



## Terms of Reference

### Section 41

# Aboriginal & Torres Strait Islander Advisory Committee

#### 1. ESTABLISHMENT

- 1.1 The Aboriginal and Torres Strait Islander Advisory Committee (the Committee) is established pursuant to Section 41 of the *Local Government Act 1999* (the Act).
- 1.2 These Terms of Reference were adopted by Council on 10 May 2022 (Resolution No. 21310/1).
- 1.3 The Committee is not a “prescribed committee” as defined in the Remuneration Tribunal Determination No. 6 of 2018, [Allowances for Members of Local Government Councils](#), as published in the Government Gazette on 6 September 2018.
- 1.4 The term of the Committee shall be for a period not exceeding the term of Council, unless terminated earlier by resolution of Council.

#### 2. OBJECTIVES

The Committee is established for the purposes of:

- 2.1 Develop and maintain strong relationships between Council and the Aboriginal and Torres Strait Islander community of the Mid Murray area.
- 2.2 Improve communication, consultation and information sharing between the Aboriginal and Torres Strait Islander community and Council.
- 2.3 Advise Council of the key issues, concerns and priorities of the Aboriginal and Torres Strait Islander community, particularly as they relate to Council business and responsibilities.
- 2.4 Assist Council to identify and remove barriers to appropriate and equitable access of Council employment, services, facilities, and programs, for the Aboriginal and Torres Strait Islander community.
- 2.5 Provide feedback and advice to Council on its policies, plans, projects, events and service provision for the Aboriginal and Torres Strait Islander community.
- 2.6 Monitor Council’s progress and provide feedback on the implementation of Council’s *Reconciliation Action Plans*.

- 2.7 Provide input into the review and evaluation of Council's *Reconciliation Action Plans*, including assisting in the development of future plans and yearly action plans.

### **3. MEMBERSHIP**

- 3.1 The Committee will consist of seven (7) members, comprising of:
- 3.1.1 Two (2) Elected Members; and
- 3.1.2 Six (6) Independent Community Members who are either:
- members of the local Aboriginal and Torres Strait Islander community; and/or
  - representatives from the various Traditional Custodian groups or organisations of the Mid Murray Council area; and/or
  - representatives from community organisations, agencies and service providers that have a focus on the provision of services to Aboriginal and Torres Strait Islander communities.
- 3.2 The Mayor is appointed *ex officio* to the Committee.
- 3.3 The term of appointment for Committee Members will be from the date of appointment until the end of the current term of Council.
- 3.4 Membership of the Committee continues for the term of appointment unless a member resigns, is otherwise incapable of continuing as a member, or is removed from office by Council.
- 3.5 The Committee may, by a vote supported by at least half plus one of the members of the Committee, make a recommendation to the Council to remove a member of the Committee from office where a member has failed (without the leave of the Committee) to attend three consecutive meetings of the Committee, or for determined breaches of Council's policies, codes and procedures.
- 3.6 In the event of an Independent Community Member vacancy, the appointment of another member shall be on the same basis as the original appointment.
- 3.7 Voting by the appointment of a proxy is not permitted, unless the Member appointment is based upon the representation of an organisation rather than appointment of an individual, pursuant to clause 4.2.

### **4. MEMBERSHIP CRITERIA**

- 4.1 Nominations as Independent Community Member of the Committee will be recommended to Council after Council has undertaken a publicly advertised 'Expressions of Interest' process, unless Council resolves a substitute process, or waives the application of this Clause.
- 4.2 Subject to the criteria set out in clause 4.3, Council may appoint an individual or a relevant organisation to the position of Independent Community Member, with the appointed organisation given discretion to nominate an individual to attend on its behalf.
- 4.3 As an indication, candidates for membership on the Committee will need to demonstrate their suitability by responding to set criteria, including but not limited to:

- 4.3.3 Knowledge and understanding of the needs and issues affecting Aboriginal and Torres Strait Islander communities in the Mid Murray area;
- 4.3.4 An interest and involvement in local and/or broader Aboriginal and Torres Strait Islander community projects, advocacy and networks.
- 4.3.5 Direct links to local Aboriginal and Torres Strait Islander community populations and/or organisations in the Mid Murray area; and/or
- 4.3.6 Knowledge and experience relating to State and Commonwealth Government Aboriginal and Torres Strait Islander and Reconciliation policies, frameworks and strategies.

## **5. PRESIDING MEMBER**

- 5.1 The Presiding Member shall be appointed from the Membership of the Committee by the Committee for a two (2) year period.
- 5.2 Should the Presiding Member be absent from a meeting, the Committee members present may appoint a person to act as acting Presiding Member for that meeting.
- 5.3 The role of the Presiding Member includes:
  - 5.3.3 overseeing and facilitating the conduct of meetings in accordance with the Act, and the *Local Government (Procedures at Meetings) Regulations 2013*.
  - 5.3.4 ensuring all Committee members have an opportunity to participate in discussions in an open and encouraging manner.

## **6. OPERATIONAL MATTERS OF THE COMMITTEE**

### **6.1 Frequency of Meetings**

- 6.1.3 The Committee shall meet at least two (2) times in every calendar year, at a place to be determined by the Chief Executive Officer and then on such dates and at such times as determined by the Committee.
- 6.1.4 The Chief Executive Officer is authorised, after consulting with the Presiding Member of the Committee, to cancel the respective Committee meeting, if it is clear that there is no business to transact for that designated meeting. Members are to be advised at least three (3) clear days before the scheduled meeting. Advice of the same will also be posted on Council's website.
- 6.1.5 A Special Meeting of the Committee may be called in accordance with the Act and *Local Government (Procedure at Meetings) Regulations 2013*.

### **6.2 Notice of Meetings**

- 6.2.3 Notice of the meetings of the Committee will be given in accordance with sections 87 and 88 of the Act. Accordingly, notice will be given:
  - a) to members of the Committee by email, or in a form as otherwise agreed by Committee members, at least three (3) clear days before the date of the meeting; and

- b) to the public as soon as practicable after the time that notice of the meeting is given to members by causing a copy of the notice and agenda to be displayed at the Council's offices and on the Council's website. The agenda and reports for all meetings of the Committee must be delivered to members of the Committee at least three (3) clear days before the meeting.

### **6.3 Reporting**

- 6.3.3 For the purposes of section 41(8) of the Act, the Council determines that the Committee will satisfy reporting and other accountability requirements through the presentation of the minutes of each meeting of the Committee at the next ordinary meeting of the Council following each Committee meeting.

### **6.4 Budget Responsibilities**

- 6.4.3 When developing a draft Budget or proposed schedules for fees & charges, the Committee:
  - a) must be consistent with Council's business plan and strategic management plans;
  - b) must provide Council with a draft budget on or before a date set by Council each year, for the ensuing financial year; and
  - c) may, with the approval of the Council, amend its adopted budget for a financial year at any time before the year ends.

### **6.5 Sub-Committees**

- 6.5.3 The Committee shall appoint such sub-committees as it considers necessary provided that all actions of such sub-committees are approved or confirmed by the Committee. A sub-committee of the Committee may co-opt community members for specific purposes.

### **6.6 Public Access to Meetings**

- 6.6.3 Agendas and Minutes of Committee will be published on Council's [website](#).
- 6.6.4 The Committee shall meet at Council's Principal Office, 49 Adelaide Road, Mannum.
- 6.6.5 Meetings of the Committee will be recorded and accessible via Council's [YouTube Channel](#).
- 6.6.6 Members of the public are able to attend all meetings of the Committee, unless prohibited by resolution of the Committee under the confidentiality provisions of Section 90 of the Act.

## **7. MEETING PROCEDURES**

- 7.1 Council has resolved to apply Part 2 of the *Local Government (Procedures at Meetings) Regulations 2013* to this Committee.
- 7.2 Insofar as the Act, the Regulations, or these Terms of Reference do not prescribe a procedure to be observed in relation to the conduct of a meeting of the Committee, the Committee may determine its own procedure.

- 7.3 Subject to clause 7.4 of these Terms of Reference, all decisions of the Committee shall be made on the basis of a majority of the members present.
- 7.4 A quorum is ascertained by dividing the total number of Committee members by two, and adding one.
- 7.5 If the Mayor attends a meeting of the Committee as ex-officio, the Mayor's attendance will be included in the calculation of quorum.
- 7.6 All members of the Committee must (subject to a provision of the Act or Regulations to the contrary) vote on any matter arising for decision at a meeting of the Committee.
- 7.7 Every member of the Committee has a deliberative vote only. In the event of a tied vote the Presiding Member does not have a second or casting vote and the matter will be referred to Council for decision.
- 7.8 Members of the Committee may participate in the meeting by telephone or other electronic means in accordance with any procedures prescribed by regulation or determined by Council under section 89 of the Act.
- 7.9 Any recommendation of the Committee which does not arise from a recommendation of a Council officer must be supported in the minutes of the meeting by clear reasons for the decision.

## **8. DELEGATION**

- 8.1 Council has not delegated any of its powers to the Committee. Accordingly, all decisions of the Committee constitute recommendations to Council.
- 8.2 The Committee has no delegated authority to expend Council funds or contract external parties.

## **9. REIMBURSEMENT OF EXPENSES**

- 9.1 Independent Community Members will be paid a travel allowance for the use of their private vehicle to travel to and from Committee meetings with the said allowance being equal to the per kilometre rate prescribed for the purposes of calculating deductions for car expenses issued from time to time by the Australian Tax Office.
- 9.2 Reimbursable journeys should be by the shortest or most practicable route from the place of residence or workplace.

## **10. SITTING FEES**

- 10.1 Council will provide Independent Community Members with a sitting fee of \$100 per meeting.
- 10.2 This fee is to:
- a) Allow diversity in participation.
  - b) Consider the multiple responsibilities of Aboriginal and Torres Strait Islander peoples of the Mid Murray Region have to their cultural obligations, both in their work roles and wider community responsibilities; and
  - c) To acknowledge and value Aboriginal and Torres Strait Islander member's cultural knowledge, advice and guidance.