



**LOWER MURRAY  
WATER**

## **INFORMATION PACK**

**STRATEGIC ADVISORY COMMITTEE (SAC) ELECTIONS  
2019**

- Candidate Information including timelines
- LMW SAC Terms of Reference - including eligibility criteria
  - LMW Committee Protocols
  - Notice of Candidature Form
    - Statutory Declaration
- Approved Statutory Declaration Witness List



## LOWER MURRAY WATER

# Candidate Information for Lower Murray Water (LMW) Strategic Advisory Committee (SAC) Positions 2019

### Introduction

The following vacancies exist on the SAC:

Robinvale Irrigation District	(2 Members)
Red Cliffs Irrigation District	(1 Members)
Merbein Irrigation District	(2 Members)
Mildura Irrigation District	(1 Members)
Private Diversion Area	(2 Members)
Millewa Rural District	(2 Members)

It is important that candidates read the *Information Pack* and be aware of the timeline for the nomination/election process.

Should you have any further queries regarding the process please contact the Returning Officer Trevor Leighton on 0417 597 956 or email [tleigho@bigpond.net.au](mailto:tleigho@bigpond.net.au) The Returning Officer is conducting this process as an independent service provider and in accordance with 5.2.5 of the LMW SAC Terms of Reference.

The Information Pack contains:

- Candidate Information
- LMW SAC Terms of Reference – including eligibility criteria
- LMW Committee Protocols
- Notice of Candidature
- Statutory Declaration (to be returned with Notice of Candidature Form)
- Approved Statutory Declaration Witness List

### **Notice of Candidature and Timeline**

Please note the timeline for Notice of Candidature will be strictly adhered to and no late nominations will be accepted. **Please also note that the Notice of Candidature Form must be delivered to or received at LMW Mildura Office 741 Fourteenth Street Mildura by 4pm Monday 16 September 2019. The Notice of Candidature must be accompanied by a duly signed and witnessed Statutory Declaration.**

### **Eligibility**

Please note point 5.2.2 of the LMW SAC Terms of Reference regarding eligibility.

### **Candidate Statement**

Immediately after the close of Nominations you will be advised if an election is necessary for the Committee. **If there is an election** you will then be requested to submit a candidate statement to the Returning Officer by 4pm on Monday 23 September 2019. The Statement must be no more than 150 words and will be distributed in a candidate booklet with each postal ballot pack. The statement may be emailed to the Returning Officer [tleight@bigpond.net.au](mailto:tleight@bigpond.net.au)

### **Postal Ballot**

The postal ballot, if required, will open on 2 October 2019 and close at 5pm Monday 21 October 2019.

### **Voters Roll**

Voters' rolls are available for inspection at the Mildura Office, during business hours from Friday 9 August 2019 until Monday 16 September 2019.

### **Vote Counting**

The count of votes if an election is required will commence at 6.00pm on Monday 21 October 2019 at the LMW offices 741 Fourteenth Street Mildura.

Candidates will be informed of the result as soon as practicable after the count by email (preferably) or phone.

Following consideration of a Report from the Returning Officer to the LMW full Board such persons will be formally appointed to the Committee pursuant to S122C of the Water Act 1989.

### **Scrutineers**

Candidates are entitled to have a scrutineer present for the counting of votes for the Committee. Further information will also be provided later as required.

## Notice of Candidature



### Strategic Advisory Committee for the area of

*Please circle one:*

Merbein, Millewa, Red Cliffs, Robinvale, Private Diverters, Mildura

CANDIDATE DETAILS (please use BLOCK LETTERS)

Title

Given Names

Surname

Assessment No (LMW)

Property Address

Postal Address

BUSINESS HOURS

AFTER HOURS

Telephone

Mobile Phone

Email Address

Candidate's surname and version of given name/s and/or initial/s to appear on the ballot paper

Surname

Other name/s

I, the candidate named above, declare that I:

- apply to be a candidate for the office of committee member - LMW Strategic Advisory Committee to be held on the above date;
- am eligible to be a candidate under the Water Act 1989

.....  
Signature of applicant

...../...../.....  
Date

#### OFFICE USE ONLY

.....  
Date and time of receipt

.....am/pm

.....  
Signature of Returning Officer



**LOWER MURRAY  
WATER**

**STATUTORY DECLARATION**

I, \_\_\_\_\_

of \_\_\_\_\_

do solemnly and sincerely declare

1. That I have read and understood the terms of Reference and Protocols for Strategic Advisory Committees;
2. That upon appointment, I will comply with the Protocols for Customer Committees.

AND I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act of the Parliament of Victoria rendering persons making a false declaration punishable for wilful and corrupt perjury.

DECLARED at \_\_\_\_\_ )  
in the State of Victoria )  
this day of \_\_\_\_\_ )  
Two thousand and nineteen )

Before Me

\_\_\_\_\_  
\_\_\_\_\_



# **LOWER MURRAY WATER**

SAC TERMS OF REFERENCE

## **1.0 Purpose of this Document**

The purpose of this Strategic Advisory Committee (SAC) Terms of Reference is to create a framework to enable this Committee to provide informed advice to the LMW Board on a range of policy and strategic issues that affect its irrigation customers.

## **2.0 References**

- Committee Protocol
- Water Act 1989

## **3.0 Definitions**

An 'irrigation customer' for the purposes of eligibility must be:

- The owner (be it sole, joint or tenants in common) or operator of irrigated or farmed land with an area in excess of 5,000 sq metres; or
- The owner or operator of a commercial irrigation or broadacre farm enterprise; or
- A full time active employee of an irrigated or broadacre farm and has the support of its owner or operator.

## **4.0 Status**

The SAC is established as a Committee pursuant to Section 122C (1) of the Water Act 1989.

## **5.0 Terms of Reference**

### **5.1 Purpose of the Committee**

The purpose of the SAC is to provide advice and its opinion to the Board on strategy, policy or industry matters as they affect irrigation customers and LMW generally.

The Board sees the SAC as an integral part of its customer engagement.

The SAC does not have a negotiation or decision making role; it is an advisory body only.

The Board are responsible for the strategic direction of the business and this Committee is part of LMW's commitment to customer consultation.

The Board may also request that the SAC act jointly with the Corporation as the situation may require. Similarly the Board may request that the SAC or individual Committee Members act or attend functions or events in their capacity as a Committee Member. This may entail deputations to out of district locations or placement on external Committees that meet out of district.

## 5.2 Committee Membership

### 5.2.1 Number of members

The SAC will consist of twelve (12) democratically elected Members comprising two (2) members each from Millewa, Merbein, Mildura, Red Cliffs, Robinvale and the Private Diverter region administered by LMW.

### 5.2.2 Eligibility

To be eligible to nominate for membership a candidate must be an irrigation or broadacre customer of LMW in the area for which they nominate in accordance with the 'Definition' above and additionally must not:

- a. Be a director or employee of LMW;
- b. Be an undischarged bankrupt;
- c. Have been prosecuted for an offence under the Water Act 1989;
- d. Have been convicted of any indictable offence within the last five years; or
- e. Have a debt with LMW beyond 90 days, without having entered into an arrangement with LMW that would apply to a similar class of debtor.

Candidates must have signed a statutory declaration that, upon appointment, the Committee Member will comply with the Committee Protocol and these Terms of Reference. Candidates will be supplied with these documents as a pre-condition of nomination.

LMW values diversity and encourages candidates with a broad range of backgrounds and experience including women, indigenous Australians, people with a disability and people from culturally and linguistically diverse backgrounds representative of the LMW customer base.

### 5.2.3 To remain a Committee Member

A Committee Member must, while that person is a Committee Member:

- a. Continue to comply with Clause 3 and 5.2.2. A sitting Committee Member whose eligibility ceases would, immediately upon becoming known to LMW, have that Committee membership terminated;
- b. Attend a minimum of one meeting in any calendar year, unless written approval for absence is given by LMW;
- c. Comply with the Protocol for Committees and these Terms of Reference.

#### **5.2.4 Insufficient Candidates (Post Election Process)**

Where there are insufficient nominations for the available vacancies, nominees will be deemed elected and remaining vacancies will be filled by secondment at the discretion of the LMW Board.

#### **5.2.5 Undertaking of Elections**

The election will be conducted by an independent party, using a postal voting system. Successful candidates will be determined on a first past the post basis.

#### **5.2.6 Appointment by the LMW Board**

Following election successful candidates will be formally appointed to the Committee pursuant to S122C of the Water Act 1989.

#### **5.2.7 Filling of a Casual Vacancy**

In the event of a casual vacancy occurring the position will be filled by secondment at the discretion of the Board subject to clause 5.2.2.

The Board in filling a casual vacancy shall take into consideration the following selection criteria for candidates:

- The knowledge and skill in relation to water industry matters.
- LMW values diversity and would seek to consider appointees with a broad range of backgrounds and experience including women, indigenous Australians, people with a disability and people from culturally and linguistically diverse backgrounds representative of the LMW customer base.

As part of canvassing for potential appointees to fill casual vacancies LMW Board and Management may approach irrigation or broadacre customers.

#### **5.2.8 Term Of Office**

The normal term of office will be four years except as provided for in the following paragraphs.

The initial Members from each area will be split by the number of votes received. The highest polling candidate will be in post for four years.

Elections will be held every two years thereafter for six (6) positions.

Casual vacancies may be filled for shorter time periods at the discretion of the LMW Board.

### **5.2.9 Chair and Deputy Chair**

The Chair and Deputy Chair will be determined by ballot by the twelve Members of the SAC on a biannual basis following the election of new Members. Should a tie occur the positions will be drawn by random selection.

## **5.3 Meetings**

### **5.3.1 Meeting Procedures**

Meetings of the SAC will be conducted in accordance with generally accepted meeting procedures.

### **5.3.2 Formal meetings of the SAC**

The LMW Board may convene a SAC meeting at any time on reasonable notice and will provide an agenda, the Chair of the meeting and a venue.

### **5.3.3 Quorum**

A quorum of six Committee Members is required for any meeting.

### **5.3.4 Record of Meetings**

Meetings will be minuted and reported to the LMW Board.  
Records of the SAC meetings will not be publicly available.

## **5.4 Sitting/Travel Fees**

In accordance with Section 122C (5) of the Water Act 1989, members are entitled to be paid any fees and allowances fixed by the Minister.

## **5.5 Induction and Training**

New Members will be provided with an induction session designed to prepare a new member for Committee service. This may include:

- Explanation of the Committee Protocols and Terms of Reference.
- Briefing on pertinent LMW assets, policies and procedures.
- Briefing on current issues before the Board or Committees.
- Provision of a copy of the latest Annual Report.
- Provision of a copy of the current Corporate Plan and Water Plan.

This induction will be provided as soon as practical after a Committee Member is appointed.

## **5.6 Communication with LMW**

Day to day communication with LMW will be through the Senior Manager Customer and Stakeholder.

## **6.0 Process Flow Chart**

Not applicable

## **7.0 Documents / Forms**

Not applicable

## **8.0 Review**

- 8.1** It is the responsibility of the Custodian of this document to ensure it is reviewed as per the review due date listed in the record table (if there is one) or per the metadata of the master controlled document within the Records Management System.
- 8.2** The people listed as “to be advised of amendments” must alert the Custodian to the need for procedure review if any amendments are required to the document before the review due date.
- 8.3** This TOR may be amended by the Board of LMW at any time, irrespective of any other term of this document.

## **9.0 Appendices**

Not applicable



# LOWER MURRAY WATER

## CUSTOMER COMMITTEE PROTOCOL

## 1.0 Purpose

The purpose of these Protocols is to provide guidance and the expected behaviours in relation to the conduct of Customer Committee Members.

## 2.0 Scope

These Protocols apply to all members of Customer Committees appointed by the Board pursuant to Section 122C of the Water Act 1989.

## 3.0 References

Water Act 1989

Terms of Reference for the relevant Customer Committees

## 4.0 Definitions

Not applicable

## 5.0 Introduction

Lower Murray Water (LMW) values comment, feedback, ideas and suggestions from customers in relation to all aspects of our business.

The Corporation seeks to foster a mutually productive and co-operative relationship with customers through customer committees. Each committee member is an important part of the Corporation's customer consultation process. Members are encouraged to offer constructive advice in various contexts which may be:

- as an individual; or
- as a conduit for the views of other customers

The Board recognises that this advice may be constructively critical in nature.

Ultimately, LMW retains some responsibility for the activities of Committee Members appointed by it under the Water Act. This protocol sets out the expectations of the conduct of Committee Members.

## 6.0 Protocols

### 6.1 Code of Conduct

As a member of a Customer Committee you are required to:

- Act with **honesty and integrity**. Be open and transparent in your dealings; do not place yourself in a position of conflict of interest; strive to earn and sustain public trust;
- Act in **good faith in the best interests of LMW**. Demonstrate accountability for your actions; accept responsibility for your decisions; do not engage in activities that may bring you or LMW into disrepute;

- **Act fairly and impartially.** Avoid bias, discrimination, or self-interest; demonstrate respect for others by acting in a professional and courteous manner;
- **Use information appropriately.** Ensure information gained as a committee member is only applied for proper purposes and keep it confidential where required to do so;
- **Use your position appropriately.** Do not use your position as a committee member to seek an advantage which accrues only to yourself, family members or associates, or to cause detriment to LMW; ensure that you decline gifts or favours that may cast doubt on your ability to apply independent judgement as a committee member;
- **Act in a financially responsible manner.** Read and if in doubt seek clarification in relation to financial reports, audit reports and other financial material that comes before the committee; and
- **Exercise due care, diligence and skill.** Ascertain all relevant information; make reasonable enquiries; understand the financial, strategic and other implications of the information provided when forming decisions in relation to the work of the Committee.

## 6.2 Improper Influence

A Committee Member, or former Committee Member, must not take advantage of the Committee Member's position, to improperly influence another Committee Member, or LMW employee, in performing that person's functions; in order to gain any undue or improper advantage, either for the Committee Member, or any other person or body.

## 6.3 Communication

- 6.3.1 Day to day communication with the Corporation will be via the Senior Manager Customer and Stakeholder;
- 6.3.2 A Committee Member must obtain the prior consent of the Managing Director before contacting or requesting information from a LMW employee, except as a customer or from the Senior Manager Customer and Stakeholder;
- 6.3.3 Committee Members are encouraged to discuss the work of the Committee with fellow customers. Committee Members must not disclose information to third parties or the general public which has been identified by LMW as confidential;
- 6.3.4 The Chair or spokesperson appointed by the Committee may, subject to receiving prior written approval from the Managing Director, issue a statement or media release relevant to the activities of the Committee. Such approval shall not be unreasonably withheld.
- 6.3.5 Except as specified in Clause 6.3.4 a person filling a position of Committee Member may not make any public comment or public communication about the activities of the Committee or of LMW.

## **7.0 Conflict of Interest Obligations**

A Committee Member must ensure that there is no actual or perceived conflict between the Committee Member's activities as a Committee Member and the Committee Member's personal or political interests. If in doubt seek advice from the Managing Director.

A Committee Member should not enter into a business arrangement that may give rise to an actual or perceived conflict of interest. In the event a conflict of issue does arise, that member should not participate in the discussion or decision making in relation to that matter.

Where conflicts of interest may be an issue, committee members must consult with the Senior Manager Customer and Stakeholder in the first instance.

Committee Members should be familiar with the Pecuniary Interest Requirements in the Water Act 1989 - refer Sections 109, 110, 111 and 112.

## **8.0 Confidentiality Obligations**

Where information is provided to Customer Committee members, which is deemed and noted as confidential in nature, it is a requirement of the committee member to:

- a) keep the Confidential Information confidential and preserve its confidential nature; and
- b) not use or disclose or permit the use or disclosure of Confidential Information for any purpose; and
- c) promptly, upon request from Lower Murray Water, return or destroy all material containing Confidential Information in its possession, power or control, which was received from LMW.

## **9.0 Process Flow Chart**

Not applicable

## **10.0 Documents / Forms**

Not applicable

## **11.0 Review**

It is the responsibility of the Custodian of this document to ensure it is reviewed as per the review due date listed in the record table (if there is one) or per the metadata of the master controlled document within the Records Management System.

The people listed as "to be advised of amendments" must alert the Custodian to the need for procedure review if any amendments are required to the document before the review due date.