amendments to the Terms of Reference and Operating Arrangements to the Minister as the need arises.



**Queensland
Government**
Natural Resources
and Mines

Nomination Form

Lower Balonne Ministerial Water Resources Advisory Council (the Council)

Please send your form to:
 Ross Krebs
 Department of Natural Resources and Mines
 PO Box 318
 Toowoomba Qld 4350
 Phone (07) 4688 1013 Fax (07) 4688 1478

Closing date for receipt of nomination forms is Friday, 10 December 2004.

Name.....

Address.....

.....**Post Code**.....

Phone.....**Occupation**.....

Fax.....**Email**.....

Do you live or work in the Lower Balonne (Qld and NSW)?

Yes

No

How long have you lived or worked there?.....

Which interest/sector are you seeking to represent? (you may tick more than one box)

St George Water Harvester

Business

St George Allocation Holder

Environment

Dirranbandi Water Harvester

Traditional Owners Group

Grazing/Dryland Farmer

Water Service Provider

Local Government

Other (please specify).....

Attach additional pages, if insufficient space has been provided for you to respond to the following questions.

Please specify which state you live in.

NSW

Qld

Do you have support from your interest/sector group/s? Please explain.

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.....
.....

Please state your past/present involvement/position in any relevant organisations/networks/interest groups/industries and achievements during your period of involvement?

(E.g. President, Chair, Deputy Chair, Secretary, Treasurer, Board Member, Advisor, Committee Member, Leader, General Interest).

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How do you plan to network and communicate with relevant organisations/individuals/networks in your community? (both to seek people's views on what should be discussed at the Council and to communicate back the advice generated by the Council)

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What local knowledge, experience, capacities or skills would you bring to the Council?

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What do you see as the key issues challenging water resource management in the Lower Balonne and the implementation of the Condamine Balonne Water Resource Plan?

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How would you demonstrate personal drive and commitment to the Lower Balonne region and its communities?

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How would you demonstrate involvement and effective performance in working in a group or team environment?

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The success of the Council process relies on the commitment of its members. Please note the timeframe for involvement will be up to four years. (e.g. around 3 full Council meetings per year plus membership on working groups or sub-committees as required).

Are you able to commit to this timeframe and workload? Yes No

If not, for what timeframe are you able to commit?

.....

Please add any further information that you think might support your nomination.

.....
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.....
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.....

Plus please attach a copy of a current Curriculum Vitae or Resume should you have one readily available or alternatively please complete the CV template at the end of this nomination form.

Have you read and agree to operate under the Terms of Reference and Operating Arrangements of the Lower Balonne Ministerial Water Resources Advisory Council? Yes No

Do you agree not to make comment to the media as a member of the Council without the express permission of the Minister? (See Terms of Reference and Operating Arrangements, Section 10) Yes No

Signed:..... Date:.....

CURRICULUM VITAE

Name:

Address:

Telephone:

Mobile:

Email:

Facsimile:

Date of Birth:

Place of Birth:

PERSONAL PROFILE

EDUCATION

-

EMPLOYMENT HISTORY

-

PROFESSIONAL MEMBERSHIPS/COMMUNITY ORGANISATIONS

-