

Newcastle City Council
Charter

**Guraki Aboriginal
Advisory Committee**

Date: 26 June 2018

Advisory Committee Charter

Charter title	Guraki Aboriginal Advisory Committee Charter
Committee Type	Advisory
Charter owner	Director Strategy and Engagement
Prepared by / Committee Facilitator	Guraki Facilitator
Approved by	Council
Date approved	26 June 2018
ECM number of Council decision	5605236
Relevant strategic direction	Community Strategic Plan (Newcastle 2030) - 4.1A Inclusive Community
Link to related strategy	Open and Transparent Governance Strategy
Related Documents	Code of Conduct Media Policy Appointed Stakeholder Organisations Representative Members Undertaking Form Appointed Community Representative Members Undertaking Form
Dissolution date	One day prior to Council's next ordinary election, unless otherwise resolved by Council.

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1 Interpretation

- 1.1 **Act** means the *Local Government Act 1993* (NSW).
- 1.2 **Attendee** means Council staff members listed at clause 6 who are entitled to attend meetings.
- 1.3 **CEO** means the Chief Executive Officer of Newcastle City Council and includes their delegate or authorised representative.

References to the Chief Executive Officer are references to the General Manager appointed under the *Local Government Act 1993* (NSW).
- 1.4 **Chairperson** means a Member elected by the Committee pursuant to clause 12.
- 1.5 **Committee** means the Guraki Aboriginal Advisory Committee.
- 1.6 **Community Representative** means a Council Volunteer appointed to the Committee pursuant to clause 9.
- 1.7 **Council** means the Newcastle City Council and where appropriate includes its administration or any successor council.
- 1.8 **Council Volunteer** means an individual who gives their time to Council willingly for the common good and without financial gain.
- 1.9 **Facilitator** means a Council staff member appointed to fulfil the tasks set out in clause 13.
- 1.10 **Member** means each of the individuals described in clause 5.
- 1.11 **Secretary** means a Council staff member appointed to fulfil the tasks set out in clause 14.
- 1.12 **Stakeholder Organisation** means a stakeholder organisation approved by the CEO or Chairperson to be represented on the Committee, pursuant to clause 8.

Unless stated otherwise, a reference to a clause is a reference to a clause of this Charter.

2 Dissolution

- 2.1 This Committee will remain in existence until one day prior to Council's next ordinary election or until it is otherwise dissolved by Council.

3 Authority

- 3.1 In carrying out its responsibilities, the Committee must at all times recognise that primary responsibility for management of Council rests with the elected Council and the CEO, as provided in the Act.
- 3.2 The Committee has no executive powers and cannot make decisions on behalf of Council. Furthermore, the Committee is not a committee delegated authority therefore it cannot exercise powers under s.355 of the Act.
- 3.3 Neither the Committee nor any of its Members may direct any Council staff member in his or her duties.

- 3.4 This Committee is not a Council committee as defined in section 260 of the Act, because its membership is not constituted solely by Councillors.
- 3.5 The Chairperson of the Committee may, if considered reasonably necessary and with the approval of the CEO, request external professional advice to allow the Committee meet its responsibilities.
- 3.6 The CEO may facilitate, and provide the necessary financial resources, to engage the provision of any such external professional advice required.

4 Responsibilities of the Committee

- 4.1 The responsibilities of the Committee are as follows:
 - 4.1.1 To give life to Council's 1998 Commitment to the Aboriginal and Torres Strait Islander Peoples of the City of Newcastle;
 - 4.1.2 To provide strategic advice and guidance with relation to Aboriginal matters of cultural and heritage significance;
 - 4.1.3 To engage Aboriginal and Torres Strait Islander peoples in Local Government;
 - 4.1.4 To raise the broad community awareness of Aboriginal culture and themes;
 - 4.1.5 To provide a united voice for Aboriginal peoples of the City of Newcastle.

5 Members

- 5.1 The Committee's membership comprises:
 - 5.1.1 Three Councillors elected in accordance with clause 7;
 - 5.1.2 Seven representatives from Stakeholder Organisations appointed in accordance with clause 8; and
 - 5.1.3 Three Community Representatives appointed in accordance with clause 9.
- 5.2 Each Member is entitled to vote.

6 Attendees

- 6.1 Attendees are:
 - 6.1.1 The CEO;
 - 6.1.2 The Directors;
 - 6.1.3 The Facilitator; and
 - 6.1.4 The Secretary

Attendees are not entitled to vote.

7 Election of Councillor Members

- 7.1 Council will call for nominations for Councillor Members at the commencement of each Council term (the Facilitator will arrange for a report to be provided to the elected Council).
- 7.2 Council will elect Councillor Members by resolution.

8 Appointment of Stakeholder Organisation representatives

- 8.1 The CEO or Chairperson will invite up to seven relevant Stakeholder Organisation to nominate a representative for membership of the Committee.
- 8.2 If an appointed representative is unable to attend a meeting, the relevant Stakeholder Organisation may nominate an alternative representative to attend on their behalf, with prior notice to the Facilitator.
- 8.3 The names of each Stakeholder Organisation and their appointed representatives will be recorded in the Committee's register, an excerpt of which will appear on Council's website.

9 Appointment of Community Representatives

- 9.1 The appointment of Community Representatives to the Committee will:
 - 9.1.1 seek to achieve a mix of skills to facilitate the sound functioning of the Committee; and
 - 9.1.2 seek to represent the diversity within and interests of the community.
- 9.2 Community Representatives will be appointed following a public Expressions of Interest (**EOI**) process. Written applications must be lodged with Council and address the following selection criteria:
 - 9.2.1 Aboriginality;
 - 9.2.2 Commitment to Aboriginal reconciliation, and knowledge of local cultural heritage and community dynamics;
 - 9.2.3 Experience in networking, with the ability to seek input from and provide feedback to the Committee on emerging issues;
 - 9.2.4 good oral communication skills;
 - 9.2.5 commitment to participatory and consultative processes; and
 - 9.2.6 demonstrated their ability to be constructive and objective.
- 9.3 Applications will be assessed:
 - 9.3.1 on merit according to the selection criteria;
 - 9.3.2 by at least two officers from Corporate and Community Planning, including the Facilitator; and
 - 9.3.3 be approved for appointment by the Manager Corporate and Community Planning.

- 9.4 If more than three applicants are deemed suitable for appointment as Community Representatives, offers of membership will be made to the top three and the remainder placed on an eligibility list.
- 9.5 The name of each Community Representative will be recorded in the Committee's register, an excerpt of which will appear on Council's website.
- 9.6 Community Representatives are required to undergo induction to ensure they can perform their role, safely efficiently and effectively.

10 Termination of Membership

- 10.1 Each Member shall remain a member of the Committee until:
 - 10.1.1 one day prior to Council's next ordinary election, or until the Committee is otherwise dissolved, pursuant to clause 2 of this Charter;
 - 10.1.2 the Member resigns; or.
- 10.2 Membership of any Member of the Committee may be terminated by resolution of the Committee due to:
 - 10.2.1 the Member's non-attendance at three consecutive Committee meetings without prior notification of their non-attendance and the granting of leave by resolution of the Committee; or
 - 10.2.2 the Member's conduct being inconsistent with this Charter or Council's Code of Conduct.
- 10.3 Councillor membership terminates immediately upon a Councillor Member ceasing to be a Councillor.
- 10.4 If the terminated Member was a:
 - 10.4.1 Community representative, the Manager Corporate and Community Planning, will determine a replacement member pursuant to clause 9.4, where applicable. If not applicable, the Facilitator will commence a new selection process, pursuant to clause 9.
 - 10.4.2 Member from a Stakeholder Organisation, the Stakeholder Organisation should nominate a replacement Member to the Committee.

11 Responsibility of Members

- 11.1 Members are expected to:
 - 11.1.1 understand the relevant legislative and regulatory requirements applicable to Council;
 - 11.1.2 be able to contribute the time needed to understand the Committee's business papers and to attend Committee meetings;
 - 11.1.3 provide advice and feedback on matters brought before the Committee pursuant to clause 4 of the Charter; and
 - 11.1.4 comply with clause 22 (Conduct by Members).

12 Election and responsibility of Chairperson

- 12.1 Election of Chairperson will take place at the first meeting of the Committee in a new Council term, if the Chairperson was not appointed by Council resolution.
- 12.2 The Facilitator will administer the Chairperson election.
- 12.3 If there are more than two nominees for the Chairperson position, the nominee receiving the lowest number of votes will be eliminated and a further round of voting will take place to elect the Chairperson. This process will continue until a nominee is elected.
- 12.4 The Chairperson will officiate and conduct each meeting.
- 12.5 If the Chairperson is absent from a Committee meeting, a Member of the Committee will be nominated by the Committee to chair the meeting.
- 12.6 The Chairperson will remain until the dissolution date, unless the Chairperson resigns and in this case, a new Chairperson should be appointed in accordance with this clause.

13 Responsibility and requirements of Facilitator

- 13.1 The Facilitator will be a suitably qualified Council officer who will undertake the following functions:
 - 13.1.1 oversee and be responsible for the functions of the Secretary;
 - 13.1.2 ensure Members are familiar with this Charter and Council's Code of Conduct;
 - 13.1.3 facilitate discussion at committee meetings, provide input to meetings and be an active (non-voting) Member of the Committee;
 - 13.1.4 focus the Committee on its responsibilities outlined in clause 4 of this Charter and the meeting agenda items;
 - 13.1.5 act as the communication link between the Committee and Council;
 - 13.1.6 manage the resources available to the Committee;
 - 13.1.7 manage the performance of the Committee;
 - 13.1.8 where appropriate, liaise closely with the facilitators of Council's other Committees to assist with the collaboration between Committees, the sharing of information and the efficient and effective use of Council and committee resources; and
 - 13.1.9 work closely with the Chairperson to administer the Committee and its meetings.
- 13.2 This position may be shared among a number of suitably qualified Council officers or be the same person.
- 13.3 The Facilitator may take on the role of a Secretary while performing her/his responsibilities as a Facilitator.

14 Responsibility and requirements of Secretary

- 14.1 The Secretary will be a suitably qualified Council officer who undertakes the following functions:
- 14.1.1 prepare agendas;
 - 14.1.2 update the register of Members;
 - 14.1.3 maintain a meeting attendance register;
 - 14.1.4 take minutes at Committee meetings and prepare them for circulation (once approved by the Facilitator);
 - 14.1.5 collate Committee business papers prepared or submitted by Council officers, Committee Members, working parties and stakeholders;
 - 14.1.6 publish agendas, minutes and Committee business papers on Council's website;
 - 14.1.7 book meeting venues and organise the provision of any necessary equipment; and
 - 14.1.8 provide administrative assistance to the Facilitator.
- 14.2 This position may be shared among a number of suitably qualified Council officers or be the same person.

15 Attendance at meetings

- 15.1 Attendance at any meeting of the Committee is limited to the following:
- 15.1.1 Members;
 - 15.1.2 Attendees; and
 - 15.1.3 Council staff and external personnel by invitation of the Committee.

16 Quorum

- 16.1 A quorum is constituted by attendance of a majority of Members including at least one Councillor Member.
- 16.2 If a quorum is not achieved, an informal meeting may be conducted at the discretion of the Chairperson.

17 Meeting schedule

- 17.1 The Committee will meet at least four of times per year or as otherwise resolved by the Committee.
- 17.2 Meeting dates will be agreed by the Committee by no later than November each year for the following calendar year.
- 17.3 Additional meetings may be scheduled by the:
- 17.3.1 Facilitator;
 - 17.3.2 Committee by resolution;

17.3.3 Elected Council; or

17.3.4 CEO.

17.4 Unless otherwise resolved by the Committee, all meetings of the Committee will be closed to the general public.

18 Meeting agendas and business papers

18.1 Items of business will be approved by the CEO or Chairperson.

18.2 The Facilitator will ensure that notice of meetings, including the agenda and business papers, to the Committee at least five business days prior to the day of the meeting. These may be transmitted electronically.

19 Resolutions of the Committee

19.1 Resolutions of the Committee must be consistent with this Charter.

19.2 The Committee is expected to make decisions by open vote and record its resolutions in the minutes of the Committee meeting.

19.3 The CEO (or their delegate) may action resolutions as they deem appropriate in accordance with their individual delegations and authorisations.

19.4 A report to the elected Council for a decision will be required where resolutions fall outside the functions delegated to the CEO.

20 Reports to Council

20.1 It is the responsibility of the Facilitator to report to the elected Council:

20.1.1 at the commencement of each Council term calling for Councillor Members; and

20.1.2 at least annually, which will include attendance records, performance review and a summary of key items of business; and

20.1.3 where a Council resolution is required to enact a recommendation of the Committee, or where the Committee otherwise wishes to report information to the elected Council.

21 Minutes

21.1 All Committee business will be properly minuted and recorded by the Secretary. The minutes will be:

21.1.1 approved by the Facilitator in draft;

21.1.2 approved by the Committee as final by resolution. The Committee must then authorise the Chairperson to sign the confirmed minutes;

21.1.3 managed in accordance with Council's Records Management Policy; and

21.1.4 published on Council's website (ensuring Council meets its privacy obligations).

- 21.2 Draft minutes will be distributed to the Committee no later than 10 business days after the meeting.
- 21.3 Draft minutes of the previous meeting are to be adopted by resolution of the Committee at the following meeting.
- 21.4 At its first meeting, the Committee is to determine if adopted minutes should be placed on Council's website. Confidential and/or matters of a sensitive nature will be redacted from the published minutes at the discretion of the Facilitator.

22 Conduct by Members

- 22.1 Members must conduct themselves in accordance with Council's Code of Conduct.
- 22.2 Conflicts of Interest must be declared and managed in accordance with the Code of Conduct. A record of a declared conflict of interest in the minutes is sufficient.
- 22.3 Pecuniary or significant, non-pecuniary conflicts of interest must be managed by the Member excluding themselves from the meeting during the discussion of the relevant agenda item. Such exclusion should be recorded in the minutes.
- 22.4 Members who are Community Representatives must also comply with Council's Volunteer Framework.

23 Performance of the Committee

- 23.1 The Facilitator must undertake a review of the Committee's performance annually using the template at **Attachment A** (the first review must be completed within 12 months of the first Council meeting of the Council term - for example by September 2018).
- 23.2 The performance review must to be completed in conjunction with a member of Council's Legal and Governance team.
- 23.3 The completed performance review must be endorsed by the Committee and included in the Committee's annual report to the elected Council.

24 Public Comment

- 24.1 The Lord Mayor and CEO are the official spokespeople for Council, in accordance with Council's Media Policy, and no Members should speak to the media or members of the public on behalf of Council or the Committee.

25 Review of Charter

- 25.1 This Charter will be reviewed at the commencement of each Council term, or as otherwise determined by the elected Council, and may only be amended by Council resolution.

Attachment A

REPORT TO GURAKI ABORIGINAL ADVISORY COMMITTEE

SUBJECT: REVIEW OF GURAKI COMMITTEE PERFORMANCE
REPORT BY: STRATEGY AND ENGAGEMENT/ CORPORATE AND
COMMUNITY PLANNING/ GURAKI FACILITATOR
DATE: XXXX

PURPOSE

This performance review is presented to the Guraki Aboriginal Advisory Committee (**Committee**) in compliance with clause 23 of the Committee Charter.

RECOMMENDATION / OUTCOME SOUGHT

1. The Committee endorses the performance review at **Attachment A** and notes the Facilitator will include the performance review report in the annual report to the elected Council.

KEY ISSUES

2. It is important that Council committees operate effectively and in accordance with the Charters adopted by the elected Council.
3. Committee performance reviews are a mechanism of monitoring effective performance.

Attachment A - Performance of the Guraki Aboriginal Advisory Committee

*(Note: Committee performance is based on the previous year
- eg. review carried out in 2019 on Committee's performance in 2018)*

1. Did the Guraki Aboriginal Advisory Committee (**Committee**) report to the elected Council as required by its Charter? (the report should detail the dates of each report/s to the elected Council)

2. Detail the number of meetings required to be held per calendar year as provided for in the Charter.

3. Detail the number of meetings held in [insert year], that were quorate.

4. The Committee charter requires members of the Committee to conduct themselves in accordance with the Code of Conduct. Does the agenda include a standing item for members to declare a conflict of interest? (yes/no)

5. Do Business papers of meetings:
 - a) Include relevant background information necessary to enable members to make informed decisions (Yes/No).
 - b) Are distributed to members in accordance with the timeframe set out in the Charter (Yes/No).

4. Do minutes of meetings:
 - a) Contain a summary of the decisions (Yes/No).
 - b) Are adopted by the Committee at a subsequent meeting (Yes/No).
 - c) Are distributed to committee members in the timeframe set out in the Charter (yes/no - if no list details of reasons for delay).

5. Attach annual attendance details.

6. Have all Community Representatives attended induction? (Yes/No)

Approval

Committee Facilitator

Name:

Signature:

Date:

Legal

Name:

Signature:

Date: