



**MORNINGTON
SHIRE COUNCIL**

Mornington Shire Council

Interim Local Advisory Committee

Terms of Reference

An ILAC established under section 264 of the *Local Government Regulation 2012* (Qld). VI Feb 2024

1 Preamble

Mornington Shire Council (“Council”) has an adopted vision to “empower our Community – Our people”. Council has embraced the Queensland Government Local Thriving Communities (“LTC”) model as a strategy to achieving this vision.

Under the LTC reform, the Queensland Government is committed to reframing the relationship with First Nations peoples by collaborating with Aboriginal peoples and Torres Strait Islander peoples. Local decision-making, having a voice and self-determination underpin this commitment. The authority to make local decisions on the design and delivery of government programs and services and for the participation in economic development are key to reframing the relationship and improving shared outcomes.

The establishment of an advisory committee for the Council, will assist in ensuring the voice of our people is heard in all future Local, State and Commonwealth policy/ strategy development and implementation, consistent with Council’s vision.

2 Background

The Queensland Government’s LTC reform provides the framework for the First Nations people of the Shire to co-design an approach to establish a Local Advisory Committee. An interim LAC as outlined by these Terms of Reference (TOR) will progress the purpose of the LTC reform.

An interim LAC will serve the purpose of providing the leadership, direction, and guidance in the conduct of a staged process of community engagement to determine an appropriate model for the LAC blueprint. A process of engagement with the First Nations people and organisations within the Shire will enable the interim LAC to make informed decisions at each stage. The interim LAC will continue to exist until such time the transition into a standing advisory committee under an agreement with the Queensland Government.

3 Objectives

The interim LAC has an overarching objective to co-design a LAC as a way of building a reframed relationship between the Queensland Government, the Council and First Nation people in the Shire in terms of:

- Design and delivery of government programs and services to First Nations people;
- Economic participation of First Nations people;
- Involvement of First Nations people and First Nations organisations;
- Accessing, and the capability to use, locally relevant data and information;
- Promotion of First Nations perspectives, knowledge, aspirations, values and worldviews; and
- Articulation of Indigenous rights, interests and values in the design and delivery of programs and services.

4 Function

Although the interim LAC does not have any legislated powers, it remains a Local Government Advisory Committee established by resolution of the Mornington Shire Council under section 264 of the *Local Government Regulation 2012* (Qld) with the primary purpose of advising the Council to better inform Council decision-making. This model will be further utilised to inform the decision-making of the Queensland and Commonwealth governments also. To avoid doubt however, the LAC is not a decision-maker itself, but an advisory body informing decisions made at Local, State and Commonwealth levels. Its function is to build the capacity of the community to empower people to voice their stories, views, aspirations, and experiences. The LAC blueprint may include powers to conduct its objectives, functions, and commitments made with government.

5 Guiding Principles

5.1 Indigenous Rights

The TOR for the interim LAC will adopt the Indigenous right of Free, Prior, Informed, Consent (FPIC) as set out in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). FPIC is fundamental to ensuring effective participation in the conduct of engagement with Indigenous peoples in respect to:

- **FREE** to give consent without coercion or manipulation.
- **PRIOR** consent sought well in advance of commencing an activity.
- **INFORMED** consent with all relevant information provided.
- **CONSENT** based on collective decision.

UNDRIP declares that Indigenous peoples have the right to participate in decision-making in matters which affect their rights, as well as the right to maintain and develop their own decision-making institutions. The LDMB seeks to enable that participation.

The preamble to Queensland Human Rights Act 2019 acknowledges the right to self-determination of Aboriginal peoples and Torres Strait Islander peoples and creates obligations on public entities to protect and promote the human rights including the distinct cultural rights of Aboriginal peoples and Torres Strait Islander peoples.

5.2 Shared Goals

The interim LAC will co-design with government:

- An agreed project plan with timelines to achieve the goals and objectives of the interim LAC (Milestone 1)
- A Community Engagement Plan (Milestone 2)
- An implemented Community Engagement Plan (Milestone 3)
- An agreed Blueprint for LAC from the results of engagement (Milestone 4)
- A signed Statement of Commitment between Mornington Shire Council and the Queensland Government (Milestone 5).

5.3 Shared Objectives

The interim LAC and government will collaborate to achieve the goals by:

- Building and establishing strong relationships between the interim LDMB and government agencies delivering programs and services to the Shire in a way that embeds trust and mutual capacity, fosters accountability, transparency, and learning, and enables the conduct of discussions and making decisions differently.
- Developing new ways of working in a collaborative way between interim LAC and government agencies on community identified priorities and aspirations which has a meaningful, timely and measurable impact on the delivery of programs and services to First Nations people in the Shire.
- Positioning the LAC to operate at a strategic level in terms of Shared Commitments and Shared Accountabilities with a clear line of sight between government agencies delivering programs and services in the Shire to First Nations people and the tangible impacts on the ground.
- Engaging on matters affecting First Nations people in the Shire in terms of:
 - Design and delivery of government programs and services and for the economic participation of First Nations people in the Shire;
 - How best to enhance the involvement of First Nations people and organisations in local decision making in the Shire;
 - Effective usage of locally relevant data and information to demonstrate priorities for First Nations people of the Shire;
 - Articulation of First Nations perspectives, knowledge, teachings, values, and worldviews in the design and delivery of programs and services; and
 - Promote Indigenous rights, interests and values into the government agencies' work and processes in the delivery of programs and services to First Nations people in the Shire.

5.4 Values

The interim LAC will adopt the following values to guide the way in which it will carry out its objectives:

- **Respect** by showing respect in words and actions for each other and the Indigenous rights of First Nations people of the Shire.
- **Cultural Values** by demonstrating commitment to promote and articulate Indigenous rights, values, and worldviews.
- **Inclusive of Diversity** by ensuring the inclusiveness of the diversity of First Nations people living in the Shire.
- **Trust and Honesty** by building a relationship of trust based on honesty, openness, and transparency.
- **Collaboration** by collaborating with each other as well as others to make informed decisions based on consensus.

5.5 Government Agencies

The interim LAC will work together with government agencies, including the Council and the following Queensland Government agencies (or as otherwise renamed/ rearranged), namely:

- Department of Agriculture and Fisheries (DAF)
- Department of Communities, Housing and Digital Economy (DCHDE)
- Department of Children, Youth Justice, and Multicultural Affairs (DCYJMA)
- Department of Education
- Department of Employment, Small Business and Training (DESBT)
- Department of Energy and Public Works (DEPW)
- Department of Health (Queensland Health)
- Department of Natural Resources, Mines and Energy (DNRME)
- Department of the Premier and Cabinet (DPC)
- Department of Regional Development, Manufacturing and Water (DRDMW)
- Department Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships (DSDSDATSIP)
- Department of Tourism, Innovation and Sport (DTIS)
- Department of Transport and Main Roads (DTMR)

- Department of State Development, Infrastructure, Local Government and Planning (DSDILGP)
- Queensland Ambulance Services (QAS)
- Queensland Fire and Emergency Services (QFES)
- Queensland Police Service (QPS)

6 Members

Participation in the interim LAC will require a commitment from members, including:

- availability and ongoing commitment to contribute in a positive way and deliver outcomes associated with the Action Areas.
- availability to meet monthly, or as determined by the interim LAC.
- preparation for meetings (including reading of meeting notes, reports, and proposals).
- always seeking to obtain and represent the views of the broader Shire.
- representing the interim LAC to other community stakeholders and groups.
- communicate openly and honestly with each other over the development and progress of objectives.
- Provide timely advice and/or information. This includes the sharing of non-personal data relating to operations and development in the Shire when needed.
- understand the strategic implications and outcomes of initiatives being pursued through interim LAC outputs.
- appreciate the significance of the interim LAC for some or all major stakeholders.
- be genuinely interested in the initiative and the outcomes being pursued by the interim LAC.
- be an advocate for the interim LAC's outcomes.
- have a broad understanding of challenges and the approach being adopted.
- be committed to, and actively involved in pursuing the interim LAC's outcomes.
- maintain confidentiality.
- attend and actively participate in meetings of the interim LAC (unless a reasonable excuse exists).

6.1 Conduct

Interim LAC members are required to:

- act with honesty, good faith, and integrity.
- abide by these Terms of Reference.
- attend and actively participate in meetings.
- declare any actual or perceived conflicts of interest to the Secretariat at the commencement of the meeting.
- represent the interests of their local community rather than individual interests or issues.
- comply with Council's Code of Conduct and other policies and procedures of Council, including Model Meeting Procedures and Standing Orders.
- maintain confidentiality of discussions within meetings. Members are not permitted to liaise with the media and represent either the opinions of Council or the interim LAC.

6.2 Remuneration/ Expense Reimbursement

Non-Councillor interim LAC members shall be remunerated, as resolved by Council.

All Councillor interim LAC members shall not be remunerated, as their participation in the interim LAC is in fulfilment of their duties associated with being an elected member of Council, for which they are already remunerated.

All interim LAC members shall be entitled to expense reimbursements in accordance with Council's Expense Reimbursement Policy, pertaining to expenses incurred to attend a meeting of the interim LAC, or otherwise perform interim LAC duties/ responsibilities.

6.3 Membership

Membership of the interim LAC shall comprise:

- The Mayor of the Council (or Deputy Mayor as the Mayor's proxy/ alternate member);
- Not less than three (3) but no more than six (6) non-Councillor members selected by Council resolution by way of Expression of Interest recruitment process. Non-Councillor members must be individuals who pass all the following criteria, namely:

- of Aboriginal descent;
- reside in the Shire; and
- identify as representing one or more of the six (6) major family groups in the Shire.

6.4 Member Roles and Responsibilities

Interim LAC members are to:

- Contribute strategic advice and perspectives on the co-design of a community engagement strategy regarding the blueprint for an interim LAC, the design and delivery of programs and services, and economic development for First Nations people in the Shire.
- Encourage opportunities for positive systemic change by building and strengthening relationships with government agencies delivering programs and services to First Nations people in the Shire.
- Leverage their experience with First Nations organisations and the community in providing leadership, direction, and guidance on the establishment of the interim LAC for the Shire.
- Share Indigenous values and teachings as a respected voice, so the interim LAC and government agencies can learn from each other.
- Promote Indigenous perspectives and worldviews into government agencies' strategies, plans and actions.

6.5 Proxy

Where a member is not available to attend a meeting of the interim LAC, another may be nominated prior to the meeting via the Secretariat, to attend in the members' place. The proxy will be remunerated accordingly as if a member.

6.6 Guests

The Chair, upon engagement with members of the interim LAC, may invite guests to participate in and/or observe interim LAC meetings.

Standing guest invitations shall be provided to:

- the Chief Executive Officer of the Council (and/or Council delegate(s))
- all Councillors of the Council.

6.7 Open Meetings

All meetings of the interim LAC shall be open to the public unless expressly closed pursuant to sections 254I and 254J of the *Local Government Regulation 2012* (Qld).

6.8 Chairperson

The Mayor of the Council shall be Chair of the interim LAC and convene all interim LAC meetings.

In absence of the Mayor, the Deputy Mayor shall be the Mayor's proxy and shall convene the interim LAC meeting as Chair.

In absence of the Mayor and/or Deputy Mayor, an interim Chair shall be voted from the members present. The interim Chair shall then convene the meeting.

The Chairperson for the interim LAC will:

- Perform a leadership role for the interim LAC and serve as its spokesperson.
- Endorse meeting agendas, minutes, related papers and invited speakers.
- Guide the interim LAC in the delivery of the shared goals and objectives by upholding the Terms of Reference.
- Effectively chair the interim LAC meetings by making sure all members can actively participate, and to enable discussion on all relevant matters.

6.9 Secretariat

The Queensland Government (as represented by DSDSATSIP) will provide secretariat support for the interim LAC unless otherwise changed by LAC resolution.

The Secretariat will be responsible for:

- Providing governance, operational and administrative support to the interim LAC;
- Facilitating the work of the interim LAC and maintain the records;
- Supporting the Chairperson with the role and responsibilities for the interim LAC;
- Preparing for the Chairperson's endorsement the meeting agenda, the minutes, related papers and invited speakers;
- Acting on interim LAC decisions and advice;

- Maintaining an Action Register containing decisions made by interim LAC and the follow up action undertaken in response to each decision.
- Ensuring timely payment of remuneration to interim LAC members following each meeting of the interim LAC.

6.10 Conflicts of Interest

As an advisory interim LAC of the Local Government, rules pertaining to declaration and appropriate dealings with Conflicts of Interest apply to all members of the interim LAC under the *Local Government Act 2009* (Qld). Members must ensure all potential conflicts between personal and public interests are notified to the Secretariat prior to matters being discussed at interim LAC meetings to ensure they are appropriately addressed.

7 Meetings

7.1 Agendas

All interim LAC agenda items must be forwarded to the membership at least two (2) working days prior to the next scheduled meeting. Agenda items should support the set of priorities and be agreed through the Chair prior to the next meeting.

Each agenda must be published on Council's website by 5pm the next business day following release of the agenda to members.

7.2 Minutes

By endorsing these Terms of Reference, Council has resolved pursuant to section 254H(1) of the *Local Government Regulation 2012* (Qld) that the interim LAC shall be exempt from the requirement to take minutes. Notwithstanding, the interim LAC (via the Chair) must give a written report of the advisory LAC's deliberations and its advice or recommendations, to the next available Ordinary Meeting of Council. The written report will be prepared by the Secretariat. The written report shall be considered a relevant report forming part of the Ordinary Meeting at which it is presented, and subject to confidentiality, must be disclosed with the meeting agenda and/or minutes.

All meetings of the interim LAC shall be recorded by the Secretariat and retained digitally for quality, transparency and accountability.

7.3 Frequency of Meetings

Meetings will occur every two months. The interim LAC to hold meetings at Gununa, Mornington Island.

7.4 Format of Meetings

Interim LAC meetings shall enable both in-person and remote attendance by way of technology (ie. video/teleconference). Each Agenda will identify the in-person venue, along with providing a secure link via video/teleconference.

7.5 Voting

All voting at interim LAC meetings shall be by way of an informal show of hands, with a simple majority prevailing.

In the event of a tie, the Chair shall have a casting vote.

Interim LAC members may have diverse and unique perspectives. Making decisions based on consensus is best.

7.6 Quorum

A quorum of an interim LAC is a majority of its total members.

If there is no quorum after 30 minutes from the time the meeting was meant to commence, the Chairperson must postpone the meeting until a future date and time.

7.7 Review

A self-assessment review of the LDMB's Terms of Reference and performance shall be undertaken at least annually and coordinated by the Secretariat.

7.8 Dispute Resolution/ Complaints

Disputes relating to the work of the interim LAC, are to be resolved under Council's Complaints Policy.

7.9 Meeting Protocol

For a meeting of the interim LAC, Council’s Standing Orders and Model Meeting Procedures shall apply (to the point of consistency with these Terms of Reference).

7.10 Dissolution

The interim LAC is both established and dissolved by resolution of Council.

8 Definitions

In these terms of reference, the following terms have the following meanings:

- LAC** means the Mornington Shire Council Interim Local Advisory Committee
- LGR** means the *Local Government Regulation 2012* (Qld)
- LTC** means the Queensland Government Local Thriving Communities reform policy.
- Shire** means the Mornington Shire Council Local Government Area

These Terms of Reference were endorsed by Council resolution dated 22 May 2024.

Signed:

Chair/ Mayor

Mornington Shire Council

