TERMS OF REFERENCE FOR THE UPPER HUNTER AIR QUALITY ADVISORY COMMITTEE

NSW Environment Protection Authority (EPA)

Scope

The scope of the Advisory Committee is to provide advice to the NSW Environment Protection Authority (EPA) on matters specifically related to:

- The design and operation of the Upper Hunter Air Quality Monitoring Network (the Network), and
- The management of regional air quality in the upper Hunter Valley.

The Advisory Committee is established under the Protection of the Environment Administration Act 1991, Division 4 Advisory Committees.

Further information about the Upper Hunter Air Quality Monitoring Network is available on the NSW Government website at:


A Appointment of Advisory Committee

(1) The committee is to be called the Upper Hunter Air Quality Advisory Committee.

(2) The Advisory Committee is to consist of the following members, each of whom is to be appointed by the Chief Executive Officer of the EPA or his/her delegate:

(a) one independent chairperson,
(b) two representatives of the coal mining industry,
(c) one representative of the power generation industry,
(d) one representative of Muswellbrook Shire Council,
(e) one representative of Singleton Shire Council,
(f) one representative of Upper Hunter Shire Council,
(g) three representatives the local community,
(h) one representative of the local community, appointed by the Minister of the Environment

(i) one representative of Upper Hunter commerce or industries other than the mining or power industries,

(j) one representative of the Department of Planning and Environment, appointed on the nomination of the Secretary of that Department or his/her delegate, and

(k) one representative of NSW Ministry of Health, appointed on the nomination of the Secretary of that Department or his/her delegate.

(3) Each person appointed as a member of the Advisory Committee is to be a person who, in the opinion of the EPA, demonstrates a strong connection with the interest group they seek to represent, the skills to represent their group, taking into consideration the views of other groups, and a commitment to the establishment of the network. Committee members will also be selected to ensure that the committee represents a cross-section of community interests.

(4) If the EPA declines to appoint a person nominated as a member of the Advisory Committee by a person or body referred to in subclause (2), the EPA may invite the person or body to nominate another person as member of the Advisory Committee.

(5) The Chairperson referred to in subclause (2)(a) is to be independent and preferably will not be associated with any interest group listed in subclauses 2(b)–(k). The Chairperson will demonstrate high-level skills and extensive experience in effectively chairing meetings, committees or advisory groups.

(6) The EPA will provide secretariat and administrative resources for the Advisory Committee.

B Functions of Advisory Committee

(1) The Advisory Committee has the following functions:

(a) To advise the EPA on such matters as may be raised by their interest group that fall within the scope of the project and matters referred to it
by the EPA in connection with the establishment and operation of the network. Matters for consideration may include:

i. monitoring site locations
ii. quality assurance for monitoring sites and data collection,
iii. ongoing operation of the network including data access and display,
iv. community consultation about the network,
v. the regulatory framework for the network,
vi. .

(b) The management of regional air quality in the upper Hunter Valley by the EPA and by industry.

(c) To consider other issues which may be referred to it by the EPA in connection with regional air quality and the Network.

C Constitution of the Advisory Committee

Please refer to Schedule 1 for the Constitution of the Advisory Committee.
Schedule 1

CONSTITUTION OF THE UPPER HUNTER AIR QUALITY ADVISORY COMMITTEE

NSW Environment Protection Authority (EPA)

1 Terms of office of members
A member of the Advisory Committee may hold office for a period of two years. Committee members whose membership has expired, and who continue to meet the assessment criteria, are eligible for reappointment.

2 Remuneration
All non-industry and non-government members are eligible to receive remuneration (including travelling and subsistence allowances) as outlined in the remuneration framework for NSW Government boards and committees.

3 Deputies
(a) Committee members may request a person to be the deputy of that member. The EPA may agree to any such request.
(b) In the absence of a member, the member's deputy may, if available, act in the place of the member.
(c) While acting in the place of a member, a person:
   i. has all the functions of the member and is taken to be a member, and
   ii. is entitled to receive remuneration (including travelling and subsistence allowances) as determined by the EPA.
(d) For the purposes of this clause, a vacancy in the office of a member is taken to be an absence of the member.

4 Vacancy in office of members
(a) The office of a member becomes vacant if the member:
   i. is medically unfit,
   ii. completes a term of office and is not reappointed,
   iii. resigns the office in writing addressed to the EPA,
   iv. is removed from office by the EPA under this schedule and clause,
   v. is absent from four consecutive meetings of the Advisory Committee of which reasonable notice has been given to the member personally or
by post, except where advice requesting an absence has been accepted by the EPA,
vi. becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or
vii. is convicted in NSW of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in NSW of an offence that, if committed in NSW, would be an offence so punishable.

(b) The EPA may at any time remove a member from office.

5 Filling a committee position
If a position on the committee becomes vacant, the EPA will issue an expression of interest for nominations to fill the vacancy. Where no nomination is received the committee may continue until such time that a suitable person nominates.

6 Chairperson
(a) The Chairperson vacates office as Chairperson if the person:
   i. is removed from office by the EPA, or
   ii. ceases to be a member.

(b) The EPA may at any time remove the Chairperson from office as Chairperson.
The Chairperson will be entitled to be paid such remuneration (including travelling and subsistence allowances) as stated in Part 2 of this Schedule.

7 Disclosure of pecuniary interest
The Advisory Committee is a non-statutory committee formed to advise the EPA on the Upper Hunter Air Quality Monitoring Network and the management of regional air quality in the Upper Hunter Valley. The disclosure of pecuniary interests for this advisory committee is an EPA requirement.

(a) If a member of the Advisory Committee has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the Advisory Committee, and this interest appears to raise a conflict with the proper performance of the member’s duties in relation to the consideration of the matter, the member must, 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 Advisory Committee.
(b) A disclosure by a member at a meeting of the Advisory Committee that the member:
   i. is a member, or is in the employment, of a specified company or other body, or
   ii. is a partner, or is in the employment, of a specified person, or
   iii. has some other specified interest relating to a specified company or other body or to a specified person,

is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person which may arise after the date of the disclosure and is required to be disclosed under subclause (1) of the Terms of Reference.

(c) Particulars of any disclosure made under this clause must be recorded by the Advisory Committee in the minutes of the meeting concerned.

(d) A member of the Advisory Committee is not disqualified from taking part in any deliberation of the matter, or in a decision with respect to the matter, because of the member’s pecuniary interest.

(e) A contravention of this clause does not invalidate any advice of the Advisory Committee.

8 Procedures of Advisory Committee
Subject to this Schedule, the procedures of the Advisory Committee are to be drafted by the EPA and supported by the Advisory Committee.

9 Quorum
The quorum requirement for a meeting of the Advisory Committee is that a majority of its members are present for the duration of the meeting.

10 Presiding member
   (a) The Chairperson is to preside at a meeting of the Advisory Committee.
   (b) The presiding member has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

11 Voting
A decision supported by a majority of the votes cast at a meeting of the committee at which a quorum is present is a decision of the Advisory Committee.
12 Minutes
The Advisory Committee is required to keep minutes of proceedings at its meetings.
The EPA acts as secretariat to the Advisory Committee.

13 Meeting frequency
As a minimum, the Advisory Committee is expected to meet at least twice a year.