





ABORIGINAL ADVISORY COUNCIL OF WESTERN AUSTRALIA

CHARTER OF GOVERNANCE



Version Control and Approval

Approval

| Name/Title | Signature | Date |
|------------------------------------------|-----------------------------------------------------------------------------------|----------------------|
| Rani Randall – Co-Chair |  | 18 September 2025 |
| Jenny Bedford - Member |  | 18 September 2025 |
| Department of the Premier and Cabinet | | |

Contact Officer

| Name/Title | Email |
|--------------------------------------------|--------------------------------------------------------------|
| Community Relations and Engagement Team | aacwa@dpc.wa.gov.au |

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1. Introduction

1.1 Definitions

In this Charter of Governance:

“Act” means the *Aboriginal Affairs Planning Authority Act 1972*.

“Authority” means the Aboriginal Affairs Planning Authority referred to in section 8 of the Act.

“Committee” means the Aboriginal Affairs Co-ordinating Committee established under section 19 of the Act.

“Council” means the Aboriginal Advisory Council of Western Australia constituted in accordance with section 18 of the Act.

“Department” means the Western Australian Department of the Premier and Cabinet.

“Member” means a member of the Council under section 18(2) of the Act.

“Minister” means the Minister for Aboriginal Affairs to whom administration of the Act is committed.

“Persons of Aboriginal descent” means any person living in Western Australia, wholly or partly descended from the original inhabitants of Australia, who claims to be Aboriginal and who is accepted as such in the community in which they live.

“Secretariat” means an office responsible for the secretarial, clerical and administrative affairs of the Council.

“Executive Director” means the person that manages the Secretariat function of the Council.

“Meeting” means scheduled meetings of the Council.

“Deliberative Vote” means a vote cast by a person that determines the outcome when no clear majority has been reached.

1.2 Preamble

The State Government acknowledges Aboriginal and Torres Strait Islander peoples as the first custodians of the lands and seas of Western Australia and pays tribute to past and present Aboriginal and Torres Strait Islander Elders, and respect to Aboriginal and Torres Strait Islander communities of today.

This Charter has been developed by members of the Council in partnership with the Department, to define and guide their work as partners with the Western Australian (WA) Government in the pursuit of Aboriginal equality, wellbeing and recognition.

Public sector boards and committees provide significant contributions to the public sector, providing strategic leadership, direction, and accountability across government. They provide a voice for the community and enable the varied interests of Western Australians to be considered in government decision making processes.

This Charter has been tailored to reflect the unique role and responsibilities of the Council and has been informed by the principles and guidance outlined in the Public Sector Commission's *Governance Manual for WA Government Boards and Committees*. Further information about the role and responsibilities of public sector boards and committees can be found on the Public Sector Commission's website at [Governance of WA government boards and committees](#).

This Charter of Governance (Charter) sets out the governance framework for the Council. As outlined under section 18(4) of the Act, the Council can determine its own procedures, subject to the approval of the Minister. This Charter establishes the roles and responsibilities of Council members and the Secretariat and processes that guide decision-making, accountability, and operational transparency. It ensures that the governance structure aligns with the Council's vision and principles; complies with all relevant legal, legislative and regulatory standards; and emphasises integrity, fairness, and transparency, ensuring decisions are made with the highest standards of ethical conduct.

This Charter applies to all levels of governance within the Council and is designed to be a living document, subject to regular review and updates as necessary. The principles outlined in this Charter will serve as the foundation for effective and efficient management and oversight of Council's activities, and wherever possible take effect as procedures under section 18(4) of the Act.

1.3 Legal Authority

The Council is established under section 18(1) of the Act for the purpose of advising the Authority on matters relating to the interests and well-being of persons of Aboriginal descent. Through the performance of its functions, the Council provides a unique opportunity to build genuine, respectful and reciprocal relationships with the State Government, which will in turn help to achieve better economic, social and cultural outcomes for Aboriginal peoples living in WA.

2. Vision, Principles and Mission

In carrying out its role and responsibilities and engaging with a range of stakeholder groups such as Aboriginal communities, the WA Government and others in support of fulfilling its roles and responsibilities, the Council will be guided by the following vision, principles and mission.

2.1 Vision

The Council's vision is aligned to the purpose of the [Aboriginal Empowerment Strategy 2021-2029](#), for '**Aboriginal people, families and communities to be empowered to live good lives and choose their own futures from a secure foundation**'.

2.2 Principles

The Council's principles are aligned with the principles outlined in the WA Government's [Aboriginal Empowerment Strategy 2021 - 2029](#):

- a) *Empowerment and Self Determination* - Aboriginal people must have the opportunity to engage from an informed perspective, with clarity about process, expectations and responsibilities.
- b) *Culture, Country, and Family* - respect the diversity of culture, language, country and history of its members and Aboriginal communities across Western Australia.
- c) *Diversity of people and places* - policies and programs should be developed and implemented as close to the local or regional level as possible, with the involvement of those most affected.
- d) *Integrated, Culturally Responsive and Secured Services* - the integration of policy and services across policy portfolios, working to shared outcomes, allows effort and investment to be better targeted in priority areas, and allows more effective service delivery.
- e) *Accountability and Evaluation* - policies are to be informed by relevant evidence, including evaluations, research, and Aboriginal people's own lived experiences.
- f) *Equity and Equality* - decisions affecting the broader community must account for impacts on and opportunities for Aboriginal people.

2.3 Mission

The Council's mission is to drive and embed the four Priority Reforms outlined in the National Agreement on Closing the Gap (National Agreement):

1. Formal Partnership and Shared Decision-Making
2. Building the Community-Controlled Sector
3. Transformational Government Organisations
4. Shared Access to Data and Information at Regional Levels

3. Operations of the Council

3.1 Membership

As per the Act, the Council is to consist of members of Aboriginal descent, chosen by and from persons of Aboriginal descent living in Western Australia, through processes and in numbers as approved by the Minister.

3.2 Term

To support appropriate turnover in membership, it is intended that all members will be elected for an initial three-year term and may request one additional term of three years, subject to the discretion of the Minister.

3.3 Chair

A Chair is chosen by and from amongst the members of the Council via a ballot process. Subject to the Act, the Chair will serve as Chair for two years, or for the remaining duration of the relevant members term, whichever is the shorter. The term of the Chair may be extended or renewed by the members in accordance with the process that is followed for appointment of a Chair.

The Council is committed to ensuring gender balance in leadership and supporting diversity in representation of regions across Western Australia. In addition to the role of Chair required under section 18(3) of the Act, Council members will identify an additional member as the Co-Chair to also serve a two-year term. The Co-Chair will act as Chair when required and work alongside the statutory Chair as Co-Chair wherever possible.

3.4 Induction

The Secretariat is responsible for preparing an induction program for new members. This is intended to provide members with valuable information (including copies of all current governance documentation, policies and procedures and Code of Conduct training) and an understanding of the role of both Council as a key strategic partner to the WA Government, the responsibilities as members of the Council and role and responsibilities of the Secretariat.

Members should attend and complete their induction within four months of their appointment to Council.

3.5 Vacancy

The office of a member becomes vacant if he or she –

- a) dies; or
- b) resigns the office by written notice given to the Department; or

- c) is, according to section 13D of the *Interpretation Act 1984*, a bankrupt or a person whose affairs are under insolvency laws; or
- d) is convicted of an offence under the Act; or
- e) is convicted of an offence under a written law, or a law of the Commonwealth, another State or a Territory, the maximum penalty for which is or includes imprisonment; or
- f) is absent for three meetings within a calendar year without notice to the Chair or Secretariat.

3.6 Remuneration and Allowances

As per the Act, Council members may be paid remuneration, and other allowances as determined by the Minister. The rate of any fee will be determined by the Minister on the recommendation of the Public Sector Commission.

Appointment to the Council does not mean the individual is entitled to remuneration. Remuneration is in alignment with the Premier's Circular 2025/15.

3.7 Sub-Committees

By way of a majority decision, the Council may establish sub-committees from time to time to assist with the performance of its functions. A sub-committee must include at least one member of the Council, who is to be the Chairperson for that sub-committee.

The Council will establish a specific charter, with clear terms of reference, for each sub-committee it establishes. Sub-committees are required to provide regular reports to the Council, including any current or potential contentious issues.

Contentious issues are to be reported to the Council for discussion and decision to ensure the decision-making responsibilities of the full Council are not compromised by the activities of any sub-committee. The Council, not the sub-committee, is accountable for all decisions.

4. Roles and Responsibilities

4.1 Role of Co-Chairs

In addition to any specific statutory role conferred on the Chair, the Chair and Co-Chair are to ensure the efficient organisation and conduct of the Council's function including by:

- i) promoting constructive and effective relations between the Council, the Aboriginal community and all levels of government;
- ii) facilitating the effective contribution of all members;
- iii) collaborating with the Department in meeting preparations;
- iv) leading the Council meetings; and
- v) attending the Aboriginal Affairs Coordinating Committee meetings.

4.2 Role of Council Members

Council members are responsible for providing strategic advice and leadership in partnership with the WA Government to advance the interests, wellbeing, and recognition of Aboriginal and Torres Strait Islander peoples. In fulfilling their role, members are expected to:

- vi) Support the Council's Vision and Mission by promoting empowerment, self-determination and the Priority Reforms of the National Agreement.
- vii) Provide strategic advice and guidance to a range of stakeholders through informed and evidence-based decision-making.
- viii) Represent Aboriginal interests by ensuring community voices are reflected in government policy.
- ix) Collaborate effectively and respectfully with fellow members, the Secretariat and stakeholders.
- x) Act with integrity by upholding ethical standards, transparency, and accountability aligned to the Council's Code of Conduct.
- xi) Participate fully by attending meetings, contributing to planning and completing the induction session(s) for members.
- xii) Comply with governance requirements by following legal, procedural, and policy frameworks.

4.3 Role of Secretariat

The Secretariat's primary role is to provide support to Council. This is managed by the Executive Director of the Aboriginal Engagement Directorate, within the Department of the Premier and Cabinet.

The key responsibilities of the Secretariat include:

- a) managing and administering the day-to-day operations of the Council and its sub-committees in accordance with the purpose, vision, strategy, and action plans approved by the Council.
- b) coordinating and managing meeting preparations including travel and accommodation arrangements and remunerations.
- c) ensuring compliance with relevant government and legislative requirements.
- d) ensuring the Council is fully informed on key issues relating to the business of the Council and its sub-committees; and
- e) coordinating agency and ministerial engagement and support the implementation of the Council's Strategic Plan.

5. Meeting Operations

5.1 Convening of Meetings

The Council is to meet at least five times per calendar year. A yearly calendar of Council meeting dates will be prepared by the Secretariat for endorsement by the members before the last meeting of each year.

A special meeting of the Council may be convened by the agreement of both the Chair and Co-chair, at any time, subject to there being a quorum.

5.2 Meeting Procedures

As per the Act, the Council is to adopt its own meeting procedures, subject to the approval of the Minister. The procedures for the Council are as follows:

5.2.1 Quorum and Attendance

The Chair and Co-Chair are to preside over all meetings of the Council at which both are present. If only one is present, that person will preside. If they are both absent from a Council meeting, the person who presides at that meeting is to be chosen by and from the remaining members of the Council for that meeting.

To constitute a meeting, there must be no less than 50% of the members present.

A member doesn't have to be physically present at a Council meeting; they can participate virtually if they and the other attendees are in immediate contact through virtual communication methods (e.g. Microsoft teams).

Where a member is unable to attend a meeting, they should notify the Secretariat as soon as possible prior to the meeting.

5.2.2 Voting

Each member, including the member presiding, has a deliberative vote only and, subject to the requirement that a quorum is present, all questions shall be decided by a majority other than a determination in relation to an undisclosed interest as set out in section 18(7) of the Act, which must be decided by the Chair.

Where a majority cannot be reached, the dissenting member/s may request their views be recorded in the minutes and those views will be presented to the Executive Director by the Chair and Co-Chair for further consideration.

5.2.3 Resolution without meeting

A resolution in writing signed, or otherwise approved to in writing, by each member has the same effect as if it had been passed at a meeting of the Council.

5.2.4 Agenda and Agenda papers

The meeting agenda will be prepared by the Secretariat, incorporating input from members provided during the forward planning item at the previous meeting with the draft agenda provided to the Co-Chairs once finalised.

The Secretariat will use best endeavours to prepare and distribute the final agenda and supporting documents to all members in a timely manner, allowing for a minimum review period that includes two full weekends prior to the scheduled meeting.

5.2.5 Minutes and Records of the Proceedings

Minutes of each meeting are to provide evidence of the Council's decisions and actions, including the delegation of tasks arising from Council meetings.

A record of the proceedings of each meeting will be kept in a way approved or directed by the Minister and will be signed as accurate by the member presiding at that or the next meeting.

The draft minutes of the previous meeting will be presented in the next meeting agenda papers for final approval by the Council.

An action list will be kept for all key actions noted in minutes and members will be updated on the progress of those actions at each meeting.

A Communique from each meeting, approved by the Chair and Co-chair, will be made publicly available on the WA.gov.au website, which provides a high-level overview of discussions and any decisions made by the Council.

5.3 Leave of Absence

The Secretariat may, by written notice to a member, grant the member leave to be absent for no more than two meetings per year.

If a member misses more than two meetings in a year without providing notice, the Chair and Co-Chair will issue a letter to the member notifying them of their breach of the Charter.

5.4 Validity of Proceedings

A vacancy or issue regarding how a member was appointed does not affect the validity of a meeting held or its decisions.

5.5 Performance Monitoring

The Chair and Co-Chair will informally review the performance of the Council and the support provided by the Secretariat every two years. Factors considered in the review may include performance of statutory responsibilities, capacity, workload and integrity.

The outcomes of the review may be reported back at a meeting of the Council and the feedback will be recorded in the meeting minutes. Their report back, which may take the form of a written report or such other form as is agreed by the Minister, endorsed by the Council, will then be provided to the Department.

6. Compliance and Ethical Standards

6.1 Conflict of Interest and Declaration of Interest

Members are required to disclose actual or perceived conflicts of interest as soon as they arise as outlined in the Council's Code of Conduct.

Where an actual or perceived conflict of interest is declared, the declaration will be recorded in the minutes of that meeting and entered in the Council's Conflicts of Interest Register.

Members who have a significant financial interest in a matter being considered may participate in the discussion of the issue at a meeting but must not vote.

Where the Chair of a particular meeting is of the opinion that a member has an undisclosed material financial interest in any matter, they may call upon the member to disclose the nature of the interest and if the member does not declare it, the Chair may determine that the interest exists.

Where this occurs, the determination must be recorded in the minutes of the meeting and in the Council's Conflict of Interest Register. The member may take part in the consideration or discussion but cannot vote.

Members should ensure that their contribution to meetings supports the fulfilment of the Council's purposes. Issues outside of the scope of the Council's role should not be raised at meetings and instead should be raised through the usual government and/or departmental channels where appropriate.

6.2 Confidentiality

It is important for members to feel free to contribute honestly and openly, and that there is a level of trust between the members.

- a) All electronic and written documents are provided to members with the expectation that members will abide by the Code of Conduct and distribute these documents responsibly and only for obtaining feedback from the groups they represent.
- b) No views, documents or information presented during, or outside of, Council meetings are to be made available to the media without the explicit agreement of the Chair, Co-Chair and/or the Department.

6.3 Code of Conduct

Members appointed to the Council are to act in accordance with its Code of Conduct which is based on, and is consistent with, the [Commissioner's Instruction 40: Ethical Foundations](#).

Codes of conduct and integrity training are to be provided by the Department and completed by each member no less than every three years.

7. External Relations and Communications

Clear and consistent communication is essential to achieving the Council's strategic objectives and maintaining public trust. All official communication regarding the Council will be coordinated by the Secretariat, in line with the Council's Communications Strategy. This may include communiqués, website updates, articles, and other relevant platforms.

The Secretariat is responsible for providing an official response to any formal correspondence or requests for information from external parties (e.g. emails, letters). Members are expected to adhere to the expectations outlined in item 8 – Communication and official information contained in the **Code of Conduct**.

7.1 Public Comments

Public comment includes comment made in circumstances where it is reasonable to expect that the comment may reach the wider community. This may include comments made on the internet, in speeches, on the radio, or in the press.

Members will not be required to, and are not authorised to, make public comments concerning the Council or the Department. This is the role of the Minister or Department's nominated representative.

Members who receive requests or queries from the media are to advise the Secretariat of the request who will then consider the request, seek appropriate advice before any decision is made.

When members present publicly on Council or Department matters, they are expected to provide timely feedback to the Secretariat, including any issues raised during the engagement.

8. Review and Amendment

The Charter of Governance for the Council will be reviewed:

- a) with a change of membership of more than 50% of the members.
- b) as agreed by a majority of the members.
- c) at least every three years; or
- d) in accordance with relevant legislation.