

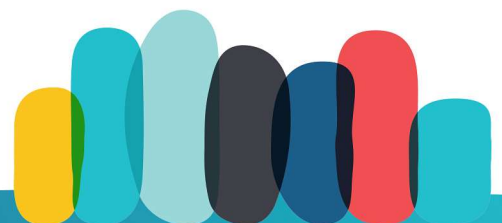


Government of **Western Australia**  
Department of **Communities**

# Aboriginal Strategic Advisory Group

Terms of Reference

February 2023



## Document control

|                       |   |
|-----------------------|---|
| <b>Date of effect</b> | July 2022   |
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| <b>Owner</b>          | Director General                                      |
| <b>Custodian</b>      | Assistant Director General, Strategy and Partnerships |

## Amendments

| <b>Version</b> | <b>Date</b>   | <b>Author</b>       | <b>Description</b>  |
|----------------|---------------|---------------------|---|
| 0.1            | Dec 2021      |                     | Draft approved by the Director General  |
| 0.2            | Jul 2022      | Sector Partnerships | Formatting and minor terminology edits  |
| 1.0            | Jul 2022      |                     | Final version released  |
| 1.1            | February 2023 | Sector Partnerships | Minor amendment – composition and membership. Reference to Premier’s Circular updated |

This document can be available in different formats on request.

## 1 Definitions

For the purposes of these Terms of Reference, an Aboriginal<sup>1</sup> person means a person who is a descendant of Aboriginal people of Australia and demonstrates Aboriginal heritage through:

- Being of Aboriginal descent
- Identifying as an Aboriginal person
- Being accepted as such by the community in which they live, or formerly lived.<sup>2</sup>

## 2 Purpose

The Aboriginal Strategic Advisory Group has been established by the Minister for Child Protection (the Minister) as an Advisory Group under section 27 of the *Children and Community Services Act 2004* (the Act).

The Aboriginal Strategic Advisory Group will provide advice to the Director General of the Department of Communities (Communities) relating to the development and implementation of policies and strategies or matters that impact on Aboriginal communities in Western Australia (WA).

The Aboriginal Strategic Advisory Group provides an opportunity for building genuine and respectful partnerships between Aboriginal people and Communities to achieve improved economic, social, and cultural outcomes for Aboriginal people living in WA.

The Aboriginal Strategic Advisory Group will work collaboratively to:

- Help the voices and views of the Western Australian Aboriginal community to be heard, and appropriately actioned by Communities
- Provide advice to the Director General
- Provide advice to Communities on matters that the Director General refers to the Aboriginal Strategic Advisory Group for advice, and
- Assist Communities staff to gain a deeper understanding of issues affecting Aboriginal people and build cultural capabilities in attitudes, behaviours, skills, and knowledge.

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<sup>1</sup> In this document, the term 'Aboriginal' is used respectfully to refer to Aboriginal and Torres Strait Islander people.

<sup>2</sup> Department of Aboriginal Affairs, *Report on a review of the administration of the working definition of Aboriginal and Torres Strait Islanders*, Canberra, 1981.

### **3 Roles and Responsibilities**

The Aboriginal Strategic Advisory Group reports to the Director General of Communities.

The Director General will determine, in consultation with the Aboriginal Strategy Advisory Group, the Strategic Priorities within their remit. The Strategic Priorities will include measures and actions intended to address Communities' responsibilities under the Closing the Gap framework.

The Aboriginal Strategic Advisory Group may propose other priorities, issues or matters to the Director General for the Aboriginal Strategic Advisory Group to consider, provided these matters are consistent with these terms of reference and the Strategic Priorities; and that priority is given to the matters referred to the Aboriginal Strategic Advisory Group by the Director General.

Communities will, as far as practicable, consult with the Aboriginal Strategic Advisory Group on the Strategic Priorities. The Aboriginal Strategic Advisory Group will provide Communities with advice on those Strategic Priorities.

Communities will provide feedback to the Aboriginal Strategic Advisory Group on the progress of the Strategic Priorities, and on any other matters referred to the Aboriginal Strategic Advisory Group, noting that there may be times where Communities' feedback will note it is unable to act on or progress the Aboriginal Strategic Advisory Group's advice.

### **4 Composition and membership**

Section 27(2) of the Act provides for the Aboriginal Strategic Advisory Group to consist of such people as the Minister thinks fit.

The Aboriginal Strategic Advisory Group will comprise of up to 16 members. An expression of interest process will be called to fill vacancies. A selection panel including Aboriginal people will consider applications and present recommendations to the Minister.

The selection panel will, as far as practicable, consider an appropriate mix of lived experience and subject matter expertise, and optimise regional, gender and all other forms of diversity, having regard to the Aboriginal Strategic Advisory Group's purpose and role. Members are not expected to represent a particular region or language group.

A person may be eligible for appointment to the Aboriginal Strategic Advisory Group if that person:

- Is an Aboriginal person living in Western Australia
- Is not an employee of Communities
- Consents to a criminal record check, the outcome of which is considered acceptable to the Minister having regard to the work undertaken by Communities
- Consents to a Client and Child Protection Record Check, the outcome of which is acceptable to the Minister having regard to the work undertaken by Communities, and
- Does not have commitments that would conflict with the commitments of a member of the Aboriginal Strategic Advisory Group.

A person who is considered a public sector employee under the *Public Sector Management Act 1994* (WA) must have the prior permission of their employing authority before being appointed as a member of the Aboriginal Strategic Advisory Group.

Members hold office for a term of up to two years unless a different term is determined by the Minister and specified in the instrument of appointment. A member cannot be appointed for more than two terms, whether consecutive or not. A member may, at any time, resign from office by written notice provided to the Minister.

A member will cease to be a member of the Aboriginal Strategic Advisory Group if they:

- Resign or retire from the group
- Pass away
- Cease to be eligible in accordance with the eligibility conditions
- Are convicted of an offence which, in the opinion of the Minister, is incompatible with the work undertaken by Communities
- Are convicted of an offence under a written law of the State, or a law of the Commonwealth, another State or Territory, the maximum penalty for which is or includes imprisonment, or
- Are no longer considered suitable for membership.

The Minister may appoint the Director General as an ex officio member and appoint up to two representatives of Communities to attend and participate in meetings as ex officio members. Ex officio members will not count towards a quorum.

At the first meeting of the Aboriginal Strategic Advisory Group, members will elect Co-Chairs for a period of twelve months. As far as practicable, the Co-Chairs

should reflect a gender balance. The election of Co-Chairs will be by a majority of Members in attendance.

## 5 Ethical standards and duties

**Code of Conduct** – Each member shall abide by the terms of the Aboriginal Strategic Advisory Group's Code of Conduct and is expected to uphold the ethical standards and corporate behaviour described in the Code of Conduct.

**Duties** – Members have a duty to:

- Fulfil the functions of their position with due care, diligence and in good faith
- Have reasonable regard to Communities' best interests
- Not improperly use information received through their position on the Aboriginal Strategic Advisory Group
- Commit sufficient time, effort, knowledge, positive attitude, positive behaviours and skill to their position as a member, and
- Comply with the Aboriginal Strategic Advisory Group's Code of Conduct.

**Conflicts of Interest** – Each member shall abide by the terms of the Aboriginal Strategic Advisory Group's Code of Conduct relating to conflicts of interest.

## 6 Remuneration and allowances

Members of the Aboriginal Strategic Advisory Group may be entitled to remuneration and other allowances, as determined by the Minister on the recommendation of the Public Sector Commissioner, consistent with Premier's Circular No. 2022/02 State Government Boards and Committees.

## 7 Meetings and administrative matters

The Aboriginal Strategic Advisory Group will meet at least four times per year. At the discretion of the Co-Chairs, members may attend meetings in person or remotely (by Teams or other similar mechanisms).

A quorum is reached if more than 50 per cent of members are present. Members will endeavour to reach a consensus view on matters being considered. It is noted there are some occasions where consensus is not possible; where this occurs, the minutes will reflect these dissenting views.

If the Minister appoints the Director General as an ex officio member, the Director General may appoint a proxy to attend in their place.

## 8 Secretariat

Secretariat support to the Aboriginal Strategic Advisory Group is provided by Communities. The Secretariat will provide reasonable notice of meetings to each member, including details of the time and venue.

The Secretariat will liaise with the Director General and the Co-Chairs prior to preparing each agenda, to determine the priority of issues to be addressed at each meeting. This process should have regard to the Strategic Priorities and to Communities' operational requirements.

The agenda and accompanying papers should, as far as practicable, be distributed 10 days prior to a meeting. The Secretariat will keep minutes of each meeting. An action list will be provided to members within 14 days of the meeting. Draft minutes of the previous meeting will be provided with the next meeting's agenda papers.

The Secretariat will ensure that the Aboriginal Strategic Advisory Group is provided with information including relevant data, to enable it to achieve its purpose as set out in Section 2.

## 9 Confidentiality and communication

Each member shall abide by the terms of the Aboriginal Strategic Advisory Group's Code of Conduct relating to confidentiality and communication.

## 10 Queries

All queries in relation to the Aboriginal Strategic Advisory Group should be directed to [AdvisorygroupSecretariat@communities.wa.gov.au](mailto:AdvisorygroupSecretariat@communities.wa.gov.au)