



2019 Triennial Director Elections Nomination Information Pack

Nominations open on 7th June 2019 and will close on Friday 5th July 2019 at 4.30pm

1. About Lower Burdekin Water

Lower Burdekin Water (LBW) was established in 2015 after the amalgamation of the former North and South Burdekin Water Boards.

LBW's function is to use part of the flow in the Burdekin River to replenish the subterranean water supply in LBW's Authority area and thereby increase the quantity and improve the quality of the supply available for irrigation, domestic, stock, industrial, environmental and urban purposes.

LBW is a registered Service Provider under the Queensland Water Act 2000 for carrying out its function as a Category 2 Water Authority under this Act. Generally, LBW has the power under the Act to:

- make and levy rates and charges
- take land
- employ people; and
- delegate its powers

LBW has certain standards of service and reporting obligations to the regulator. Additional to general obligations of businesses, the Act imposes requirements on most service providers with respect to:

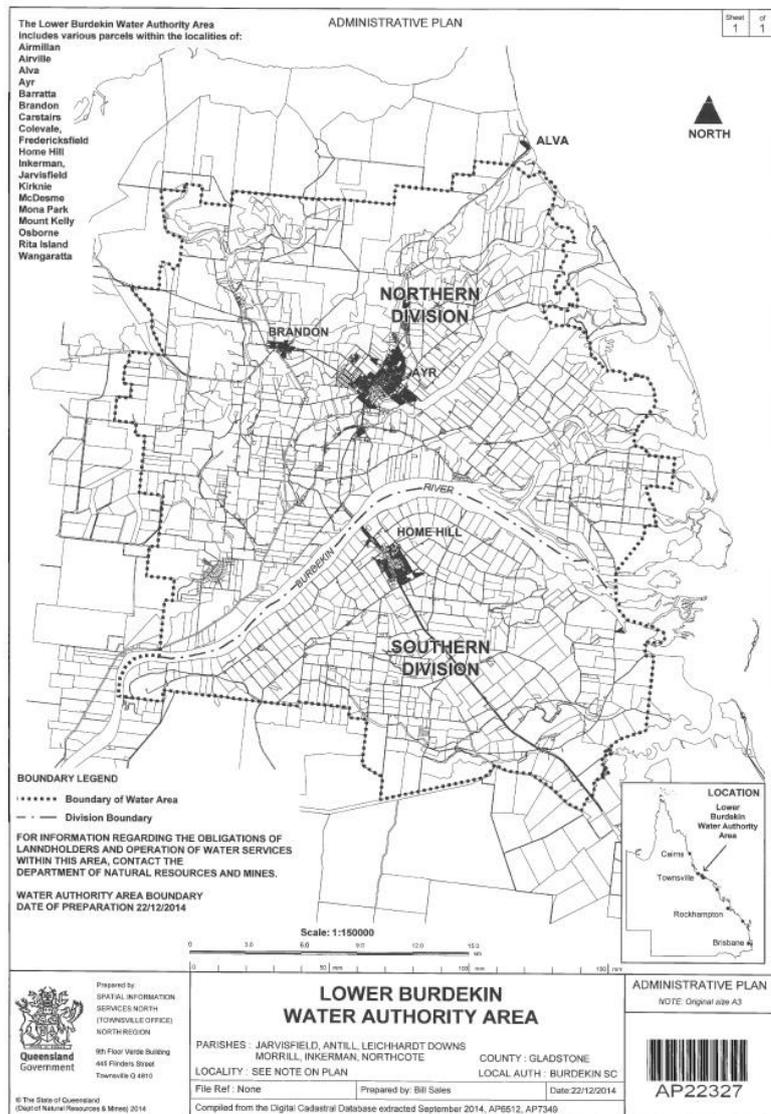
- preparing strategic and operational plans;
- annual budgets;
- financial statements; and
- annual reports.

LBW has 17 staff and manages an Authority Area in excess of 76,000 hectares of which approximately 42,000 hectares is under irrigated agriculture.

The Authority Area is split into a Northern and Southern Division. The is approximately 25,500 hectares of irrigated agriculture in the north serviced by the Plantation Creek, Rita Island and Sheepstation Creek systems. In the south, there is approximately 16,300 hectares of irrigated agriculture serviced by three major systems; Warrens Gully, McDowell's and the Down River.

Operationally, LBW utilises its 255,000 megalitre water allocation which it diverts from the Burdekin river throughout its authority area for aquifer replenishment and water supply.

LBW owns, operates and maintains a large extent of infrastructure including 19 pumping stations, approximately 320 km's of pipelines, channels and natural lagoons and associated water control infrastructure.



The infrastructure and plant which has an **(approximate Gross Replacement Cost of \$87M)** has been procured and built by LBW and financed by the growers and millers over its 50-year life span.

Each year, depending on rainfall, LBW requires around \$9M to fund its operations and asset renewals. Approximately \$1.5M of capital is reinvested each year to purchase and build new or upgrade existing infrastructure, plant and equipment to maintain or improve service delivery, workplace health and safety and environmental outcomes.

Over the last few years, the capital investment has been significantly higher **(FY16-17 > \$4M alone)**.

2. LBW Board

LBW is led by a Board that made up of seven (7) directors. Four (4) directors are nominated and elected by ratepayers, two (2) are nominated by sugar miller Wilmar and one (1) is nominated by the Burdekin Shire Council.

Each director is appointed for a term of 3 years starting on the day stated in the appointment by the Minister for Natural Resources, Mines and Energy.

The current LBW Board's term expires on the 15th of June 2019 and the Minister has asked for director nominations to be called. LBW encourages and supports gender diversity on its board.

The Board meets monthly (11 meetings each year), directors receive training and professional development to support them, are provided with insurance cover in their work for LBW and are compensated for their time and involvement.

Each director must sit on a subcommittee of the Board. There are currently 3 subcommittees which generally meet on a quarterly basis. The 3 subcommittees are the Technical Committee, Finance and Audit committee and Risk and Governance Committee.

3. Role of Board

The board of a water authority is responsible for the way in which the authority performs its functions and exercises its powers.

Without limiting the above paragraph, it is the board's role—

- a) to decide the objectives, strategies and policies to be followed by the authority; and
- b) to ensure the authority performs its functions in a proper, effective and efficient way.

4. Call for Nominations

LBW needs involved, dynamic and motivated directors to lead it for the next three years and is calling for nominations from ratepayers/members to fill the four elected positions.

The current Board have been determined that director nominees should have the following skills and experiences (expertise criteria):

- **Governance** – understanding of the processes and behaviours required for good governance;
- **Strategic expertise** – ability to understand and review strategy;
- **Sound financial and accounting knowledge** - ability to read and understand business accounts, financial statements and management reports presented to the board as well as financial reporting requirements;
- **Compliance** – the board's responsibility involving overseeing compliance with numerous laws as well as understanding an individual director's legal and fiduciary duties and responsibilities;
- **Risk management** – experience in managing areas of major risk within business;
- **Leading people and achieving change** – managing relationships and engagement with key stakeholders and staff;
- **Information technology** – basic understanding of the use of electronic communication and media; and
- **Industry knowledge** – background understanding of agricultural and water or similar industries.

People already active in agriculture or industry are likely to possess these skills to the level required.

Directors are also expected to display these personal qualities:

- **Integrity** – fulfilling their duties and responsibilities, putting LBW's interests before personal interests, acting ethically
- **Curiosity and courage** – having the curiosity to ask questions and the courage to keep asking or to challenge management and fellow board members where necessary
- **Interpersonal skills** – work well in a group, listen well, be tactful but able to frankly communicate their point of view
- **Genuine interest** – commit to LBW and our business
- **Instinct** – good business instincts and acumen, ability to get to the crux of the issue quickly
- **Active contribution** – there is no room on the LBW board for those who do not contribute.

5. Nomination and Election Process

Note: The Queensland Government is committed to increasing the number of women on boards in the public, private and not-for-profit sectors. Female candidates are encouraged to nominate.

1. All current financial ratepayers are invited to nominate to join the Board by completing the Nomination Form and Nominee Response to Expertise Criteria. Nomination and Nominee Response to Expertise Criteria forms are available from either LBW office or the LBW website www.lowerburdekinwater.com.au
2. Prior to nominations closing, an information session for potential nominees will be held to provide advice on LBW, Board responsibilities and the nomination and election process. While not compulsory, it is strongly recommended that those considering nomination attend. The information session is scheduled for Friday 14th June, from 3pm at the Burdekin Theatre Foyer.

6. Nominations for Elected Directors

As set out in section 7.4 of LBW's Governance Policy:

- All Ratepayers are eligible as candidates for Elected Director nominations. However, only one Ratepayer from any one entity is eligible to stand for election.
- Elected Director nominees shall be nominated by Ratepayers.
- Elected Director candidates can stand for election in one Division only.
- The returning officer must, by notice to Ratepayers, call for nominations of Ratepayers eligible to be an Elected Director.
- Where a candidate is nominated for both Divisions, the candidate must advise the returning officer which Division he intends to stand in.
- The notice must state:
 - c) the day and time, at least 10 business days after the notice is given, when nominations close; and
 - d) the day not more than 20 business days after nominations close, when voting material will be given to voters if a ballot is necessary.
- A nomination for an Elected Director must be:
 - a) written; and
 - b) demonstrate how they meet the criteria listed in section 7.3; and
 - c) signed by the candidate and 2 Ratepayers; and
 - d) given to the returning officer before nominations close.
- A candidate may withdraw a nomination by notice to the returning officer no later than 1 hour before nominations close.
- LBW will provide the Minister with eight proposed candidates, four from each division. From which he will appoint four directors, two for each division.
- If, after nominations have closed, the number of proposed candidates is not more than eight, the returning officer must declare the nominated candidates as proposed appointees for submission to the Minister.
- However, if the number of candidates is more than four in any one of the two divisions, the returning officer must conduct a secret ballot for the relevant division.
- If four or less nominations are received for each division then all of the nominations received for that division will be sent directly to the Minister for consideration and appointment without conducting a secret ballot.

7. Voting Distribution for Elections of Board of Directors

As set out in section 7.5 of LBW's Governance Policy:

- For the purposes of Elected Director elections, the Lower Burdekin Water Authority Area shall be divided into two Divisions.
- The Divisions are geographically designated as follows:
 - a) north of the Burdekin river in the Lower Burdekin Water Authority Area as shown in Administrative Plan AP22327, is designated as the "Northern Division"; and
 - b) south of the Burdekin river in the Lower Burdekin Water Authority Area as shown in Administrative Plan AP22327, is designated as the "Southern Division".
- Each Division shall be equally represented on the Board by the Elected Directors nominated by Ratepayers.
- (A Voter may only vote once irrespective of whether they farmland in both the Northern and Southern Divisions.

8. Secret Ballot

As set out in section 7.6 of LBW's Governance Policy:

- A secret ballot shall be conducted for a division if more than four nominations for that division are received.
- A secret ballot for Elected Directors shall be conducted by mail.
- In subsection (d) – by mail, in relation to the conduct of an election, means other than at a meeting and may include voting material being given, for example –
 - a) by handing it to the person; or
 - b) by sending it by mail; or
 - c) by sending it by facsimile; or
 - d) by sending it electronically.
- LBW will provide to the Minister the four nominees who received the highest votes in each division in the secret ballot together with the election results for his consideration for appointment. To ensure that LBW meets its obligations to achieve gender equality on its board, where the four nominees in each division who received the highest votes are all one gender, LBW will also provide the details of up to two nominees of the opposite gender who received the next highest votes in the secret ballot.
- At the Minister's pleasure, an announcement will be made on the two representatives for each division, along with a representative from Burdekin Shire Council and two from Wilmar.
- Until the Minister's decision is announced, the current Board members will continue to serve.
- Once a new Board is appointed, its members will elect a member to Chair the Board.

9. Assistance and advice

LBW staff are available to assist any ratepayer with advice on completing a nomination. For advice on nomination, ballot and appointment processes, please contact the Returning Officer, Mr Danny Horan on (07) 4783 8000.

10. Schedule

The length of the nomination and appointment process depends on whether a ballot is required, and when the Minister is able to make an announcement. Nominations will be open for a minimum of 28 days, and if required a ballot will be open for 21 days.

Table 1: LBW Nomination and Election Schedule

Nominations open	Friday 7 June
Information session for ratepayers – Burdekin Theatre Foyer – 3pm	Friday 14 June
Nominations close	Friday 5 July 5pm
Scrutineering by returning officer complete, Board advised	Monday 8 July
(IF POSSIBLE) Returning officer advises nominees (if ballot is not required)	Tuesday 9 July
(IF POSSIBLE) Board advises Minister of nominees (if ballot is not required)	Wednesday 10 July
(IF REQUIRED) Returning officer announces secret ballot	Tuesday 16 July
(IF REQUIRED) Ballot open for voting	Wednesday 17 July
(IF REQUIRED) Returning officer closes ballot	Wednesday 31 July
(IF REQUIRED) Returning officer advises ratepayers of ballot result	Thursday 1 August
(IF BALLOT REQUIRED) Minister advised of nominees	Thursday 1 August