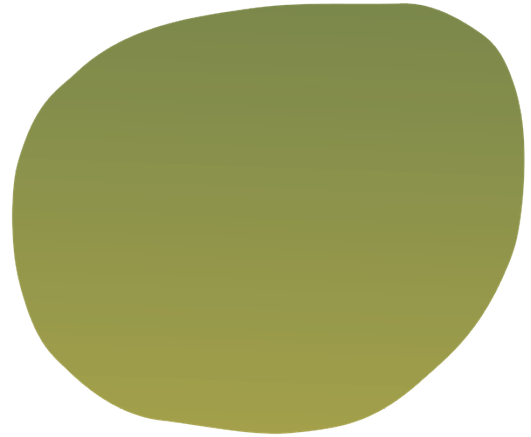




**Tasmanian Aboriginal  
Heritage Council**



# CHARTER

March 2024



[www.aboriginalheritage.tas.gov.au/council](http://www.aboriginalheritage.tas.gov.au/council)

# Council Charter

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## ACRONYMS

AHC	Aboriginal Heritage Council (“the Council”)
AHT	Aboriginal Heritage Tasmania
DPAC	Department of Premier and Cabinet (“the Department”)
JRA	Job Risk Analysis
MoU	Memorandum of Understanding
TWWHA	Tasmanian Wilderness World Heritage Area

## LEGISLATION

*Aboriginal Heritage Act 1975* (“the Act”)

## APPLICATION

- This *Council Charter* provides definition and clarification on the Council’s role and operations, as a guide for members, Aboriginal Heritage Tasmania (AHT) staff and stakeholders. It describes key member responsibilities established by the Act and other duties as required.
- The *Council Charter* is owned by, and applicable to, all members of the Council. All Council members are expected to read and acknowledge the *Charter*, which is signed on behalf of all members by the Chairperson.
- The Memorandum of Understanding (MoU) section defines the principles, roles and relationships that guide engagement, collaboration and service provision between the Council and AHT, within the Department of Premier and Cabinet (the Department).
- This *Council Charter* does not apply to the staff of AHT. Their activities are governed by the *State Service Act 2000*, its principles and Code of Conduct, and any Departmental or managerial directives.
- The *Council Charter* is reviewed annually.
- The Chairperson and the Director, AHT are responsible for monitoring adherence.

Date Original Document Approved:	22 March 2024
Date Revisions Endorsed by AHC:	9 February 2024
Date Review Scheduled:	February 2025



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Chairperson, Aboriginal Heritage Council

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# 1. MEMORANDUM OF UNDERSTANDING WITH AHT

## ENTITIES

### Aboriginal Heritage Council

- The Council is a statutory body established under the *Aboriginal Heritage Act 1975* (the Act).
- It is the role of the Council to provide advice and recommendations on matters of Aboriginal cultural heritage values management to the Director of National Parks and Wildlife and the Minister for Aboriginal Affairs, to support the effective administration and implementation of the Act.

### Aboriginal Heritage Tasmania

- AHT is a branch within the Department and is managed by the Director, AHT.
- It is the role of AHT to support the Council to make informed decisions and perform its functions under the Act through the provision of executive support.

## RELATIONSHIP GUIDING PRINCIPLES

- Council members and Department staff will work together respectfully and collaboratively to support the effective administration and implementation of the Act.
- Council members are not employees of the Department under the *State Service Act 2000*, however the Department has responsibilities under the *Work Health and Safety Act 2012* to the Tasmanian Government Boards and Committees that DPAC administers.
- The Chairperson will, on behalf of the Council, act as the key contact point for Department staff, and will work collaboratively with the Department on strategic and contentious issues.
- The Chairperson and Council members cannot direct Department staff or commit Department resources outside the scope of executive support detailed in the *Council Charter* without the prior approval of the Director, AHT.
- AHT staff cannot be Council members and do not have voting rights in Council meetings.
- The Director, AHT and Executive Officer will attend all Council Meetings. AHT managers and staff may attend Council meetings and other forums as presenters, observers or to answer questions.
- The Director, AHT is responsible for ensuring the Council is appropriately supported by, and connected with AHT, including engaging the Chairperson with respect to operational or strategic matters within AHT or the Department related to Council scope and priorities.

## Signatures



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Rodney Dillon  
**Chairperson, Aboriginal Heritage Council**



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Rachael Alderman  
**Acting Director, Aboriginal Heritage Tasmania**

**Date** 22 March 2024

**Date** 22 March 2024

## 2. THE COUNCIL

### SCOPE

- The statutory scope of the Council is defined under the Act.

Specifically, the Council shall (see s(3)ss(2)):

- (a) make recommendations to the Minister for Aboriginal Affairs on any matter in respect of which this Act provides for its making recommendations to the Minister;
- (ab) advise, and make written recommendations to, the Minister in relation to any object, site or place alleged to be a relic under this Act;
- (b) advise, and make recommendations to, the Minister on such other matters in relation to the administration of this Act as it thinks fit;
- (c) make recommendations to the Director <sup>1</sup>on any matter in respect of which this Act provides for its making recommendations; and
- (d) if requested by the Director, advise, and make recommendations in respect of any other matter relating to the exercise of the Director's functions under this Act.

In support of these actions:

- (2A) For the purposes of providing advice, and making written recommendations, to the Minister under subsection (2)(ab), the Council is to seek information, or professional or expert advice, from any person or body the Council believes on reasonable grounds to have expertise in relation to the matters concerned.
  - (3) Without prejudice to the generality of the provisions of subsection (2) , where the Minister refers to the Council any matter related to the administration of this Act or the Director refers to it any matter related to the exercise of their functions under this Act, the Council shall consider that matter as soon as practicable and make a report thereon to the Minister or Director with such recommendations as it may consider appropriate in the circumstances.
  - (4) Subject to this Act, the Minister may make arrangements to render available to the Council such accommodation and assistance as it may require.
  - (5) The Director shall furnish the Council with such information as it may require and is reasonably available in connection with the exercise of the Director's functions under this Act.
  - (6) In performing its functions under this Act, the Council, where it is appropriate and practicable to do so, is to consult with the Aboriginal people of Tasmania.
- Examples of the type of work undertaken by the Council may include the provision of advice and recommendations to the Minister, to AHT (in its fulfilment of Government duties), to the Director of National Parks or other Government entity regarding:
    - relevant legislation, policy and procedures;
    - the management and protection of Aboriginal cultural heritage information;
    - matters including land management and permit applications for development proposals;
    - Aboriginal cultural heritage values within the Tasmanian Wilderness World Heritage Area (TWWHA);
    - the interpretation and presentation of Aboriginal cultural heritage values; and
    - promoting awareness, understanding and education of Aboriginal cultural heritage.

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<sup>1</sup> In the context of the Scope, the title of "Director" refers to the Director of National Parks and Wildlife, i.e. the Secretary of the Department of Primary Industries, Parks, Water and Environment.

## **ROLE AND RESPONSIBILITIES: CHAIRPERSON**

- The Minister for Aboriginal Affairs appoints one Council member to be Chairperson.
- A Deputy Chairperson (non-statutory position) is determined by the Council. In the absence of the Chairperson, the Deputy Chairperson will act as their delegate.
- The role of the Chairperson is outlined in the MoU.
- Responsibilities of the Chairperson are to:
  - presiding over the Council and Council meetings;
  - representing and making public statements on behalf of the Council;
  - acting as the key contact point with AHT staff on behalf of the Council;
  - ensure Council business is conducted impartially, effectively and in accordance with good governance principles;
  - identify and ensure confidential information is managed appropriately;
  - declare the results of all Council votes;
  - report to the Council on any business conducted by the Chairperson on behalf of the Council; and
  - carry out any other functions authorised by the Council, within its scope under the Act.

## **ROLE AND RESPONSIBILITIES: COUNCIL MEMBERS**

- All members have an active role in the operation of the Council consistent with the Act.
- Specific responsibilities of Council members include, but are not limited to:
  - Read and comply with AHC Charter;
  - exercising due care, diligence and acting in good faith;
  - dedicating sufficient time to carry out the role effectively, including preparation for meetings and allowing one full day per month to attend meetings;
  - allowing time for out-of-session business as required (limited);
  - actively participating in meetings;
  - acting on Council duties in a timely manner and with due diligence;
  - if unable to attend meetings in person ensuring access to reliable internet and appropriate IT resources to attend remotely;
  - taking an organised approach to the role;
  - using initiative and creativity to complete allocated tasks and take responsibility for completion of tasks;
  - participating in evidenced-based, impartial decision-making in the best interests of Tasmania's Aboriginal cultural heritage values;
  - complying with and representing any decisions or policies of the Council, or delegated authority; and
  - treating all with respect and without harassment, victimisation or discrimination.

## **SUB-COMMITTEES**

- The Council may form sub-committees to provide advice or recommendations to the Council on specific matters.
- Responsibility for and endorsement of advice and recommendations remains with the Council.

## **EXECUTIVE SUPPORT**

- AHT provides support to the Council, via a dedicated Executive Officer.
- This support includes general secretariat and administrative functions, as relevant to the purpose and scope of the Council, including:
  - information, advice and recommendations;
  - primary contact for the Council and administration of the Council's email account;
  - record keeping and preparation of outgoing correspondence from the Council in relation to Council business and functions as per the Act;
  - development of an annual meeting schedule;
  - web publishing and maintenance of the Council's website;
  - monitoring the media for items of interest and circulation to Council members;
  - logistics and associated activities for Council meetings (i.e. preparation of meeting papers, liaison with invited guests, recording of minutes, catering etc.); and
  - assistance with travel, accommodation and reimbursements.
- AHT provides executive support to Council sub-committees with the agreement of AHT Director and Chairperson.
- AHT support Chair (or nominated representative) to attend other events or duties outside of meetings, if acting on behalf of Council.
- Please refer to the MoU between the Council and AHT for detail on the relationships of the Council and AHT.

## **INFORMATION MANAGEMENT**

- Council documents will be managed as business records and will be subject to the Department's Record and [Information Management Policy & Guidelines](#).

## 3. MEMBERSHIP

### Composition and term

- The Council consists of up to ten (10) members.
- Council members are appointed for a term of up to three (3) years. They may be appointed for a further term.

### Appointment

- Council members are appointed by the Governor of Tasmania, on the recommendation of the Minister for Aboriginal Affairs.
- The appointment of Council members is coordinated for the Minister for Aboriginal Affairs by the Department.

### Selection

- A Council member must be an Aboriginal person who is eligible under the Tasmanian Government's Policy on *Eligibility for Aboriginal and Torres Strait Islander Specific Programs and Services*.
- Attributes considered in the selection of members include:
  1. Knowledge and expertise relating to one or more of the below:
    - a. Tasmanian Aboriginal cultural heritage (particularly Aboriginal cultural heritage management).
    - b. Aboriginal cultural values presentation and interpretation.
    - c. Understanding of relevant legislation and associated regulatory and assessment processes.
    - d. Governance experience.
  2. An understanding of and capacity to represent the aspirations, key issues and challenges affecting Aboriginal people in Tasmania.
  3. Interpersonal and communication skills, including:
    - a. the capacity to provide recommendations and advice on complex issues, as part of a team; and
    - b. as part of the Council, the ability to liaise effectively with senior Government staff, including the Director of National Parks and Wildlife, the Minister for Aboriginal Affairs, specialists, and stakeholders, and negotiate satisfactory outcomes.
- All other Council membership arrangements are either defined by the Act, *the Acts Interpretation Act 1931*, the *Tasmanian Government Board Fee Policy*, the *Aboriginal Heritage Council Sizing Statement*, the *Instrument of Appointment* or relevant Council, Department or State Government policy.

### Induction

- New Council members will be provided with an induction package prior to attending their first Council meeting. Members can request a briefing from the Executive Officer and AHT for further clarification regarding Council processes.

### Vacancies

- A Council member vacates office if they:
  - resign by written notice to the Governor of Tasmania; or



- have reached the end of their term and are not reappointed; or
- are removed from office by the Governor of Tasmania.
- A Council member may be removed from office by the Governor of Tasmania, on the recommendation of the Minister for Aboriginal Affairs, if they:
  - are absent from three (3) consecutive meetings of the Council without the approval of the Chairperson;
  - have benefited from, or claimed to be entitled to benefit from, any agreement or arrangement made by or on behalf of the Council (unless the benefit to the member is the same as that received by non-members in the same situation);
  - become bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with creditors or makes an assignment of any remuneration or estate for their benefit;
  - are convicted of an offence under the Act;
  - cease to permanently reside in Tasmania;
  - are unable to perform adequately or competently the duties of office to the satisfaction of the Minister; or
  - for any other just cause or excuse.

## ATTENDANCE

### Remote attendance

- Attendance in person is preferred, however if this is not possible or safe to do so, Council members may attend and participate in meetings via video or telephone conferencing facilities (including where long distances are involved, and the weather conditions are poor, personal fatigue is evident or other factors mean it would be unsafe to travel).
- Members attending via video conference facilities should have their camera on during meeting sessions.

### Absences

- Council members are expected to attend meetings.
- Where a Council member is unavailable, they must seek a leave of absence or provide their apology to the Chairperson (with cc to the Executive Officer), to determine:
  - Whether a quorum will be reached at the meeting for decision making; and
  - Whether the apology is legitimate or should be recorded as an absence;
- Failure to attend three (3) consecutive meetings without the approval of the Chairperson, may be grounds for removal from office.
- A record of Council members' attendance at the meetings is kept by the Executive Officer.

## MEMBERS' CODE OF CONDUCT

- The following Code of Conduct is a statement of the standard of behaviour that should be demonstrated by members of the Council, and which the community can expect to be demonstrated, when they are carrying out their roles and functions.
- This Code:
  - gives a clear understanding of how members will behave in their dealings with each other, staff of AHT and the community;
  - ensures that public interest will always have priority over member's private interests;

- promotes fair, objective, transparent and informed decision-making; and
- demonstrates the integrity and impartiality to be exercised by the Council.

### **Code Principles and Objects**

- Each member of the Council is committed to: -
  - complying with the MoU agreement between the Council and AHT and supporting documents;
  - behaving honestly and with integrity in exercising their role;
  - acting with care, diligence and in the best interests of the Council in the course of their duties;
  - acting on matters within their delegated responsibility and powers under the Act;
  - treating everyone with respect and without harassment, victimisation or discrimination;
  - considering all views, being informed and avoiding any predetermination of matters in the decision-making processes of the Council;
  - complying with and representing any decisions or policies of the Council;
  - maintaining appropriate confidentiality about dealings and information acquired in the course of their role;
  - taking reasonable steps to avoid any conflict of interest in connection with their role on the Council;
  - maintaining impartiality and acting in the best interests of Tasmania's Aboriginal cultural heritage values;
  - resolving conflicts and actively participating in grievance procedures where a facilitated outcome is required;
  - not knowingly providing false or misleading information in connection with their role on the Council;
  - not making improper use of Government resources, information gained in the course of their role or any role function, power or authority provided by the Council in order to gain, or seek to gain, a gift, benefit or advantage for them or for any other person;
  - declaring any gift received in the course of his or her employment or in relation to their role on the Council; and
  - at all times behaving in a way that does not adversely affect the integrity and good reputation of the Council.
- The Chairperson and the Director, AHT are responsible for oversight of compliance with the Code. The Chairperson may impose one or more of the following sanctions on the respondent member:
  - a reprimand;
  - a requirement to apologise to a person affected by the failure to comply with the Code of Conduct;
  - a requirement to attend counselling or a training course.

### **CONFIDENTIALITY**

- Strong confidentiality protocols enable full and free disclosure and discussion of relevant matters.
- A member must maintain appropriate confidentiality about dealings of, and information acquired by, the member in the course of their duties.
- Members are required to sign and adhere to the requirements of the *Confidentiality and Conflict of Interest Declaration* included in their induction, after reading the Instrument of Appointment and Council Charter.

- This serves as evidence that members have read and understood the requirements and agree to be bound by the conditions.
- It is the responsibility of the Chairperson to determine whether information is publicly available or whether it is of a confidential nature. Caution should be exercised with commercial-in-confidence information, draft documents or other sensitive material contained in agenda items or other Council business. Members will be informed when material is not be discussed outside the Council.

## **REMUNERATION AND REIMBURSEMENT OF EXPENSES**

- Members of the Council and its sub-committees, working groups and other forums are not employees under the *State Service Act 2000*.
- Remuneration is paid in accordance with the Department of Premier and Cabinet's *Tasmanian Government Board Policy*, the *Aboriginal Heritage Council Sizing Statement* and Council members' *Instrument of Appointment*.
- The Chairperson and Council members are paid an annual fee, payable on a fortnightly basis by the Department, and are eligible for reimbursement of travel expenses.
- A Sizing Statement indicating the category and recommended fee for each Board is prepared by the Department of Premier and Cabinet (DPAC). The Council is sized as "E3 – Policy Review (Narrow)".
- Any queries regarding remuneration or payroll should be directed to the Executive Officer to action with the Department's Corporate and Culture Division.

### **Accommodation**

- Members who are required to travel more than 80 km to a meeting venue will be provided with overnight accommodation for up to a maximum of two nights per meeting day. Accommodation is organised and payment made by the Executive Officer.
- Members may advise the Executive Officer of their preferred accommodation; noting that the benchmark for reasonable accommodation costs is the standard government rate, currently \$176.
- If members prefer to organise and pay for their own accommodation, approval must be sought from AHT through the Executive Officer prior to any booking being made. Receipts must be retained for all claims.

### **Travel and expenses**

- Members who are required to travel more than 80 km to a meeting venue are entitled to claim the following meals:
  - up to two Dinner/Evening meals (night before the meeting and the night of the meeting);
  - up to two Breakfasts (day of the meeting and day after); and
  - up to two Lunches (day before and day after the meeting).
  - Alcohol is not included in meal costs and must be paid for separately by Council members. Mini-bar costs must be settled by the Council member.
- Meals and Incidental Expenses that are not charged to a members' place of accommodation are claimed on the member's behalf by the Executive Officer through DPAC's finance department by either:

- Claiming back the expenditure. Original receipts must accompany all claims. Any expenses without supporting receipts must be clearly explained through a Statutory Declaration. It is preferred that the amount spent on meals stays within the standard allowance amount.
- Claiming the standard allowance (Breakfast \$32.10, Lunch \$36.10, Dinner \$61.50).
- Kilometrage will be paid to any member whose attendance is recorded at a meeting, and who has travelled more than 80 kilometres to a meeting location. The Executive Officer will confirm the distance to be claimed and process the claim on the member's behalf through DPAC Corporate and Culture Division.
- The cost of childcare required for a member to attend a Council meeting is deemed to be within the normal scope of the role and therefore cannot be claimed. However, if there is a special meeting called which is outside of standard work duties, the Council member may claim for childcare expenses incurred from this meeting.
- After receiving receipts, the Executive Officer will complete reimbursement paperwork on the member's behalf, then emailed to the member for approval. It is the responsibility of Council members to ensure that all claims are completed correctly. Reimbursements are normally processed before the next meeting.

## **GIFTS, BENEFITS AND HOSPITALITY**

- Council members must not accept a gift, benefit or hospitality that causes a real, potential, or perceived conflict of interest.
- A polite refusal of an offer and the explanation that Council members are subject to a gifts, benefits or hospitality policy will avoid any perception of a conflict of interest where a gift, benefit or hospitality might have been provided otherwise.
- A gift, benefit or hospitality includes items that have a monetary value or privileges, offered by anyone other than the State Government in the course of its ordinary support of the Council's operations, including:
  - physical objects;
  - the conferring of a benefit;
  - honorary titles, degrees and awards;
  - loyalty points, purchasing incentives and exclusive discounts;
  - accommodation and travel expenses;
  - meals and invitations to any event where alcohol is served; or
  - mementos and modest refreshments accepted that over the course of 12 months would total \$150 or more.

### Exceptions to the policy:

- mementos including tokens of little intrinsic value or which recognise a Council member's contribution to a community event (e.g. as a speaker), such as badges, stationery, calendars, trophies, bottle of wine (reasonably priced) and confectionery;
- modest refreshments – snacks and non-alcoholic drinks not in conjunction with a meal;
- randomly drawn prizes open to a broad field of contestants (such as lucky door prizes) and publicly available discounts;
- gifts considered to be a cultural exchange, or where the gift is intended to be for the Council, rather than for you as an individual;
- gifts from your Council colleagues, except if it could cause an actual, perceived or potential conflict of interest with respect to internal decisions;
- internal to Council or State Government hosted functions approved by the Head of Agency; and

- travel at the expense of the Commonwealth or another State or Territory government.

#### **Procedure**

- If an offer of a gift, benefit or hospitality is received, it should be declined in the first instance.
- Should it not be possible to decline the offer, the Council member must complete the [Gift and Benefit Declaration Form](#) and provide it to the Chairperson\* for consideration – the Chairperson, in consultation with the Director, AHT, will determine if the gift, benefit or hospitality can be retained by the recipient.

*\* In the case of the Chairperson, the Form should be provided to the Director, AHT, and the Director will make the determination.*

#### **WORK HEALTH AND SAFETY (WHS)**

- Maintaining the health and safety of Council’s members and guests is the responsibility of the Department under the *Work Health and Safety Act 2012*. The Government is legally required to manage risks associated with Work Health and Safety.
- The Council maintains a risk assessment that identifies risks, hazards and controls relevant to the Council’s work context and is reviewed annually.
- Members wishing to report a hazard or incident (or near miss) should contact AHT. AHT will then provide the member with the Incident Reporting Form and/or support the member to submit the incident directly through the DPAC services portal.

#### **Vehicles**

- If Council members are travelling as part of Council business, government vehicles (rather than personal) should be used. The Executive Officer will arrange vehicle bookings.
- Council members must comply with the Department’s *Motor Vehicle Use Summary and Procedures* to drive a Department leased vehicle.

#### **ISSUE RESOLUTION**

- Members’ grievance matters are to be referred to the Chairperson and the Director, AHT.
- If further action is required, the Department’s [Complaint and Grievance Resolution Policy](#) will be followed.

## 4. MEETING PROCESSES

### Scheduling

- The Council meets on the last Friday of each month from 9am to 3pm. Exceptions are:
  - the December meeting is scheduled for the second or third Friday of December;
  - there is no meeting in January; and
  - public holidays are avoided where possible.
- Meeting dates are determined by the Council, with dates for the following year arranged by each October.
- The Chairperson may convene an additional meeting at any time and must convene a meeting when requested to do so in writing by two (2) or more Council members.

### Quorum

- The quorum for a meeting is a simple majority of total current Council membership.
- Decisions of the Council will not be transacted unless a quorum is present.
  - If a quorum exists at the beginning of a meeting and Council members leave the room during the meeting, causing the loss of quorum, no decisions can be made until the quorum is restored.

### Guests

- Meetings are closed to the public, however the Council (via the Chairperson) may invite other persons to attend meetings, or part thereof, to provide input into discussions.

## DISCLOSURE OF INTERESTS

- A member must disclose, and take reasonable steps to avoid, conflicts of interest.
- A conflict of interest exists where a member (or immediate family) has competing professional, personal or financial interests that would make it difficult or inconsistent for that member to fulfil their duties in the administration of the Act.
  - The Council acknowledges that all members have a personal interest in the protection of cultural heritage and are inherently conflicted when considering permits to cause impact.
- Conflicts of Interest may arise through other professional association or services commissioned to provide input into the assessment processes associated with permit applications. In such cases a written conflict of interest declaration must be presented to the Chairperson
- A conflict of interest may be real, potential or perceived. A member should not be in a position where their integrity or impartiality is called into question.
- A member must not be under any financial or other obligation to any individual or organisation that might reasonably be thought to have influenced them in the performance of their role.
- It is the responsibility of individual members to identify and declare interests through use of the following procedure.

### Conflict of Interest Procedure

- The procedure for addressing conflicts of interest is:
  - (1) (a) *Declare the conflict of interest – meetings*

- All meeting agendas must include the standard item of ‘Declaration of Interests’ before the formal business of the meeting.
- Prior to commencing the transaction of business, where a member identifies a real, potential or perceived conflict of interest, the member shall declare that interest.
- Where a conflict is identified during the meeting, the member shall ensure that they declare the interest.

*(b) Manage the conflict of interest*

The Council considers the declaration against the above definition and agrees on the appropriate approach from the following options:

- Member may be present for the Council’s discussion but abstain from the decision. If the Member is asked by the Council to provide information relating to the matter under consideration, any contribution must be factual only;
- Member must be absent from the room for both the discussion and the decision (compulsory if member has direct financial interest in the matter under consideration); or
- Member may participate fully in the Council’s discussion and decision.

*(c) Record the conflict of interest*

The member’s disclosure of a real, potential or perceived conflict of interest and the Council’s management decision (and any rationale) will be recorded in the minutes of the meeting.

## MEETING PROTOCOLS

- The Chairperson (or delegate) will chair the meeting.
- Council members are expected to:
  - adequately prepare for meetings by reading the papers and forming an initial view on the matters to be considered;
  - remain professional and respectful at all times;
  - actively engage in robust and constructive discussion, whilst listening to and respecting, the views of others; and
  - clearly communicate the basis for their views and responses to enable the Council to satisfy itself that decisions are consistent with the intent of the Act.

## DECISION MAKING

### By consensus

- Decision making by consensus is preferred.

### By voting

- Where consensus cannot be reached and a vote is required, a decision carried by a majority of the votes of Council members present at the meeting (including the Chairperson) is a decision of the Council.
- An abstention will not be counted on either side in any vote of the Council.
- If votes are tied, the Chairperson will declare the motion has failed.
- The outcome of a vote will be recorded in the Minutes by documenting the split of the vote only (i.e. the number of Council Members “for”, “against” or “abstaining”). A Council member’s name will not be recorded against their vote unless the Council member explicitly requests it.

## MEETING DOCUMENTS

- Council templates are used by the Council and AHT for all matters that are Council business.
- Council members are provided with all information relevant to matters brought before the Council, and information is to be conveyed in a transparent and accountable manner.

### Agendas

- AHT will prepare draft agendas for meetings. The Chairperson and the Director, AHT will confirm the agenda prior to each Council meeting.
- Agenda items arise from previous minutes and actions, Council members, AHT or external parties. Agenda item requests must be approved by the Chairperson.
- Agenda items are supported by a Council Briefing Paper.
- Regular items for the Agenda are:
  - *Strategic Discussion;*
  - *Meeting Administration;*
  - *Permit applications for proposed developments, research or other projects;*
  - *Legislative changes relevant to Aboriginal cultural heritage values;*
  - *Policies, standards and criteria for the protection and management of Aboriginal cultural heritage values;*
  - *Aboriginal cultural heritage values within the Tasmanian Wilderness World Heritage Area (TWWHA);*
  - *Awareness and education on Aboriginal cultural heritage values;*
  - *Other matters requested by the Director of National Parks and Wildlife or the Minister for Aboriginal Affairs; and*
  - *Other business within the scope of the Council.*

### Meeting materials

- AHT will provide Council members with meeting materials at least five (5) working days prior to a Council meeting. Meeting materials can be printed on request.
- Each Council member is provided with stationery for use during meetings.

### Minutes

- Minutes for Council meetings are taken by the Executive Officer.
  - Draft Minutes are prepared by AHT and provided to the Chairperson for approval within eight (8) working days of a Council meeting and are circulated to members within ten (10) working days of a Council meeting.
  - Minutes are endorsed by the Council at the following meeting.
- An Actions List is generated from the Minutes, which is reviewed at each meeting.

### Permit recommendations and other correspondence

- Letters are sent from the Chairperson on behalf of the Council.
- Letters are drafted by AHT before being approved by the Chairperson (in some cases the Council will agree that all Members should review the draft prior to its finalisation).
- Permit recommendation letters are prepared after each meeting to communicate the Council's advice to the Minister for Aboriginal Affairs, and for the awareness of the Director of National Parks, on whether the permit should be opposed or not opposed and any permit conditions.
- Additional advice from the Council related to permit applications is provided to proponents via Aboriginal Heritage Tasmania and/or the Office of the Minister for Aboriginal Affairs.



## **OUT-OF-SESSION BUSINESS**

- The Council may make out-of-session decisions when there is a quorum and all members have confirmed receipt of the item under consideration (via phone or email).
- Incoming requests for Council feedback will be categorized by the Chair as urgent or non-urgent:
  - Non-urgent requests should be tabled at the next meeting for discussion.
  - Urgent requests should be emailed to members with the subject line “URGENT: Response Required”.
  - If the Chair considers the timeframe provided for feedback is too short, AHT will provide a response to the requester explaining that the time was insufficient, but the AHC may follow up with information or advice after its next meeting.
- All out-of-session business will be driven by the Chair, including following up with phone calls if members have not responded to email. The role of the AHT Executive Officer is to collate responses.

## 5. COMMUNICATION GUIDELINES

- In performing its role and function, the Council will:
  - receive sensitive and confidential information;
  - provide advice and recommendations to the Director of National Parks and Wildlife and the Minister for Aboriginal Affairs; and
  - engage and communicate with proponents, Tasmanian Aboriginal people and the general public.

As a result, the Council or Council members may, from time to time, seek to communicate or clarify their views on matters of Aboriginal cultural heritage values.

- Council Members are responsible for their own comments. These guidelines have been developed to assist the Council and Council members, to identify and manage the risks associated with those communications. It is important that the risks associated with a communication are assessed prior to publication or presentation, to protect Council and Council members from criminal or civil liability, or reputational damage.
- *Appendix A* includes a list of questions for the Council to review when preparing communications to highlight the potential risks and consider options for mitigating those risks.

### GENERAL GUIDELINES

- Council communications are expected to be consistent with Council functions and powers under the Act.
- Whilst the Council is encouraged to consider the questions included in *Appendix A* for all communications, the following general guidelines may assist with initial assessment.
- Written communications of the Council are business records of the Department. As such, they are subject to the provisions of the Department's policy on communications, including the restrictions on AHT staff when supporting the Council's communications.
- Communications are more likely to have a low risk, if the advice, opinion or information:
  - falls within the scope of the Council as defined under the Act;
  - is already in the public domain; and
  - is framed to emphasise the views of the Council, rather than censure other parties.

### STANDARD COMMUNICATIONS

#### Minister for Aboriginal Affairs

- Roger Jaensch MP is the current Minister for Aboriginal Affairs.
- The Minister's attendance at meetings or to site visits is coordinated by the Executive Officer with the Minister's Office.
- The Minister may at times also seek an audience with the Chairperson. The Council can invite the Minister to attend any of their meetings or extend a recurring invitation.

#### AHC website

- Council information for public disclosure, such as meeting dates, meeting summaries and members' biographies, are posted on the Council's website:  
<https://www.aboriginalheritage.tas.gov.au/council>.
- The Council website has established an online presence and communication tool for the Council. The website is the primary resource for news on Council activities and projects, whilst

also promoting greater awareness and understanding of the unique Aboriginal cultural heritage values in Tasmania.

- The website is a sub-site of the AHT website and therefore must meet the minimum requirements set out in the *Tasmanian Government Style Guide and Logo Policy*. All Department (and Government) websites must be developed in accordance with the *Tasmanian Government Communications Web Style Guide Requirements*.
- Members are expected to provide content for the Council website, which must be approved by the Chair before provision to the Executive Officer for uploading.

### **Media**

- Council members must refer any media enquiries they receive on matters on behalf of the Council to the Chairperson, or the Director, AHT, rather than offering personal comment.
- The Chairperson is to inform the Director, AHT of any Council media comment or engagement.
- The Executive Officer will advise the Department's Communications Unit, the Director of National Parks and Wildlife and the Office of the Minister for Aboriginal Affairs.

### **Annual Report**

- The Council's Annual Report will be developed in collaboration with the Chairperson and the Director, AHT.
- Executive Services will maintain and coordinate quantitative and qualitative records throughout the year to support production of the Council's Annual Report.

## **EXTERNAL REPRESENTATION AND ENGAGEMENT**

### **Representing Council**

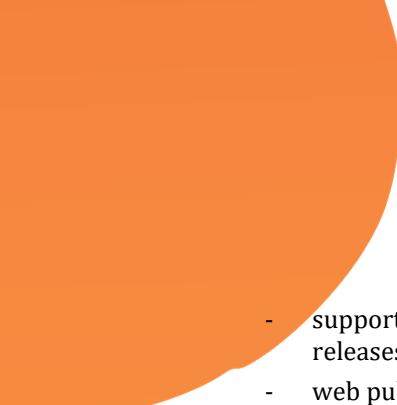
- The Council includes members who may also be members of community organisations. This provides the Council with a wide range of views, backgrounds and experience. As a result, the Council or Council members may, from time to time, seek to communicate or clarify their views on matters of Aboriginal cultural heritage values.
- Council may be approached to nominate a representative to participate or present at events or other forums.
- The Chairperson (or nominated delegate) represents and makes public statements on behalf of the Council. Participation is subject to the approval of the Council and appointment details will be recorded in the Minutes.
- Representatives will provide a report to the Council on the activities of the organisation on a regular basis (supported by AHT in secretariat capacity).
- Representatives must give due consideration to avoiding conflicts of interest and maintaining appropriate confidentiality.

### **Not representing Council**

- When speaking at public forums, Council members should confirm that their views are personal, unless the topic is within the scope of the Council and the Council has approved the engagement.

## **AHT COMMUNICATIONS SUPPORT**

- AHT provides support to the Council's communications activities, such as:
  - Drafting, compiling resources, editing or reviewing communication materials;

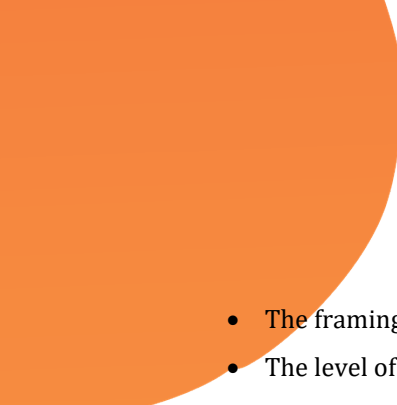
- 
- support to publish information via Departmental communication channels (i.e. media releases, formal written correspondence to stakeholders);
  - web publishing and maintenance of the Council's website; and
  - support to develop the Council's Year In Review.
- Whilst AHT staff can assist to facilitate the development of communications activities, the Council (via the Chairperson) must compose the key messages to be included in the communication and formally approve the communication prior to its release.

# APPENDIX A: GUIDE FOR EXTERNAL COMMUNICATIONS

Question	Comment/Notes
<p><b>Is the information/communication being used for the proper purpose?</b></p> <p>(i.e. it is within the purpose, authority and scope of the Council and not for some other purpose)</p>	
<p><b>Is the information already in the public domain?</b></p>	
<p><b>Is the information subject to restriction?</b></p> <p>(e.g. privacy laws/principles, commercial-in-confidence, embargo)</p>	
<p><b>Has the source of the information given consent for release?</b></p>	
<p><b>Could the release of the information prejudice due process?</b></p>	
<p><b>Is the information factually accurate?</b></p>	
<p><b>Is there evidence to support any claims made?</b></p>	
<p><b>Has the Chair of the Council approved the communication?</b></p>	
<p><b>Does it accurately and appropriately represent the views of the Council?</b></p>	
<p><b>Does the language emphasis the views of the Council rather than censure other parties?</b></p>	
<p><b>Does the content slander or impact on the reputation of other parties?</b></p>	
<p><b>Could there be a perceived or actual conflict of interest?</b></p>	
<p><b>Does any other party need to be consulted or notified before publishing the communication?</b></p>	
<p><b>Is the communication professional and respectful?</b></p>	

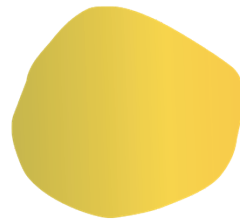
If the questions above highlight any risk issues, they could be addressed by considering:

- The timing of the communication.

- 
- The framing or language used.
  - The level of detail included.
  - The forum or nature of the communication.
  - Notification or approval requirements.



**Tasmanian Aboriginal  
Heritage Council**



**CONTACT THE ABORIGINAL HERITAGE COUNCIL**

**GPO Box 123 Hobart TAS 7001**

**Telephone: 03 6232 7893**

**Email: [aboriginalheritagecouncil@dpac.tas.gov.au](mailto:aboriginalheritagecouncil@dpac.tas.gov.au)**

**Web: [www.aboriginalheritage.tas.gov.au/council](http://www.aboriginalheritage.tas.gov.au/council)**

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