

Aboriginal Advisory Committee

Meeting Date: Monday, 26 November, 2018
Location: Jervis Bay Rooms, City Administrative Centre, Bridge Road, Nowra
Time: 4.00pm

Please note: Council's Code of Meeting Practice permits the electronic recording and broadcast of the proceedings of meetings of the Council which are open to the public. Your attendance at this meeting is taken as consent to the possibility that your image and/or voice may be recorded and broadcast to the public.

Agenda

1. **Apologies**
2. **A Minute Silence in Respect of Aboriginal Elders, Past and Present**
3. **Confirmation of Minutes**
 - Aboriginal Advisory Committee - 13 August 2018 1
4. **Declarations of Interest**
5. **Presentations**
 - AA18.29 Presentation - Robyn Russell - One Track for All
 - AA18.30 Presentation - Unexpected Aboriginal Heritage Finds
6. **Reports**
 - AA18.31 Nominate Representative for the Shoalhaven Arts Board 6
 - AA18.32 Cook 2020 Anniversary - Shoalhaven Regional Gallery Response - Advice sought 12
 - AA18.33 Expressions of Interest for Aboriginal Advisory Committee Membership 14
 - AA18.34 Invitation to nominate a representative for the Business and Employment Development Committee 22
7. **General Business**

Membership

Ms Sue-Anne Cutmore - Chairperson
All Councillors
Mr Russ Pigg or nominee
Ms Janet Atkins
Ms Sylvia Timbery
Ms Patricia Lester
Mr Shane Brown
Ms Leonie Ebzery
Mr Noel Wellington
Mr Paul McLeod
Mr Charlie Ashby
Ms Janaya Hennessy
Mr Morgan Blakeney
Ms Valda Corrigan (NPWS)
Nowra LALC – Sharlene Cruickshank
Jerrinja LALC - Rebecca Woods
Ulladulla LALC – Paul Keith

Quorum – Five (5)

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 2023 (SCCSP).

Role of the Committee

- 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.

MINUTES OF THE ABORIGINAL ADVISORY COMMITTEE

Meeting Date: Monday, 13 August 2018
Location: Jervis Bay Rooms, City Administrative Centre, Bridge Road, Nowra
Time: 4.00pm

The following members were present:

Ms Sue-Anne Cutmore - Chairperson
Clr Mark Kitchener
Clr Nina Cheyne
Clr John Levett
Clr Bob Proudfoot
Clr Patricia White – arrived 5.04pm
Mr Noel Wellington
Ms Patricia Lester
Ulladulla LALC – Paul Keith
Mr Charlie Ashby – arrived 5.13pm
Ms Janaya Hennessy
Nowra LALC - Sharlene Cruickshank – left 4.51pm
Mr Shane Brown

Others present:

Mr Gordon Clark – Strategic Planning Manager
Mr Ray Massie – Coast and Estuaries Officer
Ms Margaret Simoes – Community Development Officer - Aboriginal
Ms Cathy Campbell – Senior Community Development Officer
Ms Lili Hutchinson – Social Infrastructure Planner
Mr Trevor Cronk – Unit Manager - Property

Apologies / Leave of Absence

Apologies were received from Leonie Ebzery, Valda Corrigan, Charlie Ashby, Clr Findley, Clr Gartner.

Confirmation of the Minutes

RESOLVED (Nowra LALC - Sharlene Cruickshank / Clr Cheyne)

That the Minutes of the Aboriginal Advisory Committee held on Monday 07 May 2018 be confirmed.

CARRIED

Declarations of Interest

Nil

REPORTS

AA18.22 Callala Bay Headland Midden - Interpretive Signage

**HPERM Ref:
D18/176280**

Lili Hutchinson - Social Infrastructure Planner addressed the meeting and advised that Council have engaged a consultant Judy Denby. Council is also waiting for Jerrinja to provide dimensions for the sign and then will review the content options for Aboriginal Land Council interpretive signage.

Recommendation (Item to be determined under delegated authority)

That the Aboriginal Advisory Committee accepts this report for information only.

RESOLVED (By consent)

That the Aboriginal Advisory Committee accepts this report for information only.

CARRIED

AA18.23 Uluru Statement From the Heart

**HPERM Ref:
D18/245400**

Members discussed various matters regarding the Statement including changing the name from Uluru Statement from the Heart to just Statement from the Heart, the meaning and intent of the statement and community engagement undertaken or needed.

Patricia Lester addressed the meeting and suggested that the consultation should be the whole of Shoalhaven and should be inclusive of all people for reconciliation purposes.

Recommendation

That the Aboriginal Advisory Committee receive this report and note the letters that have been received from members of the community regarding Council's decision not to support the Uluru Statement from the Heart for information.

RECOMMENDATION (By consent)

That:

1. The report regarding the Uluru Statement from the Heart be received for information.
2. The Aboriginal Advisory Committee adopt and support the Statement from the Heart (and remove the word Uluru); and
3. Request that Council give in principal support for the Statement from the Heart and urge the Federal Government to do the same and adopt the Statement.

FOR: Sue-Anne Cutmore, Clr Kitchener, Clr Cheyne, Clr Levett, Patricia Lester, Shane Brown, Noel Wellington, Janaya Hennessy, Sharlene Cruickshank and Paul Keith

AGAINST: Clr Proudfoot

AA18.24 Invitation to nominate a representative for the Business and Employment Development Committee

**HPERM Ref:
D18/253946**

Note: Sharlene Cruikshank left at 4.51pm

Margaret Simoes - Community Development Officer - Aboriginal and the Chairperson called for any nominees who wish to be a representative on the Business and Employment Development Committee.

Members that were present did not nominate.

Margaret Simoes - Community Development Officer - Aboriginal advised that the matter should be deferred and she will put out an EOI to all the members of the Committee and report back to the next meeting.

Recommendation (Item to be determined under delegated authority)

That the Aboriginal Advisory Committee nominates [a representative] as its representative on the Business and Employment Development Committee.

RESOLVED (By consent)

That this matter be deferred and an EOI be sent to all Committee members and this matter be reported back to the next meeting.

CARRIED

AA18.25 Request for Advice - Development of Sensory Garden and Native Flora Area - Boongaree

**HPERM Ref:
D18/254311**

Note: Clr White arrived at 5.04pm

Lili Hutchinson - Social Infrastructure Planner addressed the meeting in relation to Berry District Park, now named "Boongaree" which was the name chosen by the Community following community consultation.

Have consulted with Nowra LALC and they have advised that they have land and will provide it for a Greenhouse.

If the Committee members know of any local people in the community that would be happy to volunteer their time and assistance to contact Lili directly.

Noel suggested that staff get in touch with the CEO of the Land Council and organise a meeting with the Board in relation to the signage in and around the park.

Recommendation (Item to be determined under delegated authority)

That the Aboriginal Advisory Committee:

1. Participate in discussion and provide advice on the development of a sensory garden and native flora area at Boongaree.
2. Nominate any additional people the committee believes should be consulted as part of this project.

RESOLVED (By consent)

That the Aboriginal Advisory Committee:

1. Participate in discussion and provide advice on the development of a sensory garden and native flora area at Boongaree.

2. Nominate any additional people the committee believes should be consulted as part of this project.

CARRIED

AA18.26 Federal Court Proceedings - South Coast People Native Title Claim

**HPERM Ref:
D18/221932**

Note: Charlie Ashby arrived at 5.13pm

Trevor Cronk – Unit Manager - Property addressed the meeting and advised the following:

- Crown Lands Management –under the new Crown Land Management Act, Council is referred to as the Crown Land Manager.
- Council is to manage all Crown Land as Public Land so there is consistency
- All Councils will (if required) employ/engage a Native Titles Manager
- The Native Title Claim was lodged on 3 August 2017 by the South Coast People this has passed the gateway processes, and the next step is to become registered with the Federal Court.
- All those with an interest in Crown Land would have received a notification
- The Federal Court will appoint a case officer to look at the claims
- Applications close on 29 August 2018

Recommendation (Item to be determined under delegated authority)

That the Aboriginal Advisory Committee receive the report for information.

RESOLVED (By consent)

That the Aboriginal Advisory Committee receive the report for information.

CARRIED

GENERAL BUSINESS

AA18.28 Additional Item - Damage and Rubbish on Cullunghutti

Charlie Ashby addressed the meeting and advised that he regularly ascends Cullunghutti and has noticed that several rocks have been scarred from the BigFoot Trucks and also a significant amount of rubbish left at the summit by visitors.

Noel Wellington advised that he is meeting with National Parks on 22 August and he will provide Charlie with the information.

RESOLVED (By consent)

That a report be submitted to the next meeting of the Aboriginal Advisory Committee with an update of the Plan of Management for Cullunghutti.

CARRIED

AA18.27 Presentation - Peter McLaughlin - Aboriginal Advisory

HPERM Ref:

Committee Action Plan

D18/267545

Peter McLaughlin provided a presentation at the conclusion of the meeting.

As agreed by the Committee, Peter McLaughlin attended the meeting to discuss the Aboriginal Advisory Action Plan.

There being no further business, the meeting concluded, the time being 5.25pm.

Ms Sue-Anne Cutmore
CHAIRPERSON

AA18.31 Nominate Representative for the Shoalhaven Arts Board

HPERM Ref: D18/322620

Group: Finance Corporate & Community Services Group
Section: Human Resources, Governance & Customer Service

Attachments: 1. Shoalhaven Arts Board - Terms of Reference [□](#)

Purpose / Summary

To advise the Aboriginal Advisory Committee (AAC) that the aboriginal representative on the Shoalhaven Arts Board (SAB) membership has lapsed.

The AAC can now nominate a new representative to be on the SAB.

Recommendation (Item to be determined under delegated authority)

That (insert name) be nominated as the representative on the Shoalhaven Arts Board.

Options

1. As Recommended
2. The Aboriginal Advisory resolve not to nominate a representative
3. Adopt an alternate recommendation

Background

The representative membership on the Shoalhaven Arts Board (SAB) has lapsed. The SAB are seeking a new aboriginal representative to be on the SAB. The Committee is requested to nominate an individual for this position. As stated in the Shoalhaven Arts Board (SAB) Terms of Reference (attached) the position is identified as an Aboriginal Local Member. The individual is not required to be a member of the Aboriginal Advisory Committee.

The SAB meet 4 times per year on a Thursday at 1.00pm. The SAB Terms of Reference is attached for information.



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Website: www.shoalhaven.nsw.gov.au

For more information contact the Finance Corporate & Community Services Group

Shoalhaven Arts Board - Terms of Reference

Policy Number: POL16/267 • **Adopted:** 17/03/2015 • **Amended:** 23/06/2015, 27/06/2017 • **Minute Number:** MIN15.147, MIN15.426, MIN17.565 • **File:** 2123E • **Produced By:** Finance Corporate & Community Services Group • **Review Date:** 1/12/2020

1. STATEMENT

Council recognises the value and place of creative expression, cultural facilities, innovative arts activities and embraces a strategic direction to facilitate progressive cultural development across the City. To guide this development each Board member will be responsible for maintaining and reporting on a specific portfolio.

2. PURPOSE

- a) To contribute to and develop strategy and policy both for the Shoalhaven City Council as well as in alignment with the Region.
- b) To develop and implement policy, planning and vision for the broad arts within existing resources and use a co-opted panel of peers for professional advice. They include:
 - Visual Arts
 - Heritage and Museum Sector
 - Literature
 - Performing Arts
- c) Advocate and maintain specific arts related portfolios.
- d) Advocate and promote Board recommendations.

3. TERMS OF REFERENCE

3.1. RELATIONSHIP TO COUNCIL

The Shoalhaven Arts Board is a Section 355/377 Committee of Council (Local Government Act 1993). It is a strategic advisory committee to advocate for and inform Council's decision making process.

3.2. DELEGATED AUTHORITIES

- Act within adopted budgets aligning with Council's strategic plans and document, and make recommendations on the arts to Council
- Appoint suitable representatives to fill casual vacancies on a set term basis
- Inform and recommend policy for arts related funding programs, and where required by Council, vote on related matters

Shoalhaven Arts Board – Terms of Reference

- Establish a peer panel of professionals, experts and practitioners across art forms, heritage and cultural platforms to be co-opted as needed for input and advice to the Shoalhaven Arts Board
- Establish a Shoalhaven Arts Foundation:
 - To support the development and enrichment of broad arts across the Shoalhaven including visual, heritage, literature & performing arts
 - To ensure that the Foundation in its governance, membership and charter are independent/ and at arms-length from Council yet works in concert with the Shoalhaven Arts Board, Council and the community needs
 - To fundraise and develop a sustainable principal investment to generate ongoing grant funds

Relevant staff will work collaboratively with the Shoalhaven Arts Board to:

- Develop and implement activities to achieve objectives in line with the Shoalhaven Arts Board recommendations, the Council's policies and corporate plan

3.3. MEMBERSHIP

- The membership of the Shoalhaven Arts Board to be nine (9) members in total and to include community member representatives from Health & Well-being, Education, Arts Institutions, Artists, Corporate/Business and a maximum of three (3) skills based Councillors (one from each of the three (3) wards). To ensure inclusion in the membership of the board of a range of strategic capability, expertise and advice from within the arts. One of the positions community member representatives is designated as an Aboriginal Local Member.
- Community member representatives of the Board are appointed through an Expression of Interest process with the exclusion of casual vacancies should they arise.

3.4. ELECTION/APPOINTMENT

Industry Representatives

- Appointment to the Board can be for a maximum four (4) years with a set commencement and finish date
- Vacancies will be advertised locally via media, Council communication channels and industry networks
- Applications will be actively sought from appropriately skilled industry representatives,
- Council will manage the application process,
- An interview panel will consist of a Council staff member, the Chairperson of the Board and one (1) suitably qualified independent representative to assess the applications and make recommendations for appointments to the Board and Council.

Councillors

Council will advise Shoalhaven Arts Board of its appointed representatives. Council at its discretion can replace representatives at a time of its choosing.

*Shoalhaven Arts Board – Terms of Reference***3.5. CASUAL VACANCIES**

Should there be a casual vacancy; the Shoalhaven Arts Board will seek applications by appropriate means to fill these vacancies to align with finish dates.

3.6. TERM OF APPOINTMENT

- Appointments will be for a term of two (2) years
- If representative is terminated or resigns an early substitute will be appointed only until the fixed finish date as a casual vacancy

3.7. SUB COMMITTEES/WORKING GROUPS/PORTFOLIOS

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

3.8. BOARD MEETING PRACTICE AND PROCEDURES

- The administrative provisions of Council's adopted Code of Meeting Practice shall apply subject to any amendments by the Terms of Reference.
- Formal Board Meetings will be held quarterly in a form and format as determined by Shoalhaven Arts Board
- To hold Arts/museum/culture industry forums for feedback and ideas that might inform the Annual strategic plan will be held
- Agenda and minutes from previous meetings will be circulated to members at least seven (7) days prior to the meeting
- Members must declare in writing any interest in any report tabled at the meeting covered by the Code of Conduct and Pecuniary Interest
- Informal Board meetings, special meetings will be held as and when required or set by the Board
- Planning and costs associated with conducting meetings will be borne by Council and funded from a line item in the Arts & Culture budget.
- The Chairperson will be appointed by the Board, the position will be limited to a two (2) year term and is open to all members of the Board.
- The Quorum will consist of at least half plus one (1) of the members.
- Voting and Recommendations are made by consensus and all decisions must be stated precisely for the inclusion of the minutes
- Where a consensus cannot be reached at two (2) consecutive meetings, then the majority of 60% of those present can adopt a recommendation
- Alternative views are to be minuted
- The Board shall ensure that an agreed written record of each of their meetings is forwarded to Council.

3.9. CODE OF CONDUCT

- All members of the Board are to abide by Council's Code of Conduct.
- Board members should act in a professional and responsible manner with the information they obtain as a member, as the Board requires openness and honesty to function well.
- Board members should feel free to express their opinions and views without fear of recrimination

Shoalhaven Arts Board – Terms of Reference

- It is essential for Board members to accept collective responsibility, remain loyal to decisions of the Board, even where they may not have agreed with the final decision.

3.10. 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.

3.11. COMMUNICATION

- All issues must be clearly communicated including priorities, limitation and benefits to the community
- Members of the Board are not permitted to speak to the media as Committee of Council representatives of the Board unless approved by the Chairperson
- Where approval has been given by the Chairperson, views and opinions expressed are those of the Board 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 Board is the point of contact for communication between Board members and Council staff.

3.12. PARENT ADVISORY GROUP

Ordinary Council

3.13. STAFF ATTENDANCE

Executive staff are normally required to attend the meetings of the Board. Other staff at the Directors' discretion or at the Board's request can attend meetings as required. Staff have no voting privileges.

3.14. EXPECTATIONS OF BOARD MEMBERS

- Board members will undertake the prescribed Induction process
- Pecuniary Interest Returns are required on appointment and annually as required by the Office of Local Government and Council

3.15. RESPONSIBILITY OF COUNCIL

Council will provide secretarial support to arrange meetings and take minutes and provide professional officer support where required.

Council at its discretion may review and change the Terms of Reference, Role and Structure of the Board.

4. IMPLEMENTATION

The Finance Corporate and Community Services Group of Council is allocated responsibility for the administration of the policy.

Shoalhaven Arts Board – Terms of Reference

5. REVIEW

To be reviewed within one (1) year of the election of a new Council, or earlier at the discretion of Council.

AA18.32 Cook 2020 Anniversary - Shoalhaven Regional Gallery Response - Advice sought

HPERM Ref: D18/333164

Group: Finance Corporate & Community Services Group
Section: Recreation Community & Culture

Purpose / Summary

Shoalhaven Regional Gallery.

Recommendation

1. That the Aboriginal Advisory Committee are consulted and discuss this report at this meeting, and provide advice to Council on what is considered an appropriate response, if any, in relation to a potential exhibition at the Shoalhaven Regional Gallery.
2. *Insert advice from Aboriginal Advisory Committee*

Options

Recommendation to be determined by the Aboriginal Advisory Committee at the meeting and referred to Council.

Implications: The Aboriginal Advisory Committee are consulted on what response, if any, would be appropriate regarding the Cook 2020 anniversary, in relation to a potential exhibition at the Shoalhaven Regional Gallery. Through this Council are able to better understand how or if we acknowledge this event in gallery programming.

Background

In 2020, it will be 250 years since the 'Voyage of Discovery' by Captain James Cook. This voyage of discovery included the landing by Cook's party at Kurnell and the first mapping of the Eastern Coast of Australia by a white person. In 2010 our now Prime Minister Scott Morrison (then shadow minister for Immigration and Citizenship) stated "The aim is to make 29 April 2020 the most significant national celebration since our bicentary." (http://parlinfo.aph.gov.au/parlInfo/genpdf/chamber/hansardr/2010-05-24/0156/hansard_frag.pdf;fileType=application%2Fpdf) While there does not seem to be any recent action on this anniversary, it is likely that the current government will seek to undertake some significant celebrations and there will be some dedicated grant funding for projects related to this event.

Shoalhaven Regional Gallery are currently undertaking our forward planning for the next 3 years, and before we commence any thinking about a response to the Cook 2020 Anniversary we would like to consult with the Aboriginal Advisory Committee on what response, if any, would be appropriate, to prevent offending Aboriginal people with the Cook 2020 Anniversary.

Shoalhaven City Art Collection contains over 200 works (water colours, oils, photographs and associated material) by colonial artist Samuel Elyard. Elyard works range from the 1870s to the 1910s and he captured a wide variety of local landmarks, the development of the town and Aboriginal life including paintings of Gunyahs and photographs of gatherings. These works are the main body of works in the collection relating to early contact, colonial life in the Shoalhaven and the changes made to the landscape by the arrival of the colonists.

The collection also holds some linocut works by local artists including Julie Freeman, Shirley Stuart and Marilyn Smart as well as one bark painting from the Groote Elyandt area.

The Unit Manager – Arts and Culture, considers that if the Shoalhaven Regional Gallery acknowledges the Cook 2020 anniversary through their exhibition program, it should be a exhibition that encourages the creation of new work by Aboriginal Artists, and provides an opportunity to put the local language and stories back into the narrative of place, providing a new way of reading the land and changing the understanding of the visual record of the Shoalhaven gained through colonial artists such as Elyard.

The Cook 2020 anniversary provides an opportunity to further the relationship formed between the Gallery and community through the *In Memory* project and for the Aboriginal Advisory Committee to have input and provide guidance on forward programming at Shoalhaven Regional Gallery.

Community Engagement

Shoalhaven Regional Gallery is seeking to engage with the Aboriginal Advisory Committee and through them, the local Aboriginal community to understand better how or if we acknowledge this event in gallery programming.

Financial Implications

Exhibition and programming at Shoalhaven Regional Gallery is delivered through the annual operation budget with support from specific state and federal grants where the programming is appropriate to those streams. Any exhibition relating to the Cook 2020 anniversary will be delivered within the annual budget, and with support from grant funds if achieved.

AA18.33 Expressions of Interest for Aboriginal Advisory Committee Membership

HPERM Ref: D18/344347

Group: Finance Corporate & Community Services Group
Section: Recreation Community & Culture

Attachments: 1. Terms of Reference Aboriginal Advisory Committee [□](#)

Purpose / Summary

Committee.

Recommendation (Item to be determined under delegated authority)

That the Aboriginal Advisory Committee

1. Endorse the appointment of Nicole Moore and Caryn Carpenter as members of the Shoalhaven Aboriginal Advisory Committee
2. Recommend their appointment as members of the Shoalhaven Aboriginal Advisory Committee to Council.

AA18.33

Options

1. The Aboriginal Advisory Committee endorse the recommended applicants for membership and recommend their appointment as members to Council

Implications: This will ensure vacant positions are filled and recommendation is forwarded to Council for consideration.

2. The Aboriginal Advisory Committee do not accept the recommended applicants for membership on the Aboriginal Advisory Committee.

Implications: The Committee provide an alternate recommendation regarding the selection of members to fill the existing two vacancies on the Committee in accordance with the Shoalhaven Aboriginal Advisory Committee's Terms of Reference.

Background

At the Aboriginal Advisory Committee meeting held on Monday 12 February 2018 it was recommended that Council call for expressions of interest to fill two vacancies on the Committee.

Advertisements calling for nominations were placed in South Coast Register and on Council's website during May 2018. As a result of advertising Council received four nominations by the due date. A selection panel comprised of Council's Aboriginal Community Development Officer, Margaret Simoes, Senior Community Development Officer, Catherine Campbell and Chair of the Shoalhaven City Council Aboriginal Advisory Committee Chairperson, Sue Cutmore assessed the applications against criteria that is contained in the Committee's Terms of Reference and particularly considered the skills and experience that each nominee could bring to the Committee.

Terms of Reference for the Committee are provided in **Attachment 1**.

As a result of the assessment process it is recommended that Committee members endorse the appointment of Nicole Moore and Caryn Carpenter as members of the Shoalhaven Aboriginal Advisory Committee.

Community Engagement

The call for applicants to fill the vacancies was advertised in the South Coast Register and on Council's Website.

The Aboriginal 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.



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Website: www.shoalhaven.nsw.gov.au

For more information contact the Finance Corporate & Community Services Group

Aboriginal Advisory Committee - Terms of Reference

Policy Number: POL17/83 • **Adopted:** 16/08/2016 • **Amended:** 28/02/2017 • **Minute Number:** MIN16.656,
MIN17.149, MIN17.853, MIN17.882, • **File:** 1209E • **Produced By:** Finance Corporate & Community Services
Group • **Review Date:** 1/12/2020

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 2023 (SCCSP).

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.

Aboriginal Advisory Committee – Terms of Reference

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.

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 a total membership of up to ~~19-22~~ positions which include:

- Up to 13 local Aboriginal community representatives being either 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
- Three (~~3~~) Councillors be nominated by the elected Council
- The General Manager or nominee.

It is important for the AAC to take broad community advice from those Aboriginal organisations with a capacity to provide professional guidance to its members to enable them to make sound decisions. The following is a suggested list of Aboriginal organisations:

Aboriginal Advisory Committee – Terms of Reference

- South Coast Aboriginal Medical Service
- Local Aboriginal Land Councils
- Local Aboriginal Education Consultative Groups

These organisations and agencies working in the sector ~~who~~ 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. Community Member 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.
- Vacancies will be advertised locally via media and Council communication networks.
- Council will manage the application process in consultation with the Aboriginal Community Development Officer.
- 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 and make recommendations for appointments to the Advisory Committee.

4.5. Term Of Office

- Local Aboriginal Community membership will be renewed every 4 years and ideally during the midterm of the elected Council.
- Councillor membership will be renewed at following normal Council elections.
- 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.

4.6. 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.

4.7. 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.
- Where a Councillor is elected as Chair an Aboriginal Committee member representing the community will be appointed by the Aboriginal Committee members as Co-Chair to liaise, assist and advice the Councillor on cultural matters.

Aboriginal Advisory Committee – Terms of Reference

- Where a Committee member is elected as Chair a Councillor will be appointed as Co-Chair by the Committee members to liaise, assist and advise the Aboriginal member on the requirements of local government.
- Councillors who have an interest in forming a relationship with the committee should consider their ability to commit for the term of that Council.
- 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 quarterly 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) 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 shall lapse.
- Each Committee meeting shall be properly recorded by the taking of minutes by the Governance Unit.
- The minutes of the Advisory Committee meeting will be submitted to the next available Council Meeting
- Where possible, members are encouraged to reach a consensus; decisions will normally be made through modified consensus.
- 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.
- Agenda and minutes from previous Advisory Committee meetings will be circulated to members at least seven (7) days prior to the meeting.
- Advisory Committee members must declare in writing any 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 2023 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.

4.8. Code Of Conduct

Aboriginal Advisory Committee – Terms of Reference

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 recrimination.
- 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.

4.9. 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.

4.10. 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.

4.11. 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 Development Officer to distribute information between the Committee and the Aboriginal Community Development Officer.

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.

4.12. Expectation Of Advisory Committee Members

- Advisory Committee members will undertake the prescribed Induction process.

Aboriginal Advisory Committee – Terms of Reference

- Pecuniary Interest Returns may be required on appointment and annually as required by the Office of Local Government and Council.

4.13. Responsibility Of Council

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

5. REVIEW

After every Council election.

AA18.34 Invitation to nominate a representative for the Business and Employment Development Committee

HPERM Ref: D18/348092

Group: Finance Corporate & Community Services Group

Section: Governance

Purpose / Summary

Committee.

Recommendation (Item to be determined under delegated authority)

That the Aboriginal Advisory Committee nominates [insert name] as its representative on the Business and Employment Development Committee.

Options

1. As recommended.

Implications: The Aboriginal Advisory Committee will have a representative on the Business and Employment Development Committee.

2. That the Aboriginal Advisory Committee resolve not to nominate a representative.

Implications: The Aboriginal Advisory Committee will not have a representative on the Business and Employment Development Committee.

3. Adopt an alternative recommendation.

Implications: Unknown.

Background

At the meeting on 23 May 2018 the Business and Employment Development Committee resolved to increase membership and invite a representative from the Aboriginal Advisory Committee to join the Committee.

The Business and Employment Development Committee meets four times a year and members are made up from Councillors, business organisation representatives and interested community members.

At the meeting on 13 August 2018 the Aboriginal Advisory Committee deferred this matter as no members present put forward a nomination. Following the meeting Mr Paul Keith (newly appointed member, Representative Ulladulla LALC) put forward his interest.

Following this meeting an Expression of interest (EOI) was sent to all members on 18 September 2018 seeking nominations. To date no other nominations have been forthcoming.

Information sharing and committees working collaboratively will ensure a broad representation across Council and the community.