

# **Melbourne Water Patterson Lakes Advisory Committee**

## **Terms of Reference**

**Prepared August 2010**

## **NAME AND AREA OF INTEREST**

The committee is known as PLAC, the Patterson Lakes Advisory Committee. Its area of interest includes Patterson Lakes waterways and surrounding land managed by Melbourne Water. Approximately 1300 residential properties on or nearby the lakes attract a special charge for Melbourne Water to maintain the area, in addition to Melbourne Water's normal drainage rates.

### **1. COMMITTEE STRUCTURE AND OPERATION**

The committee is made up of two subcommittees: the Quiet Lakes subcommittee and the Tidal Waterways subcommittee.

Each subcommittee meets a minimum of four times a year, and considers its own business separately.

The two subcommittees come together at least twice a year to sit as one committee, to discuss business in common and receive updates on each other's business and relevant matters and issues.

The subcommittees are made up of community members and groups appointed by a selection panel.

In addition to these committee members, advisors may be appointed by Melbourne Water by invitation to one or both subcommittees.

### **2. ROLE & RESPONSIBILITIES**

Patterson Lakes and surroundings come within Melbourne Water's waterway management district pursuant to the Water Act 1989. In carrying out its functions in the Patterson Lakes area Melbourne Water has established a community advisory committee.

The full committee and subcommittees perform an advisory role, providing advice and recommendations to Melbourne Water on all aspects of Melbourne Water's management of the waterway system at Patterson Lakes.

The committee is expected to:

- a) make recommendations to Melbourne Water on precept rate charges, maintenance, works and priorities, and other key matters and issues. These recommendations will be taken into account by Melbourne Water when making its decisions regarding management of the waterway system

- b) review information provided by Melbourne Water and provide feedback and advice as required
- c) make efforts to find out and take into account community needs, concerns, suggestions and feedback. However, there is no expectation of the committee to undertake formal community consultation, as this remains the responsibility of Melbourne Water
- d) provide contact details for community members to contact them with feedback or concerns
- e) take an active part in community forums and 'meet your PLAC members' community events held by Melbourne Water
- f) develop and review strategic plans to help set and ensure continuity of the direction of the committee and provide a framework for long-term goals.

In providing advice and making recommendations the committee and subcommittees should take into account:

- a) the needs and benefits of the Quiet Lakes and Tidal Waterways systems and the associated facilities
- b) local and community needs and concerns relating to waterway management, environmental management and flood protection, balanced with the various expectations of residents regarding the recreational functions, value and visual amenity of the waterways
- c) the level of works and maintenance required to ensure that the current system is maintained to adequate operating levels within the funding provided by the precept rates.

With regards to rates and charges, recommendations by the committee will be provided to the Melbourne Water Board and the Essential Services Commission in order for those bodies to make final decisions regarding rates and charges. This will form part of a broader community engagement process.

Where possible Melbourne Water endeavours to provide members and advisors with:

- a) a list of potential matters and issues members may be asked to advise on
- b) detailed information on matters and issues at least two weeks prior to meetings
- c) feedback about decisions made and courses of action in progress
- d) advice from a range of experts on complex matters and issues.

Advisors may attend particular committee or subcommittee meetings by invitation (with the exception of local, state and federal government elected representatives, who may attend any meeting). Their role is to provide expert advice, contribute to discussion, provide a greater

perspective on particular issues, and provide input when requested. Advisors are not full committee members and therefore do not have voting rights when committee decisions are made on final recommendations to Melbourne Water.

The General Manager, Waterways, shall appoint a Melbourne Water Convenor who will be responsible for calling meetings, inviting advisors as required, providing information to the committee and relevant advisors, consulting with the committee on various issues and generally administering the affairs of the committee.

### **3. COMMITTEE MEMBERSHIP**

#### **Tidal Waterways subcommittee**

The following membership provisions apply for the Tidal Waterways subcommittee:

a) The following will be appointed as full members:

- Up to five (5) ratepayers or residents from the Tidal Waterways; and
- One (1) representative from a local community group.

*(Excludes employees of Melbourne Water and the Essential Services Commission. The community group position may be filled by an owner or occupier if there is no suitable community group applicant.)*

b) Advisors: (see provisions regarding Advisors)

c) Melbourne Water representation:

- Melbourne Water does not have formal membership of the committee but will represent Melbourne Water's management of the Patterson Lakes waterways, convene the committee, provide secretarial services and provide specialist advice
- At least two Melbourne Water staff will attend each committee and subcommittee meeting. Additional Melbourne Water staff or contractors may attend meetings to provide specialist advice when required.

#### **Quiet Lakes subcommittee**

The following membership provisions apply for the Quiet Lakes subcommittee:

a) The following will be appointed as full members:

- Up to three (3) ratepayers or residents from the Quiet Lakes - Lakes Legana, Illawong or Carramar

- One (1) resident of the Illawong Retirement Village who may be a ratepayer or resident
- One (1) representative of a local community group.

*(Representation from each of the lakes will be considered as part of the selection process. Excludes employees of Melbourne Water and the Essential Services Commission. The community group and Illawong Retirement Village positions may be filled by an owner or occupier if there are no suitable applicants.)*

b) Advisors: (see provisions regarding Advisors)

c) Melbourne Water representation:

- Melbourne Water does not have formal membership of the committee but will represent Melbourne Water's management of the Patterson Lakes waterways, convene the committee, provide secretarial services and provide specialist advice
- At least two Melbourne Water staff will attend each committee and subcommittee meeting. Additional Melbourne Water staff or contractors may attend meetings to provide specialist advice when required.

### **Advisors**

The following provisions apply with respect to appointment of advisors to the committee and subcommittees:

- Staff of local, state or federal government agencies (e.g. Kingston City Council, Essential Services Commission, South East Water, Parks Victoria, Southern Rural Water, Department of Sustainability and Environment, EPA)
- Elected representatives of state and federal governments covering the Tidal Waterways and Quiet Lakes areas
- Representatives of peak/industry bodies or associations (e.g. university, research, waterway, environment, engineering or planning body)
- Representatives of business/tourism operators
- Representatives of waterway users (e.g. boating, fishing).

Elected representatives of local government covering the Tidal Waterways and Quiet Lakes areas (i.e. ward councillors) are considered as advisors without the need for invitation by Melbourne Water and may attend any meeting by request.

### **Other relevant provisions**

Full members may only be appointed to one subcommittee.

Advisors may be appointed to one or both subcommittees.

Only full members will have voting rights when making recommendations to Melbourne Water (i.e. advisors, the Chairperson, and Melbourne Water staff will not have voting rights).

#### **4. MEMBERSHIP SELECTION**

Every two years, Melbourne Water will call for expressions of interest from ratepayers and residents of Quiet Lakes and Tidal Waterways for committee member positions. Melbourne Water will do this by public advertisement and direct mail to ratepayers and residents.

Full members will be selected by a panel of four (4) representatives, comprised of the following:

- Two (2) Melbourne Water staff involved in the management and communication of the services Melbourne Water provides to Patterson Lakes
- Two (2) independent panel members not from Melbourne Water (e.g. independent representatives from state or federal government agencies or representatives of other independent entities).

The panel will convene every two years for the sole purpose of selecting committee members.

Melbourne Water will appoint advisors to the panel directly by invitation. With the exception of the elected representatives of local, state and federal governments, who are elected by registered voters in the community.

#### **5. QUALIFICATIONS**

It is expected that members of the committee will generally pursue objectives which are to the general benefit of the majority, rather than pursuing their own individual needs and/or expectations.

No formal qualifications or experience is required, although consideration will be given to the following:

- Residents who have lived in the area, or community groups that have been active, for more than five (5) years
- Residents or community groups who are strongly engaged with community issues
- Residents or community groups who are actively involved in social activities within the community
- Residents who have experience with local committees.

Consideration may also be given to applicants with:

- Waterway and drainage interest or knowledge
- Business and/or financial interest or knowledge
- Conservation and environmental interest or knowledge
- Boating and other coastal or inlet based recreational interest or knowledge
- Experience in representing a wide range of residents.

Community group applicants should nominate a member sitting on their current committee to be appointed to the position.

## 6. TERMS OF OFFICE

- a) Full members will be appointed for a four-year term\* and on completion of their first and second term may re-nominate to be appointed again.
- b) Full members may serve on the committee for a total of three terms (consecutive or non-consecutive), unless there is no other suitable applicant. After this time, a long serving member may be invited by Melbourne Water to be an 'honorary' member, enabling them to be invited to perform particular or special functions related to the committee (e.g. briefing committee members on the history of a particular matter, issue or recommendation, or attending special events or community forums).
- c) Half of the full member positions on each subcommittee will be declared open every two years (i.e. with the other half of positions declared open at the next two-year period).
- d) A member may resign by notifying the Chair of the Advisory Committee in writing.
- e) Committee members are expected to attend at least 75 per cent of the scheduled meetings. If a member has not attended three consecutive meetings, Melbourne Water will undertake to make contact with that member to confirm their ongoing commitment to the committee.
- f) A member may have his or her term of office terminated if, in the opinion of the General Manager, Waterways, the member is no longer effectively contributing to the business of the committee, grossly misrepresents the information provided to the committee, or has not attended the expected 75 per cent of meetings.
- g) If a position on the committee becomes vacant Melbourne Water will determine whether to commence a process in accordance with 'Membership Selection' to fill the position immediately, or defer filling the position to the next regular two-year committee renewal process. Deferral will typically be considered if the next scheduled two-year committee renewal process is within 12 months.

- h) If an advisor from a government agency or other organisation leaves the organisation, that agency or organisation should replace the member with a current representative.
- i) If a community group member no longer holds a position on that group's committee, the group should replace the member with a current sitting committee member.

*\*In 2010, half of the committee members will be appointed for a two year term and half will be appointed for a four year term (until rolling four years terms of appointment are established).*

## **7. PROCEEDINGS OF ADVISORY COMMITTEE**

### **7.1. Meetings**

- a) Full committee meetings will be convened twice a year, on scheduled dates.
- b) The Quiet Lakes subcommittee and the Tidal Waterways subcommittee will be convened quarterly, that is four times a year, on scheduled dates.
- c) Special meetings of the committee or subcommittees may be called between the scheduled meetings. These meetings would require a quorum (at least 50 percent attendance) in order for committee members to make any recommendations to Melbourne Water.
- d) Full members may be invited to consultation sessions on particular matters being progressed between scheduled meetings. While Melbourne Water would encourage attendance at these sessions, where possible, members would not be required to attend.
- e) The Convenor shall provide a 12-month committee and subcommittee meeting schedule to committee members and advisors at the beginning of each calendar year. The Convenor may advise of meeting date changes or additional special meetings by email forwarded to all members and advisors (if required) at least one week prior to the date of the meeting.

### **8.2 Chairperson and Deputy Chairperson**

- a) An independent chairperson may be engaged by Melbourne Water for full committee and subcommittee meetings (excludes Patterson Lakes ratepayers and Melbourne Water staff). Melbourne Water may choose not to engage an independent chairperson if budgetary constraints do not allow it. If an independent chairperson is not engaged, committee members will make a recommendation on this matter to Melbourne Water for its consideration.
- b) If, at any meeting of the committee or subcommittees, the chairperson is not present at the time appointed for holding the meeting, a member appointed by the committee members present must preside at the meeting.

## **7.2. Quorum**

- a) At least 50 percent of the number of full members appointed to the committee or subcommittees will constitute a quorum.
- b) If at any meeting of the committee or subcommittees a quorum is not present within 30 minutes after the time appointed for the meeting, the meeting shall be adjourned.

## **7.3. Voting**

- a) A resolution or recommendation of the committee or subcommittee must be determined by a majority of the votes of the members present.
- b) Should the votes be equal, members will have the opportunity to cast a vote again. If the vote remains equal, this position will be presented to Melbourne Water as the final outcome.

## **7.4. Conflict of Interest**

- a) A conflict of interest is defined as a situation in which a committee member making a decision on a recommendation to Melbourne Water stands to profit personally from that decision.
- b) Member applicants and advisors will be asked to declare any potential conflict of interest as part of the nomination process. This includes whether members derive any income from Melbourne Water or their suppliers.
- c) Once appointed to the committee, where a member is aware that he or she may stand to profit personally from a matter being voted on, that person must declare his or her interest and abstain from voting on the matter.

## **8.6 Minutes**

- a) The Convenor will appoint a minute taker to record the proceedings at each committee and subcommittee meeting, which will include the names of all people present and a record of all resolutions of the committee or subcommittee.
- b) Minutes will be distributed to members and advisors (if applicable) within two weeks of each meeting when possible. Minutes once confirmed by committee or subcommittee will also be made publicly available.

# **8. FINANCES AND ADMINISTRATION**

- a) Melbourne Water will provide secretarial services for the committee and subcommittees and shall arrange for the preparation and distribution of reports, meeting agendas and minutes.

- b) A Melbourne Water officer responsible for the local works programs will attend each meeting of the committee and subcommittees to report on programs and other relevant matters.
- c) Full committee member and advisor positions are honorary. Committee members and advisors will therefore not receive payment for their time spent in attending committee meetings or other committee related activities. Melbourne Water may reimburse full committee members for any significant out of pocket costs associated with the performance of their duties. However, reimbursement of costs will only be approved where arrangements have been made through the Convenor prior to the costs being incurred, and will generally not be extended to incidental items such as cost of travel to attend meetings etc.