

## Terms of Reference

### Cockburn Sound Management Council

#### Background

The Cockburn Sound Management Council (the Council) is established under Part II, section 25(1) of the *Environmental Protection Act 1986* (EP Act) as an advisory Council to the Minister for Environment. The Council is supported by the Department of Environment Regulation.

Since the 1970s, the Western Australian State Government, in partnership with industry, local government and the community has worked to improve the environmental health of the Cockburn Sound. The partnerships formed over a number of years, and strong community support and concern for the state of the marine environment resulted in the formation of the Council in 2000, for the purpose of maintaining the value of Cockburn Sound as a multiple-use marine area.

The Council was originally established in response to Cabinet Decision 07/02/2000, as a Committee of the Board of the Water and Rivers Commission under Clause 15 of Schedule 1 of the *Water and Rivers Commission Act 1995* to assist in the management of Cockburn Sound and its catchment in accordance with the terms of the Council's Constitution.

Amendments to this legislation through the Machinery of Government Review at the time, acknowledged existing committees such as the Council and allowed for these committees to continue as if they were appointed by the Minister for Environment.

In October 2005, the then Ministers for Water and Environment created the Department of Water and the Department of Environment and Conservation. It was decided at this time that the Council would be supported by the Department of Environment and Conservation. In January 2007, the Council was re-established as an advisory council to the Minister for Environment under section 25 of the EP Act.

Under the EP Act, the Department of Environment Regulation and the Environmental Protection Authority have responsibility for the conservation, preservation, protection, enhancement and management of the environment, including the marine and coastal environments, for the prevention, control and abatement of pollution, environmental harm and other relevant matters that affect these environments. The Terms of Reference and the operations of the Council recognise and do not duplicate the statutory and non-statutory roles and responsibilities of the Minister for Environment and portfolio, government agencies and statutory authorities.

## Terms of Reference for the Council

The Council's Terms of Reference are to:

1. Facilitate and coordinate stakeholder and community input into the environmental management of Cockburn Sound, particularly in regard to the protection and maintenance of water quality and associated environmental values<sup>1</sup> for the Cockburn Sound marine area.
2. Oversee and coordinate environmental monitoring and research/investigative studies in Cockburn Sound.
3. Provide advice to the Minister for Environment on the environmental management of Cockburn Sound, particularly in regard to the protection and maintenance of water quality and associated environmental values for the Cockburn Sound marine area.
4. Report to the Minister for Environment and the community on the state of the environment of Cockburn Sound, particularly in regard to the protection and maintenance of water quality and associated environmental values for the Cockburn Sound marine area.

In meeting its Terms of Reference, the Council will undertake the following:

1. Provide advice and recommendations to the Minister for Environment on:
  - i. issues impacting, or potentially impacting, the water quality and associated environmental values for the Cockburn Sound marine area;
  - ii. management actions to protect and maintain the water quality and associated environmental values for the Cockburn Sound marine area;
  - iii. monitoring of water quality and associated environmental values for the Cockburn Sound marine area; and
  - iv. strategies to improve the water quality and associated environmental values for the Cockburn Sound marine area.
2. Provide a report to the Minister for Environment:
  - i. annually on the results of environmental monitoring of the Cockburn Sound marine area and the extent to which these meet the Environmental Quality Objectives and Criteria set in the State Environmental (Cockburn Sound) Policy; and

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<sup>1</sup> The environmental values for the Cockburn Sound marine area are: ecosystem health, fishing and aquaculture, recreation and aesthetics, cultural and spiritual, and industrial water supply.

- ii. every three years on the overall state of the Cockburn Sound marine area, including trends in water quality and associated environmental values,

and publish these reports.

### **Structure of the Council**

The Council will consist of representatives with appropriate experience drawn from the community, conservation interests, recreational interests and industry, and federal, state and local government. The Full Council will comprise 20 members.

An Executive Council of at least five members plus the Chair shall be established from within the Full Council membership. The Executive Council shall be responsible for setting the direction, planning and management advice, policies and all other activities undertaken by the Council, in accordance with this Terms of Reference.

The Council (either Full Council or Executive Council) may recommend the formation of additional temporary Working Groups that are empowered to address specific initiatives or issues and report back to the Council. The Council will develop the purpose, objectives, resource requirements and intended outputs and outcomes of such Working Groups and develop separate operating rules for each.

### **Membership of the Council**

#### *Full Council*

The members shall comprise:

- (a) An independent Chair;
- (b) Three community members, including two general community members who represent the broader community and a member representing Aboriginal and Torres Strait Islanders;
- (c) One conservation representative nominated by the Conservation Council of Western Australia Incorporated;
- (d) Two representatives nominated by any relevant recreation representative bodies, including powerboats, sailing or other recreational users of Cockburn Sound;
- (e) Three industry representatives nominated (one representative each) by:
  - Kwinana Industries Council
  - WA Fishing Industry Council
  - Any relevant industry representative body, including horticultural, agricultural, ship building, tourism, commercial, or other related stakeholder bodies;

(f) Three local government representatives nominated (one representative each) by:

- Cockburn City Council
- Kwinana City Council
- Rockingham City Council;

(g) One representative from the Australian Department of Defence nominated by a senior departmental officer; and

(h) Six state government agency and statutory authority representatives, including one senior officer nominated by the Director General or Chief Executive Officer from each of:

- Department of Environment Regulation
- Department of Fisheries
- Department of Water
- Department of Health
- Fremantle Port Authority
- Water Corporation.

The Minister for Environment may appoint any other person from time to time and for such period as determined by the Minister, where that person's experience, skills or qualifications would enable them to make a contribution to the Council.

#### *Executive Council*

The Executive Council shall comprise:

(a) The independent Chair; and

(b) A minimum of five representatives from the Full Council.

Every year the Full Council will be asked to nominate a minimum of five members for the Executive Council. The Chair will ensure balanced representation from across the Council and where possible shall have an industry, community, conservation, and state and local government representative.

#### *Working Groups*

A Council member shall be appointed by the Council to act as Chair of each Working Group and will have responsibility for the functioning and reporting of the Working Group. Other members of the Working Group shall also be determined by the Council.

#### *Selection Process – Chair*

A call for expressions of interest in appointment to the office of Chair shall be made for consideration by the Minister for Environment.

### *Section Process – Community Members*

A call for applications from the public shall be made. A selection panel (comprised of representatives from the Executive Council on approval of the Minister for Environment) shall be assembled to review the applications and make a recommendation to the Minister for Environment.

### **Operation of the Council**

The Council shall ensure that appropriate policies, guidelines and procedures are developed and maintained to meet the Public Sector Commission's *principles of good corporate governance for Western Australian public sector boards and committees*.

The Council shall determine the detail of its own meeting procedures and protocols. Those procedures shall include protocols such as calling of meetings, provision of agendas on notice, keeping of minutes, need for a quorum, voting, and resolution of issues.

The Council shall determine its own procedure for public access to meetings, meeting agendas and attachments, and meeting minutes.

### **Support for the Council**

The Department of Environment Regulation will provide operational support to the Council in the form of a Coordinator and administrative support. The Council may sign a Memorandum of Understanding with the Department which specifies the services that are provided to the Council by the Department.

[Signed 24 September 2015]

Albert Jacob MLA  
**MINISTER FOR ENVIRONMENT; HERITAGE**