

# Submission on the Revised Community Consultative Committee Guidelines for State Significant Projects

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*By Craig Flemming B Env Sci M Env Man.*

I have had extensive experience with Community Consultative Committees in the Muswellbrook LGA being involved with over ten different committees over seven years. I was very familiar with the previous Guidelines for CCCs for Coal mining projects and, in past employment, assisted Muswellbrook Shire Council to develop a consistent approach to CCCs in their LGA.

I support the new guidelines approach to

- Application to all types of major projects
- Application to pre-approval and time limited stages of approvals
- The appointment of independent chairs and their role in appointing community members
- That community nominations are not handled by the operating company
- A clear agenda
- Clearer explanation of the handling of pecuniary and other interests

However, I raise the following issues for further consideration:

- Joint and regional committees
- Membership of Councils
- Reports of environmental performance
- Minutes
- Pecuniary interests and
- Committee funding

For each matter I have included a short discussion then a recommended amendment in bold and where specific changes to the text are recommended they are included in a text box.

## Timing and location of meetings

In reference to the establishment of a “regional Committee, or holding periodic, region-based community information sessions or similar, to consider and discuss cumulative impacts in areas with a high concentration of State significant projects.”

I have experience where two committees were in agreement that such a meeting should take place but as neither operating company was willing to take responsibility, it did not ever occur.

**It should be made clear who should make a decision to do conduct a regional information sessions or convene a Regional Committee, and who is responsible for facilitating such meetings.**

## Membership

The guidelines should expressly state that each Council in which the project will exist or significantly impact may have a place in the committee.

## Meeting procedures

Included in the 6 Company reports and overview of activities, should include Environmental Protection License data that is required to be made public and the committees should be encouraged to identify the data that they wish to see provided in reports.

Therefore a dot point should be amended as : (underline additions ~~striketrough deletions~~)

- Monitoring and environmental performance (including reports required to made public under an Environmental Protection License that applies to the project);
- any specific reports that the committee reasonably requests of the company on a regular basis;

## Minutes

The minutes taking should relate to the purpose of the committee.

The purposes are stated in particular that “A Community Consultative Committee is not a decision-making body and performs an advisory role only.” This then includes a range of clarifying statements beginning with comment on, discuss, provide advice, or review.

The draft guideline states that “The minutes shall record issues raised and actions to be undertaken, who is responsible for carrying out those actions and by when.” By definition of the purpose of the committee, it is not going to usually set actions with people responsible or dates for completion.

Therefore the minutes should record issues raised, the nature of the discussion or advice provided including if a range of views are expressed. A detailed summary of the advice or recommendations made by the committee should also be recorded in the minutes. It should not be necessary that the committee come to a consensus or a single majority held view on an issue. Where an individual or a number of members change their view on an issue during the course of a meeting, the minute taker should clarify what aspects of the discussion should be recorded.

For example:

### ***Item 1 Local Procurement Policy***

*The company provided a Draft Local Procurement Policy to be considered by the Company management:*

*The committee raised concerns around the definition of “Small to Medium Enterprise” (number of employees etc), the geographical extent of “local” and how the policy will impact on local capacity to provide travel and accommodation bookings or stationary supplies that have been recently globalised by the company.*

*The company stated that the SME definition was an industry standard, the extent included the local and adjacent Local Government Areas and that travel and stationary may need to be considered further. Members of the committee expressed that the local should be limited to just one LGA.*

*The company agreed to consider all the issues raised and Mr XXXX will advise the committee at the next meetings how those issues were addressed in the policy.*

**It is suggested that the opening paragraph of the *Minutes of meetings* section be amended as follows** (underline additions ~~strikethrough deletions~~)

Minutes must be kept of all Committee meetings. The minutes shall record:

- issues raised as well as any plans, reports and applications being reviewed;
- The specific issued discussed including the range of views expressed;
- A summary of the final advice or recommendations made by the committee members, including if more than one view is expressed;
- ~~and actions to be undertaken,~~ Where the company agrees to provide further information or carry out any specific actions, who-is-will be responsible for carrying out those actions and by when.

It should not be necessary (unless otherwise stated in these guidelines) that the committee come to a consensus or a single majority held view on an issue. Where an individual or a number of members change their view on an issue during the course of a meeting, the minute taker should clarify what aspects of the discussion should be recorded. If a member so requests, then the minutes shall record that member's dissenting views on any matter.

## **Pecuniary and other interests**

While the revised advice on these matters is appreciated, the guidelines does not address other types of payments made by the company to individuals, groups that they may be associated with or payments made to Councils under VPAs. It may be the case that a company has a range of community support programs such as community development grants or sporting team sponsorships and the association with the committee member is not widely or publically known. As a committee member it is likely that the individual would be more aware of the sponsorship opportunities and therefore more likely to receive such benefits. While there is no inference of un toward behaviour I consider that it is clearly an interest that should be declared. My experience has been that individuals do not often make mention of it clearly enough.

**Therefore the examples of pecuniary and other interests should be amended as follows :**  
(underline additions ~~strikethrough deletions~~)

Examples of pecuniary or other interests include holding shares in the Company, holding a private contract with the Company, holding voluntary acquisition rights under the Company's consent, receiving sitting fees or payments of personal expenses from the Company, ~~or~~ receiving mitigation measures from the Company, or grants or community support provided by the company to the individual or a group the individual is involved with.

The terms of any VPA and how that is managed should also be clearly explained to the committee.

## Committee Funding

In my experience with several committees I have never seen a need for the committee to be funded. I can only assume that this may refer to expenses for items not provided by the company such as venue hire, reasonable catering, minute taking, and transport for site inspections.

**Further explanation of what sought of committee purposes may need to be funded should be included.**

The comments and suggested amendments are consider to make the *Community Consultative Committee Guidelines for State Significant Projects* much more suitable to assist the community in fulfilling the objective of Community Consultative Committees.

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