

Aboriginal Advisory Committee

Meeting Date: Tuesday, 28 February, 2023
Location: Jervis Bay Rooms, City Administrative Centre, Bridge Road, Nowra
Time: 5:00pm

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 - 6 December 2022..... 1
4. **Declarations of Interest**
5. **Presentations**
 - AA23.1 Presentation - Sanctuary Point Library - Outdoor Artwork
Ms Sarah Taylor - Manager - Library Services and Ms Bridget Macleod - Acting Manager - Arts & Culture – will present to the Committee regarding the outdoor artwork at the Sanctuary Point Library.
 - AA23.2 Draft Community Engagement Strategy Presentation
The Media and Communications Team from Shoalhaven City Council will present the Draft Community Engagement Strategy to the Aboriginal Advisory Committee.
The Media and Communications Team are seeking to actively involve communities in the decision-making process by providing meaningful, accessible information and feedback opportunities.
The team are committed to authentic and effective engagement in the development of Councils plans and strategies to meet the needs of communities in the Shoalhaven.
The Draft Community Engagement Strategy outlines the approach and methodology to community consultation, including the goals, principles and review of engagement activities to enable community input into the development of Council projects and initiatives.

6. Reports

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7. General Business

Membership

Chairperson

All Councillors

Chief Executive Officer or nominee

Ms Janet Atkins

Ms Sylvia Timbery

Mr Shane Brown

Mr Paul McLeod

Mr Charlie Ashby

Ms Nicole Moore

Ms Caryn Carpenter

Ms Sharlene Cruickshank

Ms Natalie Lloyd

Ms Valda Corrigan (NPWS)

Ms Kalinda Wills – Youth Representative

Mr Jason Groves - Nowra LALC

Mr Alfred Wellington - Jerrinja LALC

Mr Paul Keith - Ulladulla LALC

Quorum – Five (5) local Aboriginal community members

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.

Role of the 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.

Ordinary Meeting 21 December 2009 – Item 43 – MIN19.1808

STATEMENT OF COMMITMENT

This Statement commits Shoalhaven City Council to continue building mutually respectful relationships with the Aboriginal Communities of the Shoalhaven.

Shoalhaven City Council values its culturally diverse communities and lifestyles and is deeply committed to working in partnership with Aboriginal people of the Shoalhaven. This Partnership will be based on mutual respect and equality to further employment, social, cultural and economic community development.

Shoalhaven City Council recognizes and acknowledges the history and treatment of Aboriginal people in Australia and supports the Council for Aboriginal Reconciliation's vision and values.

Shoalhaven City Council recognises Aboriginal people's valuable contribution made in strengthening and enriching our communities and the heritage of all Australians.

Shoalhaven City Council Acknowledges and Recognises:

- Aboriginal people as the first people of Australia
- Past practices and policies that impacted on Aboriginal people's lives, cultures and society
- The customs and traditions of Aboriginal people and their spiritual relationship with the land
- The rights of Aboriginal people to live according to their own beliefs, values and customs, and
- The significant contribution made by Aboriginal people in the past, present and future.

Shoalhaven City Council commits itself to:

- Ensuring local Aboriginal involvement in events and celebrations of significance which respect the dignity and protocols of the local Aboriginal communities
- The ongoing development of strategies to improve and increase the level of participation of local Aboriginal people in the local Government decision making processes
- Undertake holistic community planning to address wellbeing, employment and social economic or cultural disadvantage experienced by local Aboriginal people in the Shoalhaven
- Ensuring all council staff and Councillors are exposed to ongoing education and cultural training and development programs to increase knowledge, understanding and appreciation of Aboriginal Cultural heritage and the needs of the Aboriginal communities
- Celebrate and support significant Aboriginal ceremonies and events, e.g. NAIDOC week, Sorry Day, Reconciliation Week and Survival Day
- To continue to fly the Aboriginal flag in places such as City Administrative Centre, Council Chambers, Reception room and in other prominent Council locations.

MINUTES OF THE ABORIGINAL ADVISORY COMMITTEE

Meeting Date: Tuesday, 6 December 2022
Location: Jervis Bay Rooms, City Administrative Centre, Bridge Road, Nowra
Time: 5:38pm

The following members were present:

Mr Michael Paine - Manager - Community Connections – (CEO Nominee) - CONVENOR
Clr Amanda Findley – joined meeting at 5:39pm
Clr John Kotlash – joined meeting at 5:38pm
Clr Liza Butler (Remotely) – joined meeting at 5:38pm
Clr Tonia Gray (Remotely) – left meeting at 5:29pm
Ms Janet Atkins
Mr Shane Brown
Ms Natalie Lloyd
Mr Jason Groves - Nowra LALC
Mr Alfred Wellington - Jerrinja LALC (Remotely) – joined meeting at 5:39pm

Others Present:

Ms Sarah Waddell – Reconciliation Allies Kangaroo Valley
Ms Jillian Naidu – Reconciliation Allies Kangaroo Valley
Ms Chris Pryor – Reconciliation Allies Kangaroo Valley
Mr Gordon Clark – Section Manager – Strategic Planning
Ms Carly McWalters – Team Leader – Community Capacity Building
Mr Allen Bloxsome – Community Capacity Builder – Aboriginal
Ms Brooke Aldous – Governance Coordinator (Remotely/In Person)
Mr Ryleigh Bowman – Design Engineer (Remotely) – joined meeting at 6:04pm

Michael Paine - Manager - Community Connections assumed the role of Convenor for this meeting.

Due to there being no quorum it was decided that the presentation from Reconciliation Allies Kangaroo Valley be heard, noting no recommendations / resolutions could be made prior to quorum being reached.

A Minute Silence in Respect of Aboriginal Elders, Past and Present

A Minute Silence in Respect of Aboriginal Elders, Past and Present was held.

PRESENTATION

AA22.19 Reconciliation Allies Kangaroo Valley Presentation

HPERM Ref:
D22/409095

Ms Sarah Waddell, Ms Jillian Naidu and Ms Chris Pryor attended the meeting on behalf of Reconciliation Allies Kangaroo Valley. The group consists of approximately 50 community members.

Ms Sarah Waddell made a presentation to the Aboriginal Advisory Committee on behalf of the Reconciliation Allies Kangaroo Valley group regarding the proposed community consultation concerning Cultural Signage.

The group is seeking consultation on cultural signage from local Indigenous communities and organisations, Elders, and interested individuals. The purpose of the consultation will be to receive inputs regarding support for cultural signage in Kangaroo Valley to recognise custodianship by Indigenous peoples and continuing connection to Country. This is a community-based initiative supported by Shoalhaven City Council through the Aboriginal Advisory Committee.

Mr Jason Groves suggested that this initiative be promoted through the Aboriginal Lands Council meetings to reach the broader Aboriginal community. He noted that there was significant historical stone trading through the Kangaroo Valley area, of which there is written knowledge which carries the history timeline that could be considered, after this has been seen by the Aboriginal community. He also invited the members of the Reconciliation Allies attend the Family Fun Day for the Aboriginal community at Bomaderry Creek on Saturday, 10 December for the Black Cockatoo Project.

Action: Michael Paine - Manager - Community Connections made a commitment that Council staff will work with Reconciliation Allies Kangaroo Valley:

1. To ensure that the Invitation from Reconciliation Allies will be forwarded to all members of the Aboriginal Advisory Committee; and
2. Through Allen Bloxsome and Jared Brown in Community Connections connect with other organisations within the Shoalhaven LGA.

Note: Clr Gray left the meeting at 5:29pm.

Note: Clr John Kotlash – joined meeting at 5:38pm

Note: Clr Liza Butler (Remotely) – joined meeting at 5:38pm

Note: Mr Alfred Wellington - Jerrinja LALC (Remotely) – joined meeting at 5:38pm and at this time quorum was reached and the meeting was opened.

Note: Clr Amanda Findley – joined meeting at 5:39pm

Apologies / Leave of Absence

Apologies were received from Nicole Moore and Silvia Timbery.

Confirmation of the Minutes

RESOLVED (Natalie Lloyd / Nowra LALC - Jason Groves)

That the Minutes of the Aboriginal Advisory Committee held on Tuesday 08 November 2022 be confirmed.

CARRIED

Declarations of Interest

Nil.

REPORTS

AA22.34 Election of Chairperson

HPERM Ref:
D22/501511

Recommendation (Item to be determined under delegated authority)

That the Aboriginal Advisory Committee elect (insert name) as Chairperson for the period to September 2023, noting that the appointment will be reaffirmed by Council.

RESOLVED (By consent)

That this item be deferred to the next Aboriginal Advisory Committee meeting to be held on 28 February 2023.

CARRIED

GENERAL BUSINESS

AA22.35 Update - Huskisson Church - Alfred Wellington

HPERM Ref:
D22/495241

Mr Alfred Wellington provided an update on the Huskisson Church Site to the Committee.

- Community members have been asked to put in submissions under the Section 10 Permanent Protection Application which is currently in place.
- Submission and petition closing date is **Wednesday, 14 December 2022**.

It was noted there will be a rally event held on Sunday, 11 December at 11:00am.

RESOLVED (Nowra LALC - Jason Groves / Natalie Lloyd)

That the Aboriginal Advisory Committee strongly support the requested Section 10 Application made under the Aboriginal & Torres Strait Islander Heritage Protection Act 1984 for the former Anglican Church site at Huskisson, given that it is recognised as a site of significant heritage both culturally and historically, in accordance with Aboriginal Tradition.

CARRIED

Mr Allen Bloxsome - Community Capacity Builder – Aboriginal provided an update on the launch of Yilabara Solutions that was held today:

- Employment agency in Shoalhaven that was established in July.
- Main aim of the service is to employ Aboriginal people in all workplaces and provide support to Aboriginal people in all jobs and training, starting from late school.
- It is strongly focused on culture.
- Office locations are in Batemans Bay, Nowra and Wollongong

Note: Mr Ryleigh Bowman – Design Engineer joined the meeting remotely at 6:02pm.

Note: Ms Sarah Waddell, Ms Jillian Naidu and Ms Chris Pryor from Reconciliation Allies left the meeting at 6:04pm.

PRESENTATION

AA22.33 Presentation on Mollymook Coastal Masterplan

**HPERM Ref:
D22/497846**

Mr Ryleigh Bowman – Design Engineer gave a presentation on the Mollymook Coastal Masterplan to gain feedback from the Aboriginal Advisory Group to be included in the community consultation process:

- All plans are available on Council's Get Involved webpage.
- Community Feedback closes 7 December 2022.
- Feedback received will be available for review in late December 2022 / January 2023.

Mr Allen Bloxsome and Mr Jared Brown will work with Cllr Butler to connect with the local Milton Ulladulla Aboriginal community to seek input on possible cultural signage to be included at the locations involved in the Masterplan.

There being no further business, the meeting concluded, the time being 6:40pm.

Michael Paine
CONVENOR

AA23.3 Election of Chairperson

HPERM Ref: D22/513056

Department: Business Assurance & Risk
Approver: Jane Lewis, Director - City Lifestyles

Reason for Report

The reason for this report is to facilitate the election of Chairperson by the Aboriginal Advisory Committee (AAC) and recommend to Council.

The election was scheduled to take place at the meeting held on 6 December 2022, however at that meeting the Committee felt that there wasn't strong enough member representation for the election to be conducted in a fair manner.

It was decided at the meeting of 6 December 2022 to defer the election to this meeting where it is hoped that there will be stronger AAC member representation.

Recommendation

That the Aboriginal Advisory Committee elect (insert name) as Chairperson for the period to September 2023, and seek the endorsement of this appointment by Council.

Options

1. Adopt the recommendation.

Implications: Position of Chairperson will be filled and AAC will continue business as usual. The appointment is required to be formally adopted by Council.

2. Adopt an alternate recommendation.

Implications: Should the committee opt not to elect a Chairperson for the Term and opt to elect an interim Chairperson the Committee may wish to review the Terms of Reference and the length of the Term of the Chairperson.

Background

At the Aboriginal Advisory Committee (AAC) meeting of 8 November 2022 the Committee determined to elect a new chairperson at the meeting to be held 06 December 2022, as outlined in the following recommendation (AA22.20):

That the Aboriginal Advisory Committee

1. *Accept Mr Jared Brown's resignation as Chairperson and,*
2. *Accept Mr Jared Brown's membership resignation from the Committee for the period of 12 months.*
3. *Thank Mr Jared Brown for his contribution to the Committee and his time as Chairperson.*
4. **Conduct an election of Chairperson at the next meeting to be held, 6 December 2022 for the period to September 2023, noting that the appointment will be reaffirmed by Council.**

However, at the meeting held on 6 December 2022, the Committee felt that there wasn't strong enough member representation for the election to be held fairly. It was decided at the

meeting of 6 December 2022 to defer the election to the meeting to be held on 28 February 2023.

Outlined below is the process that is followed for the Election of Office Bearers for Committees of the Council:

At the time on the agenda when the election of office bearers is listed, the following process will be followed:

- (1) The chairperson to step down from the chair (unless their position is not up for election). An appropriately Senior Officer of the Council or other official should assume the chair for the nomination process.*
- (2) Individually, for each position the following is to take place:*
 - a. Nominations are called for that position and are acknowledged by the chair*
 - i. They may be received in writing prior to the meeting or provided verbally at the meeting*
 - ii. The Officer conducting the election shall confirm acceptance of each nominee prior to his or her inclusion in the ballot.*
 - b. If only one nomination is received, that person is declared as elected*
 - c. If more than one nomination is received, the Committee will be asked to resolve whether the election is to take place by open voting (i.e. show of hands) or ordinary ballot (i.e. written votes recorded and provided in secret).*
 - d. Where a large number of nominations are received, the Committee may elect to proceed by a preferential ballot, whereby ballots are consecutively taken and the nominee with the least number of votes is excluded from running after each ballot, until there are two preferred candidates remaining and a final ballot is undertaken and declared.*
 - e. The nominee with the most ballots is declared as elected.*
 - f. In the event of an equal number of ballots being cast for nominees, the position shall be determined by draw. The name drawn by the interim chairperson will be appointed to the position.*

At the conclusion of the elections, the newly elected Chairperson shall reassume control of the meeting and proceed with other business. The appointment of the new chairperson is required to be reported and adopted by Council.

AA23.4 Report Back - Proceed of Sale - Aboriginal Cultural Centre - 160 Junction St Nowra, Lot 12 DP 584374

HPERM Ref: D22/527650

Department: Technical Services

Approver: Stephen Dunshea, Chief Executive Officer

Reason for Report

The reason for this report is to provide a report back to the Aboriginal Advisory Committee on the investigations into the proceeds from the sale of the Aboriginal Cultural Centre located at 160 Junction Street Nowra, Lot 12 DP 584374, as resolved at Council's Ordinary Meeting dated 05 December 2022, MIN22.939.

Recommendation (Item to be determined under delegated authority)

That as resolved on the 5 December 2022 (MIN22.939), the Aboriginal Advisory Committee receive this report detailing the financial transaction for the Sale of the Aboriginal Cultural Centre on land identified as 160 Junction Street Nowra, for information.

Options

1. Accept the recommendation

Implications: The request to investigate the whereabouts of funds from the sale of the Aboriginal Cultural Centre (MIN22.939) is completed and the finding will be forwarded to the Aboriginal Advisory Committee.

2. Not accept the recommendation

Implications: The request from the Aboriginal Advisory Committee remains outstanding.

Background

At the Ordinary Meeting on the 05 December 2022 Council resolved as follows; (MIN22.939).

That Council as recommended by the Aboriginal Advisory Committee, request relevant Council staff to investigate the sale and the proceeds of the previous Aboriginal Cultural Centre and request a report back to a future meeting regarding the whereabouts of the funds.

This report has been based solely on information held within Council records.

In 1974 the Federal Government approved a grant to South Coast Aboriginal Centre Pty Ltd for the purchase of land and the construction of an Aboriginal Cultural Centre in Shoalhaven.

On 24 March 1975 Council resolved to sell Council owned land at the then market value of \$38,500, to the South Coast Aboriginal Centre Pty Ltd. The land identified as 160 Junction Street Nowra upon which the building known as the Cultural Centre was erected. The land was to be sold with a Covenant placed upon the title that the land was to be used only for Aboriginal Cultural Centre purposes.

The sale of land was finalised in August 1976, resulting in transfer of land ownership to the South Coast Aboriginal Cultural Centre Ltd.

Council's Finance Department has advised that no financial records are held from this time to determine the allocation of funds (\$38,500).

In September 2006 Council received a written request from the South Coast Aboriginal Cultural Centre Ltd 'Elders Advisory Committee' to support them in selling the centre by lifting the covenant on the land. The submission referred to the sale of the Cultural Centre to Stockland with the sale proceeds to be applied towards the acquisition and development of another suitable property. In this regard the request made reference to a parcel of land identified for this purpose at Comberton Grange.

Council has had no correspondence or dealings in relation to the sale of the Aboriginal Cultural Centre since signing the release of Covenant document in February 2008.

Council's involvement in this process has been limited to the initial sale of the land title to the South Coast Aboriginal Cultural Centre Ltd in 1976 and the imposition and removal of the covenant on the land.

AA23.5 Aboriginal Advisory Committee Terms of Reference Review 2023

HPERM Ref: D23/26743

Department: Community Connections

Approver: Jane Lewis, Director - City Lifestyles

Attachments:

1. Draft Terms of Reference - Aboriginal Advisory Committee - Updated Template 2023 - with Track Changes [↓](#)
2. Draft Terms of Reference - Aboriginal Advisory Committee - Updated Template 2023 - Clean version [↓](#)

Reason for Report

The reason for this report is to provide the Aboriginal Advisory Committee with the proposed updated format and proposed amendments for the Terms of Reference [[POL22/67](#)].

Recommendation

That the Aboriginal Advisory Committee accept the new format and proposed amendments to the Terms of Reference and submit to Council for adoption.

Options

1. The recommendation is adopted as written:

Implications: The Terms of Reference (TOR) will be updated in line with the Council's preferred template for TOR's for Section 355 Committees inclusive of any amendments identified as part of the review process.

2. The recommendation is not adopted, and an alternative recommendation is provided.

Implications: The proposed TOR will not be updated and the AAC will be required to provide an alternative proposal.

Background

Shoalhaven City Council has a significant number of section 355 advisory committees that have been established to offer advice and expertise on a number of subjects. The Aboriginal Advisory Committee is one such committee.

Committees are overseen by various teams and directorates across Council. When reviewing the six (6) advisory committees that are overseen by City Lifestyles staff it was identified that there was an opportunity for greater consistency in the terms of reference documents for those committees.

In response, a new Terms of Reference Template for advisory committees has been developed and endorsed. City Lifestyles directorate are implementing this template across its advisory committees, after which this will then be considered for roll out to other advisory committees across Council more broadly. The use of this template will ensure improved consistency across Council's advisory committees in how they undertake their functions.

The template provides a format to clarify and will assist in managing expectations around advisory committees and their roles. This will assist the members in understanding and carrying out their roles and functioning of the advisory committee and any delegation therein.

Council staff have updated the Aboriginal Advisory Committee's Terms of Reference to align with this new template, see Attachment 1 and 2.

Significant Changes to the TOR

Significant changes relate to the Community Representative Appointments section of the TOR.

The following has been added:

“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.

In the event that there are two consecutive non quorate meetings suffered, the Convenor will contact the Chair and each Aboriginal Advisory Committee Members to determine their continuation on the Committee. If required, a fresh Expression of Interest process will be undertaken.”

This has been added to ensure ongoing participation in the Committee meetings.

The following documents are attached to this report so members can compare and review changes prior to the next sitting of the AAC:

1. Draft Terms of Reference - Aboriginal Advisory Committee - Updated Template 2023 - with Track Changes
2. Draft Terms of Reference - Aboriginal Advisory Committee - Updated Template 2023 – Clean Version

Community Engagement

Members of the AAC will be consulted at the first meeting of 2023 (28 February 2023) regarding the proposed changes. Governance have been consulted to ensure the edits are commensurate with policy and guidelines for the section 355 committees.

Policy Implications

Should the AAC members request changes to any of the proposed amendments, alternative amendments will need to be proposed and agreed to, prior to the TOR being updated. The suggested amendments will be reviewed by Governance and adjustments made if/where necessary. This may require the AAC TOR to be represented to a future advisory committee meeting for endorsement before being considered by Council for adoption.

Aboriginal Advisory Committee – Terms of Reference

Adoption Date:	
Amendment Date:	
Minute Number:	
Review Date:	
Directorate:	City Lifestyles
Record Number:	POL22/67

Aboriginal Advisory Committee – Terms of Reference

1. Purpose

The purpose of the Aboriginal Advisory Committee, hereby known as the Committee, is to provide appropriate and considered advice to Council on all relevant issues affecting Aboriginal and Torres Strait Islander people within the Shoalhaven LGA.

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

2. 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

~~Wandi Wandandian means the tribal boundaries of the south side of the Shoalhaven River to the Conjola Lake~~

~~Cullunghutti means the tribal boundaries from Gerrea River to the Shoalhaven River in the south~~

~~Jerrinja means the tribal group that descend from Cullunghutti mountain and now reside in Roseby Park.~~

~~Murramarang means the tribal boundaries from Conjola Lake to Clyde River in the south~~

3. Status of the Committee

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

4. Role

The role of the Committee is to:

- Advise Shoalhaven City Council on necessary ~~issues-matters~~ relating to Aboriginal communities in the LGA.

Aboriginal Advisory Committee – Terms of Reference

- Promote and increase knowledge & understanding of Aboriginal society, history & culture ~~in throughout Shoalhaven City Council and in the Community, the~~.
- ~~Advocate and support Councils plan to promote~~ Facilitate access and accessibility to 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.
- ~~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.~~
- Support and encourage cultural competency across Shoalhaven City Council.
- ~~Maintain strong links between Council and Aboriginal communities throughout the Shoalhaven to accomplish the relationships and outcomes required for genuine reconciliation.~~
- To support and work with Aboriginal and other organisations committed to increasing Reconciliation and respect for Aboriginal culture and history, past and present.
- 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-respectful to all Aboriginal issues/matters that affect Aboriginal people.
- Recognise, support & ~~upheld-preserve~~ past and present local cultural heritage and its place in future Council ~~directions~~planning and strategies.
- ~~Remain a meaningful 'place'~~Offers a platform 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.~~
- To work with Council to develop and promote appropriate commemorations and celebrations of First Nations culture including Sorry Day and NAIDOC Week.
- Provide ~~specialist advice-relevant information~~ relevant information to other Committees of Council when needed or requested.

5. 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.

6. Membership

The Committee will be chaired by an appointed Aboriginal member of the Committee, the chairperson can be either a community member or nominated LALC representative who is

Aboriginal Advisory Committee – Terms of Reference

also a member of the AAC. The Committee is expected to act in accordance with the Role of the Committee as defined above in Section 4. ~~The Committee will comprise the following:~~

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:

- Up to thirteen (13) local Aboriginal community representatives including Elders, Youth or Government/Non-Government agencies/organisation delegates (including 2 Youth, aged 18 – 25 years, members).
- One (1) ~~NPWS National Parks and Wildlife Services (NPWS)~~ Representative
- 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 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.
- ~~Passionate about increasing knowledge~~
- Promote an understanding and understanding of Aboriginal people, history & culture in the Shoalhaven.
- ~~Passionate-Motivated~~ about having a positive impact on the lives of Aboriginal people in the Shoalhaven region
- ~~Interested in being an~~ Advocate for Aboriginal people in the community particularly in representing the various regions views and beliefs and 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-
- ~~Advertising in all available community newspapers reaching residents of the Local Government Area;~~
- 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.
- Vacancies will be advertised locally via media and Council communication networks and through the support of the Aboriginal Community Capacity Builders.
- Council will manage the application process in consultation with the Community Capacity Builder, Aboriginal.

Aboriginal Advisory Committee – Terms of Reference

- 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.
- In the event that there are two consecutive non quorate meetings suffered, the Convenor will contact the Chair and each Aboriginal Advisory Committee Members to determine their continuation on the Committee. If required, a fresh Expression of Interest process will be undertaken.
- 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.

Council Officers

Council officers may attend meetings to provide specialist professional advice in relevant areas being addressed by the Aboriginal Advisory Committee. 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 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.

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.

7. Committee Meetings

Aboriginal Advisory Committee – Terms of Reference

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.

Aboriginal Advisory Committee – Terms of Reference

- Council will endeavour to utilise the Chair as the primary point of contact to communicate with Committee members.

8. 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.

9. 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.

10. Document Control

These Terms of Reference are reviewed at the commencement of each term of Council. Amendments to these Terms of Reference are to be reported to Council for approval. A version history (footnote on front page) is included if amendments have been approved.

11. Other Relevant Documents List

Code Of Conduct
Code of Meeting Practice
CSP
Terms Of Reference Template
Statement of Commitment 2010 (SoC)
Uluru Statement of the Heart June 2020

AA23.6 Boongaree Reconciliation Garden - Naming

HPERM Ref: D23/46612

Department: Community Planning & Projects
Approver: Jane Lewis, Director - City Lifestyles

Attachments:

1. AA22.5 - Boongaree Reconciliation Garden - Project Update and Request for further Concept Design Guidance - Tuesday, 22 March 2022 (under separate cover) [⇒](#)
2. SA18.169 - Berry District Park - Name Your Park - Proposed Name Change - Strategy & Assets Committee 24 July 2018 (under separate cover) [⇒](#)
3. AA18.25 - Request for Advice - Development of Sensory Garden and Native Flora Area - Boongaree (under separate cover) [⇒](#)
4. Minutes - Aboriginal Advisory Committee 8 November 2022 - AA22-25 (under separate cover) [⇒](#)
5. Minutes - Ordinary Meeting 5 December 2022 - MIN22.936 (under separate cover) [⇒](#)

Reason for Report

To provide the Aboriginal Advisory Committee with background information on the naming of the Boongaree Reconciliation Garden and related matters, in accordance with AA22.25 (Attachment 4) and MIN22.936 (Attachment 5).

Recommendation (Item to be determined under delegated authority)

That the Aboriginal Advisory Committee receive this report as an update relating to naming of the Boongaree Reconciliation Garden.

Options

1. Adopt this report as recommended.

Implications: NIL.

2. Adopt a recommendation containing advice regarding naming of the 'Boongaree Reconciliation Garden'. Advice may include contextual information about why the name should be given further consideration / is supported / and/or is not supported by the Committee.

Implications: Further advice would need to be provided to staff. In accordance with the Terms of Reference for this advisory committee, a report would need to be referred to the elected Council for consideration to enable staff to act on any recommendations / advice provided by the Aboriginal Advisory Committee. This may require further public community consultation to be undertaken.

3. Adopt a recommendation proposing an acceptable name, or several possible alternatives, for further consideration.

Implications: Further advice would need to be provided to staff. In accordance with the Terms of Reference for this advisory committee, a report would need to be referred to the elected Council for consideration to enable staff to act on any recommendations /

advice provided by the Aboriginal Advisory Committee. This may require further public community consultation to be undertaken.

Background

At its meeting of 8 November 2022, the Aboriginal Advisory Committee adopted a resolution relating to the naming of the 'Boongaree Reconciliation Garden' (ref. AA22.25, see also Attachment 4):

"That the Aboriginal Advisory Committee receive further background information on how the naming of the Boongaree Reconciliation Garden was decided, and request to be involved in the consultation process of all future naming's of such Council assets".

In accordance with the Terms of Reference for this Committee, the resolution was subsequently placed on the agenda of the Ordinary Council Meeting held on 5 December 2022, for consideration by the elected Council. Councillors resolved to adopt the Committee's recommendation (ref. MIN22.936, see also Attachment 5):

"That Council endorse the Aboriginal Advisory Committee to receive further background information on how the naming of the Boongaree Reconciliation Garden was decided, and request to be involved in the consultation process of all future naming's of such Council assets".

Naming of the 'Boongaree Reconciliation Garden':

A report was provided to the Aboriginal Advisory Committee at its meeting of 22 March 2022, updating the Committee about the 'Boongaree Reconciliation Garden' project (ref. AA22.5, Attachment 1). This report includes detailed information about the project process, a preliminary landscape plan, and engagement activities undertaken to date. Further reports will be provided to the Committee in due course.

The name, 'Boongaree Reconciliation Garden', is being utilised on the basis of previous project documentation and reports provided to the Aboriginal Advisory Committee and elected Council (which used this naming convention).

It is possible to consider alternative naming proposals for this garden element within the park and to consider any further feedback or advice in relation to this matter.

Feedback from the Committee about the project title is welcome, and will also be sought from key Aboriginal stakeholders (including Aboriginal-controlled organisations, Elders and emerging leaders in Aboriginal communities), and the general public when the draft landscape plan is released for public exhibition (during 2023).

Further information

Advice has been provided to the project team by Aboriginal staff members throughout the course of the project, including by past and present employees. To date, this advice has supported the naming convention utilised in the title.

Further to this advice, feedback provided to date by key stakeholders has indicated a preference, and strong support, for the title. It is considered to effectively characterise the principal objective of the project, which is to provide a gathering space where people can meet, talk, share stories, and perform ceremony; where non-Aboriginal people can meet with Aboriginal people, and where the various Aboriginal communities of Shoalhaven can gather in a culturally safe space.

The project team will continue to give consideration to any feedback or advice provided in relation to the name.

Further information regarding the name 'Boongaree'

'Boongaree' is the name applied to the broader precinct within which the 'Reconciliation Garden' project is situated, formally known as 'Berry District Park'.

The name 'Boongaree' was adopted by the elected Council (sitting as the Strategy and Assets Committee – now disbanded) on 24 July 2018 (ref. MIN18.530). Further information

about engagement undertaken to inform this name can be found in the associated report (ref. SA18.169, Attachment 2).

The name 'Boongaree' was subsequently registered with the Geographical Naming Board under the Geographical Names Act 1966 (ref. NSW Government Gazette, Number 247-Other, 11 June 2021).

The naming proposal (related to 'Boongaree') was available for review and public comment from 7 May to 6 June 2021.

A report was provided to the Aboriginal Advisory Committee, advising of the name change, at the meeting held on 13 August 2018 (ref. AA18.25, Attachment 3).

The following background information was relied upon as evidence regarding the 'Boongaree' Aboriginal encampment (known to be within close proximity of the 'Reconciliation Garden' project):

Historical research conducted by local historian Keith Campbell has revealed a number of reliable nineteenth century documentary sources indicating that an Aboriginal encampment known as 'Boon-garee', existed on a semi or permanent basis during the 1820s on a clear area or 'meadow' at the junction of Broughton and Broughton Mill Creeks. The camp was situated on the north side of the junction, between the two creeks and presumed to have extended northwards to where Pulman Street is today. The clearing was surrounded by thick brush (rainforest).

This area, adjacent to the creek junction, was also the location in November 1825, where the first Broughton Creek settlers, seven free sawyers employed by Alexander Berry, made their camp. A wharf, known as the 'Double Wharf', was later established at the creek junction to service the European community at Broughton Creek (Lidbetter 1993:3).

The Boongaree Aboriginal encampment is known to have been the birthplace of two historically important local Aboriginal identities, Broger (or Brogher) and Toodwick, who are recorded to be brothers. Toodwick, who was known to the European population as Broughton, established a strong friendship with Alexander Berry and was well respected by many other Europeans in the district. Broughton Head and Broughton Creek are named after Toodwick, the latter also being the original name for the township of Berry.

Broger was especially noted for being attached to Boongaree, and widely known for calling it 'his place'.

The 'Boongaree' Aboriginal encampment is known to have been utilised by Jerringa Aboriginal people as a camping place whilst travelling between the Aboriginal 'mission' at Roseby Park (Orient Point, also known by Jerrinja people as 'Jerrungarha') and farms in the Berry area.

Boon is known to mean 'arm' (referring to an arm, or section, of the nearby creek), and *garee* is known to mean 'snake' in language used by Jerringa Aboriginal people.

Community Engagement

Community engagement activities undertaken in relation to the Boongaree Reconciliation Garden project are summarised in the report provided to the Aboriginal Advisory Committee (ref. AA22.5, Attachment 1).

Further engagement is planned, including public exhibition of the proposed Landscape Plan for the site. Follow-up consultation will be undertaken with key Aboriginal Stakeholders as part of the exhibition process.

Further reports will be provided to the Committee in due course.

Policy Implications

Nil.

Outside of policy implications, it is the intention of the project team to deliver the project in a manner consistent with Council's 'Statement of Commitment' (to Aboriginal people), adopted in 2009 (reaffirmed in MIN19.1808).

AA23.7 Action Table Report - February 2023

HPERM Ref: D23/48453

Department: Community Connections

Approver: Jane Lewis, Director - City Lifestyles

Attachments: 1. Updated Action Table - February 2023 [↓](#)

Reason for Report

To provide the Aboriginal Advisory Committee with a progress report on outstanding actions.

Recommendation (Item to be determined under delegated authority)

That

1. Accept and receive the Action Table Report – February 2023 for information.
2. The following actions are considered complete and can be removed from the action table:
 - a. Item AA22.18 – Consideration of Dedicated Aboriginal Member on all Council Advisory Committees.
 - b. Item AA22.23 – Aboriginal Advisory Committee – Membership Appointment – deferred – Clr Briefing.
 - c. Item AA22.33 - Presentation on Mollymook Coastal Masterplan.

Options

1. Adopt the recommendation as written.

Implications: The Aboriginal Advisory Committee is updated on the progress of actions and recommendations made at previous meetings.

2. Request more information.

Implications: Members of the Aboriginal Advisory Committee request further information.

Background

This report is to update the Aboriginal Advisory Committee on outstanding actions from previous meetings.

Subject to the Committee concurring that satisfactory progress has been made to complete the item on the February 2023 Action Table Report, the Committee is requested to adopt the Recommendation to note completion of:

- a. Item AA22.18 – Consideration of Dedicated Aboriginal Member on all Council Advisory Committees
- b. Item AA22.23 – Aboriginal Advisory Committee – Membership Appointment – deferred – Clr Briefing
- c. Item AA22.33 - Presentation on Mollymook Coastal Masterplan

Attachment 1 provides information regarding the status of actions and resolutions made at previous meetings, including items which are still in works. Should AAC members require further information on the status of the actions in the table attached Council staff will provide as requested.

Community Engagement

It is important that the members of the Aboriginal Advisory Committee are kept informed on progress towards the completion of actions and projects. This report provides a structured approach to facilitate this information exchange.

