

## FIRST PEOPLES ADVISORY COMMITTEE - TERMS OF REFERENCE

<b>Intent</b>	Governance and procedures for the management of the First Peoples Advisory Committee.
<b>Scope</b>	Scope of policy covers all activities related to the management of the First Peoples Advisory Committee only.

### PROVISIONS

#### 1. INTRODUCTION

The First Peoples Advisory Committee (FPAC) is a forum that brings together First Peoples and the Cairns Regional Council (CRC). CRC wishes to ensure that First Peoples voices have the opportunity to be heard and considered by Council. In the spirit of Reconciliation and through our commitments in the CRC Reconciliation Action Plan (RAP), CRC facilitates the First Peoples Advisory Committee.

FPAC may use its expertise and local knowledge to provide feedback to CRC in relation to matters as described in this document.

#### 2. BACKGROUND

Cairns Regional Council is unique in the number of Traditional Custodian groups that reside within our local government footprint. Cairns is also home for many First Peoples from other areas of Queensland and communities across Australia, both Aboriginal and Torres Strait Islander.

CRC established its first Aboriginal and Torres Strait Islander focused advisory committee in February 2009 (formerly named the Indigenous Advisory Committee). The committee was renamed in August 2012 to the First Peoples Advisory Committee (FPAC). Since then the function of FPAC and its relationship to CRC has evolved and matured. FPAC is governed by the FPAC Terms of Reference, which sets out the procedures within which FPAC operates.

#### 3. AIMS AND OBJECTIVES

##### 3.1 AIM

The First Peoples Advisory Committee is a conduit for the voice of local First Peoples to be heard and considered by CRC.

##### 3.2 OBJECTIVES

1. Provide advice to CRC on matters relating to the CRC Reconciliation Action Plan (RAP) as well as assisting the development and implementation of the RAP through FPAC membership on the RAP Working Group
2. Provide advice to CRC on matters of relevant policy, projects and initiatives
3. Provide advice to CRC on relevant economic, social, cultural and environmental matters
4. Provide advice to CRC on emerging issues impacting the First Peoples community in the CRC Local Government Area
5. Assist Council to increase awareness and respect of First Peoples culture and contributions both within CRC and in the wider community

#### 4. MEMBERSHIP

Membership of FPAC is separated into two groups: voting members and non-voting participants. To support the principles of First Peoples self-determination, participating CRC staff, Councillors and Guest Presenters do not have voting rights. Members, who do have voting rights, must be recognised members of the First Peoples communities within the CRC Local Government Area. Below is the title, role, responsibility and appointment process for each membership type.

#### 4.1 VOTING MEMBERS

**Title: Chair (1)**

**Role:** Guides the meeting and ensures they are conducted in good governance. The position is in a paid capacity.

**Responsibilities:**

- Ensures FPAC operates as an inclusive, well-functioning and effective group, and that members abide by the Code of Conduct (item 4.3)
- Facilitates the Yarning Circle model as described in item 5.2, ensures discussions are inclusive of all members, reaches a consensus where possible, summarises the agenda item discussion points and states the action and/or recommendations to CRC arising
- Supports agenda development and attends pre-meeting briefing sessions
- Acts as the spokesperson for FPAC (refer to items 6.2 and 6.3)
- Can vote and is a member of the Quorum

**Appointment:** The position of Chair will be appointed by CRC via the duties as per the Position Description for CRC's Cultural Advisor. This role must be filled by a person that identifies and is recognised by the community as First Peoples and lives in the CRC local government area.

**Term:** For the duration of their contract as the Cultural Advisor.

**Title: Community Members (10)**

**Role:** Represent the diversity of First Peoples communities across the CRC Local Government Area and provide advice to CRC and advocate on behalf of community. The Position is in a volunteer capacity.

**Responsibilities:**

- Are required to demonstrate due diligence by their preparation for, attendance at and participation in FPAC meetings
- Raise Agenda items for CRC's consideration through the Chair, either prior to meetings or under "Other Business" at the meeting (refer item 5.3)
- Can nominate an acting Chair from the group of FPAC Community Members present if the designated Chair is unavailable for a meeting
- Can make recommendations, vote and are members of the Quorum
- Communicates with Council and participates in information sharing opportunities and requests for feedback from Council outside of meetings as required

**Appointment:** Positions are managed by CRC via an Expression of Interest process and is guided by the following eligibility and selection criteria:

**Eligibility:**

- Is recognised and accepted as a member of the First Peoples communities in the CRC Local Government Area
- Is a permanent resident within the CRC Local Government Area during their term of membership

**Selection Criteria:**

- Have demonstrated strong community links
- Can articulate and represent First Peoples with an understanding of the issues to be addressed by the committee as listed in item 3.2 (Objectives)
- Is committed to work in partnership with fellow FPAC members and CRC to achieve successful and productive outcomes

CRC endeavours to include a range of representation, including but not limited to:

- Local Traditional Custodians
- Other First Peoples residents
- Intersectional representation including balances across age, people with a disability and gender

Calls for membership (or replacement of members) of the FPAC will be by public advertisement. CRC shall appoint FPAC members based on their skills, expertise,

knowledge and abilities. It is important that the membership as a whole has sufficient breadth of knowledge, experience and skills to represent the needs and aspirations of the CRC Local Government Area communities.

**Term:** FPAC membership will be for four years in line with item 5.7.

#### 4.2 NON-VOTING PARTICIPANTS

**Title: Council Officers, including:**

- CEO
- Director Lifestyle and Community
- Executive Manager Community Life
- Coordinator Community Resilience
- Team Leader Community Support
- Community Services Officer – First Peoples
- Administration Officer- Community Life

**Role:** Facilitate meetings by providing administrative and governance support.

**Responsibilities:**

- Agenda, minutes and six-monthly progress reports
- Meeting venue and catering
- Participation in meeting discussions and provision of information as required by Voting Members
- Listening to feedback and advice from Community Members and action where appropriate
- Manage actions and recommendations arising from the meeting as per the process listed in item 6.3
- Determine the scope of the Terms of Reference
- Are not members of the Quorum and do not vote
- The Community Services Officer - First Peoples will be the main CRC contact providing support and advice to FPAC outside of and during meetings

**Appointment:** These positions are managed by CRC's recruitment processes.

**Term:** Ongoing.

**Title: Councillors**

**Role:** Attends meetings as observers and act as the bridging link between Council and FPAC.

**Responsibilities:**

- Listens to the advice and feedback provided by Voting Members
- Can speak to recommendations that are presented to CRC for consideration from FPAC
- Are not members of the Quorum and do not vote
- Appointment: All Councillors are welcome/invited to attend

**Term:** N/A.

**Title: Guest Presenters**

**Role:** Present to FPAC for the purpose of consultation.

**Responsibilities:**

- Follow the FPAC Consultation Procedure as outlined in Annexure 1
- Leave the meeting once their presentation is completed unless expressly invited to stay by the Chair
- Are not members of the Quorum and do not vote

**Appointment:** As per the process as outlined in item 5.5.

#### 4.3 CODE OF CONDUCT

Members of the FPAC are to adhere to CRC's Code of Conduct Administration Instruction at all times. Failure to adhere to the Code of Conduct shall result in termination of membership from FPAC. The Code of Conduct will be forwarded by CRC to all new Community Members as part of their induction to FPAC.

FPAC Voting Members are required to act impartially and represent the interests of the broader community above their personal interests. Whilst Voting Members have a role in providing

specific community, sectoral and/or service provider opinions, the FPAC must strive to meet the needs and aspirations of the whole community in an unbiased and objective manner.

It is expected that Voting Members attend a minimum of four meetings per year. If a member is finding this commitment to the FPAC difficult to meet, CRC may advise them to step down from their role. If a Voting Member fails to RSVP to two consecutive meetings CRC may terminate their membership. CRC retains the right to appoint additional Voting Members should the need arise during the term of council.

#### **4.4 RAPWG MEMBERSHIP**

Two positions are allocated on CRC's internal Reconciliation Action Plan Working Group (RAPWG) for FPAC Voting Members. One position will be filled by the FPAC Chair who will attend RAPWG meetings as part of their role as the Cultural Advisor. FPAC Voting Members will be asked to nominate for the second position, with nominations to be accepted at the discretion of CRC. A third "reserve member" to the RAPWG may also be nominated if either of the nominated members are unavailable. Their role is to provide feedback, advice and monitoring of CRC's RAP as outlined in item 3.2.1.

## **5. ADMINISTRATION**

### **5.1 MEETING FREQUENCY/TIME/LOCATION**

FPAC will meet six times a year on a bi-monthly basis in line with an annual schedule agreed by FPAC. Additional meetings can be called if required to deal with specific issues or agenda items. Subcommittees may be established to address specific emergent issues as required. Invites to meetings are managed via email calendar invites from CRC.

Meetings will be scheduled for two hours; however they may take more or less time depending on the agenda.

FPAC meetings will be regularly hosted at CRC Offices, 119 - 145 Spence Street, however, can be convened at other venues as agreed. Options to attend virtually will also be offered.

### **5.2 MEETING STYLE**

As part of implementing culturally responsive and appropriate engagement, FPAC will be guided by a 'Yarning Circle' model, which is a traditional information sharing and learning approach. Indigenous 'Yarning' is an informal style of conversation that is culturally inclusive and distributes power equally among participants.

### **5.3 AGENDA DEVELOPMENT**

The Agenda for FPAC meetings will be developed by CRC, in collaboration with the Chair and Voting Members. Through the Chair, CRC will send out a request for Agenda items two weeks prior to the meeting date. CRC will send out the Agenda no later than a week before the scheduled meeting, to allow enough time for Voting Members to read through the supporting information and prepare appropriately for the meeting. Additional support is provided through use of Briefing Sheets. These Briefing Sheets will accompany an agenda item to provide clear indication to Voting Members on what is being requested.

Structured agenda items will guide meeting focus and intent, and will be selected based on:

- Relevance to the objectives set out in item 3.2 of the Terms of Reference
- First Peoples events, programs and initiatives
- Community engagement and consultation; and
- Relevant CRC business as identified by CRC and Chair

### **5.4 MINUTES**

The minutes of the meeting are taken by a Council officer. These will be distributed no later than a week post-meeting via email to all Voting and Non-Voting Members with a request for feedback. These minutes will be subject to acceptance at the following meeting.

All meeting minutes will be placed on CRC's website to ensure transparency with the community.

### **5.5 CONSULTATION**

Other areas of CRC and external organisations may request to consult with FPAC. In these instances, the FPAC Consultation Procedure as per Annexure 1 will be implemented to determine the intent and relevance to section 3.2.

Requests to consult with FPAC should be made with as much notice as possible. If a requestor is unable to complete the steps outlined in the FPAC Consultation Procedure to the satisfaction of the Council Officer, they will not be allocated a place on the Agenda.

## **5.6 REPORTING**

A CRC report will be compiled by Officers in consultation with the Chair and FPAC on a six-monthly basis to provide an update on the FPAC's progress to Council. This report will include the minutes from the meetings of the FPAC that have occurred in that six months, and highlight key discussions, membership and attendance, any recommendations made for CRC's consideration and possible endorsement and other matters as deemed relevant by the Director Lifestyle and Community.

## **5.7 PERFORMANCE INDICATORS**

- Appropriate representation from Community Members as described in item 4.1
- At least six meetings held each year
- Quorum is achieved at all meetings
- FPAC representation on council's RAPWG
- FPAC specific RAP actions completed
- Annual review of recommendations made by FPAC to ensure they are relevant to the Objectives in item 3.2. End of term evaluation survey conducted with Community Members.

## **5.8 TERM OF COMMITTEE**

The term of Community Members shall be for four years, in a staggered arrangement. Half of the Community Member terms will conclude at the completion of the second year of a Council term and the other half concluding at the end of a Council term in year four. This enables opportunities for new Community Members to be involved in FPAC every two years.

The term of the Chair will be in line with the duration of the Cultural Advisor contract.

CRC reserves the right to dissolve the committee at any time.

# **6. GOVERNANCE**

## **6.1 QUORUM**

The quorum for FPAC applies to Voting Members only. In line with State Government standards, the quorum is set at half of the total number of voting members, plus one. With voting membership capped at 11, FPAC's quorum is set at six.

If six voting members are not in attendance at a meeting, it cannot formally proceed and will be considered an informal meeting during which recommendations cannot be made by FPAC. Members can request that draft recommendations from a non-quorum meeting be formally considered at the next meeting where a quorum is achieved.

## **6.2 EXTENT OF AUTHORITY**

FPAC Members have an advisory role only. FPAC Members do not have authority to:

- Expend money or non-financial resources on behalf of Council
- Speak on behalf of Council
- Speak on behalf of the FPAC (refer to item 6.5)
- Commit CRC to any arrangement
- Consider any matters outside its area of reference
- Direct Council officers in the performance of their duties
- Make decisions on behalf of CRC

The FPAC has the authority to make recommendations to CRC as outlined below.

## **6.3 ACTIONS AND RECOMMENDATIONS**

Advice provided to CRC by Voting Members will be represented in the minutes as either actions or recommendations.

An action describes advice, feedback or requests that can be managed within CRC's usual business.

A recommendation describes advice, feedback or requests that may not be considered within CRC's usual business. Voting Members can bring a recommendation to the attention of CRC for their consideration and possible adoption. The governance process for recommendations is as follows:

1. FPAC Voting Members discuss the draft recommendation and agree on the wording. The Chair then requests members to vote, noting that there must be a Quorum present for the recommendation to be formally accepted.
2. The recommendation is noted in the meeting minutes. There are two ways the recommendation may go to CRC for consideration:
  - Via the six-monthly report to CRC
  - If the matter is considered urgent, CRC officers may consider writing a stand-alone report to CRC on the matter
3. CRC then decides if they adopt the recommendation or not. CRC's decision and rationale will be communicated back to the FPAC after the CRC decision has been made, via the Chair
4. If the recommendation is adopted by CRC then the relevant CRC officers will action appropriately

CRC is committed to a transparent process to ensure First Peoples voices are captured and heard by the elected CRC via the mechanisms of the FPAC. However, any advice from the Voting Members is non-binding and the adoption of recommendations are at the discretion of CRC. Voting Members must respect and abide by any subsequent decision of CRC.

#### **6.4 REGISTER OF ACTIONS AND RECOMMENDATIONS**

CRC will maintain a record of all actions and recommendations arising from FPAC meetings and commits to reporting back on progress made against completing them at the start of each new meeting.

#### **6.5 MEDIA**

All communication with the media will be undertaken by CRC unless otherwise approved by the Director or delegate. FPAC members must refrain from making any public comment or issuing any information, in any form, concerning the FPAC or matters of interest to the FPAC without the authority of CRC. FPAC members must at all times act in the best interests of CRC.

#### **6.6 CONFLICT OF INTEREST**

It is the obligation of all Members and participants to identify and declare any conflicts of interest and act accordingly, complying with accepted community expectations and standards, or as directed by the CEO's delegate on the FPAC, being the Director Lifestyle and Community.

#### **6.7 CONFIDENTIALITY**

All matters discussed at FPAC meetings together with all material provided to members of the FPAC is for the purposes of informed discussion and debate at the meeting. It is not for public release unless directed by the Chair for the purposes of sector or community engagement.

All matters discussed by the FPAC will be in accordance with the requirements of the Privacy Act 1988 (Cth), the Information Privacy Act 2009 (QLD) and the Right to Information Act 2009 (QLD). The views of other FPAC members will be treated with respect will not be discussed with external parties.

#### **6.8 REVIEW**

This Terms of Reference will be reviewed at the end of each Council term. However CRC may choose to review and update the document at any time, as required.

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**This policy is to remain in force until otherwise determined by Council.**

**Director Responsible for Review:**

**Lifestyle and Community**

ORIGINALLY ADOPTED: 07/12/2011  
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REVOKED/SUPERSEDED:



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**Mica Martin**  
**CHIEF EXECUTIVE OFFICER**