

Terms of Reference

Gondwana Rainforests of Australia World Heritage Area Community Advisory Committee

The Convention Concerning the Protection of the World's Cultural and Natural Heritage (the World Heritage Convention) was adopted by the UNESCO General Conference in Paris on 16 November 1972. The World Heritage Convention came into force in 1975. The World Heritage Convention promotes cooperation among nations in order to identify and protect heritage that is of Outstanding Universal Value and ensure its conservation for current and future generations.

In August 1974, Australia ratified the Convention. The Gondwana Rainforests of Australia World Heritage Area (Gondwana Rainforests) was inscribed on the World Heritage List in 1988, with extensions to the property added in 1992, to acknowledge its natural heritage of outstanding universal value. It exhibits outstanding examples of major stages of the Earth's evolutionary history, ongoing geological and biological processes and exceptional biological diversity. A wide range of plant and animal lineages and communities with ancient origins in Gondwana survive in this collection of reserves. The Gondwana Rainforests also provides the principal habitat for many threatened species of plants and animals.

The Gondwana Rainforests is a serial property comprising the major remaining areas of rainforest in south east Queensland and north east New South Wales. It currently includes parts of 41 protected areas located largely on the Great Dividing Range and eastern escarpment, extending from Main Range National Park in south east Queensland to Barrington Tops National Park in north east New South Wales.

On ground management of the Gondwana Rainforests is primarily by the Queensland Parks and Wildlife Service and the New South Wales National Parks and Wildlife Service, with additional strategic, policy and funding aspects of the property managed by the Queensland Department of Environment and Heritage Protection World Heritage Unit. Cooperative arrangements between the two States and agencies have been developed to assist in the management of the property. These include:

- A Coordinating Committee, comprised of on-ground managers and policy officers from these agencies and the Australian Government, to facilitate the cooperative management of the property at an operational level; and
- A Management Committee with representatives from the Queensland and New South Wales Governments managing agencies and the Australian Government which oversees the property from a higher strategic and management level.

The Community Advisory Committee (CAC) and Technical and Scientific Advisory Committee (TSAC) were established in 2002 to provide community, technical and scientific input into the management of the property. Because they are advisory groups, the committees do not have decision-making or policy-setting powers or responsibility, but rather provide advice to the Ministers and managing agencies to assist in meeting obligations under the World Heritage Convention and the Federal *Environmental Protection and Biodiversity Conservation Act 1999*. These obligations include identifying, protecting, conserving, presenting, transmitting to future generations and, if appropriate rehabilitating, the Outstanding Universal Values of the World Heritage property.

The basis for advisory committees is outlined in the *Environmental Protection and Biodiversity Conservation Regulations (2000)* Schedule 5 which states:

... *The management should make special provision, if appropriate, for the involvement in managing the property of people who:*

(a) *have a particular interest in the property; and*

(b) *may be affected by the management of the property.*

... *The management should provide for continuing community and technical input in managing the property.*

Role of the Committee and matters to be considered

The Gondwana Rainforests Community Advisory Committee will provide advice on matters relating to the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage of the Gondwana Rainforests Outstanding Universal Value from the viewpoint of the community.

The Gondwana Rainforests Community Advisory Committee will provide advice to the managing agencies, the Gondwana Rainforests Management Committee, the Australian, New South Wales and Queensland Government Ministers responsible for World Heritage matter and the Australian World Heritage Advisory Committee as requested or of its own volition.

The Chair of the Community Advisory Committee may also represent the Gondwana Rainforests on the Australian World Heritage Advisory Committee (AWHAC), which will consider national and cross-cutting issues relevant to all World Heritage properties in Australia.

The Committee does not formally 'vote' on issues, but may indicate to the management agency that recommendations are unanimous, or represent a majority view (but indicating dissenting views) or divergent view (identifying the various viewpoints). It is up to the CAC Chair and the members to ensure the minutes of meetings accurately reflect the Committee's viewpoint. At times this may involve a 'show of hands' on an issue but this will be seen by the management agency as a guide rather than a vote. In this way the management agency becomes aware of divergent or minority views. Members should use their best endeavors to understand other points of view and try to move issues in the direction of a consensus outcome, or at least identify in the first instance the aspects of issues which prevent a consensus outcome.

As membership of the Committee is on an honorary basis, the Australian, New South Wales and Queensland Governments are appreciative of any time commitments made by members. Although no minimum time commitments are set, it is expected that Committee members will attach a priority to attending Committee meetings and allocating appropriate preparation time for reading of agenda papers etc.

Members at their own discretion can also function as information providers to their sectors of representation on Gondwana Rainforests World Heritage issues. At times there may be a conflict between providing information to the community and respecting the confidentiality of some of the information provided to the CAC. It is the responsibility of members to identify such conflicts and seek direction, either during Committee meetings or through the Gondwana Rainforests Executive Officer.

Only the CAC Chair has the authority to make statements on behalf of the Committee.

Membership

There will be a maximum of 12 members of the Community Advisory Committee comprising:

- A Chair, being an independent, non-government person, with no current direct financial or political vested interest in the way in which the Gondwana Rainforests of Australia is managed
- The Chair of the Technical and Scientific Advisory Committee or a nominated representative
- Up to five representatives from the New South Wales NPWS Regional Advisory Committees which represent stakeholder interests within the New South Wales portion of the Gondwana Rainforests comprising one from each of the following groups; conservation, indigenous, recreation, commercial tourism and local government
- Up to five representatives of stakeholder interests within the Queensland portion of the Gondwana Rainforests comprising one from each of the following groups: conservation, indigenous, recreation, commercial tourism and local government.

Consideration should also been given to gender balance and other equity issues within the Committee. It is not intended that members be 'representative' in the strict sense of the word. Rather it is intended that members will be broadly across the issues relevant to their sector of representation and thus able to provide informed advice.

Australian, New South Wales and Queensland Government observers may attend meetings with the agreement of the Chair.

The Executive Officer for the Gondwana Rainforests will provide administrative and technical support at the CAC meetings.

Other guests, observers and specialist advisers may be invited to attend and to provide advice.

Appointments

Expressions of interest for new Committee members will be publicly advertised.

The Chair will be jointly appointed by the Australian, New South Wales and Queensland Ministers.

Other members will be appointed by the relevant New South Wales or Queensland State Ministers.

Nominations will be encouraged from individuals who have a capacity to provide multiple levels of advice to the Committee or from nominees who might offer a high level of advice from a particular sector. Similarly, individuals nominating for the Committee will be encouraged to seek endorsements from as many relevant organisations as possible.

Members will be appointed in their own right and not as representatives of any particular organisation. It is anticipated that the New South Wales members will provide linkages with their respective National Park Regional Advisory Committees and interest groups.

Term of Appointment

Members are appointed for a three year period. Members may resign at any time they feel unable to offer informed advice regarding their nominated sector of representation. Members will be eligible for reappointment in another term.

The Chair is appointed for a three year period. The Chair may resign at any time they feel unable to offer informed advice regarding their nominated sector of representation. The Chair will be eligible for reappointment in another term.

Meeting Attendance

Members are strongly encouraged to attend all meetings.

The Community Advisory Committee will operate according to the following procedures:

- If the Chair is absent the Committee will elect a temporary Chair
- A quorum will comprise three New South Wales appointed members and three Queensland appointed members, plus the Chair
- The Committee will meet as necessary, or at the request of the Management Committee or the Ministers, or if the majority of members request a meeting provided that at least three meetings are held each calendar year
- A member may send an appropriate proxy, with the agreement of the Chair, for a maximum of two meetings in any term.

Termination

Termination of membership of the Community Advisory Committee will be by the appointing Minister(s). Grounds for termination of membership include:

- If a member becomes, in the opinion of the Chair and/or the Minister(s), physically or mentally incapable of carrying out his or her duties as a member of the Committee
- If a member, in the opinion of the Chair and/or the Minister(s), misconducts himself or herself in the performance of his or her duties as a member of the Committee
- If by reason of a change of occupation, residence or other circumstances, a member, in the opinion of the Chair and/or the Minister(s), ceases to be a person suitable to represent the interests that were the basis for his or her appointment
- If a member is absent, except with the permission of the Chair of the Committee, for two consecutive meetings of the Committee
- If a member is convicted of an offence which, in the opinion of the Chair and/or the Minister(s), renders it improper for the member to continue to hold his or her position as a member of the Committee
- If a member takes part in, or is present at, the discussion of any such matter before the Committee without disclosing his or her pecuniary interest to the members of the Committee
- If a member notifies the appointing Minister(s) in writing of his or her desire to resign, this shall become effective on the receipt of the resignation by the appointing Minister(s)
- Other reason at the discretion of the Minister(s) responsible for World Heritage.

Operation

The Community Advisory Committee will operate according to the following procedures:

- If the Chair is absent, the Committee will elect a temporary Chair from the Committee;
- A quorum will comprise three New South Wales appointed members, three Queensland appointed members, plus the Chair
- The Committee will meet as necessary, or at the request of the Ministers, or if the majority of members request a meeting, provided that at least three meetings are held each calendar year
- Secretariat support for the Committee will be provided by the Gondwana Rainforests Executive Officer and the agency in which that position is hosted at the time

- Procedure for the conduct of business will be by consensus and recommendation. Where consensus is not possible, the Committee will indicate in its report of meetings the number of members supporting a particular view and note the alternative views of members not supporting a recommendation
- The minutes of each meeting will be forwarded to the Chair of the Technical and Scientific Advisory Committee and all members of the Community Advisory Committee, and Coordinating Committee within four weeks of each meeting
- A report of each meeting will be forwarded to the Management Committee for clearance and provision to the Ministers within eight weeks of each meeting
- Employees of the New South Wales, Queensland and Australian Governments may attend meetings of the Community Advisory Committee as observers. State and Australian Governments will bear the costs of their agency observers attending meetings
- The Committee may, from time to time, invite non-government observers to attend meetings. Travel costs for these non-government observers will be reimbursed subject to budget approval from the Executive Officer
- Members will be paid allowances as prescribed in the relevant Remuneration Tribunal Determination of the state hosting the Executive Officer
- Chairs will be paid sitting fees and allowances as prescribed by the relevant Remuneration Tribunal Determination of the state hosting the Executive Officer.

Roles of Chairs, Members and Executive Officer

As noted in the Terms of Reference (ToR), the primary role of the advisory committees is to provide advice on matters relating to the Outstanding Universal Value of the Gondwana Rainforests to the Management Committee, the Ministers responsible for World Heritage matters and the AWHAC. Guidance on how to carry out this role with respect to the Chair and Members is provided below.

Chairperson

The responsibilities of the Chair include the following:

- Conduct meetings according to standard meeting procedure and the terms of reference
- Facilitate discussion on the agenda items in a timely manner, seeking consensus on issues and developing recommendations to provide to the Management Committee and Ministers
- Facilitate participation of all committee members in the meeting
- Act as spokesperson for the Committee
- Present the Committee's advice/recommendations, including unanimous, majority and/or divergent views on discussion topics
- Liaise with the Executive Officer, the Coordinating Committee and Management Committee as required.

Only the Chairperson has the authority to make statements to the media on behalf of the CAC. Such statements must be made in consultation with the relevant member of the Gondwana Rainforests Management Committee.

Chairs may represent the CAC at other functions. After each such function, a report is to be provided back to the CAC and forwarded to agency management committees for information (Coordinating Committee and Management Committee).

Members

The responsibilities of members include the following:

- to direct their expertise and experience towards;
 - providing technical, scientific and policy input on a range of issues and initiatives about the management and use of the Gondwana Rainforests of Australia to support consistency with the World Heritage Convention and its Operational Guidelines and

the Australian World Heritage Intergovernmental Agreement. This input may be written or oral. It may also require the member to research and prepare a report for the Committee's consideration at a subsequent meeting.

- debating and formulating a view on issues brought before the Committee and making appropriate recommendations
- to consult with other experts, industry and stakeholders and disseminate information (subject to any overriding confidentiality and media provisions under these terms of reference).
- to participate in working groups as agreed.

The Management Committee and Ministers are appreciative of any time commitments made by members. Although no minimum time commitments are set, it is expected that CAC members will attach a priority to attending committee meetings and allocating appropriate preparation time for reading of agenda papers etc.

Executive Officer

The Executive Officer will provide secretariat and administrative support including:

- Assisting with the development and management of work programs
- Liaising between TSAC and CAC members, government departments and other agencies
- Preparing/distributing documentation including agenda and minutes, papers and reports and correspondence
- Arranging/coordinating meetings and processing claims/payments.

Code of Conduct

The code of conduct for the Committee includes:

- a) Respect other people's opinions.
- b) Remain focused on the issues relating to the discussion topic.
- c) Be flexible and willing to explore options.
- d) Contribute fully to the discussion taking place.
- e) Be concise when presenting views.
- f) Treat other members with respect and integrity.
- g) Respect the confidentiality of personal views.

Confidentiality

All information provided through the Executive Officer to the committees (except that normally available to the public) should be treated as confidential, unless otherwise indicated.

Disclosing conflicts of interest

Conflicts of interest must be disclosed and dealt with by the committees in a transparent way. A conflict of interest arises in relation to a person's duties as a member of the advisory committee, if for example:

- the member has interests which could improperly influence the performance of his or her responsibilities as a committee member
- there is the potential for a member to personally benefit from access to non-public information, or the results of non-public discussions, or decision-making processes.

Committee members must disclose any actual or potential conflicts as soon as possible after the relevant facts come to the member's knowledge, and they must be recorded by the Committee in minutes of the meeting. Where a declaration is made, the committee must:

- refuse the member the right to participate in discussions when the matter is being considered; and/or

- require the member to withdraw from a meeting for the period of discussion and resolution of that business.

Freedom of Information

Committee members should be aware that records may be publicly accessible under the relevant state and Australian legislation. Members, at their own discretion, can also function as information providers to their communities of interest and their individual communities on Gondwana Rainforests of Australia World Heritage matters. At times there may be a conflict between providing information to the community and respecting the confidentiality of some of the information provided to the TSAC and CAC. It is the responsibility of members to identify such conflicts and seek direction, either during committee meetings or through the Gondwana Rainforests of Australia World Heritage Executive Officer. The Gondwana Rainforests of Australia Management Committee and the TSAC and CAC may agree to general summary statements, which can be used as the basis for community information.

Committee Operations

Mode of meetings

The TSAC and CAC may hold meetings by means of any technology permitting contemporaneous communication with other members.

A minimum of three meetings per year will be held with at least one meeting per year being a joint face to face meeting of both TSAC and CAC at a location to facilitate a field trip within the Gondwana Rainforests.

Resolutions without meetings (Out-of-session consideration)

A Committee may consider matters and provide advice or make recommendations out-of-session.

Out-of-session papers are reserved for urgent issues or are considered approved for out-of-session consideration where the majority of committee members has so agreed.

Matters decided by a committee out-of-session must be noted by the Committee at the next formal meeting and be recorded in the minutes of that meeting.

Working groups

A committee may set up working groups to support its operation. The working groups may consider matters out-of-session. Funds will not be provided for out-of session operations.

Meeting Protocols

Agenda preparation

The Gondwana Rainforest Executive Officer shall call for agenda items from members and shall also call for agenda items from the Coordinating and Management Committee members to identify specific matters on which the advice of the Committee is sought.

In submitting agenda items, members should be mindful of avoiding purely local issues, which could be better resolved through direct dealing with the managing agency. Local issues should be discussed within the context of the wider management objective.

If a committee member prepares a discussion paper, it must be tabled in a reasonable timeframe prior to a scheduled meeting.

The final agenda is to be approved by the Chair. The agenda will be distributed by the Executive Officer to members at least one week prior to the meeting, including any agenda papers and supporting documentation.

Materials

Release of documents prepared by the principal agencies should be subject to the approval of the relevant Management Committee member and Committee members will be notified of the confidentiality or otherwise of any documents provided.

Invitees

The Chairs of the advisory committees may invite members of the Management Committee, staff of the principal agencies or other persons to attend all or part of a meeting as guests of the TSAC and/or CAC.

Agency staff required to attend or present to the TSAC or CAC meetings will be decided by agreement between the principal agencies and the relevant Chair. Specialist advisers and observers may be invited to attend all or part of a meeting and are subject to the decisions of the TSAC and CAC regarding their exclusion from the meeting for any particular matter.

Invitees may speak at meetings with the permission of the Chairperson.

Observers and guests attending Committee meetings will meet their own costs, unless approved by the Co-ordinating Committee.

Conduct of Business

The agenda is confirmed at the start of each meeting.

If an item that is not on the agenda is raised in other business, the Chairperson has the discretion to decide whether the matter is dealt with at that point, or at another sitting. If the latter, the item will be placed on the agenda of an upcoming meeting.

Procedure for the conduct of business will be by consensus and recommendation.

The Committee does not formally 'vote' on issues, but may indicate to the Management Committee and Ministers that recommendations are unanimous, majority views (but indicating dissenting views) or represent divergent views (identifying the various viewpoints). Members should use their best endeavours to understand other points of view and try and move issues in the direction of a consensus outcome, or at least identify in the first instance the aspects of issues, which prevent a consensus outcome.

Where consensus is not possible, the Committee will indicate in its report of meetings the number of members supporting a particular view and note the alternative views of members not supporting a recommendation.

Minutes

The minutes of all meetings will be taken by the Executive Officer and include:

- a listing of the members in attendance and apologies
- a brief record of the proceedings under each agenda item conveying recommendations, actions and responsibilities
- any statements which members request be recorded.

Draft minutes are to be approved by the Chair prior to distribution to members within ten working days of the meeting. A final version of the minutes will be prepared by the Executive Officer taking into account the comments by members on the draft minutes. At the following meeting, members may resolve to accept the minutes as a true and accurate record or accept with amendments. The Chair of the Committee will decide should there be any uncertainty in the record.

In regard to the combined meeting of the two committees, held once per calendar year, the minutes will be endorsed via email due to the length of time between meetings.

The Executive Officer shall, after each meeting, on behalf of the Chairs, convey the outcomes and recommendations from the meeting to the State and Australian agencies for comment and response as per communication protocols outlined in the next section.

Once ratified by the Committee, minutes may also be made publicly available on the Departmental websites.

Communication Protocols

Advice to the Management Committee and/or Minister

Recommendations and outcomes of each meeting will be forwarded through the Management Committee for provision to the Ministers within two weeks of each meeting.

The Executive Officer will assist the Chairs to prepare correspondence to Ministers on key issues.

In providing advice, the Committee must indicate the extent to which its advice reflects a consensus view of the Committee and articulate any minority views on any issue as appropriate.

The recipient of the advice may provide a written response to the Chairperson. The Executive Officer will be copied in on all correspondence.

Communication between the Committee and other parties

General correspondence and enquiries are through the Executive Officer.

Submissions to the committees must be addressed to the Chairperson.

Media communications

Any requests from the media to a committee member or Chair should be forwarded to the Executive Officer who will liaise with the Chairs and management committees regarding the media request.

The Chairs may proceed with a response to the communication with the relevant member of the Management Committee's approval, communicated by the Executive Officer. The Chairs must refrain from characterising the views of, or attributing comments to, other committee members.

The Executive Officer will keep a record of all communications with the media or press coverage of the Committee.

Maintenance of records

The minutes of meetings and records of all correspondence and reports will be kept by the Executive Officer.

Administrative Matters

The Australian and State Governments will provide funds and in kind support for the performance of the functions of the TSAC and CAC as judged as reasonable by the Management Committee including secretariat support.

Remuneration/expense claims

TSAC and CAC members

Committee members are entitled to be reimbursed for certain expenses incurred in carrying out the business of the Committee (e.g. taxi costs, car expenses, accommodation and air travel). Receipts or other proof of expenditure must be retained and presented with claims for

reimbursement. Members will be paid these allowances as prescribed in the relevant Remuneration Tribunal Determination of the State hosting the Executive Officer (currently NSW).

TSAC and CAC Chairs

Committee Chairs will be paid sitting fees and are entitled to be reimbursed for certain expenses incurred in carrying out the business of the Committee (e.g. taxi costs, car expenses, accommodation and air travel). Receipts or other proof of expenditure must be retained and presented with claims for reimbursement. These sitting fees and allowances as prescribed in the relevant Remuneration Tribunal Determination of the state hosting the Executive Officer (currently NSW).

Payment of expenses and sitting fees for Chairs representing the CAC or TSAC at other functions will be on a case-by-case basis on approval of both NSW and Qld Co-ordinating Committee representatives (on advice from the Executive Officer regarding appropriateness and availability of funds).

Invitees

The TSAC and CAC may, from time to time, invite non-government observers to attend meetings. Travel costs for these non-government observers will be reimbursed subject to approval by the Coordinating Committee.

Procedures

The required forms can be obtained from the Executive Officer.

Claims must be processed within one (1) calendar month from the date of the meeting. It is the responsibility of a committee member to ensure that all paperwork is completed, signed and returned for payment within the defined period.

All air travel is to be booked and managed by the Executive Officer. Air travel is economy class. Catering, facilities and equipment will be managed by the Executive Officer for the Committee.