

# Draft Terms of Reference

## Boola Maara Aboriginal Consultative Committee

### 1. Introduction – (dual language)

These Terms of Reference (TOR) reflect the intent and expectations of both the City of Kwinana (City) and the City of Kwinana Aboriginal Consultative Committee (Committee).

The Committee is established by the City with the primary purpose of enhancing the relationship between the City and Committee members, while focusing on the dual objectives of environmental guardianship and the wellbeing of the Aboriginal community.

The Committee recognises the vital role of the Aboriginal community in Kwinana and aims to ensure their perspectives and expertise are integrated into the decision-making processes of the City.

### 2. Background

The Strategic Community Plan is the City's guiding document of the community's vision for Kwinana's future. It represents our community's long-term vision, values, aspirations, and priorities and what we will do to achieve them. This document drives the City's budgeting, planning, resource allocations and service delivery, in order to focus our efforts and align our activities to achieve our community's vision.

Outcome area 4 within the Strategic Community Plan is 'A unique, vibrant, and healthy city that is safe, connected and socially diverse'. One of the driving strategy/plans related to this outcome is the Reconciliation Action Plan.

The City's Reconciliation Action Plan (RAP) aims to optimise the way in which the City engages with Aboriginal and Torres Strait Islander peoples in Kwinana. It places its focus on building relationships, fostering respect, and creating opportunities.

The Committee has been established to support and advise Council in making decision and providing a cultural lens over matters relating to communities and peoples of an Aboriginal and Torres Strait Islander background.

### 3. Name

This group will be known as the Boola Maara Aboriginal Consultative Committee.

## 4. Statement of Purpose

The primary purpose of the Committee is to provide Council with expertise in relevant Aboriginal cultural matters to assist its decision making of the Kwinana Community. The Committee will assist the Council in making culturally appropriate, respectful, and informed decisions pertaining to community matters, particularly those affecting the Aboriginal community and the environment.

## 5. Objectives.

The objectives of the Committee are:

- Provide Aboriginal perspective, advice and information to the Council on significant governance issues and decisions that affect Aboriginal people in the Kwinana area;
- Reviewing and assessing proposed Council strategies, policies, programs, and initiatives from a cultural, environmental, and community wellbeing perspective;
- Provide advice, feedback, and make recommendations to the Council regarding economic, social, environmental, and Aboriginal cultural matters in the Kwinana area that support, community wellbeing and social inclusion;
- Advise and provide recommendations to Council on matters of engagement of Aboriginal people in the local area (not including cultural heritage issues);
- Support and advise Council on how services and events could be more relevant and accessible to Aboriginal people;
- Enhance and promote understanding within the Kwinana community of local Aboriginal culture, society and heritage; and
- Provide an opportunity for on-going dialogue between local Aboriginal people, Aboriginal peak bodies, and Council.

## 6. Membership

- **Number of Members**

The Committee will comprise of a minimum of 6 and maximum of 11 people, as follows, with each member having voting rights:

Representatives	Maximum number of representatives
Aboriginal and/or Torres Strait Islander Elders	Five (5)
Aboriginal and/or Torres Strait Islander Community Leaders	Four (4)
City of Kwinana Elected Members	Two (2)

- **Eligibility Criteria**

Aboriginal and Torres Strait Islander Elder and Community Leaders must:

- Reside or work in Kwinana;
- Identify as an Aboriginal and/or Torres Strait Islander person;
- Understand the needs and issues affecting Aboriginal and Torres Strait Islander communities and peoples;
- Be committed to reconciliation and making a positive difference for Aboriginal and Torres Strait Islander communities and peoples; and
- Be recognised by their families and communities as an Elder and/or Community Leader.

City of Kwinana Elected Members must:

- Be an Elected Member of the City of Kwinana;
- Be appointed by a formal resolution of the City of Kwinana Council; and
- Be committed to reconciliation and making a positive difference for Aboriginal and Torres Strait Islander communities and peoples.

- **Term of Appointment**

All members will be appointed for a term of two years and may be re-appointed for consecutive terms. If vacancies exist and/or existing members resign, new members can be recruited at any time throughout the year.

- **Attendance**

A commitment to regular attendance is essential. Membership will be reviewed throughout the term. Cancellation of membership will be considered by the group in circumstances of three consecutive, unexplained non-attendance occurrences, without a reasonable justification from the member.

- **Reimbursement**

Representatives (other than Elected Members and Officers) will be paid a consultation fee as set by Council.

## 7. Chairperson

The Committee will elect a Chairperson and deputy Chairperson for a two-year term.

Chairperson and Deputy Chairperson can be an Elected Member or

Community Member. The role of Chairpersons include:

- Lead the meetings;
- Lead the decision-making process;
- Represent the Committee and raise awareness about its' role in the community;
- Liaise with Elected Members in relation to the Committee, Advisory Groups, Reconciliation Action Plan and other matters that arise; and
- Ensure good governance, transparency and fairness in the decision-making process.

## 8. Meetings

The City will provide a City officer to manage the arrangements for meetings.

- **Agendas**

The agenda will be distributed to members at least five days prior to a scheduled meeting. This will be posted as hard copy or sent electronically via email as per the preference of each member.

Any additional items for discussion raised at the meeting will be discussed under Late Items at the discretion of the Chairperson.

- **Minutes**

Minutes of the meeting will be taken by a City officer.

The draft minutes of each meeting will be circulated by the City no less than 7 days after the meeting has been held.

- **Frequency and duration**

Meetings will be held at a date, time and location convenient to members of the Group and where possible will not fall during school holidays. Subject to their being items on the agenda for the Committee to consider, there shall be a minimum of six meetings held each year.

Meetings will be scheduled for a duration of up to 2.5 hours.

If recommendations are not agreed upon by the Committee within the allocated meeting time, then Elected members will be advised and provided with all recommendations suggested by the members

- **Cancellation or additional meetings**

Where possible members will be provided with appropriate notice if a meeting is to be cancelled or re-scheduled.

Additional meetings can be called by the Chairperson when matters of urgent business arise. Appropriate notice of any additional meeting will be provided.

- **Decisions**

The Committee shall, where possible, make recommendations by consensus decision, or a simple majority vote.

- **Quorum.**

At least 50% of Aboriginal community members must attend any meeting for recommendations to be endorsed. There must be at least one Elder in attendance for the meeting to proceed.

In the event that an Elder is not in attendance then the Chairperson can agree for the meeting to proceed but any recommendations arising from the meeting are to be endorsed by way of a flying resolution.

- **Suspension of Standing Orders**

The following clauses of the Standing Orders Local Law 2019 are suspended:

7.1, 7.2, 7.4, 8.1, 8.2, 8.5, 8.6, 8.8, 8.9, 8.10, and all of Part 9. Part 12 is suspended, with the Committee to determine resolutions through discussion, and a vote taking place where a decision is not reached by unanimous consensus, except that the provisions of clause 7.3 of these Terms of Reference will prevail in the case that no agreement can be reached as to a resolution (recommendation).

- **Conduct of Members**

Members will:

- Act honestly and treat others with respect. Failure to do so will be dealt with by the Chairperson' as considered appropriate;
- Exercise reasonable care and diligence; and
- Not make improper use of their position or make improper use of information acquired because of their position.
- Members are bound by the City's Code of Conduct.

Where there is a requirement for confidentiality, this is to be noted in the minutes if the matter arises during a meeting, or made clear to members if arising in communication outside of a meeting (e.g. provision of a draft policy ahead of a meeting, for discussion and feedback at the meeting), and addressed accordingly.

Members must disclose a conflict of interest in relation to any matter the Committee is dealing with or that the Committee will, or is likely to, consider or discuss. The conflict of interest, including the nature of the relevant interest must be disclosed before the matter is considered and must be recorded in the minutes.

Depending on the degree of conflict disclosed (impartiality, financial, etc), it will be up to the Chairperson to advise on whether the member is eligible to remain in the meeting whilst the item is to be discussed.

Members of the Committee are not authorised to speak to the media or make public statements on behalf of the Committee or the City.

Limits on Delegation of Powers. The Committee is an Advisory Committee only to Council.

The Council has the discretion to review the role of the Committee including the re-organisation or disbandment of the Committee.

The Committee have no delegated authority. This includes the ability to:

- Enter into contractual relationships on behalf of the City;
- Issue a media release on behalf of the Committee or the City; or
- Use the City's Crest or Logo for external purposes.

## **9. Adoption and amendment of Terms of Reference**

The City will consult with the Committee on any proposal to modify these Terms of Reference.

**Subsequent revision dates: #####**