

PROJECT RECOMMENDATION GROUP – TERMS OF REFERENCE PILBARA ENVIRONMENTAL OFFSETS FUND

1 Role of the Project Recommendation Group

The *Pilbara Environmental Governance Framework 2019* (Governance Framework) outlines how the Pilbara Environmental Offsets Fund (the Fund) shall be managed and the roles and responsibilities of the Project Recommendation Group (PRG). In accordance with section 2.4 of the Governance Framework the role of the PRG is to:

1. Review and provide advice to the Department of Water and Environmental Regulation (DWER) on project applications.
2. Recommend to the Minister which projects should be invested in, based on the Implementation Plan for the Fund.
3. Provide advice on the 6 monthly and annual project reports from delivery agents and recommend to DWER whether projects should continue, be adjusted or discontinue.

These Terms of Reference (ToR) are to be read in conjunction with the Governance Framework.

2 Duties of members

2.1 Code of conduct

Members of the PRG will adhere to the following code of conduct:

1. Provide advice and recommendations fairly and impartially, and act in good faith, ethically and with integrity.
2. Be accountable and transparent.
3. Advise on the use of the resources of the State only for the purposes of the Fund.
4. Not make improper use of information obtained during duties or use for direct or indirect personal or commercial gain, or to do harm to other people or the Fund.
5. Not use public resources for personal gain, financial or otherwise.
6. Attend periodic PRG meetings.

2.2 Conflict of Interest

The Department of Water and Environmental Regulation (DWER) recognises that members of the PRG may have a conflict of interest when they are making decisions or recommendations on matters regarding the Fund. PRG members are expected to manage any potential conflicts in accordance with the [Conflicts of Interests Guidelines for the WA Public Sector](#), even if they are not members of the WA Public Sector.

Members of the PRG will:

1. Disclose all actual and perceived conflicts of interests at the commencement of their term on the PRG, and where these conflicts change, disclose new or revised conflicts of interest as soon as practicable.
1. Where there is a matter that is before a meeting of the PRG where a conflict of interest may exist, the member should disclose the potential interest prior to any discussion occurring. The Chair may require the member to not participate in any discussions based on the nature of the conflict.

The Chair will nominate another member to Chair if they have a potential conflict of interest with a matter being discussed.

3 Group composition and nomination

3.1 Membership

The membership of the PRG is as follows:

1. Department of Water and Environmental Regulation officer (Chair).
2. Department of Biodiversity, Conservation and Attractions officer.
3. Department of the Environment and Energy officer¹.
4. A probity consultant independent of Government.

DWER will also provide a secretariat for the group.

The composition of members as described above, and appointment of individuals will be approved by the Minister for Environment. All appointments should reflect the diversity of the community and support the Western Australian government's target of 50 per cent representation of women.

3.2 Qualifications

Members of the PRG will have experience in delivering biodiversity conservation projects in the Pilbara and will understand how projects relate to approval decisions under the *Environmental Protection Act 1986* and/or the *Environment Protection and Biodiversity Conservation Act 1999*.

3.3 Term of membership

1. The term of the membership for the PRG will be for three years.
2. If members can no longer fulfil the duties expected of PRG members, attend meetings and/or wish to resign their appointment, they must provide the Director General of DWER with a written resignation.
3. If a member resigns, then the Minister will appoint a new member.
4. Members should only send proxies to PRG meetings in extenuating circumstances or emergencies. Proxies will have full voting rights as it is assumed that they will be acting in the interest of the government department they represent.
5. The Director General of DWER may terminate individual membership of the PRG if a member does not act in accordance with the code of conduct.

3.4 Reimbursement

The PRG is a non-statutory group and members from government agencies will not be paid a salary for participating. However, DWER may approve, on request, reimbursement of costs associated with attending meetings where substantial travel is required. The probity officer will be reimbursed for attending meetings and supporting activities as defined in a contract with DWER.

4 Meetings

The PRG will meet as required in line with the timing of calls for project applications. A special meeting

¹ As at 18 July 2019, the federal Department of the Environment and Energy (DoEE) is engaging in the PRG and related Fund planning with a view to confirming the Fund's arrangements meets federal requirements. Once satisfied, DoEE has confirmed it will recommend the Australian Government execute a Memorandum of Understanding with the WA Government by which proponents will be able to acquit their offset obligations at the federal level through payments to the Fund.

of the PRG may be convened by the Chair at any time.

4.1 Decisions

1. A quorum is three deliberative votes.
2. The probity officer does not vote but does provide advice to the PRG, Director General of DWER and Minister on whether projects have been recommended in accordance with the Implementation Plan for the Fund.
3. Each voting member present at the meeting has a deliberative vote unless the code of conduct determined by the Panel prevents the member from voting.

4.2 Minutes

1. DWER will provide a secretariat for the group, and in addition to facilitating other tasks, will prepare an agenda for each meeting and circulate it at least two weeks prior to an ordinary meeting.
2. The secretariat will circulate minutes to members within one week after an ordinary meeting. Members have one week to make comments on the minutes and provide them to the secretariat.
3. The secretariat will finalise the minutes and publish them together with the agenda on the DWER website at most two weeks after any ordinary meeting.

5 Communications

1. Members may not make public comment on behalf of the PRG, the Fund or the WA Government to the media or outside organisations, unless authorised to do so by the Director General of DWER.

6 Review cycle

1. DWER, with input from the PRG and Implementation Advisory Group (IAG), will review the efficacy of these Terms of Reference each time the Governance Framework is reviewed.