



DEPARTMENT OF PLANNING, INDUSTRY & ENVIRONMENT

# Terms of Reference

Tuggerah Lakes Expert Panel



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# 1. Introduction

## 1.1 Background

The Tuggerah Lakes Estuary consists of a series of three shallow, interconnected lagoons that are open to the sea at The Entrance. The catchment of the estuary has been extensively developed, resulting in pressures on the lakes from elevated nutrient inputs, loss of habitat and natural functioning, and sedimentation.

There has been a long history of management intervention to address these issues. The Tuggerah Lakes Estuary Management Plan was adopted in 2006 to provide a platform for sustainable and cooperative management of the lakes.

The State Government, on 20 February 2019, committed \$200,000 to establish an Expert Panel to determine best practice management for improved water quality in Tuggerah Lakes.

## 1.2 Purpose of the Expert Panel

The role of the Expert Panel is to consider the following issues as they relate to the management of water quality in Tuggerah Lakes:

- existing information
- previous actions undertaken to address water quality issues and how effective these have been
- what science says is the best way forward with managing water quality issues.

The Expert Panel will seek input from the community, government agencies and Central Coast Council (Council) to provide guidance to the Government and the Tuggerah Lakes community to formulate appropriate strategies and actions regarding water quality.

The Expert Panel will be supported by a Working Group consisting of representatives of the Department of Planning, Infrastructure and Environment (the Department) and Council staff. A separate Terms of Reference has been developed for the Working Group.

## 1.3 Authority

The Expert Panel is an advisory panel for the Tuggerah Lakes Working Group and will make recommendations that will be considered by members of the Working Group as part of implementing the NSW coastal management framework.

## 2. Roles and responsibilities

### 2.1 Roles

#### 2.1.1 Role of the Expert Panel

The Expert Panel will:

- Consult with the community and other stakeholders to identify community perceived issues relating to Tuggerah Lakes, its estuary health and water quality.
- Review any scientific information relating to the management of the Tuggerah Lakes Estuary, determine if there are any knowledge gaps and make recommendations to fill these gaps.
- Audit management actions undertaken to date by public authorities relating to the estuarine health of Tuggerah Lakes and make recommendations as relevant, regarding the effectiveness of these actions in achieving their intended goals.
- Advise the Tuggerah Lakes Working Group on the suitability of data and subsequent information needs to ensure the coastal planning process is underpinned by sound science and data.
- Support and promote the implementation of the NSW coastal management framework.
- Work together collaboratively and respectfully with a shared vision for optimising the management of the estuarine eco-health of Tuggerah Lakes.
- Provide independent expert advice to the Working Group and stakeholders on matters relating to management of water quality across the Tuggerah Lakes catchment, as required.
- The advice provided by the Expert Panel may encompass strategic and operational scientific and technical advice.

The Expert Panel can:

- Engage additional specialist expertise as required for specific tasks.
- Review draft documentation prepared as part of the coastal planning process, when requested to do so by the Tuggerah Lakes Working Group.
- Spanning ecological, economic and social science disciplines, including Aboriginal interests and coastal land use planning, draw on the Department's and Council resources, knowledge and skills as appropriate.

#### 2.1.2 Role of Chair

The Chair of the Expert Panel will:

- Chair meetings, allocate tasks, coordinate input and ensure deliverables are met on time.
- Set meeting agendas in collaboration with the Working Group.
- Provide direction to members in an efficient and effective manner and provide the Working Group with advice as required.
- Facilitate consideration of the variety of expert views.
- Draw on expert advice and opinion when addressing issues raised by the Expert Panel or through consultation.

- Prepare updates to the Working Group and the Department's Executive when requested.
- Attend Catchment and Coast committee meetings and provide an update on the progress of the panel's activities to Council.

The Chair will be appointed by the Minister for Energy and Environment.

### **2.1.3 Role of members**

Members of the Expert Panel will:

- Represent their area of expertise at panel meetings.
- Disseminate information from the panel meetings to agencies and networks as appropriate.
- Provide data, information and expertise to support the functioning of the Expert Panel.
- Attend meetings and contribute to out-of-session business as required.
- Review meeting minutes and provide any comments to the Secretary.

### **2.1.4 Role of Secretary**

The Secretary of the Expert Panel will:

- Establish meetings of the Panel in consultation with the Chair and Working Group Secretary.
- Coordinate papers and circulation of papers for meetings at least five working days prior to a meeting.
- Record the minutes of any meetings and circulate these to group members via email within five working days of the meeting.
- Receive and respond to any correspondence received by the Expert Panel, as required.

## **2.2 Positions**

The Expert Panel will consist of government agency, academic or independent researchers who represent aquatic estuary, coastal management, community engagement and floodplain risk management interests.

The Expert Panel may include ex-officio members. These members will have all the rights and obligations of the Expert Panel. This includes the right to discuss, debate, make decisions, and vote.

Members of the Expert Panel will, to the greatest extent possible, be diversely representative of the community.

### **2.2.1 Chair and Secretary**

The panel will include a Chair who is selected by the Minister for Energy and Environment. The Working Group will provide a secretary, subject to approval by the Chair and members of the Expert Panel.

### **2.2.2 Academic and independent research representatives**

Membership of the Expert Panel will include representatives from at least three academic or independent research organisations such as:

- University of Newcastle – School of Environmental and Life Sciences
- University of NSW – Water Research Laboratory
- Cooperative Research Centre for Water Sensitive Cities
- Other relevant industry or research organisations as may be determined from time to time by the Working Group.

## **2.3 Selection of Expert Panel**

Potential candidates for the Expert Panel will be identified by the Working Group and invited to apply. Selection of successful applicants will be determined by the Working Group using the following selection criteria:

1. An understanding of the scientific method, and a capacity and willingness to make objective, evidence based, decisions.
2. Demonstrable knowledge of estuary, coastal or floodplain management issues and processes relevant to the Tuggerah Lakes Estuary.
3. Relevance to residents of the Tuggerah Lakes Estuary in relation to their technical background, community standing or connection to the area.
4. Demonstrated ability to consult with community members and represent views on their behalf.
5. Contribution to establishing a high degree of diversity in the Expert Panel in terms of age and gender.
6. Recommendations will be forwarded to the Minister for Energy and Environment for approval.

## **2.4 Secretariat**

The Tuggerah Lakes Working Group is responsible for coordinating the Expert Panel. The Tuggerah Lakes Working Group will provide secretarial and administrative support to the Expert Panel.

The Working Group will nominate a Secretary to the panel for approval at the commencement of each panel term.

## 3. Operations

### 3.1 Meeting protocols

- The Expert Panel will meet at least bi-monthly to review progress and plan for upcoming activities. Additional meetings can be scheduled as required.
- Any member of the Expert Panel can suggest agenda items for discussion at meetings. Agenda items are to be forwarded to the Chair and Secretary at least five working days prior to a meeting.
- Members of the Working Group may attend meetings of the Expert Panel provided notice is given at least five days prior.
- Non-members of the Working Group and Expert Panel can attend meetings if invited by the Expert Panel.
- The Chair will ensure proper running of meetings.
- The Secretary will record meeting minutes and circulate these to the Expert Panel and Working Group via email. It is the responsibility of members to review these minutes and provide any comments to the Secretary at least five days prior to the next meeting.
- A quorum of (50% +1) of the Expert Panel is required for a meeting to be recognised as an authorised meeting and a decision to be valid.

### 3.2 Decision making process

The Expert Panel will make major decisions at authorised meetings. Major decisions may include:

- Initiating investigations, reviews or panel activities.
- Reaching a group position or making a finding on a technical matter.
- Using the panel's name when reporting on the findings of panel activities or representing the group publicly.
- Making any decisions that have financial implications.
- Decisions should be unanimous wherever possible. If consensus is not possible, a vote will be taken at an authorised meeting.
- Minor decisions can be made via email from the equivalent of a quorum from Expert Panel members, provided a reasonable response time is provided (e.g. within one working week).

### 3.3 Finances

The Working Group will have oversight of costs associated with the functioning of the Expert Panel and the budget will be managed by the Department of Planning, Industry and Environment. At the commencement of each term of the Expert Panel, the Working Group will develop a forecast budget for the panel's functioning in consultation with panel members. The forecast budget will cover:

- Costs for Expert Panel meetings such as venue hire and catering, if applicable.
- Expenses associated with other functions of the panel, such as any costs associated with obtaining or accessing data, facilitation of meetings with other bodies, communications etc.
- Payment for services, including payment of panel members where required.



The Expert Panel will give the Working Group at least five working days' notice of any activities that may involve a financial cost that are not covered by the forecast budget.

## **3.4 Communications**

### **3.4.1 Internal communications**

The primary method of communication within the Expert Panel and between the panel and the Working Group will be via email or Microsoft Teams. The Secretary will establish and maintain a contact lists that includes panel and Working Group members. The Secretary is responsible for ensuring all members of the Expert Panel and Working Group are kept up to date with the functioning of the Expert Panel.

Members of the Expert Panel will direct any communications with the Working Group to the Project Manager, Budget Manager or Project Sponsor.

### **3.4.2 External communications**

The Chair will represent the Expert Panel as a whole in dealings with other organisations or individuals other than the Working Group.

The Expert Panel may also decide that another member will be the primary communicator for specific matters. The intention is to give this responsibility to the group member with the best knowledge of the matter under consideration.

### **3.4.3 Media enquiries**

All Expert Panel members are responsible for:

- Forwarding any media enquiries to the Working Group and the Department's media line (02 9995 5345) immediately upon receipt.
- Ensuring no unauthorised media statements, press releases or responses to media queries are made.
- Ensuring the Department's media staff and the Working Group are provided with requested information within required timeframes.

## 4. Obligations of members

### 4.1 Key obligations

In performing their duties, members of the Expert Panel, will:

- act honestly and in good faith
- actively participate in the work of the Expert Panel
- perform their duties in a manner that engenders public trust in the integrity, objectivity, and impartiality of the Expert Panel
- declare any perceived, potential, or actual conflict of interest in relation to any matter before the Expert Panel
- conduct the business of the Expert Panel with the care, diligence and skill appropriate to the role
- declare any change in employment status
- comply with the NSW Government's core values of:
  - integrity
  - trust
  - service
  - accountability.
- comply with the Department's Public Interest Disclosure Policy
- comply with the relevant Code of Ethics and Conduct policy.

### 4.2 Confidentiality

The Expert Panel must treat the records of any meetings, including agendas and minutes as confidential. Release of any information by the panel can only be made with the approval of the Working Group. All documents developed or used by the panel are to be kept secure to ensure that confidentiality is maintained.

Expert Panel members should publicly support a course of action or position that is decided by the panel majority. If a member is unable to support a majority view, it is that member's responsibility to not publicly comment on the panel's decision or deliberations.

The Working Group should be consulted by Expert Panel members regarding the disclosure of any information relating to the overall panel, or individual members work.

### 4.3 Conflicts of interest

Expert Panel members should perform their functions in good faith, honestly and impartially and avoid situations that may compromise their integrity or lead to conflicts of interest.

Disclosures of any perceived conflict of interest, particularly pecuniary interests, need to be made by panel members to the Chair or Working Group as soon as they become aware of them and recorded in the minutes of any meeting.

A conflict of interest is defined as a situation in which a panel member is involved in interests that could involve working against the purpose of the Expert Panel as referred to in Section 1.2.

A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of financial gain (or loss) to a matter or person to whom they are associated with.

## 4.4 Dispute resolution

It is important that as issues arise, they are dealt with in a fair and timely manner. While some conflicts will be resolved by an informal discussion between the parties, others will need a process for successful resolution. The following process will be followed by all members of the group when dealing with any dispute:

- The dispute must be articulated in writing and sent to the Chair. The Chair must acknowledge receipt of this within two working days.
- The Chair will use their discretion to bring the issue to the next ordinary Expert Panel meeting or will call an extraordinary meeting.
- When raised at the meeting all people involved in the dispute will be given the right to be heard.
- The matter should be heard with all Expert Panel members present, unless they have advised in writing that they are aware there is a dispute resolution meeting being held and they are unable to attend.
- The Chair will call for a motion from all Expert Panel members present at the meeting to:
  - Seek further advice/information.
  - Refer the matter.
  - Dismiss the complaint.
- An Expert Panel decision may be reviewed where:
  - New information has come to light that was not available when the original decision was made.
  - The panel has become aware of an error in previous information that was used to make the decision.