

**BLUE MOUNTAINS CITY COUNCIL
ABORIGINAL ADVISORY COUNCIL
TERMS OF REFERENCE
HPE: 17/177809**

1. NAME

Blue Mountains City Council Aboriginal Advisory Council
Hereinafter referred to as the “AAC”)

(In this Terms of Reference the terminology Aboriginal also includes Torres Strait Islander Australians)

(Blue Mountains City Council is responsible for the Local Government Area of the Blue Mountains)

2. PURPOSE

The AAC is a committee of the Council in accordance with the Local Government Act 1993.

The purpose of the AAC is to:

Advise the Council on matters significant to Blue Mountains Aboriginal communities.

An advisory mechanism establishes:

- An opportunity where Aboriginal peoples voices can be heard on issues relating to the Councils polices, plans and services and the Aboriginal communities needs and priorities;
- A robust communication mechanism, between the Council and the Aboriginal communities; and
- A meaningful engagement and relationship between the Council and the Aboriginal communities.

3. PRINCIPLES

The AAC’s practice is based upon the following set of shared principles. These include the:

- Commitment to the achievement of its purpose;
- Fulfilment of its roles and responsibilities;
- Inclusion of relevant stakeholder views;
- Representation of the views of stakeholders;
- Open communication between the Council and the Aboriginal communities; and
- Active and respectful participation on the AAC.

4. ROLES AND RESPONSIBILITIES

The AAC plays various roles such as, advisor, researcher, messenger and participant. As such, it is responsible for:

- Providing advice to the Council;
- Seeking the views and opinions of relevant Aboriginal stakeholders;
- Informing the Aboriginal communities of the outcomes and justifications for the advice provided; and

- Actively participating in the AAC's meetings and activities.

5. OUTCOMES

The AAC expects that:

- The advice provided to the Council informs the Council decisions;
- The Council will inform the AAC of the outcome of, and justification for decisions made;
- The AAC will inform the Aboriginal communities' of the outcomes and justification for decisions made; and
- The relationship and communication between the Council and the Aboriginal communities is strengthened.

6. ADVISORY COMMITTEE MEMBERSHIP

Number

The AAC shall consist of seven (7) members.

Criteria

The following criteria apply to the AAC. Members must:

- Be Aboriginal;
- Reside in the Blue Mountains Local Government Area;
- Be an eligible voter;
- Be prepared to attend all meetings of the AAC;
- Have knowledge of the Blue Mountains Aboriginal Communities';
- Undertake necessary tasks; and
- Be prepared to achieve the AAC's purpose, maintain its principles and fulfil its roles and responsibilities.

There must be two designated Traditional Owner positions, one each, representative of the Darug and Gundungurra peoples respectively.

Selection and appointment

At the end of AAC term a community forum will be held inviting all Aboriginal residents to attend to inform them what the purpose, roles and responsibility of the AAC are.

The forum will then move to a nomination process, where the forum will elect members to the AAC.

The community elected AAC will then be ratified by resolution of the Council in accordance with the Local Government Act 1993.

Term of membership

The membership term for all of the AAC shall be four years, to ensure alignment with the term of the Council.

7. LEAVE OF ABSENCE

AAC members may apply for a leave of absence to the Chair. This leave of absence will be recorded in the minutes of the meeting. AAC members will continue to receive communications relating to the AAC during a leave of absence unless they express

otherwise. A leave of absence may apply for a period of up to 6 months and may only be applied for once during a member's four (4) year term.

8. CESSATION OF MEMBERSHIP

A person ceases to be a member of the AAC:

- Upon completion of their term of membership; or
- By written notice of resignation from members to the Chair; or
- Due to a breach of the Code of Conduct and as determined through Council's internal disciplinary processes to be commensurate with dismissal; or
- Following non-attendance for two (2) consecutive meetings without prior leave of absence, after the Chair has first provided the member with an opportunity to explain their circumstance and show just cause for non-attendance.

9. MEMBERSHIP VACANCIES

An eligibility list will be created from the community forum, where residents may be invited to fill any vacancies that may exist on the AAC.

In the event that no eligibility list exists, the AAC may invite applications for membership, in line with the AAC membership criteria. The AAC will consider and recommend membership for endorsement by the Council.

Applications for membership vacancies for the Darug or Gundungurra Traditional Owner positions will be sought by the AAC, should they exist. The AAC will seek the advice from the respective Traditional Owner groups on the appropriateness of the preferred applicant before endorsement. The preferred applicant must also fulfil all of the AAC membership criteria.

10. MEETINGS OF THE ABORIGINAL ADVISORY COUNCIL

An annual meeting schedule will be established for the AAC meetings with the AAC meeting at least four (4) times per financial year.

The convener must give notice of all meetings to each member of the AAC at least fourteen (14) days in advance. The convener must circulate to each member the business of the meeting at least 24 hours prior to the meeting.

Additional meetings will be called where required in line with the notification requirements as stated above.

11. ATTENDANCE AT MEETINGS

Visitors to the meetings including Councillors, Council Officers and other external visitors will attend meetings at the invitation of the AAC, though are not formal members of the AAC. Visitors will attend the meeting for the duration of their specific business and for the time allocated; and are then required to leave.

Aboriginal residents who are not members of the AAC may attend meetings; however non-AAC members shall abstain from participating in discussion unless otherwise advised by the AAC.

The Chair of the AAC will consider invites and requests of non-members to attend and participate in AAC meetings corresponding with meeting agendas.

12. QUORUM

Any four (4) members of the AAC constitute a quorum for the transaction of the business of a meeting of the Advisory Council.

13. OFFICE BEARERS

In accordance with the Local Government Act 1993 the Mayor is a member of all Council Committee's and is the Chairperson unless wishing not to act in that capacity. The Mayor may delegate the role of Chairperson to the AAC member elected as Chairperson.

A special meeting of the AAC will determine and appoint the chair and office bearer positions for the first Advisory Council meeting and there on afterwards. The process of electing members to those positions will be determined at that meeting.

The Chairperson (if delegated by the Mayor) and elected Officer Bearer positions will be endorsed by the Council.

The Chairperson will preside over all general meetings. If the Chairperson is absent or unable to act, another AAC member will be elected to chair the meeting.

14. CONVENING OF MEETINGS AND ATTENDANCE

Meetings shall, subject to the presence of a quorum, start at the time set out on the notice and shall, subject to the discretion of the meeting through the Chair, continue until business on the agenda is completed.

If no quorum is present within 30 minutes of the starting time set out on the notice, the meeting will be reconvened within the next fourteen (14) days. All business on the agenda of the adjourned meeting shall be included on the agenda of the next meeting and shall take precedence over new business.

Meetings shall be scheduled at a time that allows active participation by AAC members.

Meetings shall be scheduled in a place that is conducive to AAC member participation.

Meetings should be conducted in a way consistent with other council meeting procedures of which will be explained to AAC members at the start of each membership term.

15. AGENDA AND MINUTES

The Chair will be responsible for ensuring that the advice provided by the AAC is minuted.

All agenda items are to be submitted to the Council's Aboriginal Community Development Officer (ACDO) at least two weeks prior to the scheduled meeting. The Chair will establish the agenda for the forthcoming meeting.

A copy of the agenda and previous minutes will be distributed to all listed on the mailing list no later than one week prior to the next meeting date.

16. CONDUCT AND GOVERNANCE

All AAC members, Officers of the Council and Councillors must comply with the Council's Code of Conduct. Committee members will be issued with a copy of the Council's Code of Conduct on endorsement to the Committee's membership by the Council and at such times as the Code of Conduct is reviewed. The AAC's governance processes are set out in these Terms of Reference.

17. ADVICE GIVING PROCEDURES

It is intended that the AAC will provide advice to the Council based on majority view.

Any dissenting views will be recorded in the minutes.

Where the AAC cannot reach agreement on any matter, a process established by the Advisory Council will be undertaken.

All AAC members involved in deliberations in providing advice must abide by the Council's Code of Conduct when conducting Advisory Council business.

18. CONFIDENTIALITY

The AAC shall be bound to maintain confidentiality on items identified as confidential on the agenda. This extends to not only the Council's Code of Conduct but also cultural duty of care.

The practice of confidentiality will also apply to any visitors to meetings.

19. MEDIA AND COMMITTEE PUBLIC RELATIONS

The AAC as a Council function operates within the provisions of Council's media policy. All media representation, press contact and publications shall be directed through the Council's Communications Officer via the Chair and as approved by the Chair.

To avoid doubt, this means that AAC members cannot make any comment in correspondence, media representation, press contact and publications with reference to speaking as a member of the AAC or on behalf of the AAC, which does not have prior approval by Council's Communications Officer and the Chair.

20. SUPPORT SERVICES

The Council will provide a meeting place and clerical assistance for the proper functioning of the AAC.

21. ROLE OF THE COUNCIL

Councillors or Council Officers are not formal members of the AAC.

The AAC does not direct the Council, though the Council will assist and support the Advisory Council wherever possible.

The Council's ACDO should assist in convening the AAC and arrange for other Council Officers and external visitors to present if required. The ACDO will facilitate support for the AAC.

22. REPORTING TO THE COUNCIL

Advice recommended by the AAC will be reported to senior staff and the Council as appropriate.

23. DISSEMINATION OF INFORMATION TO THE ABORIGINAL COMMUNITY

The AAC will decide how best to distribute information to the community.

24. RELATIONSHIP TO EXISTING ABORIGINAL COMMITTEES, NETWORKS AND FORUMS

As per the Council Minute No. 252 of 16 June 2009, the business of the AAC remains separate to the arrangements in place for the Gully Co-operative Management Committee. The AAC will not consider issues related to the terms of reference of the Gully Co-operative Management Committee (GCMC). Issues that relate to the Gully will be referred to the Chair of the GCMC.

The AAC will not consider issues related to the business of the Gundungurra Indigenous Land Use Agreement (ILUA). Issues that relate to the Gundungurra ILUA will be referred to the Chair of the Gundungurra ILUA Consultative Committee.

The AAC will not discuss any of the business concerning other entities unless otherwise advised.

The AAC will work with existing organisations, committees, networks and forums to delivery shared outcomes for the community.

25. REVIEW

The AAC should review the effectiveness and operation of the AAC through the Terms of Reference at the commencement of each four (4) year term of AAC membership.

The Council will review the operation of the AAC and the Terms of Reference after each Local Government election.

26. CHANGES TO THE TERMS OF REFERENCE

Changes to the Terms of Reference may occur after each four year review though any member can formally request an amendment to the Terms of Reference to the AAC. Any change to the Terms of Reference must be ratified by the AAC and a report submitted to the Council. No changes to the Terms of Reference may take effect until the Council resolves to accept the recommended changes.