

DRAFT FIRST NATIONS ADVISORY GROUP

TERMS OF
REFERENCE
2025

Contents

1.	Purpose	3
2.	Structure	3
2.1.	Tenure:	3
2.2.	Meeting Frequency:	3
2.3.	Governance:	3
2.4.	Group Structure:	4
3.	Membership	4
3.1.	Eligible members	4
3.2.	Selection Criteria and Evaluation	5
3.3.	Vacancies	5
4.	Participation Guidelines	5
4.1.	Meeting Participation	5
4.2.	Attendance	6
4.3.	Code of Conduct and Obligations	6
4.4.	Media	6
4.5.	Grievance Resolution	6
4.6.	Membership Revocation	7



1. Purpose

The First Nations Advisory Group is established to provide cultural feedback and input to inform decision making on the strategies, plans, policies and projects of Kempsey Shire Council in relation to matters relating to First Nations people in the Kempsey Shire.

This may include advice relating to:

- The visibility, equality and inclusion of First Nations people within Council and the community;
- The promotion and facilitation of reconciliation between Aboriginal and Torres Strait Islanders peoples and Council;
- Council matters which are of concern to local first nation people.
- Council advocacy to other levels of government/stakeholders to support positive outcomes for first nations people.
- Opportunities for advocacy, projects and partnerships that reflect the needs of First Nations communities

The role of the Advisory Group is not to:

- direct the use of Council officers or resources
- commit the Council to any arrangement
- represent the Council in any communication with the public or media, without the permission of Kempsey Shire Council.

2. Structure

2.1. Tenure:

Membership of the Community Advisory Group will be for the term of Council, unless otherwise resolved by Council. This may include instances where the group:

- has achieved its purpose for establishment
- has become unproductive
- can no longer maintain membership in line with its terms of reference
- activities no longer service the priorities and/or core business of Council
- legislation has changed the roles and responsibilities of Council.

If the group fail to meet quorum requirements for two consecutive scheduled meetings, a report may be tabled with Council seeking to either refresh the Group membership or disestablish the Group.

2.2. Meeting Frequency:

The Group is to schedule four meetings per annum, at a time suitable for members. The Chairperson can call a special meeting for urgent business at any time with reasonable due notice (5 working days).

2.3. Governance:

Agenda items will be agreed by the group as part of the first meeting.

Meeting agenda and any relevant documents will be distributed to Advisory Group members at least five days prior to each meeting to allow adequate preparation time.



Members can request additional agenda items be added to the agenda prior to or at the beginning of each meeting, if the Chairperson agrees they fit within Group Terms of Reference.

Meeting actions and minutes will be circulated to Advisory Group members via email within seven days of each meeting for review. Minutes will also be published on Council's website. Individual Advisory Group members are responsible for reporting progress and minutes to their respective organisations and networks (if applicable).

2.4. Group Structure:

The Chair is to be elected by the group for a two-year term OR the CEO or a delegated Executive leader. Deputy Chair to be elected by the group.

The Chair is responsible for:

- Opening the meeting and following the agenda
- encouraging all members to express their views
- summarising progress of discussion, degree of consensus and confirming with minute taker before moving to next item
- closing the meeting and confirming the date, time and place of the next meeting,

Recommendations of the Group will be decided by the simple majority, reflected in the minutes and if required, reported to Council for possible endorsement and action.

Specialist advisers, guests do not have voting rights.

Non-Indigenous members (unless representing an indigenous organisation) do not have voting rights.

The quorum of a meeting of the panel will be a simple majority. No business of the advisory panel will be considered unless a quorum is present. If a quorum is not present within half an hour from the time appointed for the meeting, the meeting will be dissolved. Council administrative support will be provided as follows:

3. Membership

3.1. Eligible members

The membership of the Advisory Group includes a maximum to 15 people – including both appointed members and ex officio members.

Ex Officio members will be:

- 2 Councillors (appointed by Council)
- Council's CEO or a delegated Senior Executive leader and Group Manager Community Partnerships

Membership is via an Expression of Interest/Nomination process, with members to be endorsed by Council. Membership is on a voluntary basis and may include representatives from the following groups:

- First Nations Elders
- First Nations Business owners
- First Nations Community members
- Representative/s from the Kempsey LALC and Thunghutti LALC



- Representative/s from the Dunghutti Elders Council
- Representatives of Aboriginal Community Controlled Organisations
- Youth representatives (aged 18-24)

Members are appointed as individuals by Kempsey Shire Council and alternate members are not accepted in the event of an individual being unable to attend a meeting.

Specialist advisers and guests can attend at the invitation of the Chair and with the permission of the meeting but do not have voting rights.

3.2. Selection Criteria and Evaluation

Expressions of Interest will be invited across the Macleay Valley via local Aboriginal and Torres Strait Islander groups, organisations and networks, and Council and media channels.

Applications will be assessed according to the following selection criteria:

- a preference for nominees to live, work or study in the Kempsey LGA.
- a statement by the nominee, that is, their reason for nominating; and
- a list of the skills, knowledge and experience they will bring to the Advisory Group in service of the local community.
- a requirement for the Aboriginal or Torres Strait Islander status of nominees to be recognised by the local Aboriginal community via a letter of support, if requested.

All applications for the Advisory Group will be assessed against the selection criteria by a panel comprised of Kempsey Shire Council officers and recommendations on membership presented to Council.

3.3. Vacancies

Where a vacancy occurs:

- Within six (6) months from the appointment of members, the vacancy may be filled firstly by a person on the eligibility list if they are still interested and available to join the First Nations Advisory Group; or
- After six (6) months from the appointment of members, and more than 12 months from the end of the First Nations Advisory Group's term, an Expression of Interest utilising Council,
- Vacancies will not normally be filled within the last 12 months of a First Nations Advisory Group term.

4. Participation Guidelines

4.1. Meeting Participation

All participants will:

- Prepare for meetings as required, including reviewing any information provided prior to the meeting. All information will be issued minimum five [5] days prior to each meeting.
- Attend and contribute respectfully to all Advisory Group meetings and participate with a spirit of collaboration and partnership, acknowledging the contribution of others.
- Endeavour to reflect and act as a conduit for wider community views and local knowledge.
- Not bring any unauthorised persons to any meeting without the prior written consent of the Chairperson
- Be fair and actively participate with a genuine interest in the initiatives and outcomes of the group.
- Represent the respective organisation, committee, association, group or business they represent.
- Provide a conduit for information exchange between the Advisory Group and the organisation, committee, association, group or business they represent.



- Declare any potential for conflict of interest and stand aside when a conflict of interest exists or is perceived to exist.
- Act as a member of the Advisory Group in line with the values of Respect, Collaboration, Integrity, and Open Communication.

4.2. Attendance

Attendance is integral to ensuring this committee meets its objectives.

If a member is going to be absent, they must provide an apology to the Chairperson in advance. In the event a member is absent for three consecutive meetings Council reserves the right to seek a replacement member. If the member is the Councillor representative, Council will table a report seeking a replacement Councillor representative.

Members may apply to the Chair for a leave of absence, and the granting of such leave of absence is at the discretion of the First Nations Advisory Committee. All applications for leave of absence must be recorded in the minutes.

4.3. Code of Conduct and Obligations

Members must act in accordance with Council's Code of Conduct, which is made under section 440 of the Local Government Act.

This notes (amongst other things) that members must not conduct themselves in a manner that:

- a) is likely to bring the council or other council officials into disrepute
- b) is contrary to statutory requirements or the council's administrative requirements or policies
- c) is improper or unethical
- d) is an abuse of power
- e) causes, comprises or involves intimidation or verbal abuse
- f) involves the misuse of your position to obtain a private benefit
- g) constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory

Members must also act in accordance with any other code of meeting practice established and agreed by the Group.

4.4. Media

Advisory Group Representatives are not authorised to speak with the media on behalf of the Advisory Group, unless agreed by to by the Mayor as Council's official spokesperson.

The membership of representatives who speak to the media without written approval will be immediately reviewed.

It is noted however that members of the Advisory Group, may represent community groups within the area. The role of individuals on the Advisory Group does not restrict members rights to speak to the media on behalf of their specific community or interest group.

4.5. Grievance Resolution

All members of the group have a right to be heard and treated with respect.

A person with a grievance should try to resolve the grievance as close to the source as possible, this can be informal and verbal. If a grievance is not able to be resolved in the above manner, the complainant can bring the matter to the attention of the Chair or the Council CEO or Director. The appropriate person will investigate the validity of the complaint and make a recommendation, firstly to



the parties involved, and then to the Group if resolution has not been reached.

The Chair (or CEO or Director) will document any grievance process.

4.6. Membership Revocation

Following consultation between Council and the Chairperson, Council may at their discretion and at any time – revoke the membership of a representative if it is deemed, they are:

- Failing to act in a manner that fulfils the Advisory Group's Terms of Reference
- Not supporting the Advisory Group 's purpose, goals or operational requirements
- Failing to disclose a conflict of interest.

DRAFT

