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Regional Aboriginal Water Committees – Terms of Reference



The Aboriginal Water Program is establishing committees to ensure Aboriginal people contribute to water management in inland and coastal water catchment areas

The Department of Planning and Environment acknowledges the lands and waters of the Traditional Owners. The department pays respect to Elders past, present and emerging, and acknowledges sovereignty has never been ceded.

Background

Water is sacred to Aboriginal people, and we know from years of discussions with Elders and other representatives that they need to have more of a say in guiding water planning, so their rights and cultural values are considered at a local level.

The Aboriginal Water Program is forming the Regional Aboriginal Water Committees in direct response to program needs and informed by stakeholder feedback. This will ensure Aboriginal people have a voice in water management and reflects the program's commitment to meaningful and effective collaboration.

Purpose of the Regional Aboriginal Water Committees

The committees will help improve water management in NSW by giving greater recognition to Aboriginal water rights and interests, ensuring Aboriginal people can contribute to water management.

The committees are being established to:

- provide feedback and advice on water planning, programs and projects where Aboriginal rights and values must be considered
- provide a sounding board for the department in relation to reforms in water management in regional NSW

- involve Aboriginal people in water management discussions in a Regional Water Strategy Area or Water Sharing Plan area
- enable the information to be presented and shared in a culturally appropriate manner with the communities the committee members represent.

Each Regional Aboriginal Water Committee of up to 12 people will be regionally based and focus on a water catchment area. The committees consider Aboriginal Nations within those areas, with the understanding that they know and understand water issues best in their local region.

The committees will be supported by the Aboriginal Water Programs team which is led by the Director Aboriginal Water Programs. These Terms of Reference and are to be read in-conjunction with the Regional Aboriginal Water Committees Operating Guidelines.

Some of the expected community benefits provided by the committees is to:

- build new relationships across water
- share and enhance water knowledge in their communities
- increased Aboriginal community participation in water programs
- support the breakdown of barriers between the department and Aboriginal communities
- increase the confidence of Aboriginal communities with the department.

Functions of the committees

Each Regional Aboriginal Water Committee will have an advisory role to the department on issues relevant to its region. The committees will:

- empower Aboriginal communities to participate in water programs
- build new relationships across water
- ensure Aboriginal rights and values are considered in water planning, programs and projects
- enable exchange of water knowledge in regional communities
- assist the department staff to identify key stakeholders from a local Aboriginal community to be engaged and consulted where required
- share appropriate knowledge to benefit water management
- work in partnership with the department and other water agencies to contribute to water policy review and development.

Aboriginal perspectives

The Terms of Reference do not replace existing engagement with Aboriginal communities on water matters, and discussions with those who speak for Country. The intention is to make sure engagement with Aboriginal people and communities is streamlined and coordinated to decrease any consultation fatigue when water needs to be discussed.

The establishment of each committee should enhance the mechanism through which the department and other water agencies seeks advice or feedback on how services are providing Aboriginal cultural values and uses of water. It will be recognised that there are a range of Aboriginal members on committees to provide Aboriginal perspectives on the work before the broader, public consultation processes where they are necessary.

Facilitator

Initially, an independent facilitator will be appointed by the department in accordance with the procurement process. The facilitator's responsibilities include (but are not limited to):

- building understanding of the range of water projects being developed by the department amongst committee members
- building the relationship with and between stakeholder committee members, facilitating engagement between members and the department
- ensuring that everyone in the room gets an equal opportunity to provide their opinions and have their voices heard
- ensuring meetings are conducted in an orderly and respectful way.

Secretariat

As described in the Regional Aboriginal Water Committees Operating Guidelines, the department will provide secretariat support to the facilitator, including (but not limited to):

- assistance with scheduling of meetings
- event management including procurement and financial administration
- preparation of agendas and collation of associated papers
- distribution of meeting papers
- distribution of communications following each of the meetings providing a summary of the meeting outcomes
- assist the facilitator with planning future meetings.

Meeting agendas

Discussions at each committee meeting may include but are not limited to:

- Water Management Act 2000
 - Water Sharing Plans renewals (coastal and inland)
 - Water policy and strategy
- Commonwealth Acts and planning
- protecting Aboriginal cultural heritage with local water cultural knowledge, where agreed to and appropriate, adhering to Indigenous Cultural Intellectual Property principles
- environmental water: making recommendations on how it is used to protect cultural assets

- co-design principles as they apply to local Aboriginal communities
- all local water projects, programs and initiatives.

Values

Committee members will represent core values. The committees will be made up of a diverse range of community members and stakeholders. The stakeholders hold significant knowledge about the environment, as well as the cultural, social and economic features of local communities.

To ensure a functional and effective forum, values will be identified and adopted, guided by:

- a culture of respect and tolerance
- a commitment to innovation
- positivity and good humour
- a pledge of compassion
- a promise of inclusiveness
- a commitment to outcomes.

Code of Conduct

As described in the Regional Aboriginal Water Committees Operating Guidelines, meetings are to be cooperative forums promoting open and frank discussions. All discussions are to be conducted in a courteous and professional manner. All members are required to comply with the Code of Conduct. The code may be reviewed and amended by committee members as required.

Behaviour

Aggressive, intimidating, disrespectful or bullying behaviour will not be tolerated under any circumstances. Anyone who displays this behaviour will be removed immediately from the meeting and will not be able to participate in future meetings. This decision will be made by departmental staff or the facilitator.

Respect

Everyone should show respect for each other's roles and perspectives. This is including, but is not limited to, the following:

- members are expected to deal fairly, objectively, impartially and respectfully with all members of the group, department staff, staff of partner organisations/agencies and external presenters
- attend meetings prepared to make a constructive contribution; read all papers provided in advance of the meeting, and be attentive during the meeting
- be as open as possible about viewpoints and actions, being prepared to explain these, and avoid defensiveness when responding to constructive challenge or input

- allow everyone to take part without interruption, speaking over others or intimidation, respecting the contribution of others and, never being derogatory in speech or manner. Members should not use language which could be construed as discriminatory or offensive to others and should not use heated, emotional and value loaded language and behaviour
- allow conversation to move forward, sticking to the point under discussion
- not influence or dominate the meetings for own purposes or the purpose of a group organisation with whom a member is affiliated.

Breach of conduct

Any member who is suspected of breaching the Code of Conduct may be required to stop participating in activity/ies or meeting/s while the matter is investigated.

Transparency

Key documents supporting the meetings will be published online – including the Terms of Reference, panel membership and key outcomes from meetings.

Conflicts of interest

Members are required to declare to the respective committee any conflicts of interest that may impact upon their judgement including political affiliations, professional or financial interests, personal experiences around the subject matter and any other factor that may be of relevance. These will be captured in the minutes of the meeting. Potential conflicts may result in the need to enter into an agreement with the department about how to manage that conflict, or withdraw from discussion on a certain topic, or in extreme circumstances, to step down from the member role.

Accountability

Members should behave in a manner which is fair and respectful of other members of the group, department staff and external presenters. Members must always be explicit when they are attending an event or meeting about whether they are speaking in their capacity as member of the committee or the capacity of another role that they hold or expressing their own personal views as a public member. Members must not claim to speak on behalf of the committee members unless this has been agreed by other members of the group.

Responsiveness

Members and support staff will actively respond to items raised and act on them in a timely manner.

Attendance at meetings

Members who cannot attend a meeting will need to notify the department in advance of the alternate that will represent them at the meeting, and any perceived or actual conflicts of interest they may have.

Support

Members should have access to the support necessary to enable them to be involved and support informed decisions making. Members should communicate well in advance of meetings or activities with the committee and request any support.

Meetings

The Regional Aboriginal Water Committees will meet up to six times a year in an Aboriginal safe venue within their region. The Regional Aboriginal Engagement team will liaise with members of the committees and be guided by the most appropriate venues.

Required quorum

A quorum at a meeting is the majority plus one excluding the facilitator and departmental staff managing the meeting. The meetings will be resourced, arranged and supported by the department.

Drafting, monitoring and review

These Terms of Reference have been drafted for the establishment of Regional Aboriginal Water Committees across NSW. Each committee will have input into these Terms of References during the initial meetings to come up with text which they may wish to add or change.

In the principles of co-design, the department recognises that discussions on openness and transparency can enhance relationships with Aboriginal people.

Committees will be monitored and reviewed at intervals agreed between the committee and the department. The department will draft a monitoring, review and evaluation framework for each committee.

The committee and the department will review the Terms of Reference annually. Each committee will operate in a region based on a Regional Water Strategy area in the map below (refer to Figure 1).

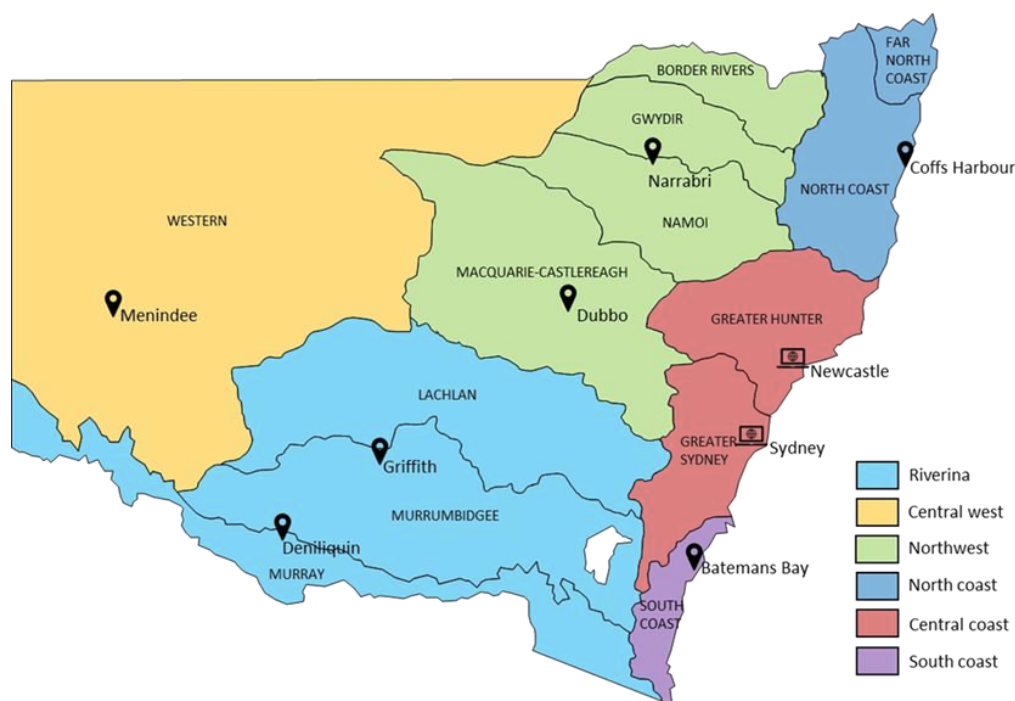


Figure 1: Map of New South Wales Regional Water Strategy areas

More information

For more information and to submit an expression of interest to become a committee member,

- visit water.dpie.nsw.gov.au/aboriginal-water-committees
- Email awp.engagementteam@dpie.nsw.gov.au
- Phone 1300 081 047.