

## **TERMS OF REFERENCE ABORIGINAL REFERENCE GROUP**

### **1. CONTEXT IN RELATION TO THE SOUTH COAST NRM Inc. CONSTITUTION**

The Board of Management (the “Board”) is the governing body of South Coast Natural Resource Management Inc. (the “Association”).

The duties of the Board are outlined in the Constitution of South Coast Natural Resource Management Inc. These include the need to maintain the NRM Committee (as the relevant delegated Committee of the Board) to carry out relevant duties.

The Terms of Reference for the Aboriginal Reference Group establish the authority, purpose and objectives of the group so that it may function effectively to support the NRM Committee on matters relating to the Cultural Heritage Theme.

### **2. AUTHORITY**

Through these Terms of Reference (ToR), the group is authorised by the NRM Committee to make use of group members’ expertise and “in-house” NRM resources to:

- 2.1 Investigate any activity within its terms of reference.
- 2.2 Investigate activity within Southern Prospects 2011-2016 – the South Coast Regional Strategy for Natural Resource Management and supporting documents such as the Investment Plan.
- 2.3 Oversee other matters as directed by the NRM Committee.
- 2.4 Co-opt expertise as required.

### **3. PURPOSE**

The purpose of the Aboriginal Reference Group is to provide recommendations and advice to the NRM Committee and to the Cultural Heritage Program on the development, implementation and review of the Cultural Heritage Theme component of the South Coast Regional Strategy for NRM.

To achieve this, the group will:

- act as a “think tank” and a problem-solving vehicle for new and existing projects including review and adoption of innovation;
- provide a critical link to community by identifying local community issues, concerns and activities related to landcare and natural resource management;
- develop activities for funding by the NRM Investment Plan that are compliant with the South Coast NRM Regional Strategy;

- assist with the critical review and monitoring of activities funded under the Cultural Heritage Theme program. This includes conducting a regular Review and Evaluation of the progress, and the scientific, technical and social rigor of activities delivered through the NRM Investment Plan.

#### **4. OBJECTIVES**

The primary objectives of the Aboriginal Reference Group are to undertake all items identified in the Purpose inclusive of, but not limited, to:

- provide technical advice and guidance to South Coast NRM in general, and to provide strategic direction for the Cultural Heritage theme through minuted resolutions to the NRM Committee;
- assist with the development and review of Cultural Heritage theme related projects;
- reflect community needs relating to NRM and the Cultural Heritage theme; and
- represent the group, through its chair or their delegate, on the NRM Committee.

#### **5. MEMBERSHIP**

##### **5.1 Membership numbers and Composition**

- The group will be composed of a minimum of 5 and a maximum of 14 members. Where possible, region-wide representation and an appropriate range of skills and experience should be reflected in the membership.
- Membership is open to the general community and to staff from any relevant agency, authority, commission or non-government organisation that bring expertise to the group.
- It is preferred that community members constitute a majority of the total membership of the Group (a community member is defined as someone who is not employed by an agency or authority to attend a meeting, and who does not represent the views of their employer at the meetings of the reference group).
- Members can be financial or non-financial members of the Association.
- South Coast NRM staff members facilitate and support the operations on the group, but are not members of the group.

##### **5.2 Expertise**

- Each member of the group should have expertise based on skills and an understanding of the diversity of the ecological, economic, and social components relevant to the Cultural Heritage Theme.

##### **5.3 Responsibilities of Reference Group Members**

- Attend group meetings and contribute fully to the Purpose and Objectives of the Aboriginal Reference Group as defined in the ToR.

- If unable to attend a group meeting, members should submit an apology and where possible, nominate a proxy (to the responsible officer) who is able to attend on their behalf. Nomination of proxies does not apply to community members.
- Act, at all times, ethically, morally, and in the best interest of South Coast NRM Inc.
- Read meeting papers in advance and prepare for issues under debate.
- Ensure community representation by communicating the direction, concerns and outcomes of their specific communities in an unbiased manner.
- Review and provide comment on any written or emailed material where appropriate.
- Declare any interest, whether actual or perceived, associated with discussion arising from the meeting agenda.
- Complete allocated action items by agreed dates.

#### **5.4 Review of Membership Composition**

On an annual basis, the chair of the group, with assistance of the responsible officer and the CEO of South Coast NRM, will review the group membership to ensure that the membership composition is appropriate. This should be done prior to the AGM of South Coast NRM to allow the membership of the group to be approved by the NRM Committee and noted by the Board.

#### **5.5 Appointment of Members**

- New members can be nominated by group members and appointed following recommendation by the group, approval by the NRM Committee and noted by the Board. The process of appointing the chair is defined in Section 5.6.
- New members will be provided with Terms of Reference, copies of the minutes of three previous meetings and a reference group induction pack.
- All members are to complete and sign the Conflict of Interest form and acknowledgement of the Terms of Reference.

#### **5.6 Chairing**

- One member of the group will be recommended by the group, endorsed by the NRM Committee and approved by the Board as chair.
- The nomination of the recommended chair will be a formal process where:
  - the incumbent chair stands down;
  - the responsible officer takes the role of presiding officer and calls for nominations from the floor for chair. Nominations do not have to be seconded. A member can nominate themselves;

- if there is more than one nomination, all those nominated leave the room and the presiding officer conducts a vote;
  - the person with the majority of votes is the recommended chair; and
  - the current chair retains the function of chair until the newly recommended chair is endorsed by the NRM Committee and approved by the Board.
- Another member will be recommended by the group as the deputy chair and appointed as per the process for the chair.
  - In the chair's absence, either the deputy chair or one of the group members nominated by the chair or elected by the other members of the group will act as chair.
  - The role of the chair is defined in the attachment (Roles and Responsibilities of the Chair, and Responsible Officer South Coast NRM Reference Groups) to the ToR and are reviewed annually.

### **5.7 Term of Office**

- The term of all members (including the chair) of the group will be one (1) year, commencing on or about the anniversary of the Association's AGM. A member may nominate to the chair or the responsible officer for further terms during the annual review process, or may choose to retire.
- Any member wishing to resign should give one month's notice to the chair and responsible officer.
- Any member failing to attend three consecutive meetings without leave of absence from the chair will be deemed to have retired and will be removed as a member.

### **5.8 Register of Reference Group Members**

An up to date membership of the group will be kept on the South Coast NRM Reference Groups Membership Register by the responsible officer. (W: Meetings\Reference Groups Membership Register.doc)

## **6. MEETINGS**

### **6.1 Frequency**

- The group shall meet a minimum of three (3) times per year and may meet more frequently if required.
- Extraordinary meetings to address specific items may be held at the call of the chair.

### **6.2 Agenda and Notice**

- An agenda is to be prepared for meetings with relevant issues, papers attached, and distributed to members preferably at least 48 hours prior to the meetings.

- Agenda items may be considered out of session by electronic or other means and should be minuted at the next meeting.

### **6.3 Quorum**

There shall be a quorum of five (5) group members (or their proxy).

### **6.4 Observers**

At the invitation of the chair and responsible officer, observers may attend, and may or may not have speaking rights. (*See Attachment 1: Meetings Protocol – Observers*)

### **6.5 Pecuniary Interest and Conflict of Interest**

Any member of the group with a pecuniary interest or conflict of interest (*as per South Coast NRM PGV 003 – Conflict of Interest, Board, Committees, Reference Groups policy*) in any matter being considered by the group must advise the other group members of the existence of that pecuniary interest or conflict at the earliest possible opportunity.

All stated conflicts of interest are to be registered on the South Coast NRM Declarations Conflict of Interest Register by the responsible officer. (W: Meetings\Declarations\_Conflict of Interest Register.doc)

### **6.6 Minutes of Group Meetings**

- Reference group meeting minutes will be approved by the chair and kept on file once they are resolved by the group to be a true and accurate record.
- Reference group meeting minutes will be presented to the NRM Committee as part of the Reference group's minutes and action items section of the NRM Committee meeting agenda.

### **6.7 Resolutions**

- Any matters arising at a meeting of the group must be determined by resolution by consensus of the members.
- Employees of South Coast NRM are excluded from the voting membership.

### **6.8 Responsible Officer**

- The Aboriginal Reference Group responsible officer is the South Coast NRM cultural program leader. The responsibilities are defined in the attachment (Roles and Responsibilities of the Chair, and Responsible Officer South Coast NRM Reference Groups) to the Terms of Reference. These are reviewed annually.
- South Coast NRM staff resources will be provided for the group.

## 7. SITTING FEES

Sitting fees and travel reimbursements apply to community members and are available as per *South Coast NRM Policy: PBS009 – Reimbursements and Allowances (Committees, Reference Groups) Policy*.

## 8. REVIEW AND EVALUATION

Before each Annual General Meeting of the Association, the group will undertake a formal review of its membership and effectiveness and shall include a review of this Terms of Reference.

## 9. CONFLICT/GRIEVANCE RESOLUTION

Where there is a conflict or personal grievance situation between reference group members and/or South Coast NRM staff the reference group members involved should follow the steps laid out in South Coast NRM policy *PHR 005 - Personal Grievance*.

This includes:

1. Attempt to resolve the grievance yourself.
2. Discuss the issue with the Reference Group chair and/or the responsible officer.
3. Bringing the issue to the attention of South Coast NRM's senior managers (CEO, business services manager or operations manager).

If the issue cannot be resolved using these steps, the issue will then be investigated as per the procedure in the policy and, if required, an external mediator may be engaged to assist.

**Date Approved:** June 2010  
**Date of Last Review:** 20 October 2016  
**Date of Next Review:** September 2017  
**Responsible Officer:** South Coast NRM Cultural Program Leader

## INTERPRETATION

In this document, unless the context, subject matter or circumstances indicate otherwise:

- **Group** means the Aboriginal Reference Group.
- **NRM Committee** means the Natural Resource Management Committee.
- **Board** means the South Coast Natural Resource Management Inc. Board of Management.
- **Association** means South Coast Natural Resource Management Inc.

*Attachment 1:*

## **OBSERVER PROTOCOL**

### **Definition**

An Observer (“Observer”) is an individual who is attending a group meeting or an Association Committee meeting (“Meeting”) as a guest and not as a member of the group or the Committee, as the case may be.

### **Observer’s Obligations**

An Observer is not entitled to participate in the proceeding of the Meeting. This means that an Observer, unless explicitly invited to do so during the Meeting by the chair, does not speak during the proceedings, or contribute to the discussions or the business of the Meeting.

If an Observer intervenes in the discussions or the business of a Meeting without an explicit invitation, he/she will be reminded of their obligations during the Meeting and asked to refrain from further contribution. If the behaviour continues, the Observer will be asked to leave the Meeting.

### **Approval for Observers to attend a Meeting**

Observers may only attend a Meeting after having been granted approval by the relevant chairperson.

### **Process for Request to Attend**

A request to attend a Meeting as an Observer shall not be unreasonably denied.

When a request to attend a Meeting as an Observer is received, the relevant chairperson will arrive at a prompt decision and inform the requester of the decision. At the same time, the relevant chairperson will also inform the requestor of their obligations during the Meeting and the issue of confidentiality.

The attendance of Observers will be recorded in the minutes of the Meeting.

### **Confidentiality**

Observers are required to demonstrate professionalism and therefore maintain confidentiality with respect to any discussions that take place within a Meeting, and must agree, prior to receiving approval to attend the Meeting, not to share the contents of the Meeting discussions with others. Any Observer violating confidentiality may be banned from attending future Meetings.

Observers will be required to withdraw from the Meeting at the request of the relevant chairperson and for items of reserved and confidential business that may present a conflict of interest to the individual.

*Attachment 2:*

**ROLES AND RESPONSIBILITIES:****CHAIR AND RESPONSIBLE OFFICER OF SOUTH COAST NRM REFERENCE GROUPS**

To facilitate the smooth and effective management of South Coast NRM reference groups it is important that the chair and responsible officer develop an effective working relationship. To assist this, the following summary of the responsibilities of the chair and responsible officer have been developed.

**Responsibilities of the Chair**

The chairs of South Coast NRM reference groups are appointed after recommendation from the group, endorsement by the NRM Committee and approval by the Board (see 5.6 of Reference group Terms of Reference (ToR)).

Key roles and responsibilities of the chair of a South Coast NRM reference group are

- meet with (either physically or by phone) the responsible officer at least seven days before the reference group meeting to be briefed and review the draft agenda including providing advice on any additional items that can be added prior to the agenda being finalised;
- chair the reference group meetings ensuring the agenda items are discussed, resolved/endorsed as a priority and that all reference group members can actively participate in the meetings;
- review the draft meeting minutes within seven days and provide feedback to the responsible officer before they are distributed to reference group members;
- represent the reference group on the NRM Committee ensuring any recommendations or identified issues from the reference group meetings are reported and/or raised;
- on an annual basis, assist the responsible officer to review the group membership to ensure that the membership composition is appropriate. This should be done prior to the AGM of South Coast NRM to allow the membership of the group to be approved by the NRM Committee and noted by the Board (see 5.4 of ToR); and
- where requested by and approved by the CEO, assist with providing comments to the media on issues of interest to the reference group.

**Responsibilities of the Responsible Officer**

The responsibilities of the responsible officer for each reference group are as follows:

- responsible for producing, coordinating and distributing reports to the group members at least one week prior to meeting ;
- responsible for coordinating attendance of South Coast NRM staff (as required) at meetings;
- responsible, in consultation with the chair, for the preparation and circulation of the agenda for Aboriginal Reference Group meetings;
- booking meeting facilities (all meetings to be held at South Coast Albany Office unless otherwise approved by the CEO) and catering;



- organising guest speakers as agreed by the group preferably at the previous meeting;
- actively support the chair to ensure meetings remain on topic and time by acting as a “time keeper” and prompt the chair as needed; and,
- responsible, in consultation with the chair, for preparing and reviewing minutes of ARG meetings.