



**SOUTHERN PORTS**

ALBANY BUNBURY ESPERANCE

**Community Consultation  
Committee Charter  
Esperance**

## DOCUMENT CONTROL

Revision Number	Description	Reviewed by	Approved by	Review Date	Issue Date
1	Charters aligned	Board Secretary & PCCC members	Board	04/05/2018	17/05/2018
2	Biannual Review	Company Secretary & PCCC members	Board	03/11/2020	23/11/2020
3	PCCC member appointment approval by CEO	Company Secretary & PCCC members	CEO	01/02/2023	01/02/2023
4	Update to include native title holder membership	Company Secretary & PCCC members	CEO	04/06/2024	04/06/2024

## AUDIT

This Charter shall be reviewed or revised:

- where a Risk Assessment or Audit identifies a need to review
- when legislative changes impact this Charter.
- following a significant incident involving this Charter.
- at least every 2 years.

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## 1 ROLE

This Charter establishes the role and responsibility of the Community Consultation Committee's (Committee) function in order for the Committee to fulfil its purpose as stipulated in the *Port Authorities Act 1999* (the Act) within the Southern Ports Authority (Southern Ports), Esperance Port. (Refer attached map appendix 1)

## 2 TERMS OF REFERENCE

### 2.1 Purpose

As per the Act section 14(a) ".....a port authority must, under that section, establish a committee for the port for the purpose of promoting and facilitating communication, information sharing and consultation between the port authority and members of the public who are or may be affected by port operations."

The Committee was established in accordance with the Act to proactively assist Southern Ports to address community matters associated with port operations and port development.

### 2.2 Powers of the Committee

The Act and subsequent amendments are the enabling legislation for the Western Australian Port Authorities. The Committee is a statutory committee established under the Act however the Committee has no executive powers to direct the Board or Management of Southern Ports.

## 3 ROLE AND RESPONSIBILITIES

Southern Ports has determined a Code of Conduct and Ethics inclusive of cultural values by which all employees are required to adhere. Members of the Committee are also encouraged to espouse the Code of Conduct and Ethics and values when representing Southern Ports.

Southern Ports values are:

- **Safety:** demonstrating an uncompromising commitment to safety at all times
- **Accountability:** empowering people to perform well, demonstrating initiative and acting responsibly
- **Teamwork:** working as one team to achieve a common goal
- **Future Focus:** building a sustainable future while respecting our history
- **Integrity:** holding high standards of conduct and decision-making to ensure confidence and trust

### 3.1 Role of the Committee

The Committee will:

- provide advice and feedback to Management on effective mechanisms for communication and consultation with interested groups including residential, non-residential, business, government and special interest groups.
- consult with Management on the current and future development of the Esperance Port's management plans.

- provide and encourage community feedback on Port activities and communication strategies.
- actively seek suitable representatives of the local community to become a member of the Committee.
- promote Southern Ports Community Sponsorship Program and initiatives within the local community.
- consider other matters of interest as determined by the Committee.
- consider other matters of interest as determined by the Board.

## 3.2 Role of the Chair

The Chair is an independent member of the Committee, nominated by members and appointed by the Chief Executive Officer (CEO). The Chair will hold the position for no more than 3 membership terms.

The Chair is responsible for:

- leading the Committee in reviewing, discussing and resolving Committee matters.
- chairing Committee meetings.
- managing the efficient organisation and conduct of the Committee's function.
- assisting the Committee Secretary with the drafting of meeting agendas, minute reviews and advice on other Committee administrative matters from time to time.
- briefing all members at the scheduled Committee meeting, on all matters arising out of session.
- facilitating effective contribution by all members and monitoring Committee performance.
- promoting constructive relations between Committee members and Southern Ports Management.
- facilitating the process to renew the composition of the Committee.
- reporting the Committee's views back to Management.

## 3.3 Role of the Deputy Chair

The Deputy Chair is an independent member of the Committee, nominated by members and appointed by the CEO. The Deputy Chair will hold the position for no more than 3 membership terms.

The Deputy Chair is required:

- to provide general support to the Chair in the conduct of the organisation.
- to act as Chair when the Chair role is vacant.
- to substitute for the Chair in his or her absence.

## 3.4 Role of Members

Committee members are required to participate and contribute to the success of the Committee. This will be achieved by:

- pre reading materials distributed with the meeting agenda and providing constructive feedback on agenda items at the meeting.
- ensuring attendance at all scheduled meeting. In the event a member cannot attend, ensure comments on agenda items are provided to the Chair in advance of the meeting.

- contributing to the development of the agenda by bringing port related community matters to the attention of the Committee and to disseminate port matters back to the community.
- engaging with other Committee members in a constructive and positive fashion, to promote teamwork.
- acting as an ambassador for the Committee to promote its role and value within the community.

### 3.5 Role of the Committee Secretary

Southern Port will provide secretarial/administrative support via a Management appointed Committee Secretary.

The Committee Secretary is generally responsible for carrying out the administrative requirements of the Committee, attending all meetings of the Committee as required. The Committee Secretary, in conjunction with the Chair and Southern Ports representative [usually the port Regional Manager], shall draw up an agenda which will be circulated to the members of the Committee at least 5 working days prior to each meeting.

The Committee Secretary is accountable to the Committee through the Chair and Southern Ports CEO on all Committee governance matters and all matters to do with the proper functioning of the Committee.

### 3.6 Confidentiality

Members of the Committee will ensure confidentiality is maintained on information provided to the Committee by Southern Ports employees or any existing or potential customer of Southern Ports. Members will be informed when matters are confidential in nature.

A confidentiality deed is to be signed by each member of the Committee when first appointed to the Committee.

### 3.7 Communications

External to Committee meetings, generally the Committee Members will communicate via group email. Such emails should not be distributed beyond the Committee members and Southern Ports Management representatives to external parties. The Committee Secretary is to be included in all group email communications for the purpose of recordkeeping.

Committee members who wish to liaise with Southern Ports staff on port matters must do so with the permission of the Committee Chair and the communication is to be directed to the Regional Manager, for distribution to the relevant staff member.

### 3.8 Reporting

The Committee will not later than 31 July of each year, provide a report to the Board, through the CEO, on the highlights of the previous 12 months and the performance of the Committee's role with reference to section 3.1 of the Charter. The CEO and Management may take an extract from the report for inclusion in the Southern Ports Annual Report. Upon request from the Board, the Chair of the Committee is to meet with the Board.

### 4 COMMUNITY CONSULTATION COMMITTEE MEMBERS

The Committee will have a minimum of 5 members and up to a maximum of 13 members, plus up to 2 non-member Directors representing the Southern Ports Board. The Directors will not have any voting rights.

Southern Ports Regional Manager together with the Committee, will recommend to the CEO for endorsement Committee members and an independent Chair and Deputy Chair to the Committee for the term of their appointment. The Chair and Deputy Chair are to be appointed with non-aligned membership terms.

The role of Chair and Deputy Chair is not consecutive. The renomination to the role of Chair or Deputy Chair is to be recommended by the Regional Manager together with the Committee, to the CEO following the successful reappointment of the membership.

Membership terms will be for 1, 2 or 3 years. No more than 49 per cent of the membership can expire at the same time.

To ensure that a cross section of community/organisations participate in the Committee, community representatives will be selected as follows:

- 1) A call for nominations for positions made vacant by expiry of terms or by vacation of position on the Committee will be issued annually. Nominees will be encouraged to broaden the diverse and inclusive composition of the Committee.
- 2) Existing members interested in remaining on the Committee will be eligible to re-apply.
- 3) Membership candidates will be assessed against selection criteria to ensure members have the capacity to undertake the requirements of the role and that no conflict of interest with Southern Ports will exist. The candidate is to have no affiliation to a Port User or business lobbying group and is not a current Southern Ports employee or has been employed by Southern Ports in the previous 2 years.
- 4) The Committee together with the Regional Manager of the Port will consider all new applicants and member term renewals at the same meeting and resolve a recommendation on nominations and membership terms to the CEO.
- 5) Committee members will be elected for terms of on 1, 2 or 3 years.
- 6) Membership of the Committee will be ratified by the CEO.
- 7) In accordance with the Act, the City of Esperance is invited to nominate a delegate to sit on the Committee.
- 8) The regional native title holders relevant to the Port of Esperance may nominate a senior leader or officer bearer from within the native title holders or native title corporation, as a representative on the PCCC, for a term of 2 years. Any nomination is to be made to the CEO of Southern Ports for consideration and approval.

Southern Ports Management, in consultation with the Committee Chair, will from time to time invite Southern Ports employees or delegates from a current/potential Port customer to participate in a Committee meeting, where specific expertise/knowledge maybe required to address matters before the Committee.

The Regional Manager of the Esperance Port, a Southern Ports environmental representative and the CEO of Southern Ports or delegated representative for the CEO, will attend scheduled Committee meetings. Southern Ports employees do not have voting rights on Committee matters.

## 4.1 Induction

The Committee Secretary will provide newly appointed members with an induction package which will include the confidentially deed, instructions for accessing the port induction web site and other relevant material.

## 4.2 Cessation of Membership

The Chair of the Committee, with agreement of the Regional Manager of the Port, may recommend to the CEO the cessation of a Committee Member's term in the event that a Committee Member is found to have knowingly acted outside the remit of this Charter.

## 5 QUORUM

A quorum shall be a minimum of 50 per cent of membership, plus 2. Members are required to attend at least 75 per cent of meetings per financial year. A record of attendance will be maintained by the Committee Secretary and reported annually to the CEO and Committee Chair. Members who fail to attend a meeting and do not lodge an apology prior to the meeting will be noted as Not Present.

## 6 MEETINGS

There are to be at least 4 meetings each year which may be attended in person, via video conference facilities or telephone.

### 6.1 Declarations of Interests

At the commencement of every meeting the Chair will ask Committee Members if there are any items of personal interest or conflict of personal interest to be declared to the Committee.

A personal interest or conflict of interest are terms used to describe the situation in which a member, who, contrary to the obligation and duty to act in the interests of the Committee, may as a result of decisions taken by Southern Ports, receive a personal benefit. (Refer Appendix 2).

Any member of the Committee who has a personal interest or conflict of interest in a matter before the Committee, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Committee.

A disclosure is to be recorded in the minutes of the meeting.

Members should take reasonable steps to avoid any real or apparent conflict of interest in connection with matters presented to the Committee and advise the Committee Chair of any relevant changes in personal circumstances.

Members are to consult with Southern Ports Management or the Committee Chair for further clarity on a personal interest or conflict of interest.

## 7 MINUTES

Minutes are to be prepared for each Committee meeting. The draft minutes are to be reviewed by the Chair prior to circulation and circulated to all Committee members as soon as practicable but no later than 10 working days after the meeting.

The minutes are to be confirmed via circular resolution out of session and affirmed at the next meeting of the Committee. Once the minutes have been confirmed via circular resolution a copy is to be provided to the Company Secretary.



The minutes of the meeting will be made available on the Southern Ports website (or similar public forum), as legislated in the Act.

The Committee Secretary will maintain a full copy of the minutes. Confidential matters may be recorded and redacted within the minutes circulated to Committee members and Directors, but reported to the Board by the CEO.

Staff or those sitting with the Committee may be provided with a copy of the minutes or part thereof however, provision of these are restricted as follows:

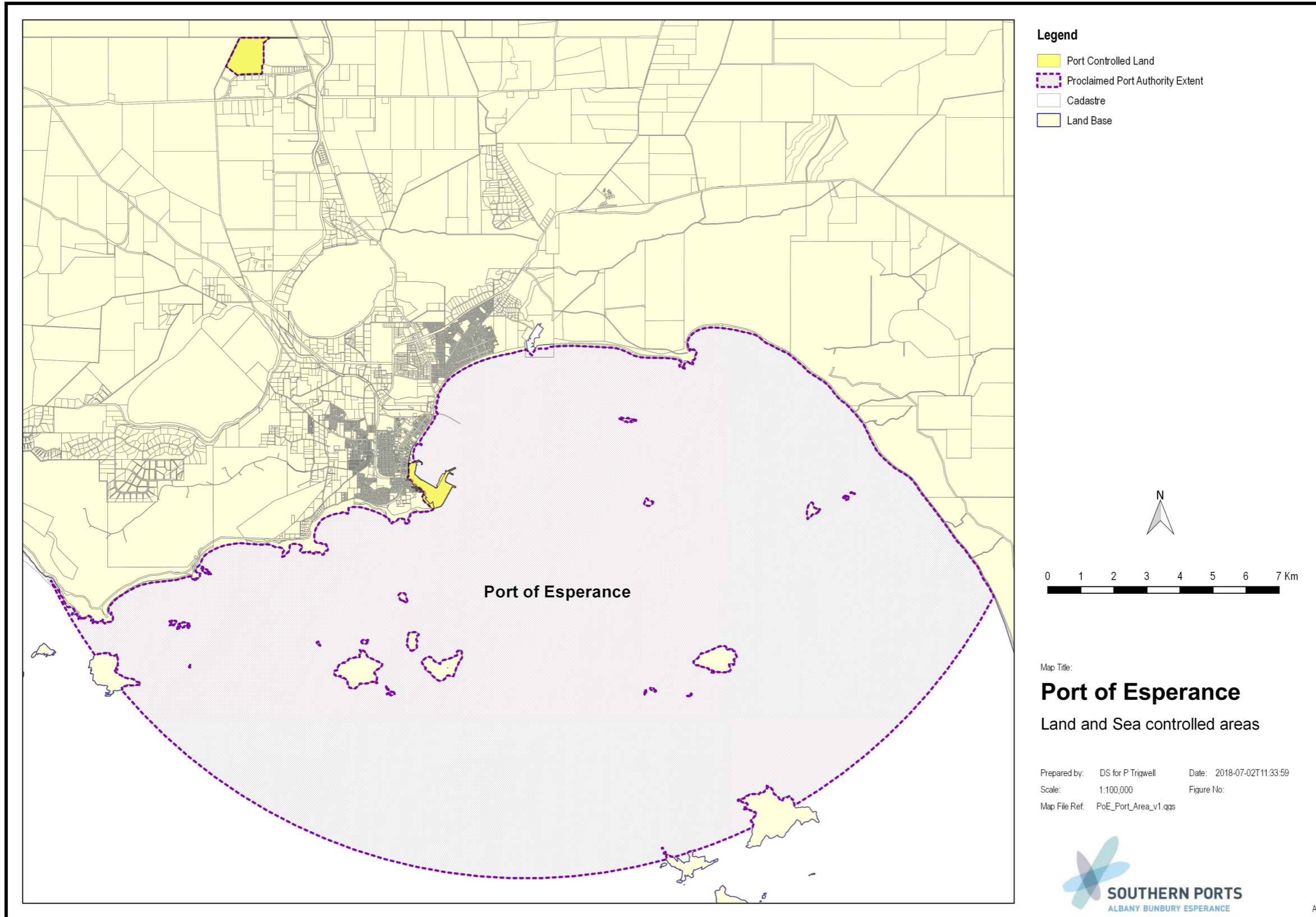
- minutes or specific sections will only be provided once the full minutes have been reviewed by the Chair.
- confidential matters or matters of a sensitive nature will be excluded from circulation to staff or those sitting with the Committee.
- the Chair in consultation with the Director Committee member/s will determine matters considered at the meeting that are confidential or of a sensitive nature.
- in the absence of a Director Committee member the Regional Manager or CEO will determine matters considered of a confidential or sensitive nature.

## 8 REVIEW AND PUBLICATION OF CHARTER

The Board in consultation with the Committee is responsible for reviewing this Charter every 2 years or earlier if required. The Charter is to be amended by resolution of the Board.

The Charter is available on Southern Ports website.

APPENDIX 1 - PORT MAP



## APPENDIX 2 - WHAT IS A PERSONAL INTEREST/CONFLICT OF INTEREST?

A conflict of interest refers to a situation where a conflict arises for an individual between two competing interests. These are often, but not exclusively, interests of duty of service versus private interests. This refers to a reasonably perceived, potential or actual conflict of interest. Conflicts of interest can involve financial or non-financial interests of the Committee member and the interests of a business partner or associate, family member, friend or person in a close personal relationship with the Committee member.

Disclosure is often associated with abstaining. For example, when someone sits on a Committee that is privy to commercial matters of the Port, a conflict of interest may require that the Committee member withdraw or abstain from a particular discussion or decision. This may occur because of the member's financial interests in or personal ties to one or more of the parties being considered. By disclosing the nature of the association and by stepping out of the decision-making process, the member ensures that any personal preferences or biases she or he may have will not unfairly influence the deliberations in favour one candidate and against others.

Conflicts of professional interest, and even just perceptions of conflicts of interest, erode the public's trust in both the Committee and Southern Ports. For these reasons, situations of conflict of interest must be avoided whenever possible, and where they cannot be avoided, they must be managed in an open and cooperative way.

Individuals must carefully consider all circumstances surrounding the offer of a gift or benefit, including the apparent purpose of the donor, how the transaction may reasonably be viewed by impartial observers, and the potential impact on the Committee and its members. Individuals must also be constantly aware of ways in which their personal and family relationships, and other close personal associations, may potentially bias their judgments.

Conflict	Definition	Example
Actual	A direct conflict between your role on the PCCC and a competing interest or obligation, whether personal or involving a third-party.	If the PCCC are discussing the delivery of a service, and a member owns a business that might tender to deliver that service.
Potential	Situations where you have an interest or obligation, whether personal or involving a third party, that could conflict with your role as a PCCC member in the future.	My partner is now working for a contractor who is doing work for the Port.
Perceived	Situations where it could reasonably be perceived, or give the appearance, that a competing interest could improperly influence the performance of your PCCC duties.	Being involved in the committee selection process when a potential member is a personal friend.

“How Do I Identify a Conflict of Interest”?

- *Would I be happy if my PCCC colleagues became aware of my involvement?*
- *Would I be happy if my involvement appears in the media?*
- *If I saw someone else doing this, would I suspect that they might have a conflict of interest?*