

# Port Kembla Harbour Environment Group

## Terms of Reference

Our engagement approach is guided by the IAP2<sup>1</sup> Participation Spectrum, which helps define the community's role in an effective participation process. While most of our engagement takes place in the range of 'inform' to 'involve', we aim to broaden our current engagement program to include opportunities to 'collaborate'.

	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

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### NSW Ports engagement principles

In keeping with our engagement objectives, we have developed a set of engagement principles which will assist in building stakeholder and community trust. These principles have been informed by stakeholder and community feedback from NSW Ports' 2019 Reputation Research, and include:

1. **Clear and timely information** - we will provide clear and prompt information about key initiatives and developments taking place within the port or intermodal precincts where we can.
2. **Meaningful and genuine** - we will facilitate genuine opportunities to listen to, understand and respond to the needs, ideas and concerns of our stakeholders and the community.
3. **Better together** - we will work constructively with our stakeholders and the community in the interest of securing sustainable and efficient port supply chains for the people and businesses of New South Wales, whilst minimising the impact our business has on the environment and the communities in which we operate.
4. **Open and transparent** - we aim to proactively and openly engage with stakeholders to ensure a coordinated and transparent approach.
5. **Adaptable** - we will be flexible and willing to adapt based on stakeholder feedback.

<sup>1</sup> International Association for Public Participation (IAP2) Framework

## Purpose

Stakeholder and community engagement is an important part of NSW Ports' strategic thinking, operations and our decision-making process. Our involvement in the Port Kembla Harbour Environment Group provides a forum to promote information sharing, consultation and collaboration between NSW Ports, port and intermodal tenants, the local community, government agencies and local councils on intermodal operations, developments, initiatives and issues. This forum also enables committee members to provide feedback on the business' operations and activities.

The Port Kembla Harbour Environment Group (PKHEG) was formed in 1998 from the previous Port Kembla Harbour Catchment Management Committee as a forum for port stakeholders and community to work collaboratively towards a sustainable and healthy waterway and harbourside environment. The Group meet bi-monthly to exchange information and promote the achievement of environmental goals for Port Kembla Harbour and its surrounding community. It also aims to contribute to general awareness & understanding of the harbour environment and associated issues within the catchment, facilitate the completion of appropriate research and monitoring activities with analysis and dissemination of the results and stay abreast of environmental policy, regulations, guidelines and management practices of relevance to the harbour and its catchment.

## Operating Arrangements

### 1. Membership criteria

NSW Ports seeks membership that reflects the community demographics and interest groups as closely as possible. Membership is sought from relevant local community, business and interest groups, port tenants and their contractors, local council and government agencies as agreed by NSW Ports and the independent Chair, and should include:

- Independent Chairperson
- Minute taker
- NSW Ports – a minimum of two and maximum of seven representatives
- Community representatives - and maximum of seven representatives
- Port Kembla port tenants and their contractors where relevant
- Industrial/commercial facilities adjacent to Port Kembla where relevant
- Environmental groups engaged in improvement projects in and around the harbour
- Wollongong Council
- Port Authority of NSW
- NSW EPA
- Transport for NSW
- University of Wollongong
- Department of Agriculture

Various experts connected with the operations or projects may also be invited to present to the Committee on specific topics or matters of interest. New members can be invited to join at any time, so long as membership does not exceed the maximum representation. New community members are required to complete an Application Form (refer Appendix A). Community nominations

can be obtained by invitation from the Chair, in consultation with NSW Ports; nomination from existing members or in response to local media advertisements placed by NSW Ports. Membership will be evaluated by NSW Ports, the Committee Chair, and Council representatives for consistency with their ability to meet member responsibilities outlined below, with the Chair holding ultimate control over membership.

## **2. Member responsibilities**

Committee members will:

- Have an interest in logistics related issues and/or a demonstrated understanding of, or significant interest in, local environmental, business and community amenity issues around Port Kembla Harbour.
- Have a demonstrated interest in local community groups and/or activities.
- Recognise the need to balance between environmental, social and economic needs.
- Attend meetings at the times and dates set by the committee's independent Chair; actively participate in discussions; flag any confidential information being shared from the outset; and work collaboratively so that meetings begin and end on time.
- Read and review papers provided in advance of committee meetings and bring the views and perspectives of their organisation, local community / those they represent to the discussion.
- Suggest agenda items in advance of meetings.
- Be able to represent and share the views of their organisation / local community / those they represent with NSW Ports.
- Give feedback from the committee meetings to their organisation / wider community / those they represent as appropriate.
- Respectfully engage with other committee members, contribute to an atmosphere of open and constructive participation and openly communicate relevant concerns, interests and ideas and make reasons for any disagreement clear in a constructive and thoughtful manner.
- Ensure confidential matters handled by the committee are kept confidential and refrain from discussing these matters with other parties outside of PKHEG meetings.
- Not speak publicly on behalf of NSW Ports or on behalf of the PKHEG. All media enquiries relating to NSW Ports and its associated operations should be directed to the NSW Ports Corporate Affairs team. All media enquiries relating to the PKHEG should be directed to the Chair, where the request will be actioned in consultation with the NSW Ports Corporate Affairs team.
- Abide by the Code of Conduct outlined in the Terms of Reference

## **3. NSW Ports' responsibilities**

NSW Ports will:

- Work within the framework of the Terms of Reference.
- Support the Chairperson, introduce new members and their reason for joining in advance of first meeting attendance and provide other resources as required.
- Convene meetings at a time that is acceptable to the majority of the Group and arrange site inspections where required.
- Share the committee's advice and recommendations to relevant NSW Ports managers and staff.
- Where appropriate, give feedback on suggestions and ideas made by the Committee, explaining how each contributed to the decision-making process or the reason they did not.

## **4. Role of the Independent Chair**

The Chair will:

- Provide leadership and facilitation of the meeting to ensure full participation during meetings, adherence to the Agenda, timekeeping and the appropriate recording of action items (through a delegate, as relevant).
- Act in a manner that is unbiased and independent of NSW Ports and other Committee members.
- Oversee the timely collation and distribution of meeting Minutes in addition to receiving correspondence between meetings for and on behalf of PKHEG and the group in question.
- Bring any breach of Conduct to the attention of the persons concerned. This may take the form of a verbal warning during the meeting (which is formally recorded in the meeting Minutes) or a written warning following the meeting. After three written warnings, the independent Chair may seek to replace the member.

## **5. Confidentiality**

Confidentiality agreements may be put in place to ensure committee members can be provided with confidential material as needed and all members are expected to respect these agreements.

## **6. Code of Conduct**

- The Chair will have the final say on the conduct of meetings and the finalisation of Minutes.
- Members are expected to attend the PKHEG at dates and times set by the Chair. If unable to attend, the committee member must advise the independent Chair in advance of the meeting. If the committee member misses three consecutive meetings the Chair may replace this position on the Committee.
- Attendees may not use intimidatory, offensive, defamatory or discriminatory language or actions in meetings or correspondence.
- The Chair may ask an individual to desist from certain behaviour or leave the meeting if the behaviour is not in accordance with the Code of Conduct or the Terms of Reference.
- Where a committee member does not attend three consecutive meetings, the Chair may replace this position on the PKHEG.
- The PKHEG is not to be used for personal or political interests.
- Correspondence directed to the PKHEG must be done through the Chair (or delegate).
- Members are required to adhere to the Member responsibilities and Code of Conduct outlined in this Terms of Reference as a condition of membership
- Community members are required to sign a declaration of pecuniary and non-pecuniary interests as a condition of membership (refer Appendix B).

## **7. Attendance**

Attendance at the meeting may be in person or via suitable electronic means (where appropriate). Meeting attendance, including apologies, will be noted in the minutes of each meeting. It is expected that members should attend at least three meetings per calendar year. Members who fail to attend three consecutive meetings in a calendar year may have their membership revoked.

## **8. Agenda**

The Chair will advise on date, time and location for the meeting with at least one month's notice, in consultation with NSW Ports. All members will be invited to submit Agenda items for each meeting two weeks prior to the meeting, and provide the required agenda, papers and other documentation in advance of each meeting. Where (or if) an agenda item cannot be addressed sufficiently in the

time leading up to the proposed meeting date, it will be the Chair's responsibility to ensure the item is carried over and addressed in either a subsequent meeting or through appropriate correspondence.

## **9. Minutes**

Minutes will be taken by an independent note taker under the guidance and direction of the Chair on behalf of the Chair and circulated to all stakeholders within two weeks of a meeting occurrence. NSW Ports will be responsible for retaining meeting Minutes and circulating copies of the minutes to committee members and stakeholders along with publishing on the NSW Ports website.

## **10. Meetings**

Unless otherwise agreed by the Committee, the PKHEG will meet bi-monthly, as per an agreed calendar with February, April, June, August, October, December as a guide.

## **11. Out of Session Items**

Where an issue of importance arises out of session that cannot be dealt with at a meeting, but does not require calling an additional meeting, the chair may circulate material out of session.

## **12. Review of Terms of Reference**

A review of these Terms of Reference will be undertaken every third year. Administrative changes will be made as necessary by NSW Ports when the Chair is satisfied that there is a valid reason for the amendment. Amendments to the Terms of Reference are to be endorsed by the Chair in consultation with the Committee. The version and date of the revision will be recorded in the footer of the Terms of Reference and a copy will be maintained on the NSW Ports website.

## APPENDIX A – PKHEG Application Form

Name of Applicant	
Address of Applicant	
Contact Phone Number	
Email Address	
Please describe your interest in Port Kembla? Have you had any involvement to date?	
In what ways do you feel you can add value to the Port Kembla Harbour Environment Group ?	
Have you participated in community liaison groups (or other such groups – i.e. community / environment) in the past? If so, please list and describe your experience.	
Can you, in a few words, describe your understanding of the local environmental/ community or business needs of the area neighbouring Port Kembla?	
Do you have any conflict of interest and/or connection with the port other than outlined above, i.e. related to a worker at the port, supplier to the port or any business operating at the port?	
If you are selected to join the committee, will you agree to abide by the Terms of Reference of the Committee and sign the Declaration of Pecuniary and Non-Pecuniary Interests?	
Signature of Applicant	

## APPENDIX B - Declaration of Pecuniary and Non-Pecuniary

### Interests

All members of the PKHEG must sign a declaration of pecuniary and non-pecuniary interests before they join the committee and keep this declaration up to date while they are members on the committee.

This declaration is designed to protect the integrity of the committee and the reputation of its members.

Examples of pecuniary interest may include but are not limited to:

- holding shares in an entity proposing or carrying out all or part of the major project
- holding a private contract with the proponent
- holding voluntary acquisition or mitigation rights under the proponent's consent
- receiving sitting fees or payments of personal expenses from the proponent
- a member representing a stakeholder group and the stakeholder group has received funding or grants from the proponent.

A pecuniary interest is an interest a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. Money does not have to change hands for there to be a pecuniary interest.

A non-pecuniary interest is a private or personal interest a person has that does not amount to a pecuniary interest but that may arise from family or personal relationships, or involvement in community, social or other cultural groups that may include an interest of a financial nature.

#### **A no pecuniary or non-pecuniary interest to declare**

As a member of the Port Kembla Harbour Environment Group I declare that I have no pecuniary or non-pecuniary interest to prevent me from carrying out my role on the Port Kembla Harbour Environment Group impartially and in the best interests of the local and broader community.

Should this change, I agree to update this declaration and advise the PKHEG accordingly.

Name .....

Signature .....

Date