



PROPOSED SOUTH COAST MARINE PARK COMMUNITY REFERENCE COMMITTEE

TERMS OF REFERENCE

October 2021

1. INTRODUCTION

Western Australia's south coast is unique and includes outstanding natural values. The region supports diverse marine habitats, plants and animals, and is home to a system of temperate reefs dominated by kelp forests spanning more than 8000km along Australia's southern coastline. Australia's south-west marine environment is a global biodiversity hotspot, which is currently under-represented within marine parks and reserves in Western Australia.

The creation of a south coast marine park will make a significant contribution to the comprehensiveness, adequacy and representativeness of WA's existing network of marine parks and reserves, and to Australia's National Representative System of Marine Protected Areas. The proposed south coast marine park (PSCMP) will also contribute to the State Government's Plan for Our Parks, an initiative to create five million hectares of new national parks, marine parks and other conservation reserves by 2024. It will provide protection for important marine habitats and biodiversity and protect cultural heritage values, while allowing for ongoing sustainable use.

The opportunity for joint management of the PSCMP has been offered to the traditional owner groups within the study area. Importantly, traditional owners seeking a joint management outcome for the PSCMP will be joint management partners with the Department of Biodiversity, Conservation and Attractions (DBCA) in the planning process.

A community engagement strategy has been developed for the PSCMP which outlines the approach for structured and meaningful engagement with stakeholders and local communities. A key engagement mechanism for the planning process will be the establishment of the Community Reference Committee (CRC) and Sector Advisory Groups (SAGs).

2. PURPOSE

The CRC is a non-representative, non-statutory, community based advisory body. It will assist the planning team (consisting of DBCA, the Department of Primary Industries and Regional Development (DPIRD) and traditional owner joint management partners) by providing local knowledge, community input and advice on the establishment and management of the PSCMP and development of one or more indicative and final management plans. The CRC plays a pivotal role in ensuring that the views of the local community and stakeholders are considered and will help to facilitate broader community input and involvement by encouraging their local networks to participate in key stages of the planning process.

The CRC has a central role in assisting the planning team to develop the indicative management plan. Information and advice will also be provided by other State government agencies, local government, peak bodies and other key stakeholder groups. The joint management partners' decisions on developing the indicative and final management plan will take into consideration advice from all groups.

3. FUNCTIONS

3.1. The functions of the CRC are to:

- a) provide local knowledge and advice on environmental, cultural and socio-economic values of the proposed marine park, including relevant information on activities and uses of the area;
- b) represent a range of community views and provide balanced recommendations to the joint management partners (DCBA and traditional owners) which are in the best interests of the community as a whole;
- c) assist in the implementation of the community engagement strategy by contributing to effective communication and knowledge sharing between joint management partners, regional communities, industries and interest groups, including SAGs;
- d) assist in the interpretation and analysis of community-derived data and information;
- e) assist in the identification of management issues, key management challenges and potential management arrangements and strategies for inclusion in the indicative and final management plan or plans; and
- f) assist project partners to apply relevant design criteria to identify and refine zoning arrangements and permitted uses.

4. MEMBERSHIP AND MEMBER APPOINTMENT

The CRC consists of up to 12 ministerially appointed, non-representative, community members with relevant knowledge and expertise of the PSCMP study area. The Minister for Environment has selected former McGowan Government Minister for Emergency Services; Corrective Services, Hon. Francis Logan to be the chairperson of the Committee.

Members are non-representative and have been selected based on their expertise, local knowledge or experience across a broad range of interest areas.

Members appointed by the Minister will remain in place, unless otherwise notified, until the marine park management plan (or plans) is finalised. Membership is confirmed when members accept their appointment with DBCA on receipt of their individual appointment letter from the Minister.

Members of the CRC are not empowered to administer management programs or activities or direct DBCA staff or joint management partners. The CRC does not have any financial, procurement, contracting or human resource delegations and cannot make any commitments on behalf of the government.

4.1. CRC members will:

- a) be committed to the development of an indicative management plan(s) for the proposed multiple use marine park(s) in the study area;
- b) make themselves familiar with information in briefing packages prior to meetings;
- c) work constructively as part of the CRC to, wherever possible, provide consensus advice to the planning team;
- d) represent themselves as individuals but may have knowledge of and interest in a range of community, industry or interest groups;
- e) demonstrate the capability to successfully represent the broad interests of the local community;
- f) base their advice to the CRC on relevant and factually correct information;
- g) treat others with respect and fairness, act honestly and in good faith, exercise reasonable skill, care, and diligence in carrying out their duties, avoid conflicts of interest and not make improper use of information; and
- h) respect the confidentiality of culturally sensitive, commercial in confidence or otherwise sensitive or confidential information provided by joint management partners, key stakeholders or others as part of the planning process.

4.2. Changes to membership

- a) The Minister may:
 - i) remove an appointed member for failing to comply with the Terms of Reference or for failure or incapacity to carry out member requirements in a satisfactory manner;
 - ii) appoint new members to fill vacant positions that may arise; and
 - iii) appoint additional members should the need arise to ensure a balance of community views are represented on the CRC (up to the maximum of 12).

5. MEETINGS

DBCA will provide executive support to the committee including provision of briefing packages to members prior to meetings and taking and disseminating minutes. Outcomes of meetings will be publicly available on DBCA's website.

A representative from each SAG, as well as representatives from relevant local and State Government agencies, will also be invited as observers to the CRC meetings and the CRC may choose to invite guest speakers at appropriate stages in the planning process. If required, the CRC will have the option to hold private sessions to ensure sensitive matters can be discussed openly and that independent advice can be provided to the joint management partners.

5.1. Meeting management

- a) The Chair will preside at each meeting.
- b) Members are appointed on the basis of their individual knowledge and experience. If members cannot attend a meeting, a proxy cannot be sent.
- c) If members are absent from three consecutive meetings, their membership will be terminated and the member advised in writing.
- d) A quorum of the CRC is half plus one of the number of appointed members.
- e) All meetings will be attended by designated DBCA and DPIRD staff members. Traditional owner joint management partner representatives may also be in attendance.
- f) Guest speakers invited to present to the CRC will be discussed and agreed with the Chair prior to the meeting.
- g) Non-CRC members in attendance will have observer rights only unless invited to participate by the Chair. SAG representatives attend in an advisory role.
- h) An appointed member who has a direct or indirect financial or other conflict of interest in a matter under discussion by the CRC must disclose the nature of the interest to the group. Any real or perceived conflict of interest should be disclosed to DBCA as soon as practicable as the potential conflict arises. All members will sign a conflict of interest register, and any real or perceived conflict of interest that arises during a meeting must be disclosed and recorded in the minutes.
- i) Meetings are to be arranged by DBCA in consultation with the Chair, the frequency of meetings will be decided between the CRC and DBCA.
- j) Where possible, the CRC should attempt to reach consensus on its advice on matters provided to the planning team. However, all committee input will be taken into consideration in final management decisions.
- k) The planning team will provide feedback to the CRC as to how its advice has been incorporated into the development of the indicative management plan.

6. ADMINISTRATION, ALLOWANCES AND EXPENSES

6.1. Administrative support

- a) DBCA will provide administrative support including relevant meeting expenses for the organisation of CRC meetings (e.g. venue hire where required).
- b) Membership to the CRC is on a voluntary basis. DBCA will reimburse reasonable travel expenses incurred by members in attending committee meetings, or when on other official committee business.

- c) Reimbursement must be authorised in advance by the Esperance District Manager. Members are encouraged to travel together where possible and to minimise travel expenses where possible.

7. MEDIA AND COMMUNICATIONS

7.1. Key contacts for media and communications

- a) All outgoing communications of the CRC will be through the Chair or a designated officer of DBCA.
- b) Information relating to decisions of the committee must only be communicated in an official capacity by the Chair or a designated officer of DBCA.
- c) CRC meeting outcomes will be available to the public via DBCA's website.
- d) The Chair, or a designated officer of DBCA/DPIRD is the appropriate spokesperson for media-related enquiries and interviews. The Chair will advise DBCA of any upcoming media interviews as soon as practicable.
- e) CRC members (other than the Chair) who communicate with the media may not speak for the committee unless explicitly authorised by DBCA, and must clearly state that they are not representing the CRC.
- f) DBCA will provide the CRC with any media releases relevant to the CRC issued by the Minister or DBCA.

8. VARIATION

DBCA may vary the Terms of Reference for the CRC at any time by notice in writing to members.

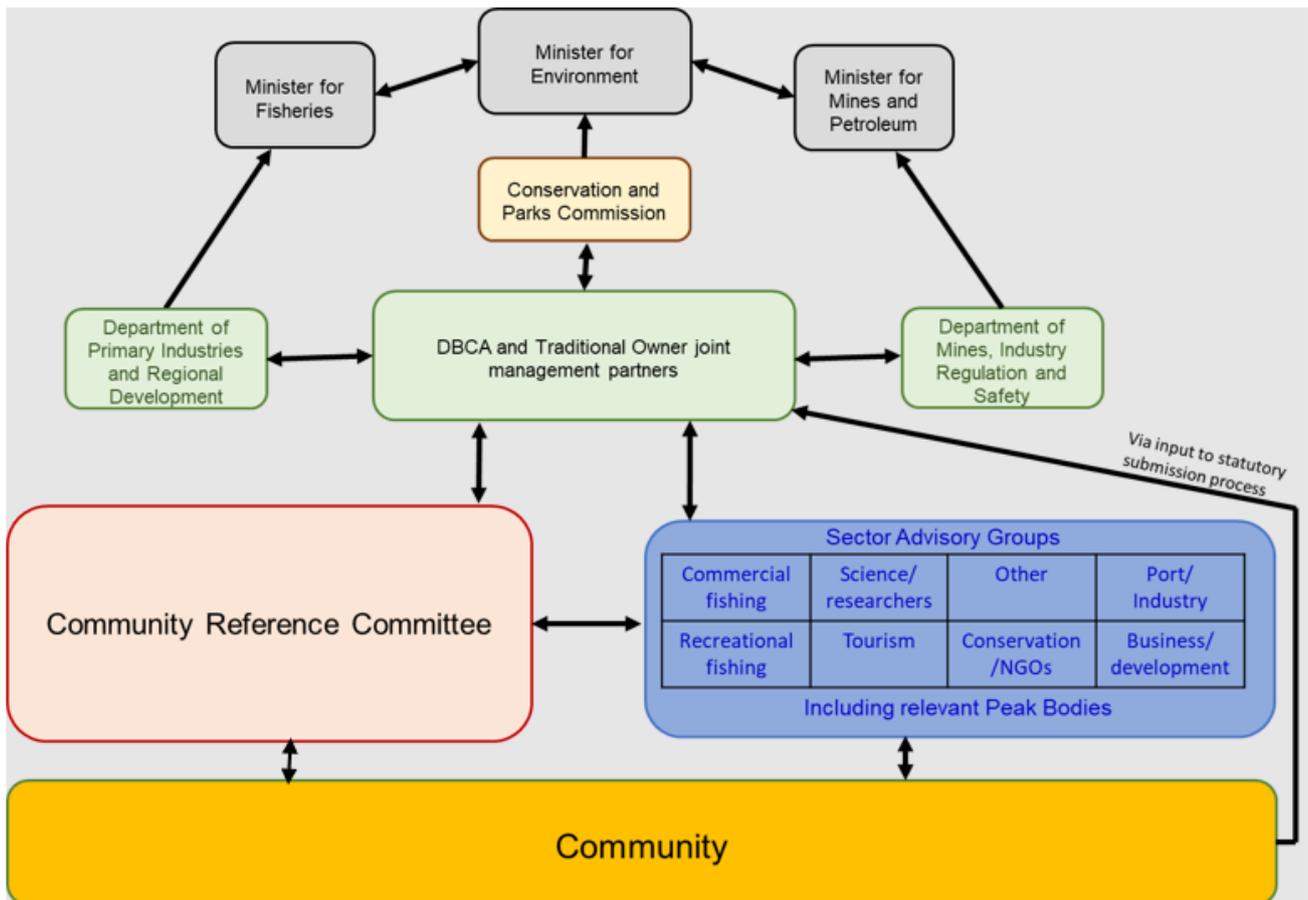
9. DISSOLUTION

The Minister may dissolve the CRC at any time by notice in writing to members.

APPENDIX 1

Communication and reporting relationships

This schematic outlines the communication and reporting relationships between the Community Reference Committee, Sector Advisory Groups, joint management partners, Conservation and Parks Commission and relevant Ministers.



Sector Advisory Groups

Sector Advisory Groups (SAGs) will be made up of representatives of broad interest groups and the local community (e.g. commercial fishing, recreational fishing, tourism/commercial operators, scientific community, conservation, industry, etc.). SAGs will provide advice from their relevant sector to the CRC and project partners during the planning process and will generally be chaired by relevant peak bodies. Information from the SAGs will primarily flow through the CRC.

Community Reference Committee (CRC)

The CRC will provide local knowledge and advice on the establishment and management of the PSCMP and development of one or more indicative and final management plans. The CRC will provide a key conduit for communication and knowledge sharing by the SAGs and the broader community (through the SAGS) throughout the planning process. The CRC will provide advice to the joint management partners (DBCA and traditional owners).

Joint management partners

DBCA is the lead agency responsible for the establishment and management of marine reserves under the CALM Act. DBCA, DPIRD and traditional owner joint management partners will work with the CRC; SAGs; key stakeholders; peak bodies; other State and local government agencies; marine scientists, planners and managers; and the broader community in developing the indicative and final management plan (or plans). DBCA provides advice to the Conservation and Parks Commission (the Commission) and the Minister for Environment.

Conservation and Parks Commission

The Commission is an independent body established under the CALM Act. Under the Act, marine parks and reserves are vested in the Commission and are under the care, control and management of the Commission. Proposed amendments to the CALM Act will enable marine reserves to also be jointly vested with traditional owners (through an Aboriginal body corporate). The Commission has a statutory function to prepare marine park and reserve management plans, through DBCA (and any joint management partners) and to assess the implementation of management plans. The Commission provides independent advice to the Minister for Environment in relation to marine parks and reserves.

Other State Government Departments

DPIRD and the Department of Mines, Industry Regulation and Safety (DMIRS) provide advice to support the statutory role of their respective Ministers in the marine park planning process. DBCA and traditional owners will work closely with both departments, and other government agencies to ensure a whole of government approach to the proposed marine park planning process. DPIRD and DMIRS will work in partnership with DBCA and joint management partners when undertaking fisheries and mining related stakeholder and community engagement during the marine park planning process.

Ministers

The Ministers for Environment, Fisheries, and Mines have statutory approval roles in the creation of marine parks and reserves, approval of marine park management plans and the establishment of final zoning schemes for marine parks. The Ministers receive advice from DBCA, DPIRD and DMIRS, with the Minister for Environment also receiving independent advice from the Commission.

Broader community

The broader community will have opportunities for input and involvement throughout the planning process through a range of formal and informal consultation mechanisms. Broader community members will be able to engage with the process through the SAGs and directly with DBCA. The community engagement strategy provides more details on opportunities for engagement during the marine park planning process.