

Joint private works schemes – Stakeholder Advisory Panel Terms of Reference

September 2022

Context

Joint private works schemes (JPWS) were established in the first half of the 1900s to enable landholders to manage shared infrastructure to provide water or provide drainage of land. Governance of JPWS has not substantially changed since they were first established. This means the current legislative framework is administratively cumbersome for schemes.

Initial targeted consultations conducted during March and April of 2022 show that the *Water Management Amendment Act 2010* (2010 Amendment) would address the majority of challenges currently faced by schemes and would be supported by schemes.

Purpose

The purpose of the Panel is to provide a structured forum for schemes and the department to work together and develop regulations and rules that would be suitable for scheme administration under the 2010 Amendment. In particular:

- address issues that would be useful for scheme administration and enable schemes to meet legislative requirements
- provide collaboration between schemes through a better understanding of the issues that other schemes are facing
- develop stakeholder knowledge of the rules and regulations for implementation
- improve departmental knowledge of schemes and to better support schemes in meeting legislative requirements.

The Panel's purpose is to advise and inform DPE Water in the development of regulations and rules rather than make decisions.

Membership

The Panel members will be drawn from:

- Hay Private Irrigation District
- Anabranch Water Private Water Supply & Irrigation District
- Narromine Irrigation Board
- Combined Bore Water Trust
- Nidgery Weir Trust
- Anna Bay Drainage Board

- Artesian Bore Water Trust
- Tweed Drainage Council
- Staff from DPE Water

From time to time, other user and stakeholder groups may be invited contribute to discussions on specific issues affecting regulations.

Attendance of persons, other than nominated members, are to be made known to the Chair prior to each meeting.

Meetings

1. Meetings will be chaired by the Project Director, Department of Planning and Environment.
2. Meetings will be via an appropriate web or phone-based platform unless otherwise agreed. Online and phone facilities will be available for all meetings.
3. DPE Water will provide secretariat support to the Panel including preparation of agendas, circulation of minutes as soon as practical to members for comment. Minutes (and actions list) will be confirmed by members at the next meeting.
4. Views stated by panel members will not be considered formal positions of their organisations unless clearly stated. Where formal and considered positions of organisations are sought, adequate time will be provided to allow panel members to consult within their organisation.
5. Agendas, representatives, meeting summaries and relevant supporting material will be published online.
6. Frequency of meetings will be at least three times over the next six to eight months.

Confidentiality

By default, information and documents provided to the Panel are able to be shared freely, unless specifically requested to remain confidential. Where confidential or sensitive material is discussed or not able to be shared publicly, this will be documented in the meeting minutes.

Members are expected to remain respectful of one another and use their discretion to ensure all members are able to engage in robust and constructive discussion without fear of misrepresentation.

Roles and Responsibilities

Chair

1. Convene meetings.
2. Effectively organise and direct business to enable the Panel to meet the Terms of Reference.
3. Ensure respectful participation by representatives in debate and facilitate discussion within meetings.
4. Sharing relevant documents for discussion and publication of documents as appropriate.

Panel Members

1. Attend and actively participate in meetings by providing their own experience and knowledge or that of their member organisation while not representing any particular interest group.
2. Ensure that the focus of all contributions is towards improving collaborative water management in NSW.
3. Make the necessary commitment of time to ensure they have sufficient information to participate in matters for consideration by the Panel.
4. Keep their respective organisations briefed on the discussions and outcomes from the Panel, and, if required seek feedback or direction from within their organisations.
5. Treat other representatives of the Panel fairly and respectfully, with proper regard for their rights and obligations.
6. Treat information and documents as sensitive and confidential where requested.

Government members

1. Engage in open dialogue with the Panel
2. Provide information and technical support to the Panel to enable discussion
3. Ensure all actions and questions on notice are promptly followed up.
4. Treat members of the Panel fairly and respectfully, with proper regard for their rights and obligations.
5. Support the Chair in his or her role.
6. Treat information and documents as sensitive and confidential where requested, noting that records held by the Government may at times be legally required to be made public even if requested to remain confidential through the Government Information (Public Access) Act and parliamentary calls for papers.

The Chair and all representatives on the Panel are required to comply with the Ethical Framework for the government sector under the *Government Sector Employment Act 2013*, the NSW DPIE Code of Ethics and Conduct, NSW Government Boards and Committees Guidelines, and this Terms of Reference.

The Ethical Framework is available at:

<https://www.psc.nsw.gov.au/culture-and-inclusion/workplace-culture/the-ethical-framework>

The NSW DPIE Code of Ethics and Conduct is available at:

https://www.dpie.nsw.gov.au/___data/assets/pdf_file/0009/297108/DPIE-Code-of-Ethics-and-Conduct-External.pdf

The NSW Government Boards and Committees Guidelines is available at:

<https://arp.nsw.gov.au/m2013-06-nsw-government-boards-and-committees-guidelines>