

Schedule 13 – Government Partnership Committee

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GOVERNMENT PARTNERSHIP COMMITTEE

Terms of Reference

BACKGROUND

- A. The State Government and Yamatji native title holders have negotiated an historic settlement of native title over land located in and around Greater Geraldton and other areas within Yamatji Country (**the Settlement**).
- B. The particular Yamatji native title holders and Yamatji Country involved in the Settlement are set out in the Indigenous Land Use Agreement (**the ILUA**).
- C. The parties have agreed to establish a partnership committee for the purpose of ensuring regular communication to meet the ongoing objectives of the Yamatji Regional Entity (**the Committee**).
- D. This document sets out the Terms of Reference of the Committee.

1. AIM

The aim of the Committee is to foster open communication between State Government agencies and the Yamatji Southern Regional Corporation on matters relevant to meeting the objectives of the Yamatji Southern Regional Corporation, including:

- strong leadership and good governance;
- making decisions to protect, care for and restore the lands and waters of Yamatji Country;
- recognition as Yamatji people;
- promotion and preservation of Yamatji spirituality and Yamatji culture and ensuring that Yamatji culture remains strong;
- creation of a strong, sustainable and responsive Yamatji economy; and,
- any issues or opportunities the Yamatji Southern Regional Corporation want to raise relating to the implementation of the Settlement.

2. PURPOSE OF THE COMMITTEE

The Committee's primary purpose will be to:

- promote the objectives of the Yamatji Southern Regional Corporation;
- provide a forum through Committee meetings, and subsidiary Implementation Committee and Working Groups, for both the Yamatji Southern Regional Corporation and the State Government to share information and resolve issues (if any) arising out of meeting the objectives of the Yamatji Southern Regional Corporation and any issues or opportunities the Yamatji Southern Regional Corporation want to raise about the implementation of the Settlement; and
- such other responsibilities as agreed between the partners from time to time in writing.

3. MEMBERSHIP

The Members of the Committee will include the following parties and such other State Government agencies as agreed by the parties:

Name	Reference Group role
State Government Representatives	
Deputy Director General Department of the Premier and Cabinet (DPC)	Co-Chair and Member
Deputy Director General Department of Communities ¹	Member
Deputy Director General Department of Education	Member
Deputy Under Treasurer Department of Treasury	Member
Deputy Director General Department of Health	Member
Deputy Director General Department of Biodiversity, Conservation and Attractions	Member
Deputy Director General Department of Planning Lands and Heritage	Member
Deputy Director General Department of Jobs, Tourism, Science and Innovation	Member
Deputy Director General, Department of Water and Environmental Regulation	Member
Deputy Director General Department of Justice	Member
Deputy Director General Department of Primary Industries and Regional Development	Member
Deputy Director General Department of Local Government, Sport and Cultural Industries	Member
Representatives of the Yamatji Southern Regional Corporation	

¹ Deputy Directors General or equivalent positions within respective Departments. If there is a re-structure of State Government Departments, representatives of the equivalent restructured Departments will sit on the Committee.

Name	Reference Group role
CEO of the Yamatji Southern Regional Corporation Three Directors of the Yamatji Southern Regional Corporation Further Director of the Yamatji Southern Regional Corporation who may be appointed as Co-Chair	Member Members Co-Chair and Member

4. CO-CHAIRS

The Committee will be Co-Chaired by a Director nominated by the Board of Directors of the Yamatji Southern Regional Corporation and the Deputy Director General of the Department of the Premier and Cabinet.

5. NON-MEMBER ATTENDEES

The Co-Chairs, on behalf of the Committee may, by written notice through the Secretariat, invite any person with specialist knowledge, experience or responsibility relevant to the priorities and objectives of the Committee, to attend Committee meetings.

6. MEMBERS' UNDERTAKINGS

Through participation in the Committee, all members undertake to:

- act as a spokesperson for their organisation and represent the organisation's views and concerns;
- provide comments and feedback of their respective appointing organisations by the assigned due dates, or as agreed with the Committee Co-Chairs; and
- act with integrity, courtesy and respect, with a view to achieving consensus where reasonably practicable.

7. SECRETARIAT SUPPORT

Secretariat support for the Committee will be provided by the Department of the Premier and Cabinet.

The relevant Secretariat will maintain appropriate records including:

- General correspondence with members;
- Documents and papers circulated for review or comment, including a copy of the circulation list;
- Feedback and comments received from members;
- Records of discussions, meetings or teleconferences, including meeting minutes, papers and agendas; and
- Communiqués (as agreed in writing between the Co-Chairs).

8. QUORUM

To constitute a quorum for a Committee meeting to proceed, the following members must be present either in person or via teleconference:

- the Co-Chairs; and
- at least four other Committee Members, including one from the Government and one from the Yamatji Southern Regional Corporation.

9. MEETING AGENDA

The Secretariat will circulate draft agenda items to members 20 business days before each Committee meeting via email.

The Secretariat will circulate finalised agenda items and papers to members 10 business days before each meeting.

The Co-Chairs may choose to allow additional, urgent items to be added to the agenda after the Final Agenda has been circulated by written notice through the Secretariat.

10. STANDING AGENDA ITEMS

At each Committee meeting, the Implementation Officers representing the State Government and the Yamatji Southern Regional Corporation will prepare a joint report on the status of the implementation of the Settlement.

Further standing agenda items will be determined by the Committee.

11. COMMENCEMENT OF MEETINGS

The Committee will commence meetings upon request of the Yamatji Southern Regional Corporation.

12. TIMING AND LOCATION OF MEETINGS

The Committee will meet quarterly on dates agreed by the Co-Chairs for the first 12 months, and then every 6 months thereafter until the expiration of 10 years from the date of Settlement. The location of meetings will be Geraldton and Perth alternately.

13. ELECTRONIC ATTENDANCE

Any member may participate in a meeting through electronic communications, videoconferencing, teleconferencing or other available technology which allows the members to communicate simultaneously or sequentially.

Participation in a meeting through any such form of electronic communication technology constitutes presence in person at the meeting.

14. COSTS OF THE MEETINGS

For the first ten years of the Committee, the State Government will meet the costs for travel and attendance for the members of the Yamatji Southern Regional Corporation. The administrative costs of the meetings will be incurred by the Secretariat.

15. RESOLUTIONS OF THE COMMITTEE

The Committee is principally an advisory body which provides a forum for collaboration and engagement. The proceedings of the Committee do not have any power to bind or fetter the Yamatji Southern Regional Corporation or the State Government.

No resolution will be communicated as advice or recommendations of the Committee unless approved by consensus of the Committee.

Any matters of procedure or membership of the Committee will be determined by an agreed decision of the Co-Chairs.

16. COMMUNICATION AND REPORTING

Draft minutes will be circulated to members via email by the Secretariat no later than ten business days following each Committee meeting. Members will be given an opportunity to correct and confirm the minutes as the first agenda item at the next subsequent meeting.

17. CONFIDENTIALITY

Members of the Committee are bound to the confidentiality requirements relating to their respective entities as notified in writing through the Secretariat. Members should identify sensitive or confidential items as they arise when meeting agendas are being prepared, and during meetings, and agree appropriate treatment of this information on a case by case basis.

18. CONFLICTS OF INTEREST

Committee members have a continuing obligation to declare any potential, perceived or actual conflicts of interest, and to remove themselves from any deliberations where such conflicts of interest arise, unless it is decided by the Co-Chairs that the member need not remove themselves. Members shall declare any potential conflict of interest in matters of concern to the Committee, including by:

- verbally declaring any potential conflicts of interest at the commencement of each meeting on matters pertaining to the prepared agenda; and
- alerting the Co-Chairs to any other potential conflicts of interest that may arise during the course of a meeting.

Members may have regard to the principles set out in the WA Public Sector Commission's Good Governance Guide - Conflicts of Interest.

19. ADOPTION AND AMENDMENT OF THE TERMS OF REFERENCE

Adoption or alteration of these Terms of Reference will only occur by agreement of the Committee members.

20. REVIEW

The Committee's Terms of Reference and membership will be reviewed after two years. The review will be facilitated by an independent party agreed upon by the Committee members, at the cost of the State Government. The Committee may decide to provide for further reviews of the Terms of Reference to be conducted on a periodic basis.

21. IMPLEMENTATION COMMITTEE

Appropriate implementation of the commitments captured in the ILUA is essential to deliver on the terms of the Settlement. It is also critical that implementation is undertaken in a manner which achieves the objectives of the ongoing partnership between the State Government and the Yamatji Southern Regional Corporation.

Secretariat support for the Implementation Committee will be provided by the Department of the Premier and Cabinet.

The Terms of Reference governing the Implementation Committee is captured at **Annexure A**.

22. WORKING GROUPS

The Implementation Committee may establish Working Groups, as required, to facilitate engagement between specific State Government agencies and the Yamatji Southern Regional Corporation to be governed by the Terms of Reference which are set out in the **Annexure B**.

Secretariat support for Working Groups will be provided by relevant State Government agencies.

ANNEXURE A
IMPLEMENTATION COMMITTEE – TERMS OF REFERENCE

1. Parties will establish an Implementation Committee to deliver on commitments in the ILUA.
2. Through the Department of the Premier and Cabinet (DPC), the State will be responsible for ensuring other State Government agencies meet their obligations under the ILUA.
3. The Senior Implementation Officer from DPC and the Senior Implementation Officer of the Yamatji Southern Regional Corporation will co-chair a monthly meeting of relevant State Government agencies to report against progress of the implementation of the ILUA for the first twelve months and, thereafter, as agreed by parties.
4. The Implementation Committee will establish Working Groups, as required, to oversee the specific delivery of commitments under the ILUA.
5. In the first twelve months, meetings of the Implementation Committee will be held in Perth (8) and Geraldton (4) with each party bearing their own costs.
6. Initial Working Groups, as agreed between the parties, are listed in **Annexure B**.

ANNEXURE B

WORKING GROUPS – TERMS OF REFERENCE

1. The Implementation Committee will establish Working Groups between specified State Government Agencies and the Yamatji Southern Regional Corporation as required.
2. Working Group meetings will be convened in Geraldton.
3. State Government agencies will bear their own costs in attendance.
4. The relevant State agency will provide the secretariat support for Working Groups.
5. Working Groups will meet no more than four times a calendar year.

Working Groups agreed by parties will be convened in the year following conclusive registration of the ILUA. These are the:

1. State Records Office and the Yamatji Southern Regional Corporation Working Group;
2. Western Australian Museum and the Yamatji Southern Regional Corporation Working Group; and
3. Department of Lands, Planning and Heritage and the Yamatji Southern Regional Corporation Working Group.

1. State Records Office and Yamatji Southern Regional Corporation Working Group

1.1 Parties:

The State Records Office of Western Australia (**SRO**) and
Yamatji Southern Regional Corporation.

1.2 Members:

- 1.2.1 2 SRO staff and 2 representatives of the Yamatji Southern Regional Corporation.

1.3 Terms of Reference

- 1.3.1 The State Records Office and Yamatji Southern Regional Corporation Working Group will be established to deliver the following:

- (a) to determine those copies of State Archives that may form the basis of the collection as determined by the Yamatji Southern Regional Corporation which may be established by the Yamatji Southern Regional Corporation or as otherwise determined by the Yamatji Southern Regional Corporation;
- (b) to create a database to contain the copies of State Archives identified in accordance with (a) above;
- (c) to establish a policy with respect to the use of the copies of State Archives, including their access; and

- (d) to work together in partnership to achieve the objectives of these Terms of Reference.

2. Western Australian Museum and Yamatji Southern Regional Corporation Working Group

2.1 Parties:

Western Australian Museum (**WA Museum**) and
Yamatji Southern Regional Corporation.

2.2 Members:

- 2.2.1 2 WA Museum staff and 2 representatives of the Yamatji Southern Regional Corporation.

2.3 Terms of Reference:

- 2.3.1 The WA Museum and Yamatji Southern Regional Corporation Working Group will be established to deliver the following:

- (a) assisting with the creation of a Yamatji library within the Lore, Heritage and Culture Centre which would hold and manage a database or records on behalf of the Traditional Owners;
- (b) auditing and compiling a database of cultural material from the Settlement area that are currently in the Western Australian Museum's collection;
- (c) consulting on the appropriate storage of cultural material as they are acquired;
- (d) identifying options to manage cooperatively these cultural objects/materials within the Settlement area and, where appropriate, identify opportunities where repatriation may be considered; and
- (e) providing training for Traditional Owners with respect to maintenance and curation of cultural material.

3. Department of Planning, Lands and Heritage and Yamatji Southern Regional Corporation Working Group

3.1 Parties:

The Department of Planning Lands and Heritage (**DPLH**) and
Yamatji Southern Regional Corporation.

3.2 Members:

- 3.2.1 2 DPLH staff and 2 representatives of the Yamatji Southern Regional Corporation.

3.3 Terms of Reference:

3.3.1 DPLH and Yamatji Southern Regional Corporation Working Group will be established with to deliver the following:

- (a) increasing the overall understanding of Yamatji Heritage Values and exploring strategies to develop management tools that include articulation of these values;
- (b) prioritising management planning of Aboriginal Sites of high importance and significance to the Yamatji Community, particularly those sites that may be vulnerable to damage;
- (c) provide advice to DPLH in relation to sites and objects that should be registered pursuant to s38 *Aboriginal Heritage Act 1972* (AHA) or places that should constitute 'protected places' pursuant to s19 AHA;
- (d) prepare local and regional heritage management plans within the Settlement area;
- (e) Developing authoritative information systems that safeguard Yamatji heritage information;
- (f) building the capacity of the Yamatji community to engage in Yamatji Heritage Management;
- (g) Reassessing the integrity of information in the Register of Aboriginal places and objects, and, where required, improving the quality of the information;
- (h) make recommendations and provide advice to DPLH to inform decisions on the application of ss 16 and 18 of the AHA;
- (i) provide advice and work with DPLH on the development of Aboriginal heritage training and employment initiatives within the Settlement area;
- (j) report incidents believed to be breaches of the AHA to DPLH;
- (k) seek funding to support the facilitation of heritage training and management arrangements in the Settlement area;
- (l) provide advice to DPLH with respect to the management of any discovered ancestral remains; and
- (m) consider how amendments to the AHA that occur after the Working Group is established impact upon any or all of the above.

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