

# Exmouth Gulf Taskforce

## Terms of Reference and membership

Version 2.1, November 2023

### 1. Terms of reference

#### Context

The Exmouth Gulf Taskforce (EGT) is established by the Minister for Environment, as an advisory Taskforce, under section 25 of the *Environmental Protection Act 1986* (EP Act). The Taskforce is supported by the Department of Water and Environmental Regulation (DWER).

The State Government is committed to an integrated management approach to ensure the conservation and enhancement of the key values of Exmouth Gulf and its surrounds.

The Exmouth Gulf is globally recognised for its significant environmental, cultural and social values and is home to important habitat for marine fauna, including nursing humpback whales, whale sharks and highly valuable mangrove systems.

In August 2021, the Environmental Protection Authority (EPA) published its strategic advice to the Minister for Environment on the potential cumulative impacts of proposed activities and developments on the environmental, social and cultural values of the Exmouth Gulf (EPA Report).

The EPA Report identified that the Exmouth Gulf was fragile and faces increasing pressures on its unique, globally significant environmental, social and cultural values.

In December 2021, the State Government committed to the establishment of a new marine park and conservation reserves in Exmouth Gulf and to implement all of the EPA's recommendations.

#### Purpose

The EGT focus is to facilitate within-Government coordination of the environmental management of the Exmouth Gulf and its surrounds.

The EGT focus is to facilitate and coordinate stakeholder and community input into the environmental management of Exmouth Gulf and its surrounds.

The EGT will be the primary forum for stakeholders to inform the Government's broader consideration of strategic issues relating to Exmouth Gulf and its surrounds.

The EGT will have an independent Chair appointed by the Minister for Environment and will report to the Minister for Environment.

## Scope

The EGT will have a primary role in:

1. **Sharing knowledge** on the state of key values and pressures of the Gulf and its surrounds to inform conservation, planning and management of key values.
2. **Regular monitoring and reporting** on the state of the environment for the Gulf and its surrounds.
3. **Ensuring the Traditional Owners are considered partners** in the conservation, planning and management decisions for the Gulf and its surrounds.
4. **Input on statutory planning and environmental assessment** processes where future decisions are likely to significantly impact on the Gulf and its surrounds.
5. **Addressing knowledge gaps** to improve environmental planning and management of multiple sectors (e.g. tourism, fisheries, conservation, pastoralism, transport).
6. **Considering the implications of climate change** and the need to develop adaptation strategies as part of future conservation, enhancement and management.

The scope of the EGT is to provide the following advice to the Minister for Environment on their exercise of powers under relevant legislation such as the *Conservation and Land Management Act 1984* (CALM Act) and the EP Act:

1. Provide a report within 18-24 months of its establishment that addresses the information gaps on Exmouth Gulf and its surrounds, including but not limited to:
  - Knowledge gaps identified in the EPA's strategic advice (EPA Report) and additional advice on the current status of bonefish, dolphins, and sawfish in the Gulf, and a range of land-based values (e.g. flora and vegetation, fauna); and
  - further information gaps identified through ongoing consultation with targeted stakeholders prior to the first meeting of the EGT.
2. Providing specific advice and recommendations as requested by the Minister for Environment including, but not limited to:
  - options to deliver a high level of protection for the Cape Range Subterranean Waterways;
  - options to deliver long-term integrated management of the land and sea, including the establishment of a secure marine reserve over the wider Gulf area that does not adversely impact existing managed commercial fisheries; and adequately considers recreational and charter fishing; and
  - options to inform terrestrial and marine protection planning processes.

## **Membership**

The Minister for Environment will determine the membership of the EGT in consultation with the Nganhurra Thanardi Garrbu Aboriginal Corporation (NTGAC).

Observers will be invited to attend where their specialist knowledge or expertise may be of assistance to the Taskforce.

## **Roles**

Meetings will be conducted in accordance with the Public Sector Commission's *Conduct Guide for Public Sector Boards and Committees*.

## **Nganhurra Thanardi Garrbu Aboriginal Corporation**

NTGAC is the Approved Body Corporate for the Exmouth Gulf and is representative of Traditional Owners and Custodians of the Gulf.

NTGAC representatives will provide guidance on matters relating to the cultural significance of the land and sea environments and in recognition of appropriate negotiation arrangements in NTGAC determined Native Title areas of Exmouth Gulf and co-designed and jointly managed conservation estate (i.e. marine parks, class A reserves) under the CALM Act.

## **Chair**

The independent Chair is appointed by the Minister for Environment in consultation with NTGAC. The Chair will work with NTGAC and DWER to facilitate the EGT meetings, including preparation of the meeting scheduling, review of agenda and papers and subsequent drafting of minutes and communiques, ensuring that meetings are efficient, effective and maintain a strategic focus.

## **Members – Government**

Members are appointed to represent their organisation. Their responsibility is to attend all meetings, or provide a proxy, and share relevant information with the Taskforce.

Members are also responsible for facilitating communications regarding the activities of the EGT and key achievements under the EGT with their wider network.

## **Members – Non-Government**

A call for applications from the Exmouth community shall be made. A selection panel shall be assembled to review the applications and make a recommendation to the Minister for Environment.

## **Quorum**

At a Taskforce meeting, 14 Taskforce members, or their proxy, constitute a quorum. The quorum must include a minimum of one NTGAC member and one Community member.

If required, the Chair will appoint a proxy Chair in advance of the meeting.

## **Secretariat**

Secretariat support to the EGT is provided by DWER.

In consultation with the Chair and NTGAC, the Secretariat is responsible for scheduling of meetings; coordination of agendas and associated papers including liaison with all members in the setting of agenda items; and circulation of meeting draft and final minutes and communiques.

Members will be informed about relevant State Government media releases and engagement activities as well as responses to relevant media enquiries.

## **Reaching Agreement**

The collaborative nature of the Taskforce means that outcomes and actions should be mutually agreed wherever possible.

Recommendations to the Minister for Environment will be formed by consensus and if this cannot be achieved, positions will be noted in the record of the meeting and communicated to the Minister.

## **Meeting Arrangements**

### Frequency

The Taskforce will generally meet on a quarterly basis. All actions requiring attention between meetings will, as far as possible, be addressed out of session.

### Format

Noting that some flexibility is required, at least two meetings are to be held in person in Exmouth. Meetings may also be held remotely.

### Duration

Meetings will be scheduled to make best use of members' time and will generally be for around four hours in duration. Notice will be provided to members ahead of each meeting of the agenda and timing.

## **Confidentiality**

To ensure open discussion between members, all matters will be kept confidential to the Taskforce and may not be released to any other party or parties unless specifically agreed to at the meeting. This includes documents provided to the EGT outside of meetings.

## Conflicts of Interest

Conflicts of interest will be managed consistent with the Western Australian Government's *Conflicts of Interests – Guidelines for the Western Australia Public Sector*.

When members believe they have an actual, potential or perceived conflict of interest on a subject, they must declare a conflict of interest to the Chair through the Secretariat as soon as possible after the conflict arises and at least prior to each meeting. All declarations will be recorded on the register.

The Chair will determine the appropriate response, which may include withdrawal from the discussion.

## Review

The next review of the Terms of Reference will occur two years from EGT establishment.

The review will be conducted, in consultation with NTGAC and with input from Taskforce members. The findings and recommendations of the review will be provided to the Minister for Environment for consideration.

A survey of members' views will be conducted annually by DWER to ensure the Taskforce remains effective in achieving its purpose.

## 2. Membership

*Membership for July 2022 – June 2025 confirmed by the Minister for Environment:*

- Independent Chair
- Commonwealth Department of Defence
- Department of Biodiversity, Conservation and Attractions
- Department of Jobs, Tourism, Science and Innovation
- Department of Planning, Lands and Heritage
- Department of Transport
- Department of Water and Environmental Regulation
- Gascoyne Development Commission (Department of Primary Industries and Regional Development)
- Fisheries (Department of Primary Industries and Regional Development)
- Shire of Exmouth
- Shire of Ashburton
- Nganhurra Thanardi Garrbu Aboriginal Corporation (x2)
- Sea Harvest
- Recfishwest
- Cape Conservation Group / Protect Ningaloo Campaign
- Community Members (x2)