



## ABORIGINAL REFERENCE GROUP TERMS OF REFERENCE

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# 1. INTRODUCTION

## 1.1 Overview

Integrated Catchment Management (ICM) is an important strategy in achieving sustainability. In Victoria, ICM underpins sustainable management of land and water resources and contributes to biodiversity management. Victoria's ICM system is established under the *Catchment and Land Protection Act 1994* (CaLP Act). It is through the CaLP Act that Catchment Management Authorities (CMAs) were developed in each of Victoria's 10 catchment regions.

CMAs hold responsibilities under both the CaLP Act and the *Water Act 1989*.

## 1.2 The Mallee Catchment Management Authority

Mallee CMA was established in 1997.

Mallee CMA is governed by a ministerially appointed Board of up to nine members. The Board serves a governance role to ensure the structures and processes relating to decision-making, accountability, controls and behaviour established for Mallee CMA enhance its effective performance in fulfilling its mandate.

The Board may establish committees at its discretion to achieve specific objectives in line with its primary functions. The committees serve an advisory role and are not decision-making bodies.

## 1.3 Strategic context

The Mallee Regional Catchment Strategy (RCS) provides long-term (20-year) objectives for each of the nine regional asset types identified within the strategy.

Community Capacity for Natural Resource Management (NRM) is one of the nine regional assets and is defined as:

- The inherent knowledge, understanding and willingness the community has for effective and sustainable NRM.

The long-term objective for this asset is as follows:

- To increase community capacity for, awareness of, and participation in efforts to protect the Mallee's natural, cultural and productive landscapes.

# 2. PURPOSE

The Aboriginal Reference Group (ARG) is a committee of the Mallee CMA Board, established to: foster two-way communication between Mallee CMA and Aboriginal stakeholders; and provide guidance on Aboriginal community engagement and input into Mallee CMA initiatives and regional plans.

The ARG helps to maintain and build links with the broader Aboriginal community to ensure NRM outcomes are delivered in a way that both benefits the environment and respects Aboriginal culture and heritage.

The ARG builds upon the positive relationship Mallee CMA has established with Aboriginal stakeholders. This relationship values trust, cooperation and transparent communication between all parties involved.

A direct link to the Board is provided through Board representative/s on the committee.

# 3. OBJECTIVES

Through the ARG, Mallee CMA aims to:

- Establish direct connections and two-way communication channels between the Board and members of the Victorian Mallee Aboriginal communities;
- Respect the integrity of Aboriginal intellectual property in traditional ecological, cultural and spiritual knowledge;

- Provide direct and meaningful ways for members of the Aboriginal community to be involved in the development and delivery of Mallee CMA projects;
- Provide opportunities for relevant skill development and capacity building in NRM within the Victorian Mallee Aboriginal communities;
- Align project development and delivery with Aboriginal community expectations and aspirations, where possible.

## 4. FUNCTIONS

The core function of the ARG is to provide advice and guidance to Mallee CMA on:

- How to engage Aboriginal stakeholders in relevant NRM project planning;
- Aboriginal stakeholder needs and environmental values, including how these may be addressed through the organisation's work;
- Emerging Aboriginal stakeholder issues and perspectives relevant to NRM.

The ARG may also be requested by the Board to provide feedback on issues identified as necessitating a community perspective.

## 5. DUTIES

The duties of the ARG are to:

- Make recommendations to Mallee CMA Board;
- Contribute to programs in accordance with the Mallee RCS and the directions, priorities, procedures and policies established by the Board;
- Maintain good communication with the Board and Mallee CMA partners;
- Represent Aboriginal community interests, not the interests of a specific group that a member may belong to;
- Actively participate in meetings with integrity and in accordance with good governance practices;
- Maintain confidentiality; and
- Provide advice regarding best practice for engaging with Traditional Owners and/or Elders when requested.

## 6. MEMBERSHIP

### 6.1 Composition

The ARG covers the Mallee CMA region – Refer Appendix 1.

To reflect Mallee CMA's integrated approach to NRM, it is important to ensure the ARG includes representation from the geographic areas in the Mallee CMA region; however, it is important not to unnecessarily restrict community representation on the ARG.

There is no formal quorum; meeting attendees will represent the views of the ARG as a whole.

ARG members should be actively participating members of the Aboriginal community.

<b>Community members</b>	<p>A minimum of five and a maximum of nine members, including (where possible):</p> <ul style="list-style-type: none"> <li>• At least one member of each Registered Aboriginal Party (RAP) in the region; and</li> <li>• One nominated representative from each group involved in one or more of the following: <ul style="list-style-type: none"> <li>○ Registered Aboriginal Party (RAP) application;</li> <li>○ Registered Native Title claim;</li> <li>○ Settlement under the <i>Traditional Owner Settlement Act</i> (2010)</li> </ul> </li> </ul>
<b>Board representatives</b>	<p>A minimum of one (1) Board representative, as nominated annually by the Board.</p>
<b>Mallee CMA employees</b>	<p>Mallee CMA will provide executive and administrative support to the ARG.</p>

## 6.2 Appointment

Appointment of community members to the ARG is made by the Board following an expression of interest process. Equal opportunity, diversity and inclusion principles apply, in accordance with Mallee CMA Diversity and Inclusion Plan and the CMA 044 OPOL - Equal Opportunity Policy.

The Board will consider the recommendation from Mallee CMA Chief Executive Officer (CEO), ARG Chair, and managers for membership to the committee.

The following eligibility criteria will be considered:

- Applicants should reside in an identified ARG area (refer Appendix 1) and must possess the following core skills, and have knowledge and/or experience in at least one of the specialist skill areas:

Core skills:

- Communication;
- Community involvement;
- Local knowledge.

Specialist skills:

- Leadership;
- Land use planning;
- Landcare;
- Cultural heritage;
- Business management;
- Farming;
- Natural Resource Management;
- Sustainable agriculture;
- Environmental interests.

A returning member must have maintained a satisfactory attendance record.

The ARG may nominate a minimum of one and a maximum of three members for the position of Chair of the committee. Nominations will be considered by the Board, which will make the appointment. The term of the Chair will be for two years.

### **6.3 Terms and vacancies**

Members shall be appointed for rolling terms, with half of the positions becoming vacant every two years (where possible).

Members can nominate for further term/s after the expiry of their initial term. A maximum of three consecutive terms is recommended.

In appointing ARG members, the Board shall take account of the need for consistency, continuity and succession between retiring and new committee members.

If the office of an ARG member becomes vacant, the group may recommend to the Board the appointment of a person to act in place of that member for the remainder of that person's term of office, subject to approval by the Board.

### **6.4 Termination of appointment/s**

The Board reserves the right to terminate membership of any member of the ARG:

- In accordance with CMA 017 PRO - Grievance and Dispute Resolution procedure, as appropriate; and/or
- Who fails to attend three consecutive meetings, unless they provide an apology with the Committee Chair, General Manager Operations and Community, or an ARG Committee Support Officer.

### **6.5 Code of conduct**

Members of the ARG will observe the following principles in their conduct as committee members:

- Ensure the work of the committee is not compromised or affected by any direct or indirect pecuniary or non-pecuniary interest;
- Ensure the confidentiality of information dealt with by the committee, where appropriate;
- Act in good faith for proper purposes without exceeding their authority; and
- Be open, honest and respectful in all official dealings.

Members have the right to:

- Constructively debate issues;
- Be valued as a member of the committee; and
- Be listened to respectfully when speaking or voicing an opinion or concern.

### **6.6 Confidentiality**

As a community committee, all material dealt with and/or presented to the ARG shall be treated as public information, unless otherwise specifically stated.

In the event that confidential information is dealt with/presented to the committee, the committee will be informed that the material is confidential. Confidentiality must be observed by members and must not be used to obtain any advantage, whether direct or indirect, for members or for any other person or body.

Confidential information available to members must only be used in ways that are consistent with the obligations of members to act impartially, with integrity and in the public interest.

Where confidential information is provided to a committee member, all copies should be returned at the conclusion of the meeting.

It is the responsibility of Mallee CMA to maintain or destroy copies of confidential information provided at meetings.

### **6.7 Improper or undue influence**

Committee members must take care not to use their position on the committee to influence any other members, employees or stakeholder organisations for the purposes of obtaining any advantage for themselves, or any other person or body, whether that advantage is direct or indirect.

## **7. MEETINGS**

### **7.1 Frequency**

The ARG will meet up to four times a year for its ordinary meetings and may schedule extraordinary meetings when necessary, with the approval of the Board.

Ordinary meetings may take up to a full day.

It is expected that members will devote time outside of meetings for reviewing agendas, strategies and other material to be discussed at meetings and/or via email or teleconference discussion.

- Attendance at meetings will be recorded and reported annually;
- Provide an apology by email to the Chair, General Manager Operations and Community or an ARG Committee Support Officer prior to the meeting;
- The Chair will advise the meeting of apologies and requests for leave

### **7.2 Arrangements**

Meeting protocols and procedures include:

- ARG meeting dates will be set at the beginning of each calendar year to ensure coordination between program managers and to ensure any overlaps or areas for collaboration are identified and aligned with known Mallee CMA critical decision making requirements;
- Mallee CMA template is to be utilised for the preparation of the agenda, minutes and action sheets;
- Draft minutes will be completed within five (5) working days from ARG meeting and will be made available to all ARG members within ten (10) working days of the meeting once they have been reviewed by the relevant manager/s; and
- Appropriate reports/discussion papers associated with the ARG will be circulated to members either via email or postal delivery (if preferred).

### **7.3 Reporting**

The ARG is a committee of the Board and reports directly to the Board. The ARG may choose to submit a report to the Board following each meeting. The activities of the ARG may also be reported to the Board by the Board representative/s on the committee.

### **7.4 Retention and disposal of meeting papers**

Committee members may return their committee meeting papers to the ARG Committee Support Officer for destruction in accordance with Public Records Office Victoria (PROV) standards following their resignation from the committee and/or when they no longer have a use for them. Upon request to the ARG Committee Support Officer, a serving member may be granted access to the master of those meeting papers, if required.

Where the contents must be disclosed in court proceedings or for the purposes of litigation, for a period of seven (7) years after ceasing service on the committee, a member may be granted access to documents that were made available to the committee during the term of their membership.

Mallee CMA reserves the right to restrict committee members' access to any committee meeting documents over which it claims legal professional privilege.

## **8. DISPUTE RESOLUTION**

Dispute resolution will be managed in accordance with CMA 010 PRO - Committee Dispute Resolution Procedure.

## **9. CONFLICT OF INTEREST**

Conflicts of interest will be managed in accordance with CMA 061 GPOL - Conflict of Interest Policy – Board and Committees.

## 10. COMMUNICATION PROTOCOLS

The following outlines the normal responsibilities in relation to communicating with the Board, employees, the community and the media.

### 10.1 Board members

ARG members are encouraged to communicate with Board member representatives on general matters. If an ARG member has a significant issue to raise this should be taken up with the ARG Chair who will take the matter up with the Board Chair.

If there is an issue of conflict between an ARG member and the Board, the conflict resolution process is to be enacted.

### 10.2 With Mallee CMA employees

ARG members are encouraged to discuss projects with relevant employees attending ARG meetings. If an ARG member would like further information on a project, they are encouraged to raise this with the ARG Chair, who may request more information from the CEO.

If an ARG member has an issue with the implementation of a project; he/she should discuss this with the ARG Chair or General Manager Operations and Community (GMOC). The ARG Chair or GMOC will then decide on the best method of addressing the issue, in conjunction with the CEO.

### 10.3 With the community

General communication with the community should always be viewed as a two-way communication. ARG members are encouraged to communicate Mallee CMA's vision and policies to their respective communities and to listen and take to the ARG community aspirations, expectations and issues raised.

If communication relates to issues that are potentially volatile or concerning, this should be referred by the ARG Chair or General Manager Operations and Community to the CEO.

### 10.4 Media

All press releases and media interviews regarding ARG activities are subject to the approval of the CEO and/or Board Chair. The ARG Chair can provide public comment on behalf of the ARG for approved communication activities. This responsibility can be delegated to a senior Mallee CMA staff member, subject to CEO approval.

Mallee CMA will provide support to the ARG Chair to conduct approved communication activities.

## 11. RESOURCING

The ARG Committee Support Officer is responsible for providing support to the ARG at a level that enables the committee to fully carry out its role within the organisation.

Among these duties are:

- Scheduling ARG meetings to align with Mallee CMA critical decision making schedule/business calendar;
- Preparing ARG meeting agendas and papers;
- Drafting meeting minutes for approval by the relevant manager/s and CEO within five (5) working days following a meeting;
- Circulating the approved draft minutes to committee members within ten (10) working days of the meeting;
- Preparing ARG updates for the Board, as required; and
- Other duties as requested by the ARG Chair, in consultation with the CEO.

## 11.1 Operating Budget

Each year, an operating budget will be developed for the ARG. The budget will include the following expense items:

- ARG member sitting fees
  - Refer to Section 11.2
- ARG member travel expenses
  - Refer to Section 11.2
- ARG meeting expenses
  - Including venue hire, meals, inspection tours, guest speaker costs and any other expenses directly related to ARG meetings.
- Executive support expenses
  - Including employment costs for administrative support and travel related expenses.
- Other expenses, as approved by the CEO and/or Board
  - Including any other incidental costs incurred in the operation of the ARG.

## 11.2 Sitting Fees

Committee members are eligible for sitting fees and travel expenses. The amounts payable are stated in the tables below. All amounts shown are excluding GST.

Mallee CMA requires an invoice to be submitted, or signed off by the committee member, as soon as practicable following a meeting, to enable prompt payment of sitting fees and travel expenses. All payments are made into a bank account. New committee members will be asked to supply required information in relation to their individual or business status.

## 11.3 Committee member – private individual

A member of the committee that is a private individual:

- **Does not** have an Australian Business Number (ABN);
- **Is not** registered for GST;
- **Must** complete the ATO form - '*Statement by a supplier*'.

## 11.4 Committee member – business, with or without GST registration

A member of the committee with a registered business name choosing to be paid under that business name must provide a Tax Invoice which meets ATO requirements or complete the form '*Recipient created tax invoice*' to allow Mallee CMA to create a '*Recipient Created Tax Invoice*'.

A Tax Invoice must contain the following:

- Words 'Tax Invoice';
- Business name (contact details are optional);
- Australian Business Number (ABN);
- Date the invoice was issued;
- A brief description, for example - *ARG meeting 1 July 2015, greater than four hours \$191.00*; and
- If registered for GST - the GST amount is added. This can be shown separately and/or in the total, with the statement '*Total price includes GST*'; or
- If not registered for GST - no GST amount is added. The statement '*Total price does not include GST*' must be included.

*N.B: The forms referenced are available from the ARG Committee Support Officer.*

DURATION		Chair	Member
Half day	Up to and including 4 hours	\$110.00	\$95.50
Full Day	Greater than 4 hours	\$220.00	\$191.00



## 11.5 Travel allowance

Calculated by multiplying the kilometres travelled to and from a meeting by the travel allowance of \$0.68 / per kilometre (ATO Determination 2018-19). The owner of the vehicle will be reimbursed.

Meeting	Sitting fee applies	Requirement
Ordinary meetings	YES	No authorisation required Invoice Mallee CMA
Extraordinary meetings	YES	No authorisation required Invoice Mallee CMA
Invitation to a meeting, inspection etc. by a program manager	YES	No authorisation required Invoice Mallee CMA
Any other meetings that a member is asked to attend to represent the committee/group	YES	Authorisation by the relevant Mallee CMA committee/group Chair or GMOC Invoice Mallee CMA
Any other meetings that a member is invited to attend for information purposes	NO	No authorisation required
Invitations to members to attend meetings, conferences, inspections etc. where authorisation is required will note whether sitting fees are payable.		

**NB:** Sitting fees are reviewed annually by the Minister.

## 12. RELATED DOCUMENTS

### Internal

CMA 061 GPOL - Conflict of Interest Policy - Board and Committees

CMA 044 OPOL - Equal Opportunity Policy

CMA 010 PRO - Committee Dispute Resolution

CMA 017 PRO - Grievance and Dispute Resolution Procedure

Mallee CMA Diversity and Inclusion Plan

# APPENDIX 1 - MALLEE CMA REGION

