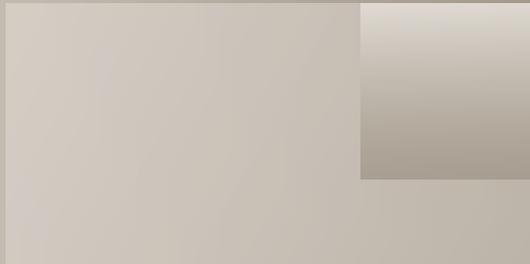




NSW GOVERNMENT  
**Department of Planning**

# GUIDELINES FOR ESTABLISHING AND OPERATING COMMUNITY CONSULTATIVE COMMITTEES FOR MINING PROJECTS

JUNE 2007



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GUIDELINES FOR ESTABLISHING AND OPERATING COMMUNITY  
CONSULTATIVE COMMITTEES FOR MINING PROJECTS

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# Purposes of the committee

A community consultative committee will generally be required for all major new mines in NSW under the conditions of the approval by the Minister for Planning. For these mines, the conditions of approval will provide for a committee to be established and operated generally in accordance with this guideline and any other relevant provisions in the conditions of approval.

The purpose of a community consultative committee is to provide a forum for open discussion between representatives of the company<sup>1</sup>, the community, the council and other stakeholders on issues directly relating to the mine's operations, environmental performance and community relations, and to keep the community informed on these matters.

The committee provides a forum to:

- establish good working relationships between the company, the community and other stakeholders in relation to the mine
- provide for the ongoing communication of information on mining operations and the environmental performance of the mine, including:
  - on project assessment including scoping of issues for assessment and comment
  - on the implementation of conditions of approval, the mining operations plan and any other management plans (including rehabilitation and mine closure plans)
  - the results of environmental monitoring
  - annual environmental management reports
  - outcomes of audit reports (including audits required as a condition of approval)
- provide an opportunity for comment on the mine's environmental performance
- discuss community concerns and review the resolution of community complaints

- discuss how best to communicate relevant information on the mine and its environmental performance to the broader community, and
- work together towards outcomes of benefit to the mine, immediate neighbours and the local and regional community.

The committee may:

- provide feedback to the company and/or relevant State agencies regarding environmental management and community relations outcomes relating to the mine
- undertake regular visits of the mine's operations, as necessary
- review the mine's complaints-handling procedures and the handling of concerns or complaints from the community regarding mining operations, environmental management or community relations
- provide advice to the company on how to address community relationships, including:
  - the provision of information to the community
  - the identification of community initiatives to which the company could contribute
- liaise with community consultative committees of other mines where there are common issues or where there is the potential for cumulative impacts, with a view to information sharing and joint meetings on matters of common interest

Responsibility for oversight of the mine's compliance with the project approval and all other government approvals remains with relevant government agencies.



<sup>1</sup> In this guideline, the term 'company' means the holder of the project approval and mining lease, together with the mine operator (if a separate entity).

# Members of the committee

## MEMBERSHIP OF THE COMMITTEE

The membership of the committee shall comprise:

- an independent chairperson
- three-to-five representatives of the local community and other stakeholders
- one representative of the local council
- two or three representatives of the company, including the person with direct managerial responsibility for environmental management at the mine.

The representatives of the company are part of the committee. State Government agencies will not be represented on the membership of the committee. State Government agencies will, however, attend committee meetings as needed and at the request of the committee.

## INDEPENDENT CHAIRPERSON

The role of the chairperson is to be a convenor, facilitator, mediator and advisor for the committee. They must undertake their role in an independent manner, and refrain from perceptions of bias either for or against the company or any individual or group of representatives on the committee.

The chairperson will be appointed by the Director General of the Department of Planning, following such consultation as the Director General may consider appropriate. In selecting the chairperson, preference will be given to a candidate who can manage and represent the concerns of a variety of interest groups.

Selection criteria are:

- ability to convene and manage stakeholder committees in an independent manner
- experience in community relations, facilitation, mediation or public advocacy
- understanding of the mining industry and awareness of local issues.

The chairperson will report annually to the Director General on the operation of the committee and will make this report publicly available.

The Director General may review the appointment of the chairperson from time to time (eg every five years).



### COMMUNITY AND OTHER STAKEHOLDER REPRESENTATIVES

The local community and other stakeholder representatives will be appointed by the Director General, following advertisement in the local press and such consultation as the Director General may consider appropriate. Community representatives will be selected to represent neighbours and the local community. Representatives may also be selected from environmental organisations or other affected or interested stakeholders. Employees of the company are not eligible to be appointed as community representatives.

In selecting the community representatives, preference will be given to candidates who can represent the concerns of a variety of interest groups.

Selection criteria are:

- willingness to contribute constructively
- experience and ability to provide feedback to the community and stakeholder groups
- current residence in the local area and/or awareness of local and other relevant issues.

The Director General may review the appointment of community and other stakeholder representatives from time to time (eg every five years).

### ALTERNATE REPRESENTATIVES

Alternate community representatives may be nominated by a community member. An alternate representative may substitute for a community member of the committee when the member is unavailable to attend a meeting.

Alternate representatives for company and council members may be appointed by their organisation and similarly may substitute for company and council members of the committee.

### COMPANY AND COUNCIL REPRESENTATIVES

Company and council representatives are to be appointed to the committee by the company and the council respectively.

### OBSERVERS

The committee may agree to any person acting as an observer to any meeting of the committee. Observers cannot participate in the business of the committee unless invited to do so by the chairperson.

State government agencies, for example, will attend committee meetings (on an as needed basis) at the request of the chairperson.



# Committee meetings

## TIMING AND LOCATION OF MEETINGS

The committee shall determine the frequency of its meetings. It is suggested that the committee meet at least four times per annum during the period of mine construction and during the first two years following commencement of mining operations. After the first two years of mining operations, it is suggested that the committee should meet at least twice per year.

Any member may request that the chairperson convene an extraordinary meeting of the committee to discuss any matter warranting urgent consideration. The chairperson shall determine whether an extraordinary meeting is warranted.

At least four weeks' notice must be given to all members of any meeting of the committee (except extraordinary meetings where two weeks' notice can be given). Meetings should be held at a time and place generally convenient to the committee.

The company shall provide facilities for committee meetings, if required to do so by the committee.

## MEETING PROCEEDINGS

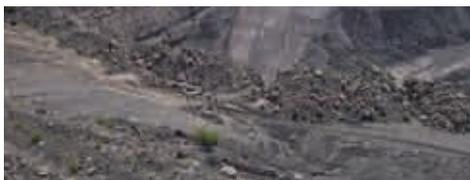
The chairperson shall convene and chair meetings of the committee. Meetings of the committee should follow good meeting practice. The committee may agree to adopt any particular set of standard meeting practices if it wishes to do so. As the committee is not a decision-making body, it is not a requirement that consensus be reached on issues discussed.

The chairperson shall determine the agenda items. Any member may propose a matter for inclusion on the agenda, either before or during a meeting, providing the matter is within the purpose of the committee. The chairperson should ensure that issues of concern raised by community representatives on behalf of the community are properly considered. Late items may be deferred to a following meeting.

The committee may decide to undertake its regular inspections of the mine's operations in conjunction with its meetings, or at other times convenient to it.

The meeting agenda items would normally include:

- Apologies
- Declaration of pecuniary or other interests
- Confirmation of the minutes of the previous meeting
- Business arising from previous minutes — response to issues raised or provision of additional information requested
- Correspondence
- Company reports and overview of activities:
  - progress at the mine — operational issues
  - issues arising from site inspections
  - monitoring and environmental performance
  - community complaints and response to complaints
  - information provided to the community and any feedback
- General business
- Next meeting.



## MINUTES OF MEETINGS

Minutes are to be kept of all meetings of the committee. The Minutes shall record issues raised and actions to be undertaken, who is responsible for taking those actions and by when. If a member so requests, then the Minutes shall record that member's dissenting views on any matter.

The Minutes are normally to be recorded by the company. The Minutes are to be distributed to all members. The company shall ensure that a copy of the Minutes is made available on the company's website and in another public place agreed to by the committee (eg the local council offices or a public library) within 28 days of each meeting. The Minutes must be endorsed by the chairperson prior to them being distributed or placed on the company's website. The Minutes must be endorsed by the committee at its following meeting. If the Minutes are amended by the committee, then the amended version must be placed on the company's website.

Meetings can only be tape-recorded with the agreement of the chairperson and the committee.

## CONDUCT OF MEMBERS

In meetings of the committee and when otherwise involved in the business and activities of the committee, members and alternate representatives shall, to the best of their abilities:

- act properly, honestly and in accordance with an open and transparent process
- perform their functions impartially and in the best interests of the local and broader communities<sup>2</sup>
- be respectful to fellow members and not engage in unconstructive, threatening, intimidating or disorderly behaviour
- refrain from any form of conduct which may cause any reasonable person unwarranted offence or embarrassment.

The chairperson should bring any breach of these requirements to the attention of the persons concerned. Following three such breaches, the chairperson may request the:

- Director General (in the case of a community or other stakeholder member)
- organisation which appointed them (in the case of a company or council representative or alternative representative), or
- community member (in the case of an alternative community representative)

replace the member or alternative representative.

The chairperson may similarly request the replacement of any member who fails to attend committee meetings for more than 12 months (or four meetings, if more than four committee meetings are held in any period of 12 months).

## PECUNIARY AND OTHER INTERESTS

Members should declare any pecuniary or other interest which may be considered to prevent them undertaking their role impartially and in the best interests of the local and broader communities. Examples include holding a private contract with the company or holding voluntary acquisition rights. These guidelines establish no requirement in respect of personal interests other than declaration. However, the committee may determine that a personal interest is sufficient that a member should withdraw from discussion on a particular issue.

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<sup>2</sup> It is recognised that company representatives also have responsibilities to their employer.

## COMMITTEE TRAINING

The committee may seek funding or other assistance from the company to develop the skills necessary to achieve the purposes of the committee. Examples may include training or skills development in:

- facilitation or mediation (for the chairperson)
- conflict resolution (for either the chairperson or committee members)
- best practice environmental management and community relations (for either the chairperson or committee members).

The company should make every endeavour to support reasonable requests from the committee for necessary training or skills development.

## COMMITTEE FUNDING AND REMUNERATION

The committee may seek annual or one-off funding from the company for activities related to its purposes. It is within the company's discretion whether or not to agree to such requests.

The chairperson, community and other stakeholder members of the committee may seek the payment of sitting fees and/or personal expenses from the company. It is within the company's discretion whether or not to agree to such requests. If such fees or expenses are paid, then the company should indicate that this is occurring on the company's website, so that the broader community remains fully informed.

## DISPUTE RESOLUTION

The committee is encouraged to discuss and seek agreement on all matters that may be the subject of substantial disagreement between its members. The chairperson carries a particular responsibility in respect of dispute resolution, in regard to both disputes between members of the committee and also between the committee and the company.

If a dispute between the committee and the company cannot be resolved by the chairperson, the chairperson should seek the advice of the Director General. For example advice may be sought from the Department of Planning in determining the appropriateness of the environmental performance of certain aspects of the mine, whether the mine is complying with approval conditions or whether the mine's response to community complaints has been appropriate.

If a dispute between community or council members cannot be resolved by the chairperson, then the chairperson may request that the Director General review the appointments of any or all members of the committee, with a view to making a new appointment or appointments.

Where three or more members are concerned about the manner in which the chairperson is fulfilling the role (eg there is an ongoing perception of bias, inappropriate control, refusal to share information or to adhere to the wishes of the committee), they may request that the Director General review the chairperson's appointment, with a view to making a new appointment.

# Responsibilities of the company

The company shall regularly provide the committee with timely, accurate and comprehensive reports on the mine's operations and performance on its environmental management and community relations. The company shall also provide the committee with copies of:

- the mine's project approval, mining lease and environment protection licence
- the mining operations plan and any other management plans
- results of environmental monitoring
- annual environmental management reports
- audit reports (including audits required as a condition of approval)
- reports on community concerns or complaints and company responses
- any other information specified by the Director General.

Annual environmental management reports, audit reports, monitoring reports and the like are to be distributed to committee members at the same time as they are submitted to agencies.

The company shall consult with the committee if it intends to seek amendments to conditions of approval, to change operational requirements, or to expand the operations of the mine.

The company shall respond in a timely fashion to any questions or advice the committee may give it concerning the mine's environmental performance or community relations. The company shall forward to each committee member within 28 days of the committee's meeting:

- a copy of the minutes (if they are recorded by the company)
- the company's response to any questions or advice by the committee
- any information requested at the meeting by the chairperson.

The company shall organise regular inspections of the mine for the committee. The frequency of inspections is to be determined by the committee, but the inspections should usually be undertaken in conjunction with committee meetings. In addition, the company shall accommodate any reasonable request by the chairperson for the committee to undertake additional inspections, providing at least 48 hours notice has been given to the company by the chairperson.



# Communication with the broader community

Committee members are encouraged to discuss issues and disseminate information about the mine with the wider community, including special interest groups. If appropriate, the chairperson of the committee may also give briefings to community organisations such as the Chamber of Commerce, environmental or heritage organisations or parents and citizens committees.

The committee may agree to release statements or other information to the media or to adopt other approaches to public dissemination of information. However, only the chairperson may speak publicly on behalf of the committee. Individual committee members may make comments to the media or in public forums on behalf of themselves or the stakeholders that they represent, but not on behalf of the committee.

There is a presumption that all documents and other information considered by the committee should be generally available to the community. However, any member may request that particular information (eg a declaration of a personal interest, or information which the company considers to be commercial-in-confidence) be kept confidential to the committee. In the absence of full consensus amongst the committee over whether such information should be kept confidential, the decision of the chairperson shall be final and be binding on all members.



## **FURTHER INFORMATION**

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