

# Aboriginal Advisory Committee – Terms of Reference

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## 1. Purpose

To provide appropriate and considered advice to Council on all relevant issues affecting Aboriginal and Torres Strait Islander people within the Shoalhaven LGA, and to influence Council's support & intent in achieving their objectives for the current Statement of Commitment 2010 (SoC) and the Shoalhaven City Council Community Strategic Plan 2027 (SCCSP) and endorsement of the Uluru Statement of the Heart June 2020.

## 2. Statement

Shoalhaven Local Government Area (LGA) is made up of many unique communities with a diverse range of people, lifestyles and cultures. It comprises 49 towns and villages and a key role of Shoalhaven City Council within that is to work in partnership with organisations, services, government agencies and individuals to build strong, resilient, cohesive and creative communities.

Shoalhaven City Council established the Aboriginal Advisory Committee (AAC) in 1997 to advise Council on the needs of Aboriginal people living in the Shoalhaven Local Government Area. This advisory committee provides an opportunity for Council to develop both a structure for effective consultation and communication with Aboriginal communities and the opportunity for Aboriginal people to participate in Council's decision-making process to achieve mutually co-operative responses for their cultural, environmental and economic wellbeing.

## 3. Provisions

The Shoalhaven City Council maintains, in its Statement of Commitment 2010, to strongly support the work of the AAC and sees it as serving an important role in providing the specialist and professional guidance to achieve positive outcomes for local Aboriginal people.

## 4. Terms of Reference

### 4.1. Relationship to Council

The committee is an Advisory Committee, administered by Council to discuss relevant issues and recommend solutions specifically associated to local government and their Aboriginal & Torres Strait Islander communities.

### 4.2. Role of the Advisory Committee

All members are encouraged to become actively involved in the business of the AAC and to be an advocate between community and Council. The role of the Committee is:-

- To advise Shoalhaven City Council on necessary issues relating to Aboriginal communities in the LGA.
- Promote and increase knowledge & understanding of Aboriginal society, history & culture in the LGA.
- Facilitate access and accessibility to services and facilities for Aboriginal people.
- Advise on the development and implementation of the Shoalhaven City Council Community Strategic Plan.
- Develop strong collaborative partnerships between Aboriginal communities and Shoalhaven City Council.
- Maintain strong links between Council and Aboriginal communities throughout the Shoalhaven to accomplish the relationships and outcomes required for genuine reconciliation.

- Foster and safeguard a spirit of mutual trust and respect which allows the AAC and Shoalhaven City Council to work together in their commitment towards intelligent, well informed decision making processes that are sensitive to all Aboriginal issues.
- Recognise, support & uphold past and present local cultural heritage and its place in future Council directions.
- Remain a meaningful 'place' for the communication of messages and information from Aboriginal community voices that identify local needs for services, facilities and activities.
- Support and promote significant celebrations and events within the Shoalhaven Aboriginal and Torres Strait Islander community.
- Provide specialist advice to other Committees of Council.

### **4.3. Membership**

Representatives must live in the Shoalhaven Local Government area (LGA) area and/or work with Aboriginal communities of the Shoalhaven on a full-time or part-time basis. The composition will be:

The Group will have membership made up of the following positions:

- Up to 13 local Aboriginal community representatives including Elders, Youth or Government/Non-Government agencies/organisation delegates (including 2 Youth members).
- One (1) NPWS Representative
- Three (3) members being a representative from each Local Aboriginal Land Council
- All Councillors
- The CEO or nominee.

It is important for the AAC to take broad community advice from those Aboriginal organisations and Government agencies with a capacity to provide professional guidance to its members to enable them to make sound decisions.

These organisations and agencies working in the sector may be invited to attend the Advisory Committee meetings but will have no voting privilege.

Community representatives that do not attend three (3) meeting without an apology will be sent a reminder/courtesy letter advising that their membership will lapse unless they confirm their membership in writing.

### **4.4. Membership Appointments**

- Nominations for Local Aboriginal Community Members should be advertised throughout the community.
- Appointment to the Advisory Committee can be for a maximum four (4) years with a set commencement and finish date and standing members may re-nominate for an additional term.
- Should there be a local Aboriginal community membership vacancy it may be filled upon the resignation of a local Aboriginal community member and will align with set fixed finish dates
- Vacancies will be advertised locally via media and Council communication networks.
- Council will manage the application process in consultation with the Community Capacity Builder, Aboriginal.
- An interview panel will consist of a Council staff member, the Chair of the Aboriginal Advisory Committee and one (1) 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.

- Councillor membership will be reaffirmed at the Call meeting in September of each year.

#### **4.5. Sub Committees/Working Groups/Represented Delegation**

If representing the AAC on an identified working group/party your role is to represent the Committee's commitment and purpose.

The Advisory Committee will have the right to establish sub groups as deemed appropriate to assist in fulfilling their role and purpose.

#### **4.6. Meeting Practices and Procedures**

- The administrative provisions of Council's adopted Code of Meeting shall apply subject to any amendment by this Advisory Committee.
- The Chair of the Committee will be limited by a four (4) year tenure and is open to all members of the Committee.
- The Chair of the Committee will be appointed from the Aboriginal members of the Committee, a Chair can be either a community member or nominated LALC representative on the AAC membership.
- In instances where the Chair is not present to perform their duties the Committee will appoint an Acting Chair for the meeting.
- Councillors who have an interest in forming a relationship with the committee should consider their ability to commit for the term of that Council.
- The Chair of the committee may make representations to Council on recommendations from the ACC through the formal deputation process.
- Committee members who are absent for three (3) consecutive meetings of the AAC without tendering an apology will be requested in formal correspondence from Council to confirm their intention regarding their membership of the committee. Failure to respond may result in removal from this committee.
- Formal meetings will be held a minimum of four (4) times per year (and others as required) depending on demand and also allowing Committee member's time for consultations.
- Meetings are held at Shoalhaven City Council Administrative Building or can be negotiated with Committee Members.
- A quorum will consist of five (5) local Aboriginal community members of the Committee.
- If a quorum is not present within 30 minutes of the time appointed for the commencement of the Advisory Committee meeting, the meeting will be adjourned or rescheduled to a time and date set by the CEO.
- Each Committee meeting shall be properly recorded by the taking of minutes by the Governance Unit.
- Items in the minutes which are recommendations to Council will be submitted to the next available Council Meeting. Minutes will be confirmed at the next AAC meeting.
- Where possible, members are encouraged to reach a consensus; decisions will normally be made through modified consensuses.
- The Chair of the Committee should facilitate a meeting that is run on a consensus decision making model rather than rely on the formal structures of a simple majority plus one.
- If however there are times when a position cannot be reached, despite open and thorough exploration of the issues and options, the Chairperson will ask for a vote.
- All formal members of the committee are entitled to a vote.
- In the event of a tied vote, the Chair can exercise a casting vote.

- Governance will aim to circulate Agendas for the ACC to members at least seven (7) days prior to the meeting.
- Advisory Committee members must declare in writing any conflict of interest in any report tabled at the meeting covered by the Code of Conduct and Pecuniary Interest.
- Informal Advisory Committee meetings, special meetings that may discuss specific portfolio matters will be held as and when required or set by the Advisory Committee.
- Planning and costs associated with conducting meetings will be borne by Council.
- Advisory Committee recommendations which are determined to be purely or substantially 'operational' in nature, will be dealt with by the relevant Council officer and any action or lack thereof reported to the Advisory Committee.
- Progress towards the outcomes of Council's Community Strategic Plan 2027 and Statement of Commitment will be reported to Shoalhaven City Council at Council meetings and corporate management meetings, where appropriate, throughout the year. Progress against actions arising from AAC Minutes will be reported on a quarterly basis at each consecutive AAC meeting.

### **4.7. Code Of Conduct**

Meetings be conducted in an informal manner, but still within Council's 'Code of Conduct' Policy which all members are required to observe.

- Advisory Committee members should act in a professional, responsible and respectful manner with the information they obtain as a member, as the Advisory Committee require openness and honesty to function well.
- Advisory Committee members must at all times respect other members when expressing their opinions and views. Members should feel free to express their opinions and views without fear of retribution.
- It is essential for Advisory Committee members to accept collective responsibility, and remain loyal to decisions of the Advisory Committee, even where they may not have agreed with the final decision.

### **4.8. Confidentiality and Privacy**

Members may have contact with confidential or personal information retained by Council. If so, members are required to maintain the security of any confidential or personal information and not access, use or remove any information, unless the member is authorised to do so or is doing so in their capacity as nominated representative of an organisation.

### **4.9. Communication**

- All issues must be clearly communicated including priorities, limitations and benefits to community.
- Care needs to be undertaken to ensure that all participants fully understand mutual issues under discussion and that there are no false expectations created. It is important that all members' views are given weight during discussions.
- Members of the Advisory Committee are not permitted to speak to the media as representatives of the advisory committee unless approved by the chairperson
- Where approval has been given by the Chairperson, views and opinions expressed are those of the Advisory 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 Advisory Committee is the point of contact for communication between Advisory Committee members and Council staff.

### **4.10. Council Staff Attendance**

Shoalhaven City Council will provide administrative Council staff who are normally required to attend the meetings of the Advisory Committee to carry out the following tasks:

- Collate and distribute Business Papers.
- Organise meetings.
- Minute taking, storage and distribution of minutes and associated documents.
- Providing administrative support to the Community Capacity Builder to distribute information between the Committee and the Community Capacity Builder Aboriginal.
- Other staff at the relevant Group Directors' discretion or at the Advisory Committee's request can attend meetings as required. Staff have no voting privileges.

### **4.11. Expectation Of Advisory Committee Members**

- Advisory Committee members will undertake the prescribed Induction process.
- Pecuniary Interest Returns may be required on appointment and annually as required by the Office of Local Government and Council.

### **4.12. Responsibility Of Council**

- Council at its discretion may review and change the Terms of Reference, Role and Structure of the Advisory Committee taking into account the views of the Advisory Committee.

## **5. Review**

After every Council election.