

# Austral Bricks: Cardup Stakeholder Community Group

## Terms of Reference

### 1. Context

Austral Bricks™ WA (Austral), and previous owners, have operated a clay resource pit at Cardup for over eighty years and operations at the southern pit, processing plant and its related stockpile areas will continue for the foreseeable future in accordance with relevant approvals granted at both Local and State Government level.

The break out SCG was originally created as a condition of the Extractive Industries Licence approval as granted by the Shire of Serpentine-Jarrahdale on 26 July 2011 through a process resulting from the State Administrative Tribunal's involvement in the planning approval for the project. Condition 7 of Planning Approval P05917/06 for the southern operations required the preparation of a Community Consultation Framework for these operations.

Whilst the scope of the SCG was originally targeted at Austral's operations in the southern pit, Austral has recognised the value of the SCG and importance it plays in its ongoing activities. As a result, Austral has agreed to extend the scope of the SCG to address all its operations at Cardup.

Austral Bricks will consider comments and suggestions made by the SCG and provide response where warranted.

The SCG may make recommendations to Austral Bricks, including communication of a negotiated position that reflects members' views, for Austral Bricks to consider and respond to as part of the SCG process. However, the SCG is not required to reach consensus or express unified views on matters discussed.

As Austral Bricks is accountable for its own actions as a publicly listed corporate entity, final decisions regarding the Cardup operations will always rest with Austral Bricks and relevant regulatory authorities. However, the SCG process will ensure that Austral Bricks' decisions in relation to its operation are robust and informed by community sentiment.

### 2. Objectives

The objectives of the SCG are as follows:

- (a) To provide a forum where Austral's Cardup operations (including pits, processing plant and related activities) can be discussed.
- (b) To jointly review and discuss collected monitoring data and reports following submission to the relevant statutory authorities.
- (c) To receive information on the steps taken by Austral in fulfilling their environmental, planning approval and extractive industry licence conditions.
- (d) To hear from the local community about any concerns or issues in relation to the management of the activities at its Cardup operations.
- (e) To encourage community engagement when an issue requires broader discussion and potential input from the community.
- (f) To foster community understanding and confidence in Austral's Cardup operations.

The SCG will:

- (a) encourage continuation of open and transparent communication and consultation between all members of the SCG (including, where appropriate, the community, State and Local Government and Austral);
- (b) provide a forum to raise concerns and for the distribution of information to the community.

### **3. Scope and Authority**

The SCG is a consultative entity made up of representatives of recognised stakeholder organisations associated with Austral's operations. Each stakeholder is bound by the delegated authority they have as a representative of their SCG or organisation.

The SCG does not have decision making authority in respect of Austral's operations or otherwise, but Austral shall listen and be responsive to the deliberations and recommendations of the SCG.

### **4. Membership**

In the past, the SCG has been made up of a diverse range of stakeholders. Whilst the range of active stakeholders has now reduced substantially, there is still excellent representation across the regular attendees and opportunity for other interested parties to become involved subject to confirmation of the wider SCG. Stakeholders that attend include:

- (a) 1 to 2 members of the Serpentine-Jarrahdale Ratepayers Association;
- (b) 1 to 2 members of the Byford by the Scarp Ratepayers Association;
- (c) 1 to 2 members of the Byford Progress Association;
- (d) 1 to 2 local residents;
- (e) Coordinator Natural Reserves from the Shire of Serpentine-Jarrahdale; and
- (f) Austral representatives.

Contact details (email address only) for SCG members will be made available to the community via Austral Bricks' website and other publications as approved by the SCG.

Meetings will be chaired by a Chairperson who will also prepare and distribute minutes and agendas in consultation with SCG members.

Attendees may be invited to attend from time to time, such as State or Local Government representatives, departmental officers or expert consultants, depending on context of agenda items and to be determined by the Chairperson.

#### **4.1. Commitments of SCG Members**

The Chairperson commits to:

- (a) Convening meetings in a fair and consultative manner;
- (b) Circulating the meeting agenda and any relevant documentation a reasonable time prior to a meeting (in some cases this will be a week before the meeting);
- (c) Running the meetings to ensure that all agenda items are adequately addressed;
- (d) Ensuring discussions are conducted in a manner that is polite, respectful and productive to achieving the objectives of the SCG;

- (e) Ensuring that all members get an opportunity to provide input into matters being discussed;
- (f) Compiling and circulating draft meeting minutes for review by all SCG members within one week of a meeting;
- (g) Finalising the meeting minutes; and
- (h) Monitoring the progress of action items to ensure they are completed within agreed timeframes.

Austral Bricks commits to:

- (a) Listening to community concerns and keeping them informed of developments regarding Cardup operations; and
- (b) Providing regular updates and reporting back on issues taken on notice.
- (c) Actively promote community concerns internally within Austral Bricks.

Members commit to:

- (a) Showing a willingness to build trust and acceptance of the facts presented about facility operations;
- (b) Open and unbiased sharing of information and outcomes achieved through the SCG with the broader community;
- (c) Providing input into achieving meeting objectives consistent with community aspirations; and
- (d) Attending all scheduled meetings; submitting an apology if unable to attend; and requesting a leave of absence or to be replaced on the SCG if unable to attend for three meetings in a row.

#### **4.2. Liability of Members**

As this is not a decision-making SCG, members do not carry liability for decisions or recommendations taken. Notwithstanding this, all members are reminded of their obligations as individuals and representatives of their respective organisations (where relevant).

#### **4.3. Remuneration**

Austral Bricks will fund the conducting of SCG meetings and provisions of refreshments when/if meetings are held in-person in the future.

#### **4.4. Chairperson**

The Chairperson will be nominated to the SCG by Austral Bricks and the parties will reach agreement on his/her appointment. The Chairperson's role will be reviewed on an annual basis per the review of these Terms of Reference.

Whilst the Chairperson's role will be funded entirely by Austral, it is contingent on them to remain impartial.

Where a disagreement exists between any of the parties at the SCG, the Chairperson will have the right to determine the matter in a manner that he/she sees appropriate.

The Chairperson will also have the right to decide on a level of behaviour that is appropriate for the SCG and the meetings and will have the right to ask disruptive or disorderly members to leave a meeting as deemed appropriate.

In the event of continued disorderly conduct, the Chairperson will have the right to determine an individual's membership status and may suspend or cancel such membership as appropriate or request that a replacement member be proposed by the respective organisation in accordance with a majority agreement from the SCG.

## **5. Meetings**

### **5.1. Assistance**

A key input for the SCG will be the review of collected data in the management of the operations. Given the technical nature of the data, the SCG will be provided with relevant technical advice as required to ensure full understanding of the information provided. This technical advice may be provided by the Shire, the company, members of the SCG with appropriate expertise or the State Government or their consultants.

### **5.2. Review of purpose**

It is proposed to review the purpose of the SCG annually. The review will address the extent to which the SCG meets its objectives. The review may lead to recommendations as to the purpose and structure of the SCG.

### **5.3. Meetings**

- (a) Meetings will be held every three months initially (or as deemed necessary) to fulfil the objectives of the SCG;
- (b) Meeting dates are determined in consultation with members;
- (c) Special meetings may also be convened as deemed needed by the Chairperson to provide specific updates or deal with pressing issues;
- (d) All meetings shall have an agenda to guide the meeting proceedings and minutes to document meeting proceedings and to facilitate information flow to the broader community.
- (e) The Chairperson will take minutes of the meetings proceedings.
- (f) Minutes will reflect items discussed, outcomes achieved and future actions.
- (g) Meeting minutes will be finalised after consideration of all comments.
- (h) Finalised meeting minutes will be posted on Austral Bricks' website within a week of finalisation.
- (i) Items proposed for the Agenda need to be sent to the Chairperson at least 10 days prior to a meeting.
- (j) Meetings are not to be recorded (other than by meeting minutes or hard copy transcript) without prior approval of all members.
- (k) All documentation including agendas and meeting minutes will be uploaded to a dedicated community consultation page on Austral Bricks' website.

#### **5.4. Conduct**

Members are expected to represent the range of opinions relating to their community, SCG or interest area without bias, and avoid promoting individual agendas or opinions.

Any Conflict of Interest, whether real or perceived, should be raised with the Chairperson as soon as it is identified. It will be up to the Chairperson to determine whether that conflict prevents the member from continuing in his/her role within the SCG.

#### **5.5. Code of Conduct**

The Code of Conduct, as noted in this document, outlines the expectations for individual contributions to the SCG, which are commitments that each member makes in relation to the effective operation of the SCG.

The expectations include, but are not limited to:

- (a) Meetings are intended to be an open forum for discussion and that members will share information equally with all stakeholders in the SCG at meetings.
- (b) Each member will respect the views of fellow members, irrespective of whether these views are shared or issues related to these views are fully resolved. Members will recognise that not all matters will be resolved to everyone's satisfaction.
- (c) Members acknowledge the SCG is the appropriate forum in which to raise issues or concerns related to Austral's operations at Cardup.

In addition, Austral employees are bound by the business' Code of Conduct.

<https://investors.brickworks.com.au/wp-content/uploads/2020/08/Code-of-Conduct-Policy-Australia.pdf>

Members may request the Chairperson to convene a special meeting if information or an issue warrants discussion prior to the next scheduled meeting. The Chairperson will determine the appropriateness of special meeting requests.

Members may also approach the Chairperson with any concerns in relation to the meetings, conduct or any other aspect of the meetings relevant to the SCG.

Failure to comply with the Code of Conduct, as agreed to by the SCG, and varied from time to time by the SCG, may result in replacement, suspension or expulsion from the SCG. The Chairperson will be responsible for determining such actions on advice from the SCG.

The aim of the SCG is to be open and transparent in the dissemination of information, particularly relating to the potential environmental impacts resulting from the Cardup operations.

The process by which this information will be shared will be agreed to by the SCG at each meeting and subject to any confidentiality requirements or statutory issues that may preclude the dissemination of the information. The first suggested avenue for information sharing is that the minutes be posted by the Chairperson to the SCG. As necessary, these minutes should also be posted on the Shire of Serpentine-Jarrahdale website community forum.