

Department of Primary Industries
Comments on the amended draft Community Consultative Committee Guidelines
April 2016

The NSW Department of Primary Industries (DPI) has reviewed the Community Consultative Committee (CCC) draft guidelines and provides the following observations, comments and recommendations.

General Comments

The Guideline document is well presented and covers most aspects of procedural fairness, meeting procedures, etc. The toolkit is a very useful document to guide establishment of the CCC, and the Frequently Asked Questions (FAQs) are an excellent overview of the reason for the review and the proposed changes.

Review and Regulation of Guidelines (and the associated requirements)

The FAQs mention this being the first revision of the guidelines since 2007. Perhaps the guidelines could be reviewed and improved periodically (e.g. on a needs basis) or regularly (e.g. every five years), based on (as the FAQs state) receiving 'feedback from a range of stakeholders on how to improve the operation and effectiveness of the committees'. This would present a strong commitment for ongoing improvement by the government.

When the NSW Department of Environment and Planning (DP&E) requires a CCC to be established, the requirement should be worded in such a way as to ensure that the "Guidelines" are actually adhered to, and in some way enforceable.

Role of CCC in Dispute Resolution

Although the CCC is not a decision-making body, and its role is specifically an advisory one, the decision-making responsibilities regarding committee disputes is unclear. DPI suggests that the Guidelines clarify what this role is, and what level of jurisdiction it has for deciding how to resolve disputes within the Committees.

Establishment of the Committee

The Guidelines state that DP&E decides when the CCCs should be established. DPI suggests that the Guidelines:

- Provide an explanation regarding what are the triggers (or criteria) for the establishment of a CCC;
- Cite examples given of when a CCC is not required for a State Significant Project;
- Indicate the benefits of setting up a CCC in the early stages of the project and certainly by the time the SEARs are being issued.

Committee Meetings

The guidance on the convening of Extraordinary Meetings may benefit from a clarification around the types of matters or triggers for these meetings, particularly considering the Independent Chairperson is solely responsible for determining what warrants these being held.

Committee Meetings (p6) - First para change "may" to "should" and should include a requirement for a quorum.

Conduct of Meetings (p7) – it is recommended that a reference for "following good meeting procedures" be supplied, i.e. one or two best-practice examples that is highly recommended by government.

Members of the Committee

Independent Chair (IC)

With the proposed changes giving the IC a stronger role in appointing members (and the ongoing primary role as convenor, facilitator, mediator and advisor for the CCC), nomination and selection of this role is critical for the effectiveness of the CCCs. As such, the Company nomination and Secretary (or nominated representative)'s decision-making processes must be transparent and accountable. For instance, advertising the appointment with supporting documentation that exhibits selection justification may assist this.

It is the Company who is responsible for the nominations for the IC, but self-nominations to DP&E via advertisements (as per the process for community members) would provide a more independent and transparent approach.

DPI suggests that it should be noted in the "Independent Chairperson" section that the IC must be appointed before the selection process for community representatives commences. This is noted on page 5 but it could be clearly stated earlier in the document.

CCC Members

It is unclear to what extent members should or could be involved in other local community or stakeholder groups, and what level of 'awareness of local issues' means in terms of the local issues or local issues in general (which may vary across areas).

Timeframes

There are no timeframes provided for some steps in the CCC formation process, some examples are:

- The IC selection process.
- The appointment of community representatives (after advertising is closed).
- Length of service for the CCC members – does this expire at any stage (excluding resignation or dismissal).

Communication

There could be greater explanation in how communications with the wider community will work. For instance, the issue of presumption of documents and information being made available to the community is noteworthy. Maintaining confidentiality of some information is covered, but conversely, what information pertaining to the committee's undertaking and responsibilities should be regularly made available to the public by the committee, and in what ways? Is the CCC required to present key information back to the community regarding the Company's environmental performance and community relations for instance?

Government involvement

DPI suggests that further consideration be given to better linking the CCCs with Government communication and advice, as well as enabling feedback to be provided to the relevant Government agencies. Examples of CCC (or similar committees) with high Government involvement, including the Narrabri CCC and the Gloucester Dialogue, while resource intensive for Government, have proven to be effective at providing good information to the community.

A range of levels of Government involvement should be contemplated, to try and provide better links with a more modest level of resourcing required.