



BYRON SHIRE COUNCIL

Aboriginal Cultural Heritage Study Steering Committee

TERMS OF REFERENCE

INFORMATION ABOUT THIS DOCUMENT

(INTERNAL USE ONLY)

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Further Document Information and Relationships

Related Legislation	Section 355, Local Government Act (1993)
Related Policies	Code of Conduct 2016 Work Health Safety Policy Code of Meeting Practice
Related Procedures/ Protocols, Statements, documents	Arakwal (MoU)

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1. Preamble

The Aboriginal Cultural Heritage Study Steering Committee is a steering committee for a specific project (the Byron Shire Aboriginal Cultural Heritage Study) and does not have executive power or authority to implement actions.

The role of the committee is to report to the Project Team and provide appropriate advice and recommendations on matters relevant to this Terms of Reference.

2. Purpose

The purpose of the Aboriginal Cultural Heritage Study Steering Committee is:

1. To ensure Aboriginal stakeholders are represented in the Aboriginal Cultural Heritage Study
2. To ensure Aboriginal Cultural principles are respected through the process of the study
3. To achieve the objectives of the Aboriginal Cultural Heritage Planning Study - to research and identify Aboriginal cultural heritage sites occurring within the Byron Shire local government area for inclusion in the Byron Shire Local Environment Plan.

Council acknowledges that Aboriginal people are the original inhabitants of the Byron Shire and that according to their continuing law, traditions and customs it remains their traditional country. Council also acknowledges and respects the Arakwal Corporation's right to speak for its country in accordance with its laws, traditions and customs.

The parties commit themselves to together seek ways in which Aboriginal interests can be advanced where decisions are to be made about their traditional country.

The parties commit themselves to work together to ensure that this is done in a way that advances the interests of the whole community, and promotes harmonious community interests.

This committee meets to fulfil Council's obligations under:

- a) The Native Title Act, and facilitate an avenue for the traditional owners as recognised under the Native Title Act (1993) the Bundjalung of Byron Bay, Arakwal People, to protect cultural heritage on their ancestral homelands
- b) The Land Rights Act (1983), and facilitate an avenue for the Tweed Byron Local Area Land Council to fulfil their charter to protect Aboriginal cultural heritage in their identified boundaries.

3. Timeframe for Committee

The lifespan of the Aboriginal Cultural Heritage Study Steering Committee is for the term of the Byron Shire Aboriginal Cultural Heritage Study development.

4. Responsible Directorate

This committee is administered by the Corporate and Community Services Directorate. The Director or their delegate will attend these meetings and minutes will be taken by a member of their staff.

5. Membership

The Aboriginal Cultural Heritage Study Steering Committee is to be made up of representatives from the key Aboriginal stakeholder groups within the Byron Shire and appropriate staff members.

Membership is to include:

- 2 invited representatives from the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal)
Annette Kelly
Lee Harding
- 2 invited representatives from the Tweed Byron Local Aboriginal Land Council
Des Williams
Leweena Williams
- 1 invited representative from the National Parks and Wildlife Service
Delta Kay
- Director Corporate and Community Services
- Manager Community Development
- Representative from Sustainable Environment and Economy Directorate
- Community Projects Officer (Aboriginal and CALD),

Note: Staff members participating on the committee do not have any voting entitlements.

6. Confidentiality

Members of the committee will, in those circumstances where confidential matters are subject to deliberation, maintain confidentiality.

7. Chairperson

The position of Chairperson is to be held by the Director Corporate and Community Services.

8. Majority Decision

Decision making for this committee will require a fair and open process with representation and contribution from each stakeholder group.

A majority decision of the committee requires a majority of members to be present and voting on any item subject to the requirements of a quorum being met at the meeting.

9. Convening Meetings

Meetings of the Steering Committee will be scheduled at the first meeting of the Committee. Extraordinary Meetings may be called when required.

10. Agenda Preparation

It is the responsibility of the chairperson to prepare the agenda in consultation with the relevant Director, setting out the terms of business to be considered.

The agenda is an organised list of the business, in order, that will be transacted at the meeting. An agenda for each meeting, containing a brief report on each item, is to be provided to committee members 5 days prior to the meeting being held.

Each item of business to discuss at the meeting is required to be listed on the agenda and in written form.

For some matters, it will be necessary to attach other relevant information to the agenda to inform and direct discussion. Such information is to be circulated with the agenda.

Committee members may request items for inclusion in future agendas, through the Chair.

11. Records of meetings

- a) The minutes of meetings are to be circulated to members of the group within 7 days of the meeting so that members can provide feedback through the Chair on the draft unconfirmed minutes.

12. Meeting Practice

Meetings are to be conducted in accordance with this Terms of Reference and, where required, reference to Council's Code of Meeting Practice.

13. Miscellaneous

- a) **Insurance:** All group members are covered by the public liability policy of Council. This insurance does not preclude the Advisory Committee from due diligence and all Council policies must be adhered to.
- b) **Code of Conduct:** All group members to abide by Council's adopted Code of Conduct at all times.
- c) **Pecuniary Interest:** Pecuniary Interest may be defined as an interest that a person has in a matter, as a group member or employee of a company or other body, because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person, or another person with whom the person is associated. Such other person includes the spouse or de-facto partner or relative of the group member.

Section 446 of the Local Government Act states that "a member of a council committee, other than a committee that is wholly advisory, must disclose pecuniary interests..."

Even though the Local Government Act provides an exemption to disclose pecuniary interests Council's preference is for all members to declare pecuniary interests where applicable.

- d) **Work Health Safety:** All group members are required to comply with the “Worker Responsibilities” as prescribed in the Work Health Safety Policy.