

Department of Planning and Environment

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Regional Aboriginal Water Committees

Operating Guidelines

July 2023





Acknowledgement of Country

The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Regional Aboriginal Water Committees

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Foundations to acknowledge and recognise Aboriginal culture in water management

The Department of Planning and Environment has undertaken engagement with Aboriginal people and communities at different scales since the Water Management Act 2000 was drafted. Efforts have been made to hear what communities have to say about water and share knowledge of how it was managed and cared for over thousands of years to sustain everyday life that enhance culture.

This document will support the basic principle of ‘self-determination’, enabling Aboriginal people and communities to increase and improve their involvement in all water management discussions with government and other water users.

During recent engagements with Aboriginal people, communities shared the importance of water as a being sustainable to life, and that it benefits their spirituality, customary and economic use of land and water.

The theme of ‘Aboriginal voices being heard’ was heard loud and clear. This document sets a platform for that to happen through a contemporary ‘campfire’, that being Regional Aboriginal Water Committees.

Indigenous Cultural and Intellectual Property

In February 2023, the Department of Environment and Planning Secretary and Executive endorsed and adopted the departments Indigenous Cultural and Intellectual Property Protocol and Principles. These incorporate both tangible and intangible elements:

1. the object or material and the knowledge incorporated within it
2. the artworks and the iconograph and the cultural practice embedded within it.

The rights Aboriginal people have to their Indigenous Cultural and Intellectual Property are enshrined within International Law instruments. The United Nations Declaration on the Rights of Indigenous People to which Australia is a signatory, sets out the right Indigenous peoples of the world require for their survival, dignity and wellbeing.

Empowering communities

Water is a huge part of Aboriginal life. It has sustained Aboriginal people for thousands of years. It is the lifeblood of all communities. The knowledge and cultural practices that belong to community are important for government to understand and equally as important is the use of that knowledge in service delivery in strategy, policy and planning.

The department will need to gain an understanding of how it manages the information that belongs to Aboriginal people about water and those practices that were undertaken to sustain life becoming 'business as usual' in the way the Water Management Act 2000 is implemented throughout a water cycle. The information is undeniably a cultural and intellectual knowledge right, the challenge for government is for that to be recognised and become a tangible property that can be used upon agreement and the necessary agreement being made.

There needs to be recognition that Aboriginal communities have the right to have what they discuss screened with open advice given that there is not an obligation to tell us certain information. Sensitive information pertaining to women's and men's business is should be addressed in an appropriate manner. Departmental staff have had some experience hearing from communities about its importance.

The agreements and 'free prior informed consent' that Regional Aboriginal Water Committees will need to be aware of is something the department needs to ensue is delivered in the early processes of establishment. Issues such as costs related to information will need to be raised as will how to identify areas of significance along a river or other water body.

1 Establishment of the Regional Aboriginal Water Committees

1.1 Background

From 2018 to 2021 at almost 100 workshops, the Department of Planning and Environment engaged and consulted with Aboriginal people across NSW to discuss water management with a focus on planning, strategy and co-design. Importantly, at these consultations departmental staff discussed a number of principles which relate to contemporary water management and Aboriginal values and uses which display a coalescence of how water is used today.

Although the current Water Management Act 2000 has allowed water to be extracted at a rate which has been detrimental to the cultural rights of Aboriginal people, the department has made significant efforts to ensure there is recognition of Aboriginal water management knowledge as something that is considered and becomes embedded into modern water management practices.

The consultations have shown how the cultural significance of water spiritually, socially, emotionally and economically, and views Aboriginal peoples as stakeholders in the access and allocation of water should be recognised. What was clearly identified was the inequality in most aspects of how the act was administered and implemented to primarily focus on other users, leaving Aboriginal behind.

Throughout the consultations, several common themes emerged about how Aboriginal people have connection to water, how water is the lifeblood of the land and gives effect to the function of people along a river system and how reliant Aboriginal people are on water to carry out day to day life, practicing ceremony and culture. Aboriginal people have not had the same support from water management agencies as the rest of the community and what has been lacking from government are mechanisms allowing Aboriginal people to undertake what they have for thousands of years, culturally, socially, emotionally, economically and spiritually.

In 2022, the Aboriginal Water Programs team engaged an independent consultant, Alluvium Consulting, to draft an Aboriginal Engagement Framework Toolkit to 'recognised an Aboriginal Water Network that will strengthen the role of First Nations and Aboriginal people in water planning and management and deliver outcomes for people'. The report also outlines that the network be 'adaptive and inclusive' to Aboriginal cultural principles and inform future strategies. These are some of the foundations and purposes of an Aboriginal engagement framework. It goes on to say, 'the primary mechanism for developing the network is investment in relationships that support ongoing two-way dialogue that can last beyond the current funding and strategic direction'.

Another premise behind the establishment of the committees is that Aboriginal communities are being engaged in several department led program and projects, resulting in 'consultation fatigue'. Therefore, there is a need to streamline and coordinate efforts from all parts of the

department. Having one committee per region will mean all projects and programs can be delivered at a time which suits the community.

The Regional Aboriginal Water Committees will set a foundation for delivering on action from strategy and forecast the development of future strategy, building relationships with regular dialogue not just about particular issues or projects, but all water management issues.

1.2 Aboriginal voices being heard

From consultations in 2018, it is evident there has been a lack of involvement of Aboriginal in the management of water and what was being proposed and implemented across NSW did not include an “Aboriginal voice” among the modifications to water sharing and allocation across NSW. This was amplified during a time during a very long period of drought and in most parts of the state Aboriginal people were ignored and not prioritised in the water management system.

To get an understanding of the reasons behind the theme that “Aboriginal voices” needed to be heard, recommendations from Aboriginal engagements propose the department develops and establishes mechanisms to give Aboriginal people an avenue for discussion directly with government, a voice where being heard is done in a culturally appropriate gathering within local Aboriginal communities.

The establishment of the Regional Aboriginal Water Committees will represent Aboriginal people in regional NSW to begin the process of “hearing the voices” and result in the development of new relationships, enhancing those developed in recent times and result in inclusive water management practices being delivered across parts of the state where it previously left out our “oldest and first Australians”. It has been widely accepted that input into the management of our most vital resource has not been informed by the very people that had managed it for thousands of years and now the NSW Government is committed changing that.

1.3 Purpose of Regional Aboriginal Water Committees

The purpose of the Regional Aboriginal Water Committees is to provide advice to the department where it affects Aboriginal water rights. They will be a platform for which the department can use as a sounding board when it comes to reforms in water management in regional areas of NSW. At various times the department will require assistance with feedback and input into the many programs and projects where Aboriginal rights and values must be considered. The committees will allow the information to be presented and shared it in a culturally appropriate manner. This is something the department wants to ensure becomes business as usual.

The committees will participate in meetings arranged agreed by each committee. They will discuss the administration of water management policy, projects and programs as they apply to Aboriginal people. Another consideration for the committees will be Target 15C Closing the Gap Inland water, which states 3 per cent of water is to be owned by Aboriginal people. Exactly how

this is allocated and implemented is something that will depend on input and advice from each committee, either by Water Sharing Plan or Regional Water Strategy Area.

This purpose and criteria will assist the department to provide advice on water management practices to develop a fair and open process to communicate directly with Aboriginal people, in particularly relying on the support of a dedicated team for the successful support and engagement of Aboriginal community members. The department Interim Aboriginal Engagement Remuneration Policy will support how committee members are paid for their time and efforts to give advice to government on water management practices.

The department also wants to ensure that members on the committees are accepted in their community as an Aboriginal person and can represent their interests in the water space, having water knowledge and experience in engaging with both government and their communities.

The application of water management policy, projects and programs is described as delivery, implementation, development, improvement, enhancement, growth, expansion, review to and for First Nation/Aboriginal people across NSW.

Each Regional Aboriginal Water Committee will be supported by the Aboriginal Water Programs at the Department of Planning and Environment, led by the Director or Aboriginal Water and a support team specifically established for each Aboriginal Water committee. Discussions at each committee will include but not limited to:

- a. the Water Management Act v Aboriginal water cultural knowledge
- b. local water management issues
- c. co-design principles
- d. cultural heritage as it applies to water and intellectual property
- e. environmental Water
- f. water policy and periodic projects
- g. new water initiatives.

The department acknowledges that Aboriginal people know their communities better and have a connection to all water on country. The aims of the committees are for them to represent the cultural views and interests of their community both locally and regionally through a forum that can provide advice and give feedback on water management. They will be a conduit for sharing information between government and community ensuring communication is open and transparent.

1.4 Water literacy and cultural knowledge

The department will be responsible for providing all materials on the NSW Water Management Act 2000 and service delivery undertaken on all waterways in each region for each committee.

Where appropriate, the department will arrange several training and development sessions delivered by department subject matters experts. The aim is to make all committee members aware how water management works, ensuring:

- increased water management knowledge

- confidence in the department is increased
- barriers are broken down between staff and Aboriginal community
- co-design in water management practices is enhanced.

The department will ensure it is open to commentary from members of the Regional Aboriginal Water Committees. The knowledge and understanding goes back thousands of years and Aboriginal knowledge is invaluable to government.

As part of training and development, members will spend part of each meeting getting to understand the Water Management Act. In turn, the department will learn about Aboriginal cultural knowledge in land and water management and sustainability.

1.5 Cultural competency

The department Aboriginal Cultural Competency Framework, *Yurringka Thulu*, has been developed and approved for rollout across NSW. The Aboriginal Water Program will deliver the training face-to-face after staff have completed the department Aboriginal Cultural Competency Training online. A series of modules form part of the training package to assist staff in the delivery of services, projects and programs competently.

Staff capacity building for working with cultural capability in the workplace will address three priority areas - improving Aboriginal customer service and behavioural change in the workplace.

The new Regional Aboriginal Water Committees will support staff capability in the workplace through increased Aboriginal engagement opportunities, including:

- using the establishment of the committees to receive advice and enhance the cultural capability of staff
- building new relationships across water
- enhancing knowledge in real time.
- exposure to Aboriginal cultural values and uses of water
- increased Aboriginal community participation in water programs
- supporting the breakdown of barriers between staff and community
- attendance by staff across the department at committee meetings, e.g., supporting the Aboriginal engagement team with some secretariat tasks.

1.6 Recognised Aboriginal networks

In NSW, there are established and recognised Aboriginal Networks that operate in a number of different sectors delivering on different aspects.

The *Native Title Act 1993 (Cth)* has seen several Consent Determinations made since 1997 when the Dunghutti Peoples being the first one on mainland Australia. Those made since and the current list of active Native Title Applications will mean that department and Regional

Aboriginal Water Committees will need to include Aboriginal people involved and participating in Native Title in their region.

The NSW Aboriginal Land Council network is the biggest in NSW, with over 100 Local Aboriginal Land Councils (LALCs) operating and a strong membership of almost 20,000 people will only enhance and complement membership of the committees. Operating since 1983, LALC's have deep-seeded foundations which will need to be included when any discussions regarding water are arranged in each location. The department will target local and regional NSWALC networks when '*expressions of interest*' are advertised. The existing relationship built with LALC's and NSWALC will prove vital to the success of Regional Aboriginal Water Committees.

From 2018 to 2022, the department engaged with over 30 Aboriginal Nations to draft reports on Aboriginal values and uses for water as part of requirements under the Murray Darling Basin Plan. Draft reports have those values and uses firmly acknowledged within them were produced to inform 20 Water Resource Plans. The challenge for Regional Aboriginal Water Committees will be to acknowledge and use the information contained in the First Nations reports. The engagement undertaken over those years involved the Murray Lower Darling Rivers Indigenous Network and the Northern Basin Aboriginal Network. Both networks were funded by the Murray Darling Basin Authority and undertook accreditation functions for each Water Resource Plan, something the department is still working on.

2 Selecting members

The department wants to ensure an open and transparent process is conducted to select Aboriginal people participating on Regional Aboriginal Water Committees in NSW empowered through self-determination. The department is committed to establishing these committees and in appropriate cases, be guided by local Aboriginal people to include members using existing local networks based on a premise that Aboriginal people know their regions and communities best. There will be advertising for committee members through relevant and appropriate channels through an open expression of interest process. The department will ensure the committees are supported, informed and bring all resources to provide secretariat support for them.

2.1 Criteria for members on the committees

Aboriginal Identified person

This criterion is important to ensuring the committee has culturally appropriate representation and members are those that can participate in discussions that have authority and/or knowledge as a continuing descendant of a local area. They identify as an Aboriginal person, have the ancestral links and they are known as an Aboriginal person by the community. The department will rely on each location to support those people that wish to be on their local committee.

Reside in the local Nation/community they represent

To ensure a continuation of local knowledge and changes that have occurred in an area over a period, all Aboriginal people wishing to be a member and participate on the committee and attend meetings must reside within the Nation/community each committee represents.

Water knowledge and interest

Each Aboriginal committee member should have knowledge of local water issues of the region. The department acknowledges there is an Aboriginal cultural water knowledge to water management within a local area and that should be coupled with basic knowledge of how water is used, allocated, the infrastructure and some policy, strategy and planning of water on country. There will be required reading and in some instances government policy will be presented so time will be required prior to meetings.

Committed to participate

Each committee member will be asked to make a commitment to an agreed number of meetings per year and understand that there will be travel involved which is covered under the departments Remuneration Policy. The level of travel will depend on the size of the region. Each committee member will need to attend most meetings in a calendar year.

Partnership

Each committee member acknowledges the significance of this initiative and enter a partnership with the department to facilitate positive change that will benefit water management within the region. Each committee member will be endorsed by the Director Aboriginal Water Program.

Number

Each committee should consist of at least ten members with a maximum of twelve.

Period

The Regional Aboriginal Water Committees will operate for two years from June 2023 to June 2025.

2.2 Expression of interest process

The department will administer the expression of interest process to recruit Aboriginal people to Regional Aboriginal Water Committees. The Director of Aboriginal Water Programs will be responsible for guiding this process.

- A notice will be sent to Aboriginal community members advising the expression of interests are going to be advertised one week before they open
- Expressions of interest will be open for is four weeks
- No extensions of this period will be accepted after the closing date
- Each Aboriginal person will need to complete an expression of interest form and have another Aboriginal person not related to them witness their expression of interest
- The form must be emailed to awp.engagementteam@dpie.nsw.gov.au before the closing date.
- Applicants can request assistance from Regional Aboriginal Engagement team to help them complete the form
- Expressions of interest will be acknowledged upon receipt
- Expressions of interest will be assessed by a panel consisting of department staff, a member of the department Aboriginal Outcomes team and two independent Aboriginal members from Aboriginal Peak Organisations. The panel will ensure gender balance of two women and two men.
- Where there are more than twelve expressions of interest received in a region, the panel reserves the right to ensure there is coverage across a region and will conduct its selection, ensuring women, men, young people and Elders are included in membership of the committees.
- Where there are less than twelve expressions of interest, the panel will still conduct a review of them.

- If there are less than five expressions of interest received, the panel will need to decide on whether the number is representative of the region or not. At the discretion of the panel, there may be a need to re-advertise.
- The outcome from the assessment of the expressions of interest will be completed within two weeks.
- All people who submitted an expression of interest will receive a notification on the outcome of their application.
- The successful applicants will be sent Information regarding their responsibilities and an induction package prior to the Inaugural meeting of their Regional Aboriginal Water Committee.

2.3 Membership and functions

The committees will include local Aboriginal people across a region to represent the interests of their local community. They will be opened to interested Aboriginal people with knowledge of the Water Management Act but importantly possess intimate knowledge about their local and regional water issues. All positions on the committees will be remunerated.

Committees may:

- develop local governance which will assist -
 - policy and procedures on water use (surface and groundwater)
 - review the Terms of Reference document
 - develop a reporting framework
 - identify new datasets.
- establish partnerships with local water users, Native Title Bodies, LALC's and other government and non-government agencies where appropriate
- develop meeting schedules, in negotiated with the department and each committee on country within their specified water management area
- ensure their local/regional communities are adequately advised on water management issues.
- demonstrate commitment to their participation

2.4 Role of Regional Aboriginal Water Committee members

The role of the committees is to:

- attend up to six meetings and per year
- 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
- be a point of contact for the department in their community on water management issues locally and regionally
- read and consider information regarding water management within their region and the drafted for each meeting
- contribute to and participate in discussions regarding water issues in their region
- assist Aboriginal stakeholders to gain an understanding of the Water Management Act
- encourage community attendance at workshops
- at the end of 2023, elect an Aboriginal representative from the committee for the State Aboriginal Water Council.

2.5 Geography and Aboriginal Nations

The department recognises Aboriginal Nation boundaries as areas that are significant to culture. Traditionally, Aboriginal cultural aspects relating to land and water were important for the sustainability and continuation of practices for survival. Contemporary water management practices have not considered much of this, but there is room to operate in a system that can closely merge Nation boundaries with Regional Water Strategy areas.

Each committee will operate in a region based on Regional Water Strategy areas in the map below.



Current Aboriginal networks operate across the state and do so considering nation boundaries, for example LALCs, and although not perfect, there is room to work across Nations and Regional Water Strategy Areas.

Each committee will have a great understanding of their local networks and the department will take on advice how they work. Native Title Bodies, LALCs, Traditional Owners, Elders and other Aboriginal Community Controlled entities will prove vital to the committees being as diverse and informed as possible.

3 Operation of committees

3.1 Secretariat support

The department will administer all functions of the committees and provide administrative support. The Aboriginal Water Programs team will be responsible for undertaking the following:

- manage meeting arrangements (venue, catering, travel and accommodation)
- undertake meeting administration (agenda preparation, distribution of papers, minute taking, recording and follow-up on actions)
- coordinate and facilitate communication between members, using the methods most appropriate to each member
- be the central point of contact for all stakeholders
- keep accurate records
- store and manage data appropriately
- ensure members are inducted and their capacity building needs are met
- enable members to claim eligible reimbursements and entitlements
- facilitate and arrange approval of member appointments
- manage disputes and grievances appropriately
- co-ordinate regular evaluation of committees
- record and escalating conflict of interests.

The Aboriginal Water Programs team will make efforts to deliver on Actions from the NSW Water Strategy to be inclusive and enhance Aboriginal Cultural Competency across the department and involve other areas of the business to undertake some of these functions.

3.2 Meetings

Regional Aboriginal Water Committees will meet face-to-face up to six times per year from June 2023 to June 2025. These meetings will be scheduled to align with key program deliverables to ensure effective and productive use of time. Minutes from committees will be communicated to members and department staff for consideration in developing advice, ensuring Aboriginal voices are heard and deliverables on departmental commitments can be made.

Prior to these meetings, committee members will be expected to liaise with their networks, and to provide feedback to/from those networks to help inform robust program discussions.

Onsite engagement is an important part of understanding regional and local issues and committee members are required to attend most of the meetings in a year as part of their

participation ensuring their voice is heard. Any meeting will be designed to meet any accessibility needs and dietary requirements where applicable.

If online meetings are ever required, then department will organise.

3.3 Attendance at meeting and quorums

A quorum will comprise half the total number of members plus one. A meeting will not be convened without a quorum.

3.4 Recording of minutes and other material

Minutes of each meeting will be recorded and shared for consideration. All records will be kept in accordance with the department's Records and Information Management Policy and stored on the approved record management system.

The department will provide members with approved materials prior to each meeting. These materials will be approved for sharing with other community members for the purpose of generating discussion and gathering feedback to inform meetings.

All materials developed by committee members must be approved by the committee and the department prior to use or distribution.

3.5 Invited guests and observers

The Aboriginal Engagement Manager may invite guests to participate in meetings as requested by either the department or another area of government.

If a Regional Aboriginal Water Committee wishes to invite guests or observers, it must be because of an action or decision from the committee and their role and purpose at the meeting must be clearly stated and understood. They may be expected to present information to the committee, respond to questions and participate in discussion relating to the topic.

Guests and observers are to show courtesy and respect all members of the committee.

3.6 Sample meeting agenda

A sample agenda for a Regional Aboriginal Water Committee meeting is below.

- Welcome to, or Acknowledgement of, Country
- Declaration of any conflicts of interest
- Program updates and overview from relevant agencies
- Update on key program/project components
- Discussion of key program components:

- Aboriginal Water Strategy
- Water for the Environment
- Water Sharing Plans
- Groundwater update
- Any other business.

3.7 Responsibility of individuals

Regional Aboriginal Water Committees have an obligation to the public interest. It is essential for members to demonstrate a standard of conduct and ethics that maintains the confidence and trust of program Director as well as those in the broader community who may be affected by reference group activities.

3.8 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.

3.9 Respect and acknowledgement

Regional Aboriginal Water Committee members are expected to maintain professional standards of conduct and ethics. While carrying out committee activities, members must:

- behave honestly and with integrity
- act with care and diligence
- make the necessary commitment of time to ensure they are fully across reference group matters and well prepared for meetings
- treat other meeting participants with respect and courtesy, and display a cooperative approach to discussions
- observe confidentiality and exercise tact and discretion when dealing with sensitive issues
- express their views clearly and concisely
- contribute to discussion in an objective and impartial manner and avoid pursuing personal agendas or self-interest
- be prepared to consult with and listen to others.

At all times Regional Aboriginal Water Committee members must refrain from:

- discrimination against any person because of race, ethnic or national origin, sex, age, marital status, pregnancy, disability, transgender grounds, sexual preference, political or religious beliefs or responsibilities as a carer. Such discrimination may be unlawful.
- bullying, which means behaviour that is repeated, unwelcome and unsolicited, considered offensive, intimidating, humiliating or threatening by the recipient or others who are witness to or affected by it.
- other inappropriate behaviour, such as harassment, vilification or victimisation, or aiding or permitting any bullying, discrimination, harassment, or other such conduct.

3.10 Public and media statements

The Regional Aboriginal Water Committees will deal with issues that could generate public and media interest meaning members may be approached by the media for comment.

To achieve consistency in the information being presented, all members that receive requests for public statements should get the reporters details and pass them on to the Director Aboriginal Water Programs who will coordinate any media comment through the department media team.

No committee member will be permitted to provide media comment relying on their position as a member without prior approval of the program Director. All department media and communications protocols must be adhered to by committee members.

It is acknowledged that a level of communication freedom is required to enable committee members to discuss certain issues with their declared stakeholders to provide sound advice during reference group discussions, rather than opinion, wherever possible.

Reference group members may seek input and feedback from declared stakeholders on relevant matters to identify issues, concerns and opportunities regarding matters which have not been previously identified as being confidential.

3.11 Privacy

The membership of the Regional Aboriginal Water Committee will be publicly available however personal or organisational contact details will be maintained by the department and will only be shared with committee members to facilitate good communication, and with NSW Government officers who need to contact members in the course of their work.

Members can access and request changes to their contact details.

Volunteered personal information (for example, opinion recorded in approved minutes) may be used by the department. The program's privacy policy applies to the committees and the department staff who may have access to private information as part of their role. Committee members are also expected to treat personal information expressed in meetings as private.

3.12 Conflicts of interest

Conflicts of interest must be disclosed and addressed by the Director Aboriginal Water Programs in a transparent way and in accordance with standing departmental policy.

A conflict of interest arises in relation to a person's duties as a member of the committee, for example:

- the member has interests which could improperly influence the performance of his or her responsibilities as a member
- there is the potential for a member to personally benefit or provide benefits to associates from access to non-public information, or the results of non-public discussions, or decision-making processes.

Members must mitigate conflict of interests by:

- disclosing any actual or perceived conflict of interest which may exist as soon as they become aware of the issue
- declaring any actual or perceived conflict of interest on any agenda item at the start of the relevant meeting. The relevant interests in question, and the proposed mitigation actions if any, are to be recorded in the minutes of the meeting

- not participating in discussions, being excused from the room, and not voting on any issues where an actual or perceived conflict of interest has been identified.

Conflicts of interests that cannot be effectively mitigated may give rise to dismissal from membership to the reference group.

3.13 Remuneration

All members of Regional Aboriginal Water Committees will be remunerated as per the Interim Aboriginal community engagement guideline (approved 3 June 2022).

Equal sitting fees will be paid to Regional Aboriginal Water Committee Members for their participation in meetings and as recognition of their value and expertise. Sitting fees have been set to align with guidance contained in the Public Service Commission Classification and Remuneration framework. A full day will be paid for meetings of four hours or more duration. Half-day sitting fees will be paid for meetings of less than four hours.

Sitting fees have been set at \$220 per day and \$110 per half day for members.

An allowance equal to the sitting fee rate (\$220 per day) will be paid for one day of engagement with declared/disclosed stakeholder networks prior to each of the two face-to-face reference group meetings.

3.14 Expenses

Bookings and payment for travel and accommodation is to be arranged by the Aboriginal Engagement Manager directly. The Director Aboriginal Water programs will confirm expenses align with departmental requirements.

In exceptional circumstances, where arrangements cannot be made by the Manager Aboriginal Engagement Manager, the actual costs of travel, accommodation and meals for reference group meetings and any other related business approved by the department may be reimbursed to members. Where this is the case, a substantiated rationale must be provided by the member to the Aboriginal Engagement Manager for approval.

3.15 Accommodation and meals

The department will reimburse all accommodation and meals for meeting participation.

3.16 Use of private vehicles

A member may claim reimbursement for use of a private motor vehicle for approved related travel. The Aboriginal Engagement Manager is responsible for providing information and forms.

Motor vehicle owners are covered by their comprehensive insurance for use of their vehicle when attending reference group meetings. However, Treasury policy dictates the owner must have:

- a certificate of registration with 'green slip' insurance
- a valid driver's licence
- comprehensive motor vehicle insurance, which indemnifies the department against any loss or damage occurring while the vehicle is on official business.

The department requires copies of this documentation before it can authorise members for use of personal motor vehicles. Reference group members are responsible for advising the department of any changes to this information and providing an annual update. Payment of the motor vehicle allowance is dependent on the indemnity of the department in the vehicle's comprehensive insurance policy. Insurance companies are usually willing to add this indemnity to a policy as a matter of course.

Reimbursement of private motor vehicle usage is made on an annually adjusted rate per kilometre, as listed on the department's travel expenses claim form. Payments made up to 5,000 kilometres have a tax-free threshold, while payments over 5,000 kilometres are fully subject to tax.

3.17 Extra expenses

Extra expenses (such as alcohol, accommodation mini bar, entertainment, etc.) will not be reimbursed.

3.18 Monitoring, review and evaluation

Review and evaluation of Regional Aboriginal Water Committees will occur regularly (annually subject to ongoing funding).

3.19 Review of the Terms of Reference

Review and evaluation of Regional Aboriginal Water Committees Terms of Reference will occur regularly (annually subject to ongoing funding).

4 Related documents

- Regional Aboriginal Water Committees Terms of Reference (July 2023)
- Regional Aboriginal Water Committees fact sheet (July 2023)
- Regional Aboriginal Water Committees expression of interest form (July 2023)
- Regional Aboriginal Water Committees presentation (July 2023).