

Aboriginal Advisory Committee – Terms of Reference

Adoption Date:	16/08/2016
Amendment Date:	28/02/2017, 26/09/2017, 25/09/2018, 26/11/2019, 7/02/2022, 14/11/2022, 17/07/2023
Minute Number:	MIN16.656, MIN17.149, MIN17.853, MIN17.882, MIN18.243, MIN19.900, MIN22.57, MIN22.871, MIN23.356
Review Date:	01/12/2024
Directorate:	City Lifestyles
Record Number:	POL23/35

Acknowledgement

We acknowledge all Aboriginal people of the Shoalhaven the Jerrinja, Wandj Wandian, Wodi Wodi, Bherwerre , Murramarang, Budawang and Aboriginal members of Roseby Park and Wreck Bay communities and value their long, rich cultural and spiritual connections to the Shoalhaven area. This is evident in the stories and ceremonies, the natural landmarks and the sacred objects embedded in the landscapes and waterways throughout this region

1. Purpose

The purpose of the Aboriginal Advisory Committee, hereby known as the Committee, is to provide cultural advice to Council on its Strategies and Plans.

The Committee will also seek to gain Council's support in achieving the objectives for the current Statement of Commitment 2010 (SoC), the Shoalhaven City Council (SCC) Community Strategic Plan 2027 (SCCSP) and endorsement of the Uluru Statement of the Heart June 2020.

1. Interpretation

For the purpose of this document:

- Member means a member of the Committee
- Council means Shoalhaven City Council
- Chairperson / Chair means the chairpersons of the Committee
- Elected members mean the elected Councillors of Shoalhaven City Council
- LGA means Local Government Area
- NPWS means National Parks and Wildlife Service
- LALC means Local Aboriginal Land Council
- Aboriginal means both Aboriginal and Torres Strait Islander communities

2. Status of the Committee

The Committee provides non-binding advice to Council for consideration.

3. Role

The role of the Committee is to:

- Advise SCC on matters relating to Aboriginal communities in the LGA.
- Promote and increase knowledge and understanding of Aboriginal society, history and culture throughout SCC and in the Community.
- Advocate and support Council's plan to promote inclusive and accessible services and facilities for Aboriginal people.

- Provide advice towards and monitor the implementation of relevant Council plans and strategies with respect to the needs, issues and interests of Aboriginal people and communities.
- To support and work with Aboriginal and other organisations committed to increasing respect for Aboriginal culture and history, past and present.
- Foster and safeguard a spirit of mutual trust and respect which allows the Aboriginal Advisory Committee (AAC) and SCC to work together in their commitment towards well-informed decision-making processes that are culturally respectful.
- Support the recognition and preservation of past and present local cultural heritage and its place in future Council planning and strategies.
- Offers a reciprocal platform for the communication of information from Aboriginal community voices and others that identify local needs for services, facilities and activities.
- Work together with Council to develop and promote appropriate commemorations and celebrations of Aboriginal culture including, but not limited to Sorry Day and NAIDOC Week.
- Provide relevant information to other Committees of Council when needed or requested.

On occasions where an AAC member is requested by Council or other organisations to represent the Committee at external meetings or activities this request must be put through the Committee prior to a representative attending.

4. Delegations

Advisory Committees, may make recommendations to Council on all matters within the role outlined above. These recommendations may be submitted via the minutes of each meeting to Council for consideration.

This does not include substantial issues and recommendations (possibly including expenditure) that will be reported to Council by a separate report through Manager – Community Connections.

The Committee does not have the power to incur expenditure (directly or indirectly), or the power to bind Council.

5. Membership

The Committee will be chaired by an appointed Aboriginal community member of the AAC. The Committee is expected to act in accordance with the Role of the Committee as defined above in Section 4.

Representatives must live in the Shoalhaven Local Government area (LGA) area on a full-time or part-time basis. The composition will be:

- Up to thirteen (13) local Aboriginal community representatives including Elders, Youth (including 2 Youth, aged 18 – 25 years, members).
- Three (3) members being a representative from each Local Aboriginal Land Council
- All available councillors
- Council's Chief Executive Officer (CEO) or nominee

Community Representatives

Following an Expression of Interest (EOI) process, a maximum of thirteen (13) local community representatives, will be appointed that meet the following criteria:

- Aboriginal community members living in the Shoalhaven local area.
- Being Aboriginal with a strong community connection to the people and area.
- Promote an understanding of Aboriginal people, history & culture in the Shoalhaven.
- Motivated about having a positive impact on the lives of Aboriginal people in the Shoalhaven region
- Is Advocate for Aboriginal people in the community particularly in representing the various views and beliefs of communities of the Shoalhaven
- Motivated to identify opportunities for collaboration between Aboriginal communities and Council

Community representatives with Committee membership have voting rights.

Community representative appointments:

- Nominations should be advertised throughout the community via an Expression of Interest (EOI) process and through the support of the Aboriginal Community Capacity builders.
- Social media advertising; Advertising across relevant community networks
- Appointments to the Committee will be for a four (4) year term with a set commencement and finish date and standing members may re-nominate for an additional term.
- At the end of the second term, a community member's position will be declared vacant and an EOI process completed. If this process results in no new membership appointments the community member previously occupying the vacant position may re-nominate for their position.
- Vacancies will be advertised locally via media and Council communication networks and through the support of the Community Capacity Builder, Aboriginal.
- Council will manage the application process in consultation with the Community Capacity Builder, Aboriginal.
- An interview panel will consist of an Independent Council staff member, the Chair of the AAC and one Aboriginal Committee representative to assess the applications against the agreed criteria for the Committee. Appointment recommendations to AAC to be submitted to Council at the next Ordinary Meeting for endorsement.
- Conditions of non-attendance: members who do not attend three (3) consecutive meetings without apologies will be notified of the vote going to the committee to be removed. Non-active members disrupt the function of the committee.
- Awaiting members will be considered by the committee for replacement of non-active members.
- If there are two consecutive non quorate meetings, the Convenor will contact the Chair and each AAC Members to determine their continuation on the Committee. If required, a fresh EOI process will be undertaken.

Council Officers

Council officers may attend meetings to provide specialist professional advice in relevant areas being addressed by the AAC. Council officers do not have voting rights.

Government Agencies, Community Organisations and Service Providers

The Chief Executive Officer (or nominee) invites a range of Government Agencies, Community Organisations and Service Providers to nominate representatives.

The nominated agency representatives provide advice in relation to their functions, and areas of expertise, however, are non-voting members.

Chair and Deputy Chair

The Chair of the Committee will be appointed from the Aboriginal community membership of the Committee.

In instances where the Chair is not present to perform their duties the Committee will appoint an Acting Chair for the meeting.

The Chair of the Committee will be limited by a four (4) year tenure and is open to all members of the Committee.

Terms of Office

The term of the Chair will be a four (4) year tenure. Elected members (or their representative) continue as members of the Committee until the next ordinary election of the Mayor, or the next general election of Council, or until the Committee is disbanded or completes its purpose in accordance with these Terms of Reference (ToR).

6. Committee Meetings

Agenda

Agenda will be distributed 7 days prior to the date of the meeting. Councillors and members can contribute to the agenda by requesting a report on a particular issue four (4) weeks prior to the meeting, subject to the approval of the Chair and the relevant Director.

Quorum

Five (5) provided that the chair or acting chair with voting rights and four (4) community representatives are present. No proxy votes are permitted. If a quorum is not present within 30 minutes of the scheduled commencement time, the meeting lapses.

Voting

It is expected that the Committee, and any working group, develop recommendations by consensus. If voting is required, a majority shall prevail with the Chair having a casting vote in the case of a tie.

Any votes against will be recorded in the minutes.

Meeting Schedule

In general, meetings should be held quarterly or otherwise as determined by the Chair and conducted either in person or electronically. Please note as required the Committee can request to meet informally via teams or in person without formal agenda or minutes for the purpose of receiving information only i.e. not making recommendation / resolution.

Minutes

The Committee shall provide advice to the Council for consideration. The Committee's advice shall be posted on the Council website with minutes reported to the elected Council. Following consideration of the advice from the Committee, any resolution determined by Council, will be posted on the Council website.

Confidentiality And Privacy

Members who may have access to confidential or personal information retained by Council are required to maintain the security of such confidential or personal information and therefore shall not use, or remove any information unless the member is authorised to do so.

Communication

In relation to the communication functions of Committee, the following apply:

- Members of the Committee are not permitted to speak to the media as Council representatives of the Committee unless approved by the Chairperson.
- Where approval has been given by the Chairperson, views and opinions expressed are those of the Committee and not of Shoalhaven City Council.
- Where endorsement is required from Shoalhaven City Council, approval must be sought through the formal processes.
- The Chair of the Committee is the preferred point of contact for communication between members and Council staff.
- Council will endeavour to utilise the Chair as the primary point of contact to communicate with Committee members.

7. Council Staff Responsibility

The Committee's contact within Council is the Community Capacity Builder - Aboriginal, within the City Lifestyles Directorate. This Directorate is considered to be responsible for ensuring the agenda and presentations remain relevant to the Committees role and presenting the Action Table Report.

Reports requested by or presented to the Committee from other departments/Directorates outside of the responsible contact department will be the responsibility of said Directorate. Updates on these actions in the Action Table will be the sole responsibility of said department and Directors will ensure these updates are finalised in a timely manner.

Governance is responsible for administrative support functions of the committee such as collating and distributing the agenda, minutes, and notation of apologies.

8. Code of Conduct

All members of the Committee are required to observe the provisions of Council's Code of Conduct and any other policy or requirement applicable to the proper functioning of the Committee.

A breach of the Code of Conduct may lead to the member being expelled from the Committee.

9. Document Control

These ToR are reviewed at the commencement of each term of Council. Amendments to these ToR are to be reported to Council for approval.

A version history (footnote on front page) is included if amendments have been approved.

10. Document Control

Code Of Conduct

Code of Meeting Practice

CSP

Terms Of Reference Template

Statement of Commitment 2010 (SoC)

Uluru Statement of the Heart June 2020

11. Review

After every Council election.