

ABORIGINAL AND TORRES STRAIT ISLANDER ADVISORY COMMITTEE

TERMS OF REFERENCE

1.0 INTRODUCTION

- 1.1 The Council of the City of Armadale (hereinafter called the “Council”) hereby establishes a committee under the powers given in Section 5.8 of the Local Government Act 1995 (hereinafter called the “Act”).
- 1.2 The committee referred to in 1.1 is to be known as the Aboriginal and Torres Strait Islander Advisory Committee (hereinafter called the “Committee”).
- 1.3 The Committee has been established to assist Council in the exercise of its powers and duties. The Committee shall conduct its business in a manner consistent with the provisions of the Act, Local Government Regulations, Council’s local laws, policies, Code of Conduct and this document.
- 1.4 In these Terms of Reference the following interpretations shall apply:
“**Act**” – The Local Government Act 1995;
“**CEO**” – The Chief Executive Officer of the City of Armadale;
“**Committee**” – The Aboriginal and Torres Strait Islander Advisory Committee;
“**Council**” – The Council of the City of Armadale;
“**Ordinary Elections Day**” – A day fixed by Section 4.6 of the Act for holding the polls for ordinary elections for the City of Armadale;
“**Simple Majority**” – More than 50% of the members present and voting.
“**Presiding Member**” – The presiding member is the person elected by the Committee members to preside at all meetings of the Committee.

2.0 PURPOSE

- 2.1 To advise and make recommendations to Council, (via the Community Services Committee), on a range of issues which affect the quality of life of Aboriginal and Torres Strait Islander people living in the City of Armadale.

3.0 OBJECTIVES

- 3.1 Assist with advice and support for the provision of services, activities and facilities for Aboriginal and Torres Strait Islander persons residing in the City of Armadale.
- 3.2 To assist Council officers to research the needs of the Aboriginal and Torres Strait Islander people living in the City of Armadale.
- 3.3 Through research and consultation, to identify opportunities to develop services and facilities relevant to the needs of Aboriginal and Torres Strait Islander people. This will include consideration of the support needs of the Aboriginal and Torres Strait Islander community based

organisations and adequate resourcing and identification of funding options.

- 3.4 To promote a positive image of Aboriginal and Torres Strait Islander people in the City of Armadale.
- 3.5 To assist in promoting those organisations which provide services for Aboriginal and Torres Strait Islander people within the City.

4.0 MEMBERSHIP

- 4.1 In accordance with Section 5.10 (1) (a) of the Act, all members of the Committee shall be appointed by Council.
- 4.2 The Committee shall comprise the following membership:
 - 1 x City of Armadale Councillor;
 - 9 x community representatives who are people of Aboriginal or Torres Strait Islander descent with not less than one person being a Torres Strait Islander.
 - 1 x community representative who is an Aboriginal or Torres Strait Islander Youth.
 - 1x representative of Armadale Health Services
 - 1x representative of Department for Community Development
 - 1x representative of Department for Housing and Works

In accordance with Section 5.11 of the Act, a person appointed to the Committee shall remain a member of the Committee until:

- (a) the term of the person's appointment as a committee member expires;
 - (b) the Council removes the person from the office of committee member or the office of committee otherwise becomes vacant;
 - (c) the committee is disbanded; or
 - (d) the next ordinary elections day, whichever happens first.
- 4.3 The method of filling the external organisational representative positions shall be for Council to invite nominations from these representative organisations who shall submit, in writing, to Council their nominee(s) whereupon Council will then appoint persons to the Committee.
 - 4.4 The method of filling the community representative positions shall be via a public advertising process inviting interested persons to nominate for a position in writing whereupon Council will then appoint a person(s) to the Committee.
 - 4.5 The processes prescribed in Clauses 4.4 and 4.5 of this document shall take place in a manner that will allow for the appointment of all persons to the Committee as soon after the ordinary elections day as is possible.
 - 4.6 Where an organisational representative or community representative positional vacancy occurs mid-term, that vacancy shall be filled as soon as possible and in the manner as described in 4.5 and 4.6 above.
 - 4.7 Any member wishing to resign from the committee must do so in writing to the CEO or the Presiding Member.
 - 4.8 If any member is absent from three consecutive meetings without approved leave of the Committee, they shall forfeit their position on

the Committee. The Council shall be informed and will immediately undertake the procedure prescribed in Clause 4.7 of this document.

- 4.9 The Committee may enlist the services of other persons or organisations that are not members of the Committee to assist in meeting its objectives. Such persons may attend Committee meetings, however not in the capacity of a Committee member.
- 4.10 For each member there may be a Deputy Member who can act in place of the Member when the Member is absent.

5.0 MEETINGS

- 5.1 At the first meeting of the Committee, the members of the Committee:
 - (a) shall elect a presiding member from amongst themselves, and
 - (b) may elect, again from amongst themselves, a deputy presiding member.
- 5.2 The Committee Members, when electing a presiding member or deputy presiding member are to vote on the matter by secret ballot as if they were electors voting at an election.
- 5.3 The person elected by the Committee as Presiding Member or Deputy Presiding Member shall remain in that position until;
 - (a) all committee positions become vacant at the next ordinary elections day;
 - (b) the person ceases to be a member of the Committee for reasons other than as per (a) above; or
 - (c) the person resigns from that position.
- 5.4 Where the positions of Presiding Member or Deputy Presiding Member become vacant as a result of Clauses 5.3 (b) or (c) the Committee must elect a replacement at the next meeting of the Committee.
- 5.5 If the Presiding Member and Deputy Presiding Member are absent from the same meeting, the members present must elect a Presiding Member for that meeting only from amongst themselves prior to the commencement of any business.
- 5.6 The Committee shall meet at least five times per year at a place and time to be determined by the Committee.
- 5.7 Notice of meetings shall be given to members at least five working days before each meeting.
- 5.8 A deputation seeking to be received by the Committee is to apply in writing to the CEO, who is to forward the written request to the Presiding Member.
- 5.9 A deputation invited to attend a Committee meeting is not to exceed five persons, only two of whom may address the Committee, although others may respond to specific questions from committee members and is not to address the committee for a period exceeding 15 minutes without the agreement of the committee.

6.0 QUORUM

- 6.1 The quorum for the Committee shall be at least 50% of the number of offices, whether vacant or not and will consist of not less than three (3) community representatives at all times.
- 6.2 If a quorum has not been established within 30 minutes after the meeting is due to begin the meeting may be adjourned.
- 6.3 The committee is not to transact business at a meeting unless a quorum is present.
- 6.4 If at any time during the course of a meeting a quorum is not present because in relation to a particular matter a member(s) has left the meeting after disclosing a financial interest, the matter shall be adjourned until a quorum is present to decide the matter.
- 6.5 If at any time during the course of a meeting a quorum is not present because of a member(s) leaving the meeting for reasons other than the disclosure of a financial interest, the person presiding is to suspend the proceedings of the meeting for a period not exceeding 10 minutes. If a quorum is not present at the end of that time, the meeting is deemed to have been adjourned and the person presiding is to reschedule it to some future time or date.

7.0 VOTING

- 7.1 Voting is to be conducted so that no voter's vote is secret.
- 7.2 All members of the Committee shall have one vote. If the votes of the members present are equally divided, the person presiding may cast a second vote. Use of the second vote shall be recorded in the Minutes.
- 7.3 If a Committee member requests that their vote be recorded or the votes of all members present be recorded, the person presiding is to cause the vote or votes to be recorded in the minutes.
- 7.4 A decision of the Committee does not have affect unless a simple majority has made it. Decisions of the Committee are not binding on Council.

8.0 MINUTES

- 8.1 The person presiding at a meeting shall ensure that Minutes are kept of the meeting's proceedings.
- 8.2 The minutes of the meeting shall include:
 - (a) the names of the members present at the meeting;
 - (b) where a member enters or leaves the meeting during the course of the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting;
 - (c) details of each motion moved at the meeting, the mover and the outcome of the motion;
 - (d) details of each decision made at the meeting;
 - (e) in relation to each disclosure made under section 5.65 or 5.70 of the Act in relation to the meeting, where the extent of the interest has been disclosed, the extent of the interest.
- 8.3 A copy of the unconfirmed Minutes shall be sent to all Committee members within 14 days of the meeting.

- 8.4 A copy of the confirmed Minutes shall be sent to Council within 14 days of the confirmation.
- 8.5 The person presiding at the meeting at which the minutes are confirmed is to sign the Minutes and certify confirmation.

9.0 SUB-GROUP(S)

- 9.1 The Committee may appoint a sub-group(s) of its members to carry out a particular task consistent with the purpose and objectives of the Committee. A sub-group shall not exercise a power or perform a duty without the approval of the Committee.

10.0 COMMUNICATION AND PUBLIC RELATIONS

- 10.1 All aspects of communication by Committee Members (including verbal, written or personal), involving the Local Government's activities should be of a standard which reflects the standards and objectives of the Council. Communications should be accurate, polite and professional.
- 10.2 Statements to the press on behalf of the Local Government will only be made by the Mayor or the CEO.

11.0 DELEGATED POWERS

- 11.1 Council may delegate powers to the Committee in accordance with Section 5.16 of the Act.
- 11.2 Notwithstanding Clause 11.1, it is the intention of Council that the Committee is to advise and make recommendations to Council, via the Community Services Committee.

12.0 DISCLOSURE OF FINANCIAL INTERESTS

- 12.1 A member is to be treated as having an interest in a matter if either the member or person with whom the member is closely associated has a direct or indirect financial interest in the matter or a proximity interest in the matter.
- 12.2 A person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government in a particular way, result in a financial gain, loss, benefit or detriment for the person.
- 12.3 A person has a proximity interest in a matter if the matter concerns:
 - (a) a proposed change to a planning scheme affecting land that adjoins the person's land,
 - (b) a proposed change to the zoning or use of land that adjoins the person's land, or
 - (c) a proposed development (as defined in Section 5.63(5)) of land that adjoins the person's land.
- 12.4 A reference in this sub-division to an indirect financial interest of a person in a matter includes a reference to a financial relationship

between that person and another person who requires a local government decision in relation to the matter.

- 12.5 A person is to be treated as being closely associated with a member if the relevant person:
- (a) is in partnership with the member;
 - (b) is an employer of the member;
 - (c) is a beneficiary under a trust, or an object of a discretionary trust, of which the member is a trustee;
 - (d) is a body corporate:
 - (i) of which the member is a director, secretary or executive officer; or
 - (ii) in which the member holds shares having a value exceeding the prescribed amount;
 - (e) is the spouse or a child of the member and is living with the member;
 - (f) is a Council member and the person:
 - (i) gave a notifiable gift to the relevant person in relation to the election at which the relevant person was last elected, or
 - (ii) has given a notifiable gift to the relevant person since the relevant person was last elected.
 - (g) has a relationship specified in any of paragraphs (a) to (d) in respect of the member's spouse if the spouse is living with the member.
- 12.6 In addition to disclosure of financial interests, committee members are required to disclose any interest they have in a matter to be discussed at the meeting that would give rise to a reasonable belief that the impartiality of the person have the interest would adversely affected.
- 12.7 Where an interest must be disclosed under 12.6 above, the disclosure is to be made at the meeting immediately before the matter is discussed or at the time the advice is given, and is to be recorded in the Minutes of the meeting.
- 12.8 The disclosure of an interest in 12.6 above does not affect the ability of the committee member to discuss or vote on the matter.
- 12.9 In accordance with Section 5.63 of the Act, there are some financial interests that committee members need not disclose, for example:
- (a) an interest common to a significant number of electors or ratepayers,
 - (b) an interest arising from the imposition of any rate, charge or fee by the local government,
 - (c) an interest relating to a fee, reimbursement of an expense or an allowance to which Sections 5.98, 5.99, 5.100 or 5.101(2) refers,
 - (d) an interest relating to the pay, terms or conditions of an employee unless –
 - (i) the relevant person is the employee, or
 - (ii) either the relevant person's spouse or child is the employee if the spouse or child is living with the relevant person,

- (e) an interest arising only because the relevant person is, or may become, a member of the Council of a regional local government,
 - (f) an interest arising only because the relevant person is, or intends to become, a member or office bearer of a body with non-profit making objectives,
 - (g) an interest arising only because the relevant person is, or intends to become, a member, office bearer, officer or employee of a department of the Public Service of the State or Commonwealth or a body established under a written law, or
 - (h) a prescribed interest.
- 12.10 A reference to a spouse includes a reference to a person who is residing with the member in a marriage-like relationship, although not actually married to that person.
- 12.11 A member who has an interest in any matter to be discussed at a meeting must disclose the nature of the interest:
- (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.
- 12.12 A disclosure of an interest shall be recorded in minutes.
- 12.13 In accordance with Section 5.65 (1) of the Act, any member who fails to disclose an interest is liable to a penalty of \$10,000 or imprisonment for 2 years.
- 12.14 A member who makes a disclosure pursuant to this section shall not participate in, or be present during, any discussion or decision making procedure relating to the matter, unless the member is allowed to in accordance with Clause 12.16.
- 12.15 In accordance with Section 5.67 of the Act, any member who participates in or is present during any discussion or decision making procedure without approval to do so is liable to a penalty of \$10,000 or imprisonment for 2 years.
- 12.16 If a member has disclosed an interest in a matter, the members present who are entitled to vote on the matter may allow the disclosing member to participate in or be present during any discussion or decision making procedure relating to that matter if the disclosing member also discloses the extent of the interest and those members decide that the interest is so trivial or insignificant as to be unlikely to influence the disclosing members conduct in relation to the matter or is common to a significant number of electors or ratepayers.
- 12.17 A decision under Clause 12.16 is to be recorded in the minutes of the meeting together with the extent of any participation allowed by the Committee.
- 12.18 Where a member has disclosed an interest in a matter and has left the room the remaining members may resolve to invite the member to return to provide specific information to clarify the matter and in such case the member is to withdraw after providing the specified information.
- 12.19 A register shall be kept of all disclosures of a financial interest.

13.0 CONDUCT OF MEMBERS

- 13.1 No member is to reflect adversely upon a decision of the Committee except on a motion that the decision be revoked or changed.
- 13.2 No member is to use offensive or objectionable expressions in reference to any member, employee of the Council, or any other person. Any member who does not adhere to this clause is liable to a penalty of \$1,000.
- 13.3 No member is to reflect adversely on the character or actions of a member, officer or any other person participating in the meeting.
- 13.4 If a member specifically requests, immediately after their use, that any particular words used by a member be recorded in the minutes, the person presiding is to cause the words used to be taken down and read to the meeting for verification and to then be recorded in the minutes.
- 13.5 In the event of two or more members wishing to speak at the same time, the person presiding is to decide which member is entitled to be heard first. The decision is not open to discussion or dissent.
- 13.6 The person presiding is to preserve order, and may call any member or other person in attendance to order, whenever, in his or her opinion, there is cause for so doing.

14.0 DISBANDMENT OF THE COMMITTEE

- 14.1 Disbandment of the Committee shall be at the direction of Council.

15.0 AMENDMENTS TO THE TERMS OF REFERENCE

- 15.1 This document may be altered at any time by the Council on recommendation of the Committee or after giving 14 days notice to the Committee.

16.0 MEETINGS NOT OPEN TO THE PUBLIC

- 16.1 Meeting of the Committee shall not be open to the public, unless at the invitation of the Committee.