



# Marrungbalbu Group

## Business Paper

**date of meeting:** Monday 20 June 2022

**location:** TEAMS Meeting

**time:** 2.30pm

## **Marrungbalbu Group**

### **CHARTER**

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Adopted: OC 16/06/2021

#### **1.0 INTRODUCTION**

The Marrungbalbu Group will provide input to Council regarding issues affecting the Aboriginal and Torres Strait Islander community in Port Macquarie and provide the Aboriginal and Torres Strait Islander community with capacity to inform Port Macquarie-Hastings Council's decision-making processes.

Broadly, the Advisory Group will enable Port Macquarie-Hastings Council (Council) to meet its Community Strategic Plan, in particular those parts of the plan that relate to Aboriginal and Torres Strait Islander people.

The Marrungbalbu Group will also provide a point of contact for Council's broader consultation with the Aboriginal and Torres Strait Islander community and promote Aboriginal initiatives and celebrations auspiced by Port Macquarie-Hastings Council.

#### **2.0 OBJECTIVES**

- To advise Council on Council projects and issues which support and affect the Aboriginal and Torres Strait Islander Community including Council programs, services, projects and celebrations to ensure we build a community that respects the rights of all people and encourages self-determination and equity.
- To assist Council in implementation, monitoring and review of Council Policies.
- To provide and receive two-way feedback from the community regarding issues relating to our Aboriginal and Torres Strait Islander Cultural Heritage.

#### **3.0 KEY FUNCTIONS**

The key functions of the Marrungbalbu Group are to:

- Review, consult and provide feedback to Council on the development of a Port Macquarie-Hastings Council Reconciliation Action Plan
- Provide a forum in which Council and community leaders can discuss and debate, plan and progress local and regionally significant Aboriginal and Torres Strait Islander community inclusion outcomes that continue the growth of our community and our places in the Port Macquarie Hastings Local Government Area.
- Support Council in promoting appropriate celebrations with the Aboriginal and Torres Strait Islander people and wider community.
- Discuss issues of mutual concern in relation to Council policy, strategy or direction, so that they can be resolved to the benefit of both the Aboriginal and non-Aboriginal communities.
- Provide advice and guidance to Council on the development of Council cultural projects including public art, interpretative signage.
- Be outcomes focused and assist in determining appropriate budget requests for Council lead Aboriginal and Torres Strait Islander programs and events in the community.

## **4.0 MEMBERSHIP**

### **4.1 Voting Members**

- 1 representative from the organisations listed below:
  - Birpai Local Aboriginal Land Council
  - Bunyah Local Aboriginal Land Council
  - Bearlay Aboriginal Interagency
  - Hastings Aboriginal Education Consultative Group (AECG)
  - Guulaguba Barray Aboriginal Corporation
  - Werin Aboriginal Corporation Medical Clinic
  - Aboriginal Employment organisation
  - Tribal Wave Assembly
- 4 Traditional Owners
- 4 Aboriginal and Torres Strait Islander community members
- Councillor(s) (resolved by Council)
- Director Community, Planning and Environment
- Group Manager Community
- Community Inclusion Team Leader
- Community Inclusion Trainee (Identified Position)

### **4.2 Non-Voting Members/Attendees**

Other attendees/members, including State and Federal Government representatives and specific constituent groups within various sectors, may be invited to attend meetings or working groups on certain issues or to progress an agreed outcome, as approved by the Committee. These are non-voting attendees and may only be invited with the approval of the Committee or the Chairperson if the need for their attendance is identified. These attendees may be but not limited to Purfleet/Taree Local Aboriginal Land Council and Kempsey Local Aboriginal Land Council.

### **4.3 Obligations of Members**

- Commit to working towards advancement of the cultural endeavours within the Local Government Area.
- Act honestly and in good faith.
- Act impartially at all times.
- Participate actively in the work of the Advisory Group
- Exercise the care, diligence and skill that would be expected of a reasonable person in comparable circumstances.
- Comply with this Charter document at all times.
- Facilitate and encourage community engagement with Committee and Council initiatives to support good inclusion outcomes for our community.
- As per Section 226 (c) of the NSW Local Government Act 1993, the Mayor is the principal spokesperson for the governing body and Councillors that are members of a Committee are to obtain the Mayor's agreement to make media and other statements. Further, only the Mayor, or a Councillor with the Mayor's agreement and otherwise in accordance with Council policies and procedures, may release Council information through media statements or otherwise, and the release of such information must be lawful under the Council adopted Code of Conduct. Council officers that are members of Committees are bound by the existing operational delegations in relation to speaking to the media.

- A Councillor as a member of an Advisory Group or the Advisory Group itself has no delegation or authority to make decisions on behalf of Council, nor to direct the business of Council. The only decision making power open to Councillors is through formal resolutions of Council.
- A Councillor as a member of an Advisory Group or the Advisory Group itself cannot direct staff and must abide by the decisions of Council and the policies of Council.
- Councillors, Council staff and members of this Advisory Group must comply with the applicable provisions of Council's Code of Conduct in carrying out the functions as Council officials. It is the personal responsibility of Council officials to comply with the standards in the Code of Conduct and regularly review their personal circumstances with this in mind particularly with respect to conflicts of interest, confidentiality and general conduct obligations.

#### **4.4 Member Tenure**

- Marrungbalbu Group members will serve for a period of four (4) years after which Council will call expressions of interest for the next four (4) year period. Existing Marrungbalbu Group members will be eligible to re-apply for a position and serve additional terms. Any changes in the composition of the Marrungbalbu Group require the approval of Council.

#### **4.5 Appointment of Members**

- A formal Expression of Interest process for all positions will be undertaken across the Local Government Area as a way of determining the independent representatives on the Marrungbalbu Group.
- Members of the Marrungbalbu Group will be representative of diverse interests across the Local Government Area rather than a single issue.
- The members of the Marrungbalbu Group, taken collectively, will have a broad range of skills and experience relevant to community sectors in the Port Macquarie-Hastings region.
- Where practicable the membership will represent the geographical spread of the Port Macquarie-Hastings Local Government Area, and a diverse range of cultural, gender and age groups.
- Council, by resolution duly passed, will appoint members to the Marrungbalbu Group.

### **5.0 TIMETABLE OF MEETINGS**

- Meetings will be held bi-monthly (or more regularly if required). Meetings will generally be held at various locations across the Port Macquarie-Hastings area.
- Extra-ordinary meetings can be called if required.

### **6.0 MEETING PRACTICES**

#### **6.1 Attendance**

- Meetings are not open to the public to attend, however, as noted above, specific members of the public may be invited to address the Marrungbalbu Group regarding a specific matter on which the Marrungbalbu Group seeks their input.

#### **6.2 Decision Making**

- Recommendations of the Marrungbalbu Group shall be by majority of the members present at each Meeting and each member shall have one (1) vote.
- The Chairperson shall not have a casting vote.
- In the event of an equality of votes on any matter, the matter shall be referred directly to Council's Executive Group and then to Council.
- Recommendations from the Marrungbalbu Group are to be made through the General Manager or the relevant Director who will determine, under delegation, the process for implementation.
- The Marrungbalbu Group has no delegation to allocate funding on behalf of Council. The Marrungbalbu Group may make recommendations to Council about how funding should be spent in relation to the above-mentioned objectives, however those funds will only be applied and expended following a formal resolution of Council.
- The Marrungbalbu Group may establish working groups to support actions and activities within Council Plans or to assist in the delivery of projects and events, as deemed appropriate. All projects are to be aligned with Council's suite of Integrated Planning and Reporting documents.

### **6.3 Quorum**

- A quorum must include a minimum of one (1) Councillor or one (1) Council Executive staff member being present. The quorum for the Advisory group will be met if six (6) members are present, or greater than half of the total membership at that point in time, whichever is the smallest.

### **6.4 Chairperson and Deputy Chairperson**

- The Chairperson shall be the Councillor (resolved by Council)
- The Deputy Chair shall be an Aboriginal and Torres Strait Islander representative (voted in by Committee)
- At all Meetings of the Marrungbalbu Group, the Chairperson shall occupy the Chair and preside. In the absence of the Chairperson and Deputy Chair, as the Marrungbalbu Group's first item of business, the Marrungbalbu Group shall elect one of its members to preside at the Meeting.

### **6.5 Secretariat**

- The responsible Council Director is responsible for ensuring the Marrungbalbu Group has adequate secretariat support. The secretariat will ensure that business papers and supporting papers are circulated at least three (3) days prior to each meeting. Minutes shall be circulated to members within seven (7) days of the meeting having taken place.
- All Marrungbalbu Group agendas and minutes will be made available to the public via Council's web site, unless otherwise restricted by legislation.
- The responsible Council Director will coordinate a review of the Charter within 12 months of a new Council term and present to Council for adoption.

### **6.6 Recording of decisions and explicit discussions on risks**

- The Secretariat shall record a summary of all discussions that relate to risks.

## **7.0 CONFIDENTIALITY AND CONFLICT OF INTEREST**

- Any independent members of the Marrungbalbu Group will be required to complete a confidentiality agreement that will cover the period of their membership of the Marrungbalbu Group.
- Marrungbalbu Group members must declare any conflict of interests at the start of each meeting or before discussion of a relevant item or topic. Details of any conflicts of interest should be appropriately minuted.
- Where members or invitees at Marrungbalbu Group meetings are deemed to have a real or perceived conflict of interest, it may be appropriate that they be excused from Marrungbalbu Group deliberations on the issue where the conflict of interest may exist and this is to be recorded in the minutes of the meeting.

**Marrungbalbu Group**  
**ATTENDANCE REGISTER**

Member	26/07/21	30/08/21	25/10/21	
Jared Horrigan (Birpai Local Aboriginal Land Council)	-	✓	✓	
Amos Donovan (Bunyah Local Aboriginal Land Council)	✓	✓	✓	
Latoya Smith (Bearlay Aboriginal Interagency)	A	✓	✓	
Linda Olive (Hastings Aboriginal Education Consultative Group)	✓	✓	A	
Vacant (Werin Aboriginal Corporation Medical Clinic)	-	-	-	
Vacant (Aboriginal Employment organisation)	-	-	-	
Vacant (Tribal Wave Assembly)	-	-	-	
Gulwanyang Moran (Traditional Owner)	✓	✓	✓	
Richard Dacker (Deputy Chair) (Traditional Owner)	X	X	✓	
Benjahmin Moran (Guulaguba Barray Aboriginal Corporation)	✓	X	X	
William O'Brien O.A.M (Traditional Owner)	✓	✓	✓	
Kelly O'Brien (Aboriginal and Torres Strait Islander community member)	✓	✓	✓	
Rhonda Anjilkurri Radley (Aboriginal and Torres Strait Islander community member)	✓	X	✓	
Jacob Thorne-Hall (Aboriginal and Torres Strait Islander community member)	✓	A	A	
Wayne Anderson (Aboriginal and Torres Strait Islander community member)	✓	X	✓	
Mayor Peta Pinson	✓	✓	✓	
Councillor Lisa Intemann	✓	✓	A	
Director Strategy and Growth (Jeffery Sharp)	✓	✓	✓	
Group Manager Community (Lucilla Marshall)	A	A	✓	
Community Inclusion Team Leader (Hayley Owen)	✓	✓	✓	
Community Inclusion Trainee (Identified Position) (Jessica Green)	A	A	A	
vacant (Traditional Owner)	-	-	-	
vacant (Traditional Owner) (to be modified by Council following further consideration)	-	-	-	

**Key:** ✓ = Present    A = Absent With Apology    X = Absent Without Apology

**Meeting Dates for 2022**

TBA		

## Marrungbalbu Group Meeting

Monday 20 June 2022

### Items of Business

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**Item: 01****Subject: ACKNOWLEDGEMENT OF COUNTRY**

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"I acknowledge that we are gathered on Birpai Land. I pay respect to the Birpai Elders both past and present. I also extend that respect to all other Aboriginal and Torres Strait Islander people present."

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**Item: 02****Subject: APOLOGIES**

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**RECOMMENDATION**

That the apologies received be accepted.

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**Item: 03****Subject: CONFIRMATION OF PREVIOUS MINUTES**

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**RECOMMENDATION**

That the Minutes of the Marrungbalbu Group Meeting held on 21 October 2021 be confirmed.

That it be noted due to a quorum not be reached for meetings scheduled on 11 April or 2 May 2022 matters listed for those dates be considered at a future meeting.

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Item: 04  
Subject: DISCLOSURES OF INTEREST

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**RECOMMENDATION**

That Disclosures of Interest be presented

**DISCLOSURE OF INTEREST DECLARATION**

<b>Name of Meeting:</b>	
<b>Meeting Date:</b>	
<b>Item Number:</b>	
<b>Subject:</b>	
<b>I, the undersigned, hereby declare the following interest:</b>	
<input type="checkbox"/> <b>Pecuniary:</b> Take no part in the consideration and voting and be out of sight of the meeting.	
<input type="checkbox"/> <b>Non-Pecuniary – Significant Interest:</b> Take no part in the consideration and voting and be out of sight of the meeting.	
<input type="checkbox"/> <b>Non-Pecuniary – Less than Significant Interest:</b> May participate in consideration and voting.	
<b>For the reason that:</b>	
<b>Name:</b>  <b>Signed:</b>	<b>Date:</b>
<b>Please submit to the Governance Support Officer at the Council Meeting.</b>	

(Refer to next page and the Code of Conduct)

## Pecuniary Interest

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
  - (a) your interest, or
  - (b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
  - (c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
  - (a) Your "relative" is any of the following:
    - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - ii) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii)
  - (b) "de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act 1987*.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c)
  - (a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
  - (b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
  - (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

## Non-Pecuniary

- 5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

### Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the Chief Executive Officer, such a disclosure is to be made to the staff member's manager. In the case of the Chief Executive Officer, such a disclosure is to be made to the mayor.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
  - a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
  - b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
  - c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
  - d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
  - e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
  - f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
  - a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
  - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of council other than the Chief Executive Officer, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the Chief Executive Officer, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.
- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

## SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

*This form must be completed using block letters or typed.*

*If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.*

<b>By</b> <i>[insert full name of councillor]</i>	
<b>In the matter of</b> <i>[insert name of environmental planning instrument]</i>	
<b>Which is to be considered at a meeting of the</b> <i>[insert name of meeting]</i>	
<b>Held on</b> <i>[insert date of meeting]</i>	
<b>PECUNIARY INTEREST</b>	
Address of the affected principal place of residence of the councillor or an associated person, company or body <i>(the <b>identified land</b>)</i>	
Relationship of identified land to councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> The councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has interest in the land.
<b>MATTER GIVING RISE TO PECUNIARY INTEREST<sup>1</sup></b>	
Nature of land that is subject to a change in zone/planning control by proposed LEP <i>(the <b>subject land</b><sup>2</sup>)</i> <i>[Tick or cross one box]</i>	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	
Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	
Effect of proposed change of zone/planning control on councillor or associated person <i>[Tick or cross one box]</i>	<input type="checkbox"/> Appreciable financial gain. <input type="checkbox"/> Appreciable financial loss.

*[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest]*

**Councillor's Signature:** ..... **Date:** .....

*This form is to be retained by the council's Chief Executive Officer and included in full in the minutes of the meeting*

Last Updated: 3 June 2019

**Important Information**

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

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<sup>1</sup> Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

<sup>2</sup> A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest

Item: 05

Subject: BUSINESS ARISING FROM PREVIOUS MINUTES

<b>Item:</b>	06	<b>Date</b>	30/08/21
<b>Subject:</b>	PUBLIC ART MASTER PLAN AND TOWN GREEN ABORIGINAL ART PIECE		
<b>Action Required:</b>	1. Working group to be established to assist with development of the Public Art Master Plan. 2. Director to organise a forum to discuss the location and meaning of the Edmund Barton statue once COVID restrictions are lifted.		
<b>Current Status:</b>	Further participation from Marrungbalbu members requested. Only one nominee received to date.		

<b>Item:</b>	08	<b>Date</b>	25/10/2021
<b>Subject:</b>	REGIONAL MAP OF BOUNDARY BOARDERS DISCUSSION		
<b>Action Required:</b>	1. Agreed the best approach is to develop a Local Map of Land Council Boundary Borders of the Port Macquarie-Hastings area including registered significant sites. 2. Identifying key stakeholders that need to be included in the development of the map to be discussed at a future meeting		
<b>Current Status:</b>	For further discussion.		

Discussion topics at future meetings		
	Due Date	Requested

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**Item: 06****Subject: RECONCILIATION ACTION PLAN****Presented by: Community, Planning and Environment, Melissa Watkins**

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**RECOMMENDATION**

**That the Marrungbalbu Group note that Council has registered with Reconciliation Australia in preparation for creating the Reconciliation Action Plan.**

**Discussion**

A key action in the Marrungbalbu Charter and Council's Community Inclusion Plan is to develop a Reconciliation Action Plan.

Since 2006, Reconciliation Action Plans (RAPs) have enabled organisations to sustainably and strategically take meaningful action to advance reconciliation. Based around the core pillars of relationships, respect and opportunities, RAPs provide tangible and substantive benefits for Aboriginal and Torres Strait Islander peoples, increasing economic equity and supporting First Nations self-determination.

From research undertaken by the Community Inclusion Team Leader, it has been identified that the most appropriate way to create a RAP is through Reconciliation Australia.

Reconciliation Australia provide templates with required actions and offer support to organisation to assist in drafting their RAP, and also endorse the RAP once they have approved the content of the RAP.

The next steps in the creation of the RAP is for Council to create a RAP Working Group (RWG) which is made up of Council staff that represent a wide range of departments, locations and levels. The RWG will oversee the development of the RAP and produce progress reports on the RAP development which will be provided back to the Marrungbalbu Group.

**Attachments**

Nil



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Item: 07

Subject: CHARTER AND MEMBER RESIGNATIONS

Presented by: Community, Planning and Environment, Melissa Watkins

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## RECOMMENDATION

That the Group:

1. Note the resignation of committee members Jacob Thorne-Hall and Kelly O'Brien
2. Review the Marrungbalbu Charter and advise if the representative positions and identified organisations are considered appropriate to meet the objectives of the Group
3. Submit a revised Charter to Council for their consideration
4. Subject to Council's endorsement of the Charter, reaffirm current members and recruit for vacancies through an Expression of Interest process in accordance with Charter guidelines
5. Report applications received to Council for Council to appoint the members.

## Discussion

### Member Resignations

Marrungbalbu Group representative's Jacob Thorne-Hall and Kelly O'Brien tendered their resignations on 11 April 2022 and 24 May 2022 respectively. Both Jacob and Kelly have been committee members since 16 June 2021 and throughout this time they have brought passion and knowledge to the discussion on issues that affect the Aboriginal and Torres Strait Islander community. Council and committee members would like to thank Jacob and Kelly for their contributions and acknowledge their competing work commitments are the reason for their departure.

### Charter Review

A review of the Group Charter (Attachment 1) and membership is required in accordance with the Council resolution of 16 February 2022 where Council resolved as follows:

*RESOLVED: Pinson/Roberts*

*That Council:*

1. *Discontinue the following Council Committees/Working Parties/Groups with community and Councillor representatives pending a future review of Council's Committee structure:*
  - *Airport Advisory Group*
  - *Coast, Estuary and Floodplain Advisory Sub-Committee*
  - *Community Inclusion Committee*



- *Cultural Steering Group*
  - *Economic Development Steering Group*
  - *Hastings Bushfire Management Committee*
  - *Port Macquarie Transport Network Community Consultative Committee*
  - *Sustainability Advisory Sub-Committee*
  - *Town Centre Master Plan Sub-Committee*
2. *Form the following Council Committees and amend their relevant Charters to reflect the membership changes below pending a future review of Council's Committee structure:*
- *Audit, Risk and Improvement Committee (Appoint Cr Sharon Griffiths as Councillor representative)*
  - *Marrungbalbu Group (Chaired by the Mayor, Deputy Mayor in the Mayor's absence)*
  - *Development Assessment Panel*
  - *Mayor's Sporting Fund Sub-committee (Chaired by the Mayor, Deputy Mayor in the Mayor's absence)*
  - *Local Development Committee (Traffic) (Chaired by the Mayor, Deputy Mayor in the Mayor's absence)*
  - *Local Traffic Committee (Chaired by the Mayor, Deputy Mayor in the Mayor's absence)*
  - *Sister City Working Group (Chaired by the Mayor, Deputy Mayor in the Mayor's absence).*
3. *Continue Council's membership on the Arts Mid North Coast Board, with a Council staff member as Council's representative, appointed by the Chief Executive Officer.*
4. *Maintain existing hall and facility management committees at the discretion of the Chief Executive Officer.*
5. *Continue to provide support to community Working Groups and Consultative Committees at the discretion of the Chief Executive Officer.*
6. *Formally thank all outgoing Committee members for their invaluable contribution to Council's Committees and Working Groups.*
7. *Determine to rescind the Councillor Portfolio Protocol.*
8. *Not re-establish the Councillor Portfolio system.*
9. *Amend the charters for the following Program Level Steering Groups to remove the requirement for a Councillor representative being consistent with the removal of the Councillor Portfolio Protocol as in Points 7 and 8 above:*
- *Transport and Stormwater Program Steering Group*
  - *Water and Sewer Program Steering Group*
  - *Recreation, Buildings and other Assets Program Steering Group.*

**CARRIED: 5/4**

**FOR: Griffiths, Maltman, Pinson, Roberts and Slade AGAINST: Edwards, Intemann, Lipovac and Sheppard**

In accordance with resolution two (2) above, members are asked to give consideration to the positions and organisations listed in the Charter to ensure representation is appropriate to meet the objectives of the Group and advocate for the views of the Aboriginal and Torres Strait Islander community.

The Marrungbalbu Group is an advisory committee, accordingly the adoption of the Charter and appointment of members is the responsibility of the elected Councillors via a formal report to Council.

**Attachments**

1 [!\[\]\(99f58673407353e96a019fbca558fd72\_img.jpg\) !\[\]\(2113e5cba4d11862fa536c379e9b61cd\_img.jpg\)](#) Marrungbalbu Group Charter - adopted 2021 06 16



## MARRUNGBALBU GROUP CHARTER

Adopted: Ordinary Council 2021 06 16

### 1.0 INTRODUCTION

The Marrungbalbu Group will provide input to Council regarding issues affecting the Aboriginal and Torres Strait Islander community in Port Macquarie and provide the Aboriginal and Torres Strait Islander community with capacity to inform Port Macquarie-Hastings Council's decision-making processes.

Broadly, the Advisory Group will enable Port Macquarie-Hastings Council (Council) to meet its Community Strategic Plan, in particular those parts of the plan that relate to Aboriginal and Torres Strait Islander people.

The Marrungbalbu Group will also provide a point of contact for Council's broader consultation with the Aboriginal and Torres Strait Islander community and promote Aboriginal initiatives and celebrations auspiced by Port Macquarie-Hastings Council.

### 2.0 OBJECTIVES

- To advise Council on Council projects and issues which support and affect the Aboriginal and Torres Strait Islander Community including Council programs, services, projects and celebrations to ensure we build a community that respects the rights of all people and encourages self-determination and equity.
- To assist Council in implementation, monitoring and review of Council Policies.
- To provide and receive two-way feedback from the community regarding issues relating to our Aboriginal and Torres Strait Islander Cultural Heritage.

### 3.0 KEY FUNCTIONS

The key functions of the Marrungbalbu Group are to:

- Review, consult and provide feedback to Council on the development of a Port Macquarie-Hastings Council Reconciliation Action Plan
- Provide a forum in which Council and community leaders can discuss and debate, plan and progress local and regionally significant Aboriginal and Torres Strait Islander community inclusion outcomes that continue the growth of our community and our places in the Port Macquarie Hastings Local Government Area.
- Support Council in promoting appropriate celebrations with the Aboriginal and Torres Strait Islander people and wider community.
- Discuss issues of mutual concern in relation to Council policy, strategy or direction, so that they can be resolved to the benefit of both the Aboriginal and non-Aboriginal communities.
- Provide advice and guidance to Council on the development of Council cultural projects including public art, interpretative signage.
- Be outcomes focused and assist in determining appropriate budget requests for Council lead Aboriginal and Torres Strait Islander programs and events in the community.

#### 4.0 MEMBERSHIP

##### 4.1 Voting Members

- 1 representative from the organisations listed below:
  - Birpai Local Aboriginal Land Council
  - Bunyah Local Aboriginal Land Council
  - Bearlay Aboriginal Interagency
  - Hastings Aboriginal Education Consultative Group (AECG)
  - Guulaguba Barray Aboriginal Corporation
  - Werin Aboriginal Corporation Medical Clinic
  - Aboriginal Employment organisation
  - Tribal Wave Assembly
- 4 Traditional Owners
- 4 Aboriginal and Torres Strait Islander community members
- Councillor(s) (resolved by Council)
- Director Community, Planning and Environment
- Group Manager Community
- Community Inclusion Team Leader
- Community Inclusion Trainee (Identified Position)

##### 4.2 Non-Voting Members/Attendees

Other attendees/members, including State and Federal Government representatives and specific constituent groups within various sectors, may be invited to attend meetings or working groups on certain issues or to progress an agreed outcome, as approved by the Committee. These are non-voting attendees and may only be invited with the approval of the Committee or the Chairperson if the need for their attendance is identified. These attendees may be but not limited to Purfleet/Taree Local Aboriginal Land Council and Kempsey Local Aboriginal Land Council.

##### 4.3 Obligations of Members

- Commit to working towards advancement of the cultural endeavours within the Local Government Area.
- Act honestly and in good faith.
- Act impartially at all times.
- Participate actively in the work of the Advisory Group
- Exercise the care, diligence and skill that would be expected of a reasonable person in comparable circumstances.
- Comply with this Charter document at all times.
- Facilitate and encourage community engagement with Committee and Council initiatives to support good inclusion outcomes for our community.
- As per Section 226 (c) of the NSW Local Government Act 1993, the Mayor is the principal spokesperson for the governing body and Councillors that are members of a Committee are to obtain the Mayor's agreement to make media and other statements. Further, only the Mayor, or a Councillor with the Mayor's agreement and otherwise in accordance with Council policies and procedures, may release Council information through media statements or otherwise, and the release of such information must be lawful under the Council adopted Code of Conduct. Council officers that are members of Committees are bound by the existing operational delegations in relation to speaking to the media.
- A Councillor as a member of an Advisory Group or the Advisory Group itself has no delegation or authority to make decisions on behalf of Council, nor to direct the business of Council. The only decision making power open to Councillors is through formal resolutions of Council.
- A Councillor as a member of an Advisory Group or the Advisory Group itself cannot direct staff and must abide by the decisions of Council and the policies of Council.

- Councillors, Council staff and members of this Advisory Group must comply with the applicable provisions of Council's Code of Conduct in carrying out the functions as Council officials. It is the personal responsibility of Council officials to comply with the standards in the Code of Conduct and regularly review their personal circumstances with this in mind particularly with respect to conflicts of interest, confidentiality and general conduct obligations.

#### **4.4 Member Tenure**

- Marrungbalbu Group members will serve for a period of four (4) years after which Council will call expressions of interest for the next four (4) year period. Existing Marrungbalbu Group members will be eligible to re-apply for a position and serve additional terms. Any changes in the composition of the Marrungbalbu Group require the approval of Council.

#### **4.5 Appointment of Members**

- A formal Expression of Interest process for all positions will be undertaken across the Local Government Area as a way of determining the independent representatives on the Marrungbalbu Group.
- Members of the Marrungbalbu Group will be representative of diverse interests across the Local Government Area rather than a single issue.
- The members of the Marrungbalbu Group, taken collectively, will have a broad range of skills and experience relevant to community sectors in the Port Macquarie-Hastings region.
- Where practicable the membership will represent the geographical spread of the Port Macquarie-Hastings Local Government Area, and a diverse range of cultural, gender and age groups.
- Council, by resolution duly passed, will appoint members to the Marrungbalbu Group.

### **5.0 TIMETABLE OF MEETINGS**

- Meetings will be held bi-monthly (or more regularly if required). Meetings will generally be held at various locations across the Port Macquarie-Hastings area.
- Extra-ordinary meetings can be called if required.

### **6.0 MEETING PRACTICES**

#### **6.1 Attendance**

- Meetings are not open to the public to attend, however, as noted above, specific members of the public may be invited to address the Marrungbalbu Group regarding a specific matter on which the Marrungbalbu Group seeks their input.

#### **6.2 Decision Making**

- Recommendations of the Marrungbalbu Group shall be by majority of the members present at each Meeting and each member shall have one (1) vote.
- The Chairperson shall not have a casting vote.
- In the event of an equality of votes on any matter, the matter shall be referred directly to Council's Executive Group and then to Council.
- Recommendations from the Marrungbalbu Group are to be made through the General Manager or the relevant Director who will determine, under delegation, the process for implementation.
- The Marrungbalbu Group has no delegation to allocate funding on behalf of Council. The Marrungbalbu Group may make recommendations to Council about how funding should be spent in relation to the above-mentioned objectives, however those funds will only be applied and expended following a formal resolution of Council.

- The Marrungbalbu Group may establish working groups to support actions and activities within Council Plans or to assist in the delivery of projects and events, as deemed appropriate. All projects are to be aligned with Council's suite of Integrated Planning and Reporting documents.

### 6.3 Quorum

- A quorum must include a minimum of one (1) Councillor or one (1) Council Executive staff member being present. The quorum for the Advisory group will be met if six (6) members are present, or greater than half of the total membership at that point in time, whichever is the smallest.

### 6.4 Chairperson and Deputy Chairperson

- The Chairperson shall be the Councillor (resolved by Council)
- The Deputy Chair shall be an Aboriginal and Torres Strait Islander representative (voted in by Committee)
- At all Meetings of the Marrungbalbu Group, the Chairperson shall occupy the Chair and preside. In the absence of the Chairperson and Deputy Chair, as the Marrungbalbu Group's first item of business, the Marrungbalbu Group shall elect one of its members to preside at the Meeting.

### 6.5 Secretariat

- The responsible Council Director is responsible for ensuring the Marrungbalbu Group has adequate secretariat support. The secretariat will ensure that business papers and supporting papers are circulated at least three (3) days prior to each meeting. Minutes shall be circulated to members within seven (7) days of the meeting having taken place.
- All Marrungbalbu Group agendas and minutes will be made available to the public via Council's web site, unless otherwise restricted by legislation.
- The responsible Council Director will coordinate a review of the Charter within 12 months of a new Council term and present to Council for adoption.

### 6.6 Recording of decisions and explicit discussions on risks

- The Secretariat shall record a summary of all discussions that relate to risks.

## 7.0 CONFIDENTIALITY AND CONFLICT OF INTEREST

- Any independent members of the Marrungbalbu Group will be required to complete a confidentiality agreement that will cover the period of their membership of the Marrungbalbu Group.
- Marrungbalbu Group members must declare any conflict of interests at the start of each meeting or before discussion of a relevant item or topic. Details of any conflicts of interest should be appropriately minuted.
- Where members or invitees at Marrungbalbu Group meetings are deemed to have a real or perceived conflict of interest, it may be appropriate that they be excused from Marrungbalbu Group deliberations on the issue where the conflict of interest may exist and this is to be recorded in the minutes of the meeting.