



## NOTICE OF ABORIGINAL LIAISON COMMITTEE MEETING

Notice is hereby given that an Aboriginal Liaison Committee Meeting of Snowy Valleys Council will be held in the Tumut Room located on the 1st Floor of the Riverina Highlands Building, 76 Capper Street, Tumut on, **Wednesday, 09 May, 2018**, commencing at **10:00 AM**.

<b>Distribution: 16</b>	<b>Present:</b>	<b>Apology:</b>	<b>Absent:</b>
Clr G Pritchard (Delegate)			
Community Dev. Team Rep. (Delegate)			
Sue Bulger - Elder			
Margaret Berg – Elder			
Coral Bulger – AECG			
Winnie Bulger – Tumut High School			
Meegan Cameron			
Lenard Connolly – Community Health			
Pat Connolly – Elder			
Mary Greenhalgh – Brungle/Tumut LALC			
Shirley Marlowe – Community Transport			
Sonia Piper – Elder			
Stan Russell – Coo-ee Cottage			
Cathy Williams – Community Rep.			
Mary Williams – Community Rep.			
Public			

### **Business**

1. Apologies
2. Confirmation of Minutes
3. Business arising from Minutes
4. Committee Reports
5. Correspondence
6. General Business

M Hyde  
**General Manager**



## **ABORIGINAL LIAISON COMMITTEE MEETING – AGENDA**

Wednesday, 09 May, 2018, commencing at 10:00 AM.

### **APOLOGIES**

### **CONFIRMATION OF MINUTES OF PREVIOUS MEETING/S-**

Nil

### **BUSINESS ARISING FROM MINUTES**

### **DECLARATIONS OF INTEREST AND REPORTABLE POLITICAL DONATIONS**

### **COMMITTEE REPORTS**

· Aboriginal Liaison Committee 3

### **GENERAL BUSINESS**

### **NEXT MEETING**

The next meeting date is scheduled to be held on a date to be set.

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**REPORT NUMBER:** ALC1  
**SUBJECT:** Aboriginal Liaison Committee (.)  
**REPORT AUTHOR:** Trudy Crawford  
**RESPONSIBLE MANAGER:**

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**PURPOSE OF REPORT:** To present current Aboriginal Liaison Committee matters for discussion

#### **KEY ISSUES**

- 1. Aboriginal Liaison Committee Terms of Reference review**
- 2. MoU between the Aboriginal Community and Snowy Valleys Council**
- 3. NAIDOC Week 2018**

#### **BACKGROUND**

##### Aboriginal Liaison Committee Terms of Reference review

Due to the Council amalgamation all Committee Terms of Reference require review. There have been minimal changes to the Terms of Reference related only to formatting.

#### **RECOMMENDATION**

**That Council adopt the Aboriginal Liaison Committee Terms of Reference**

##### MoU between the Aboriginal Community and Snowy Valleys Council

Due to the Council amalgamation the MoU between the Aboriginal Community and Snowy Valleys Council require review. The original MoU is included in the attachment to be discussed by the committee.

##### NAIDOC Week 2018

NAIDOC Week is being held 8-15 July 2018 with the theme being "Because of her we can". A number of events are planned so far including the flag raising and morning tea to be held Monday 9<sup>th</sup> July (flag raising at Brungle Tumut Local Aboriginal Lands Council and morning tea to be held at the Tumut Library). There will also be the "Because of her we can Art Exhibition" which is on display throughout July at the library.

#### **ATTACHMENTS**

- 1. Aboriginal Liaison Committee Terms of Reference**
- 2. MoU between the Aboriginal Community and Snowy Valleys Council**



## **Aboriginal Liaison Committee DRAFT Terms of Reference**

ToR No: SVC-TofR-09-01

**1. NAME**

The name of the Committee is the Aboriginal Liaison Committee.

**2. STATUS**

Being an advisory committee, the Aboriginal Liaison Committee does not have executive power or authority to direct staff nor does it enjoy the delegation of any powers, functions or duties of Council.

**3. DELEGATION**

All decisions of the Committee will, therefore, constitute recommendations to Council and other major stakeholders where relevant.

**2. PURPOSE**

The purpose of the committee is to:

- Provide a forum for discussion between Council and the Aboriginal Community of the Snowy Valleys Council on key issues.

**3. OBJECTIVES OF THE COMMITTEE**

The Aboriginal Liaison Committee is a committee of Council responsive to community needs. The effectiveness of the committee depends on community support.

- To report on activities and functions in the community.
- To raise the profile of aboriginal issues within the Shire.
- To facilitate partnerships with Aboriginal organisations and community members in the Council to assist in the delivery of the Community Strategic Plan.

**4. DECISION MAKING**

It is intended that the Committee will make decisions based on consensus. If it is not possible to arrive at a consensus on a particular item the recommendation to Council should note the dissenting views.

**5. MANAGEMENT AND OPERATION OF THE COMMITTEE**

**a) STRUCTURE / MEMBERSHIP**

The Committee shall be comprised of four citizen/community representatives, the General Manager or nominated delegate and one Councillor. It is desirable that there is a representation from the entire Shire, a reasonable gender balance and age distribution on the Committee.

**b) APPOINTMENT AND SELECTION OF MEMBERS**

The Snowy Valleys Council will call for applications from community members within the Council area for all community member positions.

The applications will be assessed on their merit and suitable persons will be appointed to the Aboriginal Liaison Committee by Snowy Valleys Council. Persons can be self-nominated, or can represent a group or organisation.

**c) TERM**

The term should initially be for four years in line with the term of Council. Any vacancies which occur will be advertised and appointed from nominations received or in the case of an organisation that group can nominate a replacement representative.

Members of the Aboriginal Liaison Committee may cease to hold office:

- By death, mental incapacitation or by serving of a criminal sentence;
- If the member provides a written resignation;
- If a member is absent from three consecutive meetings (with or without apology), without having obtained a formal leave of absence.

**d) CHAIRPERSON**

The Chairperson shall be elected by the committee by a simple majority vote taken from members present at the first meeting of each calendar year and shall serve a term of one year.

In the absence of the Chairperson, the Committee shall elect a Deputy Chairperson for that meeting.

**e) SECRETARIAT**

A staff member from Snowy Valleys Council shall perform the Secretariat duties for the Committee.

**f) COUNCIL STAFF MEMBERS ON COMMITTEES**

Snowy Valleys Council staff members who attend Committee meetings shall:

- Not be considered as part of the quorum;
- Have no voting rights
- Not be able to enact the role of Chairperson or Vice Chairperson at any meeting;
- Be considered as an ex-officio member of the committee at all times.

**g) PECUNIARY INTERESTS AND CONFLICTS OF INTEREST**

Members of the Committee must, having reviewed the agenda for a meeting, or when becoming aware of a potential conflict of interest or pecuniary interest in any matters being discussed by the Committee, immediately advise the Chairperson.

The Committee member must refrain from participating in the discussion and if deemed appropriate by the voting members present, leave the meeting whilst the matter is discussed and not participate in any decision making related to the issue. The interest will be recorded in the minutes.

**h) QUORUM**

A quorum of the Committee will be 4 of appointed voting members present.

If a quorum is not reached within 10 minutes of the appointed starting time, the meeting shall:

- a) be adjourned to a time determined by the Chairperson in consultation with the staff member performing Secretariat duties to ensure that the adjourned time does not clash with other scheduled meetings or;
- b) continue as an Inquorate discussion (refer 5i).

**i) INQUORATE MEETINGS**

In the event that a meeting does not have the required quorum, those members present can determine whether they would like to continue with the meeting as an Inquorate Discussion.

In this case, recommendations for decisions cannot be made, but can be carried forward to subsequent meetings where a quorum is present.

Minutes of an inquorate discussion must take the form of Inquorate Discussion Notes. The members present at an inquorate discussion cannot put or carry any motion or resolution.

**j) DECISIONS AND VOTING**

The Committee's business is conducted on a simple majority vote by those appointed members present.

Each appointed member of the Committee present at any meeting shall have one vote on any matter.

Major decisions and recommendations will be referred to Council for adoption prior to implementation by the Committee.

The Committee shall make recommendations to Council on matters that relate to the objectives of the Aboriginal Liaison Committee for the Snowy Valleys Shire.

Only those Councillors appointed to the Aboriginal Liaison Committee have voting rights.

**k) ATTENDANCE OF NON MEMBERS**

The Committee may, at its discretion, allow non-members, observers and advisers to attend meetings of the committee to facilitate exchange of information and to provide specialist advice and counsel to the Committee.

**l) WORKING GROUPS**

The Committee is able to form a Working Group as required to address specific issues or undertake specific activities. The Working Group must report to each Committee meeting.

Non-members may be co-opted to a working group. A member of the Committee shall act in the capacity of Chairperson of the working group.

The Committee shall determine a statement of the purpose/objectives, responsibilities and tasks to be achieved by the Working Group at the time that it is formed.

**6. COMMITTEE OPERATION AND MEETINGS**

**a) MEETINGS**

Meetings will be held quarterly at 10am at the Riverina Highlands Building, Tumut.

**b) SPECIAL MEETINGS**

Special meetings may be called by the Chairperson, or at least two voting members of the Committee in consultation with the Secretariat to avoid potential clashes.

**c) NOTICE OF MEETINGS**

The Notice of Meeting will be provided to each Committee member in writing, setting out the date, time and place of the meeting; and be accompanied by a business paper which includes an agenda for the meeting, minutes of the previous meeting and any reports to the Committee.

The agenda for ordinary meetings of the committee will be provided to members of the Committee at least three working days prior to the meetings.

A minimum of twenty four hours notice shall be given for any Special meetings of the Committee.

A copy of the notice of meeting, agenda and accompanying reports shall be placed on public exhibition at the Council office, Council website and libraries.

**d) MINUTES**

Minutes shall be kept of all meetings of the Committee and any working group. Each Committee members will receive copies of the minutes with the notice of meeting for the next meeting.

Other arrangements to receive minutes from the meetings can be made by resolution of the voting members of the Committee.

The minutes shall be confirmed at the next committee meeting with or without amendments.

Copies of the minutes will be supplied to Council before its next meeting following that of the Committee if recommendations are included.

**e) MEETING PROCEDURES AND PROTOCOL**

The procedures and protocols to be observed at the Committee meetings are those of the Code of Meeting Practice was established in accordance with the provisions of Section 360(2) Local Government Act of 1993.

**7. SUPPORT AND RESOURCING THE COMMITTEE**

Council will provide administrative services and other resources, including a venue, preparation and distribution of agendas/minutes) to support the function of the Committee and any working groups.

**8. MEDIA COMMENT AND CONFIDENTIALITY**

The Committee has no delegated authority to make comments to the media on behalf of the Committee without the express permission of the General Manager.

The Committee does not have the authority to make comments on behalf of Snowy Valleys Council.

Members of the Committee should appreciate that the Committee may, from time to time, deal with sensitive matters of a confidential nature. The confidentiality of such information should be respected by all members.

**9. DOCUMENTATION / COUNCIL AND EXTERNAL REFERENCES**

Snowy Valleys Council Code of Meeting Practice was established in accordance with the provisions of Section 360(2) Local Government Act of 1993. The objective of the Code is to provide procedures and standards for the proper, conduct of Council business and decision making.

Snowy Valleys Council Code of Conduct sets the minimum requirements of conduct for council officials in carrying out their functions. The Model Code is prescribed by regulation and was developed to assist council officials understand the standards of conduct that are expected of them.

**10. AMENDING THE TERMS OF REFERENCE**

Recommendations for amendments to the Terms of Reference can be made at any time provided that suggested changes are noted on the Agenda, a quorum is present at the meeting and the majority of voting members present support the recommendation.

Amendments to the Terms of Reference must be approved by Snowy Valleys Council.

**11. DISSOLUTION**

Council may at any time dissolve the Committee.

**12. LIABILITY OF MEMBERS**

In accordance with Division 2 Section 731 of the Local Government Act 1993, A matter or thing done by the Minister, the Director-General, a council, a councillor, a member of a committee of the council or an employee of the council or any person acting under the direction of the Minister, the Director-General, the council or a committee of the council does not, if the matter or thing was done in good faith for the purpose of executing this or any other Act, and for and on behalf of the Minister, the Director-General, the council or a committee of the council, subject a councillor, a member, an employee or a person so acting personally to any action, liability, claim or demand.

**13. SUPERSEDING POLICY NO AND TITLE**

Aboriginal Liaison Committee Terms of Reference, ToR No: 01, Version: 1.4 – Former Tumut Shire Council

**14. TERMS OF REFERENCE PREPARED AND AMENDED BY:**

Coordinator Community Development

**15. HISTORY TABLE**

Version No	Approval Date	Resolution Number	Date to be Reviewed
1.0			



**Memorandum of Understanding  
Between  
Aboriginal Community of Tumut Shire  
And  
Tumut Shire Council**

**Introduction**

Tumut Shire Council acknowledges that Aboriginal Australians were the first people of this land and that Wiradjuri and Wolgalu people have a special association with this region.

Tumut Shire Council accepts and acknowledges:

- that in order to address the issues that challenge us today, we must first acknowledge the past, including the forced removal and separation of Aboriginal peoples from their traditional lands and their cultural connections through customs and practices and the removal of Aboriginal children from their families, the effects of which continue today.
- the potential lasting effects for current local Aboriginal descendants resulting from some Government policies and community practice, as well as the stolen generation
- the shared responsibility of all Australians to respect and encourage the development of an awareness of each other's heritage and culture.
- that the heritage, culture, sacred sites and special places of Aboriginal Australians enrich our nation.

Tumut Shire Council expresses its sincere sorrow and compassion for the pain, the grief and the suffering experienced by Aboriginal peoples as a result of past laws, government policies and actions.

Tumut Shire Council and the Aboriginal Community of Tumut Shire acknowledge that there is a mutual obligation to this Memorandum of Understanding and it requires both parties to work towards success of this Memorandum of Understanding as a representation of Aboriginal and local government unity.

**Statement of Commitment**

**Tumut Shire Council supports:**

- The rights of all Indigenous peoples as outlined in the United Nations Declaration on the Rights of Indigenous People 1993 of which Australia has supported in 1997; and
- The vision as expressed by the Council for Aboriginal Reconciliation of a united Australia which respects this land of ours, values the Aboriginal and Torres Strait Islander heritage and provides justice and equality of all.
- The International Labour Organisation (ILO) Convention No.169, Article 3(1) of which it states "Indigenous and tribal peoples shall enjoy the full measure of human rights and fundamental freedoms without hindrance or discrimination", of which the National Congress of First Peoples supports the ratification and implementation of ILO 169 by Australia in 2011, as an important step towards respecting the cultures and ways of life of Indigenous peoples, rights to land and natural resources, and rights to determine priorities for development.

- The Convention of Biological Diversity which Australia has implemented through environmental legislation, The EPBC Act and subsequent state and local legislation, regulations and policies; and in particular Article 8(j) of parties to respect, preserve and maintain traditional knowledge relevant to the conservation and sustainable use of biological diversity; and Article 10(c) Protect and encourage customary use of biological resources in accordance with traditional cultural practices.

**Tumut Shire Council is committed to:**

- Participating in processes which enhance the understanding and awareness of Aboriginal heritage and preserves and presents that heritage in a sensitive and dignified manner; and
- Adopting and promoting policies and programs which are non-discriminatory and which recognise the needs of our Aboriginal community; and
- Being representative of all members of our community in ensuring that the principles and commitments of this Memorandum of Understanding are upheld.

**Tumut Shire Council agrees to:**

1. Hold a 'Welcome to Country' ceremony at appropriate civic occasions subject to an agreed cultural protocol. This ceremony is to be performed by one or more local elders of the Tumut Shire. When a local Aboriginal elder is not in attendance Tumut Shire Council agrees to 'Acknowledge that we are in Wiradjuri and Wolgalu Country and acknowledge the traditional custodians of this area, and to pay respect to elders past and present' at each Tumut Shire formal occasion.

**The Local Aboriginal Community agrees to:**

1. Conduct a 'Welcome to Country' ceremony at appropriate civic occasions subject to an agreed cultural protocol. This ceremony is to be performed by one or more local elders of the Tumut Shire where in attendance.

**Tumut Shire Council agrees to:**

2. As part of the process of unity, Tumut Shire Council agrees to celebrate declared Aboriginal ceremonies and events, including Sorry Day, Reconciliation and NAIDOC Week.

**The Local Aboriginal Community agrees to:**

2. Provide input into the planning and organising of declared Aboriginal ceremonies and events.

**Tumut Shire Council agrees to:**

3. As part of the process of unity, Tumut Shire Council agrees to fly the Aboriginal flag at Council's main office and the Tumut Library on a work day basis.

**The Local Aboriginal Community agrees to:**

3. Conduct a flag raising ceremony as a part of NAIDOC Week.

**Tumut Shire Council agrees to:**

4. Involve Aboriginal people in appropriate civic events which Tumut Shire Council arranges and coordinates.

**The Local Aboriginal Community agrees to:**

4. Be involved in appropriate civic events which Tumut Shire Council arranges and coordinates.

**Tumut Shire Council agrees to:**

5. Assist, encourage and promote employment opportunities for Aboriginal people both in its own workforce and in the broader community.

**The Local Aboriginal Community agrees to:**

5. Aboriginal elders and community support and mentor Aboriginal employment and education.

**Tumut Shire Council agrees to:**

6. Make appropriate consultation with the Elders Group, Brungle/Tumut Local Aboriginal Land Council and the Community Working Party relating to projects/programs concerning the Aboriginal community of Tumut Shire.

**The Local Aboriginal Community agrees to:**

6. The Aboriginal Elders group being the peak body for Council and they will work with Council on projects/programs concerning the Aboriginal community of Tumut Shire.

**Tumut Shire Council agrees to:**

7. Develop a greater community understanding of Aboriginal culture in the Tumut Shire by fostering opportunities for Aboriginal cultural tourism.

**The Local Aboriginal Community agrees to:**

7. Continue to demonstrate their support of Tumut Shire Council by promoting and communicating relevant Aboriginal cultural tourism opportunities and interests.

**Tumut Shire Council agrees to:**

8. Develop in consultation with the Brungle/Tumut Local Aboriginal Land Council criteria for when to refer development applications to the Land Council for comment.

**The Local Aboriginal Community agrees to:**

8. Work with Council to develop criteria for when development applications will be referred to the Brungle/Tumut Local Aboriginal Land Council for comment.

When appropriate comment on development applications within the required timeframe.

**Tumut Shire Council agrees to:**

9. Undertake appropriate community planning to address social, economic or cultural disadvantage experienced by local Aboriginal people in the Tumut Shire.

**The Local Aboriginal Community agrees to:**

9. Provide input into community planning to address social, economic or cultural disadvantage experienced by local Aboriginal people in the Tumut Shire.

**Tumut Shire Council and the Local Aboriginal Community:**

10. Acknowledges that to be fully effective the Memorandum of Understanding (MOU) needs to be the head policy and provide the way for subordinate policy in the form of a Memorandum of Action (MOA) between Local Government and the local Aboriginal Community.

11. Commits to working in partnership to create a Memorandum of Action (MOA).

### **Review of Memorandum of Understanding**

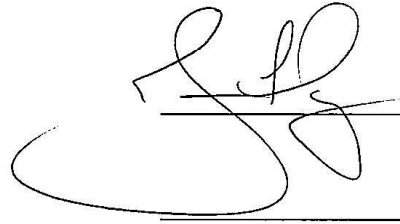
Tumut Shire Council and the Aboriginal community of Tumut Shire agree to:

1. Renew this Memorandum of Understanding at least every four years and within the first twelve months of the newly elected Council.
2. Meet to identify and discuss matters which they feel should be considered in relation to this Memorandum of Understanding at a formal review in twelve months.

### **Acknowledgement by Signatories**

The signatories to this Memorandum of Understanding acknowledge that there are many descendants of the Wiradjuri and Wolgalu and these are represented in this Memorandum of Understanding.

Councillor James Hayes  
Deputy Mayor of Tumut Shire Council



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RK Stewart  
General Manager of Tumut Shire Council

Neil Bulger  
Elder of Aboriginal Community of Tumut Shire



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Margaret Berg  
Brungle/Tumut Local Aboriginal Land Council  
Elder of Aboriginal Community of Tumut Shire

\_\_\_\_\_

Sonia Piper  
Aboriginal Community Working Party  
Elder of Aboriginal Community of Tumut Shire



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Dated this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_.