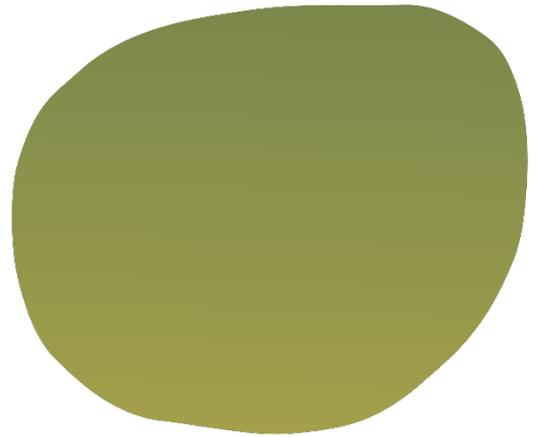


**Tasmanian Aboriginal
Heritage Council**



Meeting Procedures

2018 Policy Paper

Meeting Procedures

1. INTRODUCTION

The Aboriginal Heritage Council (“the Council”) was established in 2017, as part of a suite of changes to the administration of the *Aboriginal Heritage Act 1975* to ensure the preservation and protection of Tasmania’s Aboriginal heritage.

These meeting procedures describe the functions of the Council, outline expectations of the Council members and include administrative details.

2. COUNCIL MEMBERS

Appointment of Members

The Council consists of up to 10 members, appointed by the Governor on the recommendation of the Minister. The Minister appoints one member to be Chairperson and one member to be Deputy Chairperson (not a statutory position).

The Director of Aboriginal Heritage Tasmania (AHT) is not a member of the Council but will attend all meetings of the Council. If the Director is not available, his/her delegate will attend the Council meetings.

The Executive Officer is not a member of the Council but will attend all meetings of the Council. If the Executive Officer is not available the Director of Aboriginal Heritage Tasmania will appoint an alternate Executive Officer.

Chairperson’s duties and responsibilities

- Preside over and facilitate the meeting, and conduct it impartially
- Ensure that all business is conducted in the correct manner
- Declare the result of all votes
- Carry out any other functions authorised by the Council within the powers conferred on the Council by the *Aboriginal Heritage Act 1975*
- Ensure that a Register of Interests is kept up to date
- Table a report as a standing agenda item at the commencement of each meeting that details any business conducted by the Chairperson on behalf of the Council since the previous meeting

Any allegations of breaches of the Code of Conduct may be referred by the Chair to the Minister (see Section 4, Members’ Code of Conduct).

Members’ role and responsibilities

A member’s role is to express their own opinions to the Council across the broad range of Aboriginal cultural heritage issues. The attributes they aim to bring to the role include:

- Identifying as a Tasmanian Aboriginal person

- Demonstrated understanding and representation of Country, its assets and resources and the cultural heritage values of Aboriginal people
- Skills and experience in the assessment and / or management of Aboriginal heritage
- Ability to represent the views of the Aboriginal people within the community, including from Aboriginal organisations
- Knowledge of the State's planning and development approvals systems
- Understanding of legislative and Government processes, and
- Ability to work in a team and respect the contribution of others.

Council members commit to the following roles and responsibilities:

- Enable effective communication, consultation and information sharing between the Aboriginal community on the one hand, and the Minister and the Department of Primary Industries, Parks, Water and Environment (DPIPWE) on the other
- Undertake a two way feedback, sharing and promoting the actions and deliberations of the Council with Aboriginal community organisations (subject to confidentiality considerations), and bringing the community's priorities to the attention of the Council
- Provide advice to the Council on Aboriginal community issues and aspirations
- Support processes that engage Aboriginal community members and build relationships
- Build cross government working arrangements, relationships and joint approaches

Members have a responsibility to:

- Dedicate sufficient time to carry out their role effectively
- Respond to all requests for input in a timely manner and within designated timeframes
- Adhere to the Aboriginal Heritage Council Code of Conduct
- Respect the confidentiality of the Aboriginal Heritage Council where required
- Provide feedback on matters discussed, and
- Attend all meetings (where possible).

3. VACANCIES

A member vacates office if he or she:

- resigns by written notice given to the Governor; or
- is removed from office by the Governor.

Without limiting the Governor's power of removal or the Minister's right of recommendation, the member may be removed from office by the Governor on the recommendation of the Minister if the Appointee:

- is absent from three consecutive meetings of the Council without the permission of the Council;
- has 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);
- becomes 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;
- is convicted of an offence under the *Aboriginal Heritage Act 1975*;
- ceases to permanently reside in Tasmania;
- is unable to perform adequately or competently the duties of office to the satisfaction of the Minister; or for any other just cause or excuse.

4. REPRESENTING THE COUNCIL

The Council shall be represented by the Chairperson or his/her delegate. Another Council member familiar with the issues and/or initiatives may represent the Council as the Council shall determine. Council members expressing an interest in attending Council related meetings and forums will be included where possible. Meeting outcomes will be reported to the Council in writing from the Chairperson (or delegate) at each Council meeting.

In accordance with the Council's *Communications Policy* public statements by the Council shall be made by the Chairperson or his/her delegate, following consultation with Council members where possible. Where the Council issues a media comment or a media statement, the Department and the Minister's Office are informed and provided with copies of the statement for their information.

5. OTHER ATTENDEES

The Chairperson may invite other persons to attend meetings, or part thereof, to provide input to the discussions.

Other attendees will be asked to respect the confidentiality requirements of the Council.

6. SUB-COMMITTEES

The Council may form sub-committees with such powers and responsibilities as the Council shall determine to deal with specific matters. Sub-committees will be responsible for providing advice or recommendations back to the Council for decision by the Council. The Council may allow sub-committees to make recommendations as long as they align with the principles of the Council and are reported back to Council at the next Council meeting.

7. MEETING PROCEDURES

Meetings

The Council normally meets on the last Friday of the month, or as required. The Chairperson may convene a meeting at any time or must convene a meeting when requested to do so in writing by two (2) Council members. Out-of-session meetings may be required. The Council will establish processes to ensure its work is not

delayed. Where members are unavailable, they should provide their apologies to the Council via the Chairperson or Executive Officer.

The Chairperson of the Council is to preside at all meetings of the Council at which he or she is present. If the Chairperson of the Council is not present at a meeting of the Council, the Deputy Chairperson, or another member elected by the members present, is to preside at that meeting.

Quorum

A quorum shall be a simple majority of members. A quorum is only relevant to the monthly Council meetings. A quorum has no relevance outside those meetings and cannot be formed for decisions made outside those meetings.

Council members may participate in meetings by using teleconferencing or videoconferencing facilities where practicable from an alternative suitable location, should attendance in person not be possible on an agreed meeting date. Participation via these alternative options is equivalent to attendance at a face-to-face meeting and will be recorded in the meeting minutes.

Non-attendance at meetings should be advised as early as possible so that it can be known in advance whether a quorum will be present. A member who does not attend three (3) consecutive meetings without providing a formal apology to the Chairperson must provide a reasonable explanation of their non-attendance, or show good cause why they should not be asked to vacate their position on the Council.

Meeting protocol

Decision making by consensus is the objective, but where a vote is required a decision carried by a majority of the votes of the members present at a meeting of the Council (including the Chairperson) is a decision of the Council. If votes are tied, the Chairperson will declare the motion has failed and this will be recorded in the Minutes.

An abstention will not be counted on either side in any vote of the Council.

When items are voted on a split of the vote will be recorded (number of members for and against or abstaining). A member's name will only be recorded in regards to their vote if they ask for their view to be noted.

Meetings are closed to the public. However, non-members may attend to make presentations for a particular agenda item or discussion, at the invitation of the Council through the Chairperson.

In the conduct of meetings, members are expected to:

- seek leave of absence when absence is anticipated or send an apology to either the Chair or Executive Officer if unable to attend a meeting
- prepare for all scheduled meetings, including forming an initial view on the issues to be raised
- add constructive ideas and, if disagreeing with a proposal, be clear about the reasons and offer alternative solutions to enable the meeting to make an informed decision
- listen to and respect the views of other members, and sustain a professional relationship with them

- refrain from participating in or voting on matters where the Council's *Conflict of Interest Policy* (including section 8) mandates removal of a "conflicted" member
- take reasonable steps to be satisfied as to the soundness of the decisions made pursuant to the *Aboriginal Heritage Act 1975*
- ensure other members have equitable access to relevant information to which they have access, and convey relevant information in a transparent and accountable manner; and
- not disclose confidential information received in the course of the Council's activities or deliberations, unless authorised by a decision of the Council or the person by whom the information was provided, or such disclosure is required by law.

Executive Support

Executive support will be provided by a dedicated Executive Officer employed by Aboriginal Heritage Tasmania.

Aboriginal Heritage Tasmania (AHT) aims, so far as is practicable, to provide members with meeting materials five working days prior to a meeting, and with Minutes no later than five working days after the relevant meeting. AHT will provide logistics and support for meetings.

8. MEMBERS' CODE OF CONDUCT

The following Code of Conduct is a statement of the standard of behaviour that members of the Council have agreed should be demonstrated, and which the general public 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, and all other Council business;
- ensures that Council business will always have priority over members' private interests;
- promotes fair, objective, transparent and informed decision-making; and
- demonstrates the integrity and impartiality to be exercised by the Council.

9. CODE PRINCIPLES AND OBJECTS

Each member of the Aboriginal Heritage Council is committed to:

- behaving honestly and with integrity in the exercise of 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 as members of the Council;
- treating everyone with respect and without harassment, victimisation or discrimination;
- taking into account all views, being informed and avoiding any predetermination of matters in the decision making processes of the Council;

- complying with and representing any decisions of the Council;
- maintaining appropriate confidentiality about dealings and information acquired by them in the course of their role;
- taking reasonable steps to avoid any conflict of interest in connection with their role on the Council, in accordance with the Council's Conflict of Interest policy;
- maintaining impartiality and acting in the best interests of Tasmania's Aboriginal heritage;
- 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 of the Council in order to gain, or seek to gain, a gift, benefit or advantage for them or for any other person;
- acting in accordance with the Council's Gift, Benefit and Hospitality Policy including declaring any gift received in the course of his or her employment or in relation to his or her role on the Council;
- at all times behaving in a way that does not knowingly adversely affect the integrity and good reputation of the Council.

All members are to be active participants in the operation of the Council consistent with the role to be performed. Specific requirements include but are not limited to:

- taking responsibility for managing the workload required to effectively fulfil the role of member;
- accepting and abiding by decisions legitimately made by or on behalf of the Council;
- not using aspects of this Code for political or personal gain or as a mechanism for raising matters that are of a frivolous, malicious or vexatious nature.

10. CONFIDENTIALITY

A member must maintain appropriate or agreed 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 Council's *Confidentiality and Conflict of Interest Declaration*.

It is the responsibility of the Chairperson and the decision of the Council 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. Where confidentiality is required, members shall be informed and appropriate procedures put in place.

11. DISCLOSURE OF INTERESTS

Members must declare any interests in accordance with the Council's *Conflict of Interest Policy*.

12. GIFTS, BENEFITS AND HOSPITALITY

Members must declare any gifts, benefits or hospitality in accordance with the Council's *Gift, Benefit or Hospitality Policy*.

13. ABORIGINAL HERITAGE POLICIES

The Council will play a key role in the development and review of policies, standards and criteria for the protection and management of Aboriginal heritage, including but not restricted to:

- standards and processes for the role, training and qualifications of Aboriginal Heritage Officers (AHOs)
- standards for the provision of training programs and cultural awareness courses
- standards for Aboriginal Heritage Practitioners conducting Aboriginal Heritage Assessments.

14. ABORIGINAL HERITAGE ASSESSMENT AND PERMIT APPLICATION PROCESSES

The Council will be consulted by the Minister and the Department on matters relating to development proposals and permit applications (see *AHT Standards and Procedures*). All matters should be considered in conjunction with the *Aboriginal Heritage Act 1975*. Matters for consideration include:

- The level of Aboriginal heritage survey/assessment required
- Quality and standard of Aboriginal heritage assessment reports and any further work required
- Aboriginal heritage values present
- Adequacy of Aboriginal community consultation
- Adequacy of mitigation options
- Adequacy of proposed Aboriginal heritage management plans
- Adequacy of proposed permit conditions
- Compliance with permit conditions and management plans

The Council expects that engagement and consultation with the Aboriginal community will occur in the early stage of a development proposal in accordance with the Council's *Engagement and Consultation Policy*.

Aboriginal heritage permit applications

All permit applications will be evaluated in a manner that is fair to applicants and acceptable to Council members. In reviewing applications, the Council shall refer to the *Aboriginal Heritage Act 1975*, and any other relevant guidelines and standards.

The Council will seek independent and/or expert advice where necessary.

Should the Council form the opinion that further information is required with regard to a permit application, this will be provided either at the next meeting or prior, as the case may be.

The Council has developed a template in which advice is provided by the Council to the Minister in regard to permit applications.

Criteria for considering applications

The following matters are taken into account when considering applications:

- Evidence presented in any papers provided by the applicant, and any comments provided by the Government's technical advisers
- Consultation with the Aboriginal community
- Whether the activity will be conducted in a way that avoids harm to Aboriginal heritage
- Whether suitable mitigation options have been provided
- Any specific measures required for the management of Aboriginal heritage likely to be affected by the activity, both during and after the activity
- Any contingency plans required in relation to disputes, delays and other obstacles that may affect the conduct of the activity
- Requirements relating to the possession and management of Aboriginal heritage during the course of the activity
- Any other matter that in the opinion of the Council might be relevant to the particular circumstances of the case

15. MONITORING AND INSPECTIONS

Monitoring and compliance

The Council will report to AHT if it becomes aware that an activity is not in compliance with the *Aboriginal Heritage Act 1975*, permit conditions or management plan recommendations. AHT will investigate any non-compliance issues referred to it by the Minister, Director of National Parks and Wildlife and the Council.

Site inspections

Council may be required at times to visit sites and conduct inspections. Site inspections will be an important component of the role of the Council as they will facilitate the provision to Council of detailed information and advice from AHT and expert advisors.

Reporting

The Council may prepare a written report on its activities for any previous period, if so requested by the Minister for Heritage.

Applicable Dates

Original document approved: 2 February 2018

Date Review Scheduled: 31 July 2020

Mr Rodney Dillon

Chairperson

Date 2 February 2018

**Tasmanian Aboriginal
Heritage Council**



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To present a proposal to the Council complete the
Aboriginal Heritage Council Briefing Form and submit
it to the Council for consideration.

SUPPORTED BY



Tasmanian
Government