

TERMS OF REFERENCE

Purpose

The Williamtown Community Reference Group (CRG) is a state led group that will focus on sharing information related to PFAS contamination in the NSW Environment Protection Authority (EPA) Williamtown Management Area. Its purpose is to:

- Provide a communication platform for the community to engage with the Department of Defence and other government agencies in responding to the PFAS contamination from the Williamtown Royal Australian Air Force (RAAF) Base.
- Develop and implement communication strategies that will provide information to the community on Williamtown PFAS contamination.
- Promote communication strategies to the broader community so that they have the information they need, an understanding of how to seek advice and information, and how to obtain assistance.
- Establish, implement, and convey pathways for the community to raise issues related to the contamination with government agencies.

The CRG will only make decisions on matters that specifically relate to fulfilling the purpose of the group.

The CRG will initially operate for a period of up to one (1) year. It will then be reviewed by the Interagency Steering Committee to determine its future role, structure and functions.

The CRG **is not** the sole mechanism for all community information and engagement. Under the '*PFAS Information Sharing, Communication and Engagement Guidelines*'¹ (which is part of the National Framework for Responding to PFAS Contamination) it is expected that agencies across all jurisdictions will ensure that effective and timely communication / engagement occurs as part of their 'business as usual' activities to support communities affected by PFAS contamination at Williamtown.

Governance

An Interagency Steering Committee (ISC) will be formed to oversee establishment of the CRG and will comprise representatives from the Department of Premier and Cabinet (DPC), EPA and NSW Health. The ISC will be retained to guide and support the ongoing activities of the CRG.

Membership of the CRG

At the request of the Minister for the Environment, DPC will chair the group with the balance composed of - up to- twelve (12) community members who will be appointed by the ISC and endorsed by the DPC Secretary. New community members will be sought via an expression of interest (EOI) process within affected communities and ideally will include representation from local industrial and / or commercial and / or business interests.

The CRG will be supported by advisors from relevant agencies including:

- EPA
- NSW Health
- Department of Defence (PFAS Coordination Unit)
- Williamtown RAAF Base
- Department of Industry (Fisheries and Agriculture)
- Office of Environment and Heritage (OEH)

¹ <https://www.coag.gov.au/sites/default/files/agreements/iga-national-framework-pfas-appendix-c.pdf>

- Hunter Water Corporation, and
- Port Stephens Council.

Attendance of state agencies will be dependent on meeting agenda items, with the Chair making the final decision on attendance requirements. As a Commonwealth agency, the Department of Defence has received an open invitation to attend all CRG meetings.

All advisors are to have a high level working knowledge of the Williamstown PFAS contamination issue. Through the Chair, other relevant stakeholders may be invited to meetings on an as needs basis.

Each person who is appointed as a member of the CRG is to be a person who, in the opinion of the ISC, can demonstrate:

- a strong connection with affected communities and / or the interest group he / she seeks to represent;
- the skills to represent that group in a collegiate and objective manner;
- the capacity to take into consideration the views of other people / groups;
- an apolitical approach to support both the CRG and the community; and
- commitment to the purpose of the CRG.

CRG members will also be selected to ensure that they represent a cross-section of interests. **All members will be required to sign and adhere to a confidentiality agreement, conflict of interest requirements, and participate under the group's Code of Conduct and Meeting Governance protocols.**

If the ISC declines to appoint a person nominated as a member of the CRG by a person or body referred, the ISC may invite the person or body to nominate another person as a member of the CRG. If another person cannot be identified then the position may remain vacant until an appropriate person is nominated through another EOI process.

Representatives

The ISC will appoint members to the CRG under the NSW Government Boards and Committees Guidelines and Appointment Standards². This may include calling for expressions of interest advertised in the local media and through other selected communication channels.

Employees of agencies are not eligible to be appointed as community representatives.

In selecting the community representatives, preference will be given to candidates who can represent the concerns of a variety of interest groups and individuals within the affected communities.

Selection criteria are:

- experience and ability to provide feedback to the community and stakeholder groups;
- current resident in the local area and / or awareness of local and other relevant issues associated with the contamination;
- proven strong links to the community or other interest groups;
- willingness to contribute constructively and equitably to the CRG purpose; and
- willingness to adhere to confidentiality, conflict of interest requirements, and comply with the CRG Code of Conduct and Meeting Governance protocols.

The ISC will review the appointment of community representatives from time to time, but at least after twelve (12) months.

² <https://www.psc.nsw.gov.au/policy---legislation/nsw-government-boards-and-committees>

Alternative Authorised Delegates

Alternate authorised delegates will be identified through the initial selection process. An alternate delegate may only attend a meeting if the CRG member is not able to attend. The alternate delegate has a responsibility to brief the substantive CRG member on the outcomes of any meetings out of session.

Alternate advisors for Local, State and Commonwealth Government agencies may be appointed by their organisation and similarly may substitute for Local, State and Commonwealth Government agencies who advise the CRG.

Observers

The Chair may consider observers attending a meeting but only after discussion within the full CRG, with advance notice of observers to be included in meeting agendas. Observers cannot participate in the business of the CRG unless invited to do so by the Chair.

Functions of the CRG

The CRG will:

- Provide advice to the State Government on the development and implementation of communication and engagement strategies and activities for communities affected by the Williamtown PFAS contamination;
- Until an agreed engagement and communication strategy is developed, the group will provide a conduit to inform the community of actions being taken by agencies to respond to the Williamtown PFAS contamination, including containment and remediation;
- Agree on a pathway / approach for issues about the contamination to be raised within meetings;
- Develop and implement a reporting protocol for meeting agendas;
- Develop strategies to ensure greater meeting transparency;
- Agree on a CRG spokesperson to represent the group more broadly; and
- Work cooperatively towards outcomes of benefit to the stakeholders represented on the CRG and the wider community.

The CRG may:

- Provide feedback to the ISC or advisory agencies regarding management of the contamination issue and community relations outcomes associated with the management area and surrounds;
- Gain a better understanding of contamination management and remediation activities by undertaking visits of relevant sites (including the Williamtown RAAF Base) acknowledging that visits to the base will require approvals through the relevant Department of Defence channels;
- Provide advice to the ISC on how to improve and enhance community relationships and communications.

Terms of CRG Members

A member of the CRG may hold office for up to a period of one (1) year.

A CRG member whose membership has expired and continues to meet the assessment criteria is eligible for reappointment by the ISC.

Remuneration

Under the NSW Government Boards and Committees Guidelines and Appointment Standards all non-Government members are eligible to receive remuneration for attendance at meetings (including travelling allowances).

Vacancy in Office of Members

The position (office) of a CRG member becomes vacant if the member:

- is medically unfit;
- completes a term of office and is not reappointed;
- resigns from the office in writing addressed to the Chair;
- is removed from office by the ISC under this schedule and clause;
- breaches the Code of Conduct that applies to the CRG as deemed by the Chair;
- is absent from four (4) consecutive meetings of the CRG of which reasonable notice has been given to the member personally or by post, except where advice requesting an absence has been accepted by the Chair; or
- is convicted in NSW of an offence that is punishable by imprisonment for twelve (12) months or more, or is convicted elsewhere than in NSW of an offence that, if committed in NSW, would be an offence so punishable.

The ISC will make the final decision on removal of a member from the CRG by advice in writing.

Filling a CRG Position

If a position on the CRG becomes vacant, the ISC will issue an EOI for nominations to fill the vacancy. Where no nomination is received the CRG may continue until such time that a suitable person nominates and is appointed.

Disclosure of Pecuniary Interests and Conflict of Interest

The CRG is a non-statutory group formed to share information and concerns relating the management of PFAS contamination emanating from the Williamstown RAAF Base. The disclosure of pecuniary interests and conflict of interest for the CRG is a Government requirement.

If a member of the CRG has a direct or indirect pecuniary interest in a matter being considered -or about to be considered- at a meeting of the CRG, and this interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter, the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the CRG. All members are required to complete a conflict of interest form as part of accepting their position on the group.

Members of the CRG must disclose if he / she:

- is a member, or is in the employment of a specified company or other body;
- is a partner, or is in the employment of a specified person;
- has some other specified interest relating to a specified company or other body or to a specified person; or
- has a financial interest in a matter being considered by the CRG or other relevant stakeholders.

Particulars of any disclosure must be recorded by the CRG in the minutes of the meeting concerned.

A member of the CRG is not disqualified from taking part in any deliberation of the matter, or in a decision with respect to the matter, because of the member's pecuniary interest.

Code of Conduct

A Code of Conduct will be developed by the ISC. The code will include information on acceptable behaviour, meeting requirements and how issues can be dealt with out-of-session.

Quorum

The quorum requirement for any meeting of the CRG is that a majority of its community members and the Chair are present for the duration of the meeting.

Meeting Protocol

A CRG meeting protocol document will be developed by the ISC, forming part of documentation to be provided as part of the group's induction.

Minutes

The CRG is required to keep minutes of proceedings at its meetings, with minutes being publicly available on an appropriate website. Minutes of meetings will not be taken verbatim but follow a three part structure being;

- a) Issue,
- b) concerns raised, and
- c) action or recommendation.

Meeting Frequency

Initially the CRG will meet bi-monthly, unless otherwise agreed within the meetings -or in writing- by the ISC.

Responsibilities of CRG Members and Alternate Authorised Delegates

CRG members and alternate members must, at all times:

- adhere to these Terms of Reference;
- attend meetings regularly and punctually, and if a full member, provide apologies in advance for meetings that they are unable to attend and arrange for their alternate delegate to attend;
- participate in an induction regarding the responsibilities associated with membership,
- participate in meetings in a collaborative, constructive and effective way;
- keep an open mind and be receptive to the input of others;
- adhere to the Code of Conduct, confidentiality and conflict of interest processes;
- respect decisions of the CRG.

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