



Department of Planning and Environment

Snowy Advisory Committee

Terms of reference



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1. Introduction

The Snowy Advisory Committee (SAC) is part of NSW's approach to sustainable and integrated management of water resources for the benefit of present and future generations. The SAC is a vehicle for government and community partnership in using environmental water for beneficial environmental outcomes while having regard to achieving complementary community and cultural benefits. The SAC assists government to continue to meet the commitments made under the *Snowy Water Inquiry Outcomes Implementation Deed 2022* (SWIOID).

1.1 Statutory provisions

The SAC is established by the NSW Government under the *Snowy Hydro Corporatisation Act 1997* (NSW). Formally, under s 57(2) of the Act, the SAC advises the Water Administration Ministerial Corporation (WAMC) on the timing and pattern for the release of water for environmental reasons under the Snowy water licence. The Minister for Water, Property and Housing has delegated WAMC functions to the Department of Planning and Environment – Water. The advisory function of the SAC is given practical effect through the Environment and Heritage Group (EHG) within the Department of Planning and Environment (the department). EHG considers that advice in making its annual recommendations to Department of Planning and Environment – Water on the management and planning of Snowy River increased flows (SRIF) and Snowy montane rivers increased flows (SMRIF). Department of Planning and Environment – Water then incorporates those recommendations into the development of a Snowy annual water operating plan implemented by Snowy Hydro Limited.

The SAC terms of reference do not conflict with the statutory provisions and have a purpose to elaborate on the functions of the committee in an accessible manner.

1.2 Additional provisions

The *NSW Government boards and committees guidelines* (DP&C 2015) are a basis for these terms of reference and accompanying committee procedures. Establishment of the SAC will also comply with relevant Department of Premier and Cabinet memoranda, circulars and Public Service Commission directives.

1.3 Snowy Water Inquiry Outcomes Implementation Deed

The SWIOID is a legal deed entered into by the NSW, Victorian and Australian governments in 2002 to give effect to the outcomes of the Snowy Water Inquiry in 1998 and the corporatisation of the Snowy Hydro Scheme. The deed includes the water recovery targets for the SRIF and SMRIF programs' heads of agreement. Under the SWIOID, reviews of the Snowy Water License are required on the fifth anniversary of the June 2002 corporatisation date, and then every 10 years thereafter.

The SWIOID captures the outcomes of the public inquiry agreed by the governments and reflects the hydrological and socioeconomic objectives for environmental flows to be delivered to the Snowy River below Jindabyne, and to various sections of montane rivers diverted by the Snowy Scheme. It is the base documentation from which various implementation arrangements have been drawn and projects an expected recovery of the natural health of each river from its pre-corporatisation diverted condition.

2. The role of the Snowy Advisory Committee

2.1 Objective of the Snowy Advisory Committee

The objective of the SAC is to advise the NSW Minister administering the Snowy Hydro Corporatisation Act (currently the NSW Deputy Premier) via the offices of the WAMC / Department of Planning and Environment – Water and EHG on a pattern of environmental water releases to the Snowy River and the Snowy montane rivers to maximise ecological benefit while mitigating risks of adverse impact.

The SAC assimilates a range of knowledge and experience from communities and government agencies and will strive to reach consensus in formulating advice.

Its recommendations will be provided to EHG and will include a report on whether unanimity was reached. If unanimity is not possible, the range of opinions will be tabled and the majority position noted.

In the deliberation of issues, the SAC will:

- consider many points of view
- reflect on local contexts
- refer concerns through the proper channels
- seek more information when needed.

2.1.1 Scope of the Snowy Advisory Committee

The area subject to SAC advice is defined by the Snowy Hydro Corporatisation Act, as anticipated in the SWIOID, and is focussed on the environmental water available annually for release provided for by the SRIF and SMRIF.

The SAC may provide other advice to EHG where it relates to their role and objectives. However, the SAC is not involved in water allocation and the SAC is not a forum to debate water recovery or make claims for water allocation.

The SAC may be approached for advice on particular relevant issues by the NSW Government where its membership and expertise may add value to the analysis of those issues by the NSW agencies.

2.1.2 Responsibilities to the Snowy Advisory Committee

The Department of Planning and Environment – Water is responsible for advising on the volume of water available for environmental releases for the forthcoming water year and for leading communications relating to expected releases, unless that communication is assigned to EHG.

EHG is responsible for providing advice on the release of environmental water available under the SRIF and SMRIF in consultation with the SAC, and with relevant agencies and stakeholders.

Actual environmental water releases may take other information into account and may not closely reflect the final advice of the SAC.

EHG will provide administration and support to the SAC as the primary vehicle for localised, informed, community input on these environmental flows.

2.2 Task of the Snowy Advisory Committee

The task of the committee is to provide vital community, indigenous and technical expert input to the design on the timing and pattern of the release of environmental flows to the Snowy River and Snowy montane rivers, to ensure their ongoing health.

Its advice is expected to provide added value to the pursuit of ecological objectives by bringing consideration of cultural, community and economic co-benefits to the ecological objectives of these environmental flows.

The SAC has no statutory authority beyond its advisory function.

2.2.1 Advice

The advice sought from the SAC is in relation to the management of environmental water. Advice may include ecological, technical, political, social and cultural considerations if they affect the ability of NSW agencies and others to maximise environmental outcomes.

The premise for an advisory group is to bring together and respect a number of different sources of knowledge, and have these considerations deliberated by those who have committed to achieving an outcome.

The advice will be the culmination of a discussion that considers the available water for environmental release, the pattern of recent flows, the restoration and recovery outcomes sought, overlain with consideration of opportunities, constraints and risks.

2.2.2 Consensus decision-making

Led by the chairperson, SAC members should strive to reach a consensus in relation to the advice produced by the group.

For consensus to be reached, the decision-makers should be satisfied that the issue has been fully canvassed and that the proposal is, at the least, acceptable to all, and consistent with the SAC objective (2.1 above).

Where consensus cannot be reached, decisions and recommendations reported to EHG will include information on the range of opinions or logic and the majority position.

2.2.3 Deliverables

The SAC will provide the following to the EHG:

1. Contribution to the specification of objectives, priorities and targeted outcomes for use of the available environmental water in the next water year. This is usually expressed as a desirable pattern of release of environmental water from various locations across the Snowy Hydro Scheme throughout the year.
2. The SAC is required to provide this advice to EHG by the beginning of February each year. This advice will form the basis of consideration for Department of Planning and Environment – Water to issue a draft annual water operating plan to Snowy Hydro Limited, and for EHG to prepare an **annual environmental water release plan**.
3. The SAC will advise EHG in a timely manner where it sees an advantage to alteration of the objectives, priorities and targeted outcomes in the **annual environmental water release plan**. This may arise due to a change in circumstances or as a result of new information or agreements reached.
4. Where the advice of SAC is sought by government in relation to a related or relevant matter, that advice will be brought to a point of recommendation by the chairperson working with the SAC members and provided to the EHG.

3. Membership

Initially, the Minister administering the Snowy Hydro Corporatisation Act will appoint the members and chairperson to the SAC.

Membership is based on the contribution members make to fulfil the objective of the SAC.

Functional representation and meeting efficiency are the main drivers for membership. Membership will also find a balance that considers diversity and localism. The SAC is made up of 8 members representing Aboriginal, local community, environmental interests, NSW and Victorian government specialists and an independent chairperson.

The NSW Department of Environment and Planning – EHG convenes the SAC and also participates as a member.

The appointment of new members will follow the NSW Government's *Appointment standards: boards and committees in the NSW public sector* (PSC 2013).

4. Member roles and responsibilities

4.1 All members

Refer to the position description for SAC member, attached.

4.2 Chairperson

Refer to the position description for SAC independent chairperson, attached.

4.3 Executive officer and executive support

Induction, secretariat and administrative support will be provided to the SAC by EHG. The SAC executive officer will:

- manage meeting arrangements (hire meeting venues and catering, assist with travel and accommodation)
- undertake meeting administration (agenda preparation, distribution of business papers, minute taking and follow-up on actions)
- coordinate and facilitate communication between members, using the methods most appropriate to each member
- ensure members are inducted and their capacity-building needs are met
- facilitate members' claims of eligible reimbursements and entitlements
- keep and manage records.

4.4 Snowy Advisory Committee observers (invited guests)

The chairperson, via the executive officer, may invite guests to meetings. The chairperson must ensure that any guest's involvement adds value to the discussion and does not impede the operation or effectiveness of the group, and ensure that the role and purpose of the guest at the meeting is clearly understood.

Observers may be invited to meetings and be expected to present information to the group, respond to questions, and participate in discussion relating to the topic. Observers should

reflect on how any presented information can help SAC members fulfil their advisory function.

Observers are required to:

- follow meeting protocols
- follow the code of conduct (including conflict of interest) and grievance procedures
- abstain from any decision-making.

Induction material may be used for the information of an observer who attends multiple meetings.

Inviting observers to meetings can be a useful tool to allow community representatives and technical experts to view the SAC process, have an opportunity to provide technical perspectives and insights, and to broaden the audience of environmental water management.

5. Governance and operational guidance

5.1 Code of conduct

The department's *Code of ethics and conduct* (DPE 2022a) applies to all employees of the agency and also to members of boards and committees. The code of conduct guides conflict of interest, confidentiality, public comment and other areas. The code should be included with induction materials and be accepted and endorsed by all SAC members.

5.2 Privacy

As part of SAC operations, volunteered personal information (for example, opinion recorded in approved minutes) may be used by EHG. Personal information is collected for internal use and distributed internally to those who need the information for their work. SAC members can access and correct their private information by request. The department's *Privacy management plan* (DPE 2022b) is applicable to the SAC and EHG staff who may have access to private information as part of their role.

5.3 Workplace health and safety

SAC members fall within the requirements of EHG work health and safety obligations and are encouraged to engage in SAC meetings and related activities on the understanding of shared responsibility for maintaining a safe work environment as envisaged by the NSW Workplace Health and Safety Regulation 2017.

EHG will identify and seek to avoid or mitigate hazards to reduce risks where reasonably practicable to do so. EHG will provide SAC members with an appropriate induction including a job safety analysis and/or job safety briefing where applicable, and instruction in relation to avoidance of workplace hazards as relevant. Where necessary, EHG will request members to provide, or arrange on their behalf, suitable standard of clothing or personal protective equipment to mitigate potential workplace risks, such as during field inspections.

5.4 Grievance procedures

Grievances may include:

- reports of third-party impacts of environmental watering
- grievances within and about the operation of the SAC
- complaints about EHG or the chairperson.

These are addressed separately in SAC grievance procedures, attached.

For allegations of corrupt conduct or maladministration, refer to the *Code of ethics and conduct* (DPE 2022a).

5.5 Snowy Advisory Committee review of the terms of reference

These terms of reference should be reviewed 5 years from the date of approval. These terms of reference should be published in accordance with the NSW Government's Open Government policy.

6. Administrative arrangements

6.1 Meetings

Meetings will be closed to the general public. The chairperson and executive officer will determine meeting locations and times in consultation with members. The full committee must meet not less than twice a year and may meet up to 4 times per year including by video conference/teleconference, unless specific circumstances warrant variation. To meet the February deadline for draft annual environmental release plans, the relevant planning meeting should occur by 31 January each year.

6.2 Attendance and quorum

A quorum will comprise of half the total number of members plus one. At least one community representative and one representative of government agencies should be present. A meeting will not proceed without a quorum.

6.3 Snowy Advisory Committee records

An accurate record of the proceedings of every meeting, business papers, and related correspondence shall be kept by the executive officer and entered into EHG management system. Particular attention should be paid to decision points, and the proper recording of consensus or dissenting views.

All meeting materials should be provided to each committee member in advance of and as soon as practicable after each meeting. Abridged or redacted meeting records may be used for a broader audience.

6.4 Snowy Advisory Committee communications

EHG SAC executive officer will work to develop a SAC communications and engagement strategy for the agreement of the SAC.

SAC members are encouraged to discuss the agreed outcomes of SAC deliberations with the communities or organisations that they represent.

Communications and engagement resources may be made available for the SAC to conduct its business, including a post-meeting communique prepared in consultation with the chairperson for public issue.

The chairperson will be encouraged to provide a public voice to summarise SAC outcomes at opportunities facilitated by the department's communication managers.

Where available, department staff will provide communication resources to SAC members to increase the ease of communicating outside of meetings.

6.5 Representation at other meetings

The SAC may occasionally be asked to provide the chairperson or another agreed delegate to other meetings and forums for the purpose of ensuring that the business of the SAC is shared, or that other information is distributed back to the SAC audience.

When representing the SAC, the delegate is expected to supply current and accurate information relevant to their expertise and SAC dialogue to add to the discussion. If a member delegate is not comfortable to express views on behalf of the SAC that member should ask the SAC chairperson to find a replacement.

Where the chairperson or a SAC member is invited or delegated to attend other meetings as a representative of the SAC, approval must first be granted by EHG prior to any related expenses being incurred.

6.6 Induction and capacity building

EHG is responsible for providing induction materials to new members to allow them to participate in SAC meetings. Capacity-building activities may also be programmed by EHG to aid in improvement of member participation. Members can request information or learning activities for this purpose.

6.7 Snowy Advisory Committee sitting fees

Sitting fees will be paid to SAC community participants as recognition of their value and expertise, and to support member retention and group functionality.

Sitting fees are determined by the Public Service Commissioner, following classification of the SAC as a statutory committee (see *NSW Government boards and committees guideline*). Following appointment described in *Appointment standards: boards and committees in the NSW public Sector*, sitting fees can be paid at the recommended rate (see PSC for current rate at Level C2). A full day will be paid for meetings of 4 hours or more duration. Half-day sitting fees will be paid for meetings of less than 4 hours.

All remuneration will be subject to pay-as-you-go (PAYG) tax and will be reported as a salary cost. Sitting fee payments can only be made in the name of the member but can be remitted directly to a nominated bank account of a partnership, company or trust. PAYG tax will be withheld from the amount due.

If a sitting fee is paid to an organisation, a tax invoice will be required before payment can be made.

Public sector employees appointed to NSW government boards and committees do not receive remuneration.

6.8 Snowy Advisory Committee chairperson stipend

The chairperson of the SAC is entitled to an annual stipend for their services rendered to the committee and to the government in providing the advice of the committee or related activities such as meetings or media presentations.

The amount of stipend is advised available on request through the Department of Premier and Cabinet's GOView database consistent with the *NSW Government boards and committees guideline* and is available to the chairperson as a periodic payment made through the department's payroll.

All remuneration will be subject to PAYG tax and will be reported as a salary cost. Sitting fee payments can only be made in the name of the member but can be remitted directly to a nominated bank account of a partnership, company or trust. PAYG tax will be withheld from the amount due.

7. Expenses

Certain reimbursements are available related to the actual costs of travel, accommodation and meals for SAC meetings and any other committee-related business approved by EHG.

- Members who are government employees will arrange for costs to be met by their respective agency.
- Members who are employees of the organisation they are representing may be reimbursed directly or choose to have the reimbursements paid to the organisation, or alternatively forego reimbursement.
- Other members will be reimbursed for the actual cost of travel, accommodation and meals associated with their role on the committee or will have those needs provided by EHG.

Where possible, bookings and payment for SAC travel and accommodation should be made by the executive officer.

7.1 Claims

In order to claim reimbursement, members should provide original receipts or a tax invoice (for expenses of more than \$50). A tax invoice is a receipt that shows good and services tax (GST) and Australian business number (ABN).

Members are personally responsible for payment of their taxation obligations and meeting the Australian Tax Office requirements. Members are advised to keep all receipts necessary for their tax records and to be aware of the allowance limits regularly updated by the Australian Tax Office.

Reimbursements will be limited to the maximum daily amounts updated annually by the Office of Finance and Services. Rates can be found via *the NSW Government boards and committees guidelines* published by the Department of Premier and Cabinet.

7.2 Accommodation and meals

Approved accommodation and meal expenses necessary for meeting attendance will be reimbursed or covered by EHG.

7.3 Air, rail, taxi and bus fares

Where members have booked and paid for their own flights, used air tickets (boarding passes) and original tax invoices will be required with the reimbursement claim. Reimbursement will be for the value of economy class travel.

Rail, taxi and bus fares up to \$50 in value may be claimed by submitting tickets or taxi receipts (tax invoices are required for any expenses over \$50).

Standard travel claim forms will be provided by the executive officer.

7.4 Use of private motor vehicles

A member may claim reimbursement for use of a private motor vehicle for approved SAC related travel. The executive officer will provide guideline information and forms.

Motor vehicle owners are covered by their comprehensive insurance for use of their vehicle when attending SAC meetings, but only where the owner has:

- a certificate of registration with green slip insurance
- a valid and current drivers licence
- comprehensive motor vehicle insurance, which indemnifies EHG against any loss or damage occurring while the vehicle is on official business.

EHG requires copies of this documentation before it can authorise members for use of personal motor vehicles. SAC members are responsible for advising EHG of any changes to this information and providing an annual update. Payment of the motor vehicle allowance is dependent on the indemnity of EHG 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 EHG travel expenses claim form. Payments made up to 5,000 kilometres have a tax-free threshold, while payments in excess of 5,000 kilometres are fully subject to tax.

7.5 Use of personal light aircraft

Committee members who choose to use personal light aircraft to travel to meetings may be reimbursed for travel costs to the meeting, subject to prior approval of EHG, based on an equivalent cost of motor vehicle travel.

7.6 Extra expenses

Extra expenses (clothes, alcohol, mini bar, entertainment, etc.) will not be reimbursed.

8. References

- Department of Planning and Environment (DPE) (2022a) *Code of ethics and conduct* (PDF 427KB], DPE, Parramatta.
- DPE (2022b) 'Privacy management plan', DPE, Parramatta.
- Department of Premier and Cabinet (DP&C) (2015) 'NSW Government boards and committee guidelines', NSW Government, Sydney.
- Public Service Commission (2013) Appointment standards: boards and committees in the NSW public sector [PDF 291KB]', Public Service Commission, Sydney.