

## Consultation Cover sheet: Appin (Part) Precinct First Nations Reference Group Terms of Reference

Document Title:	<b>Appin (Part) Precinct First Nations Reference Group Terms of Reference</b>
Summary /Context:	<ul style="list-style-type: none"><li>These terms of reference outline the role and responsibilities of the FNRG (presumably a reference to a First Nations Reference Group) regarding the co-design of the Appin (Part) Precinct. Walker Corporation and GIRA Advisory express acknowledgment and respect for Aboriginal peoples, recognizing them as the original custodians of the land. The project aims to establish genuine partnerships with Aboriginal communities through their leadership, with the goal of creating a precinct that meets their needs. The study area encompasses the Appin and North Appin Precincts, bounded by several natural landmarks, within the Wollondilly Council and Campbelltown Council local government areas.</li></ul>
Feedback specifications:	Please <b>review and provide comment</b> directly on the PDF document. Please upload your submission via Engagement Hub via the Document Submissions function located to the right side of the Appin Precinct page.
Due date:	<i>Tuesday, 28 May 2024</i>

### Feedback Instructions

Your feedback and contributions are valued greatly by Walker Corporation. Your feedback will inform the Appin Masterplan submission to the NSW government or approving mechanism, which is due by 28 May 2024.

To help structure your feedback, you may wish to consider the following:

1. Highlight any areas where the report effectively captures the cultural values and perspectives of the First Nations communities.
2. Identify any gaps or oversights in the assessment that may need further consideration or inclusion.
3. Offer recommendations for enhancing the integration of cultural values into the project's development and ongoing management.
4. Provide any additional insights or considerations that may be relevant to the project's cultural impact assessment.

### Overall feedback

In addition, for high-level responses or recommendations, you may like to briefly provide your comments in the text boxes below.

**Overall impression**

*Briefly state your general thoughts on the report.*

**Cultural insights**

*Please note your comments directly on the PDF report. For high-level comments or reoccurring feedback, please briefly state below.*

**Recommendations**

*Please note your comments directly on the PDF report. For high-level recommendations or reoccurring topics, please briefly state below.*

**Additional comments**

*Please provide other comments, suggestions or points of discussion.*

**Due date for feedback**

Your feedback is important. We ask that all feedback be received via Engagement Hub by no later than **Tuesday, 28 May 2024**.

If you experience technical difficulties or concerns in meeting these timelines, please contact [connect@ira.com.au](mailto:connect@ira.com.au) or call Ashlee Wone on **0413 089 257**.

Appin (Part) Precinct  
First Nations Reference Group  
Terms of Reference

## Table of Contents

1.	DEFINITIONS .....	5
2.	INTRODUCTION .....	5
3.	PREAMBLE .....	6
4.	COMMITMENT TO ABORIGINAL WAYS OF WORKING.....	7
5.	ROLES AND RESPONSIBILITIES.....	7
6.	ETHICAL STANDARDS AND DUTIES .....	8
7.	TERM OF OFFICE.....	9
8.	VACANCIES.....	9
9.	LEAVE OF ABSENCE.....	9
10.	QUORUM.....	10
11.	REMUNERATION AND ALLOWANCES.....	10
12.	CONFIDENTIALITY .....	10
13.	MEETINGS.....	11
14.	PROCEDURE AT MEETINGS.....	11
15.	SECRETARIAT SUPPORT .....	11
16.	QUERIES .....	12
	APPENDIX 1 – PROCESS MAP.....	13

## 1. Definitions

In this Terms of Reference:

The term **'Aboriginal people'** is used in preference to 'Indigenous' or 'Aboriginal and Torres Strait Islander people', in recognition that Aboriginal peoples are the original inhabitants of Western Australia.

**"Aboriginal"** means any person of Australian Aboriginal descent who identifies as Aboriginal and who is acknowledged as a Traditional Owner or custodian within New South Wales.

The term **'First Nations'** acknowledges the diversity and distinct cultures of Australia's Original inhabitants, the Aboriginal and Torres Strait Islander peoples. This term is seen as more encompassing and respectfully acknowledges the sovereignty, history and diversity- recognising that there are many different groups, each with their own unique culture, language, beliefs, and practices.<sup>1</sup>

## 2. Introduction

Walker Corporation has engaged GIRA advisory to work collaboratively with Aboriginal stakeholders and community to co-design and lead a First Nations approach to protect, honour, and respect the culture and heritage values of Country, located within the Appin (Part) Precinct project.

As detailed in the Waters' Appin (Part) Precinct – Aboriginal Cultural Values Assessment and Connecting with Country Framework:

*"There is an opportunity through engaged planning and co-design to create spaces that welcome the lived cultural relationship between First Peoples and Country and support First People to control their social engagement with place."*

*"And a requirement for ongoing engagement with First Peoples...to co-design...and maintain ongoing respectful engagement with Traditional Custodians, cultural knowledge holders and advisors and First Nations communities with traditional historical and contemporary connections to Country."*

---

<sup>1</sup> <https://aiatsis.gov.au/explore/indigenous-australians-aboriginal-and-torres-strait-islander-people>

### 3. Purpose

The purpose of the First Nations Reference Group (FNRG) is to provide strategic guidance and expert advice to Walker Corporation, acknowledging the significant historical and contemporary value of Aboriginal culture and heritage, in line with their commitments to the Aboriginal Cultural Values Assessment (ACVA) and Connecting with Country Framework (CWC).

In recognition of Aboriginal-led governance, the FNRG establishes a strong foundation to engage Traditional Owners that have a deep connection to Country, senior knowledge holders and those with cultural authority to speak for, and about, Country.

### 4. Preamble

These terms of reference set out the role and responsibilities of the FNRG for the co-design of the Appin (Part) Precinct.

Walker Corporation and GIRA Advisory acknowledges Aboriginal people as the first custodians of the lands and seas and pays tribute to past and present Aboriginal Elders. Walker Corporation and GIRA Advisory also pays respect to the Aboriginal communities of today.

This project aims to establish meaningful partnerships with Aboriginal people and communities through a genuine Aboriginal-led process to achieve a fit-for- purpose Precinct.

The study area is the Appin and North Appin Precincts bound on the south by the Cataract River, on the west by the Nepean River, on the north by Mallaty Creek and on the east by the Georges River.

This is located within the Wollondilly Council and Campbelltown Council local government areas.

## 5. Commitment to Aboriginal ways of working

- 5.1 FNRG meetings will formally open with a Welcome to Country (preferred) or an acknowledgement of Country, performed by an Aboriginal representative, nominated by the Aboriginal members who are present at the meeting.
- 5.2 Other Aboriginal cultural procedures may be adopted as agreed by the members.
- 5.3 Members are advised they may potentially encounter material that contains images or descriptions of deceased individuals and other culturally restricted material.
- 5.4 All measures will be taken to provide a culturally safe environment to support constructive discussions.
- 5.5 GIRA takes a Country-centred approach in elevating the voices of Traditional Owners and knowledge holders, and to increasing a broader understanding that, for First Nations peoples, 'Country is not only land but also water and skies—it includes the tangible and intangible—ritual and ceremony, social practices, lore and custom, spiritual connection and the Dreaming.'
- 5.6 Building on the foundations of the ACVA and CWC, GIRA will work collaboratively and in partnership, with the Aboriginal communities and their representatives to co-design and establish a culturally appropriate and culturally safe platform, to safeguard and honour the culture and heritage of Country, located within the Appin Precinct.

## 6. Roles and Responsibilities

- 6.1 The FNRG will be guided by the following engagement principles:
  - (a) **Aboriginal-led** – visioning, community engagement, and cultural decision-making processes will be Aboriginal-led and guided by a Cultural Authority Framework.
  - (b) **Understand Culture** – actively building knowledge and respect for the culture, values, and history of Traditional Owners.
  - (c) **Inclusion and Diversity** – ensuring other Aboriginal communities will have an opportunity for consultation and contribution.
  - (d) **Engage Early** – engaging at the ideas stage to maximise Aboriginal community input, developing trust, and embedding culture and community in the project design.
  - (e) **Establish expectations** – being clear on purpose, consistent in communication and seeking feedback.
  - (f) **Develop Authentic Relationships** – acknowledging it takes time to develop meaningful relationships, being prepared to have open and honest conversations,

- (g) **Be accountable and transparent** – communicating to achieve outcomes.
- 6.2 The role of the FNRG is to:
- (a) contribute cultural advice to the development of the Appin (Part) Precinct;
  - (b) provide ongoing cultural advice throughout the various stages of the project;
  - (c) give due respect and consideration to information provided by Aboriginal stakeholders, and broader Aboriginal communities as it develops;
  - (d) support transparency and sharing information between and with Aboriginal people and their communities.

## 7. Ethical Standards and Duties

- 7.1 **Code of Conduct** – each member shall abide by the terms of the FNRG Code of Conduct; uphold the ethical standards described in the Code.
- 7.2 **Duties** – the FNRG will operate in a manner reflecting its values and in accordance with all applicable laws and regulations.
- 7.3 **Conflicts of interest** – each member has a fiduciary and statutory duty not to place themselves in a position which gives rise to, or is perceived to give rise to, a real or substantial possibility of conflict, whether it be a conflict of interest or conflict of duties.
- 7.4 **Conflicts of Interest Policy** – in accordance with the Policy:
  - (a) each member is required to ensure the FNRG is notified (whether by formal standing notice or notification to the Chair) immediately on becoming aware of any such conflicts of interest;
  - (b) if any matter is, or is likely to be, brought before the FNRG which could give rise to such a conflict of interest, then the member shall disclose this to the FNRG Chair;
  - (c) each member shall continue to receive FNRG papers or other information which relates to the matter, and is the subject of the conflict of interest, unless the Chair determines that he or she shall not receive any or all those documents;
  - (d) the member shall not participate in discussion or vote on the matter unless a majority of members, who do not have an interest in the matter, resolve that the disclosed interest should not disqualify the member; and
  - (e) where the majority of members resolve the member is disqualified, the member shall withdraw from the meeting for the duration of that matter.
- 7.5 Members are required to represent the interests of their community and should refrain from raising issues of a personal nature at meetings.

## 8. Subject Matter Experts

- 8.1 By way of a majority decision, the FNRG may from time to time engage Subject Matter Experts (SME) to be invited to attend FNRG meetings to assist in matters of knowledge, culture, community or Country.
- 8.2 SMEs will participate as invitees of the FNRG and will be remunerated for their contribution.
- 8.3 SMEs will provide expert advice only to the FNRG and do not hold any voting rights.
- 8.4 The FNRG will remain accountable for all decisions.

## 9. Term of Office

- 9.1 Community members will have two-year terms, with an annual review process. This means that each calendar year approximately half the FNRG will come to the end of their term.
- 9.2 This ensures there are always experienced members on the FNRG, provides regular opportunities for new members to nominate, and provides a greater depth of candidates.
- 9.3 As a matter of sound governance practice, and unless by exception, the membership of individuals should not exceed ten years.
- 9.4 A member may at any time resign from office by written notice given to the Chair of the FNRG.

## 10. Vacancies

- 10.1 The office of a member becomes vacant if he or she:
  - (a) dies; or
  - (b) resigns the office by written notice given to the Chair; or
  - (c) becomes bankrupt by virtue of the presentation of a debtor's petition according to section 5 of the Commonwealth Bankruptcy Act 1966.
  - (d) whilst a member, 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.

## 11. Leave of Absence

- 11.1 The Chair may, by written notice to a member, grant the member leave to be absent for no more than two consecutive meetings.
- 11.2 If a member is absent for two consecutive meetings, without explanation, the Chair

- 11.3 will contact them to determine whether they wish to continue their appointment.
- 11.4 This is not applicable if a member has applied for leave of absence for personal reasons and wishes to maintain their position.
- 11.5 Family, work, and community commitments may at times impact a member's availability. If a member is unable to attend a meeting it is their responsibility to submit an apology and contact the Chair to be briefed on what they have missed.

## 12. Quorum

- 12.1 Where a member is unable to attend a meeting, they should notify the Chair as soon as possible prior to the meeting.
- 12.2 To constitute a meeting there must be present:
  - (a) one Chair; and
  - (b) half of the community members and, where possible, equal representation of male and female members.

## 13. Remuneration and Allowances

- 13.1 All members will be offered financial remuneration for their involvement and contribution to the First Nations Reference Group and/or subject matter experts, in formal recognition of the value of Aboriginal Cultural Intellectual Property (ACIP), their time, effort and expertise.
- 13.2 Members will also receive financial remuneration for two supplementary sitting days to recognise the additional time commitment required, which includes pre-schedule readings, travel and post meeting actions (where applicable).
- 13.3 As a starting point, financial remuneration will reflect the advice of the [Classification and Remuneration Framework for NSW Government Boards and Committees](https://www.psc.nsw.gov.au/assets/psc/documents/Classification-and-Remuneration-Framework-for-NSW-Government-Boards-and-Committees-April-2021.pdf) (the Framework)<sup>2</sup> and may change in accordance with levels of responsibilities, qualifications, and involvement.

## 14. Confidentiality

- 14.1 It is important for members to feel free to contribute honestly and openly, and there is a level of trust between the members.
- 14.2 Members will not communicate confidential information that is discussed at FNRG meetings, such as issues of a sensitive commercial or conceptual nature.
- 14.3 Members will not comment in the media on behalf of the FNRG or the Appin (Part) Precinct project, without prior consultation with the Chair and Project team.
- 14.4 Members who receive requests or queries from the media are to advise GIRA Advisory of the request who will discuss with the FNRG Chair before any decision is made as to making a public comment and by whom.

---

<https://www.psc.nsw.gov.au/assets/psc/documents/Classification-and-Remuneration-Framework-for-NSW-Government-Boards-and-Committees-April-2021.pdf>

## **15. Meetings**

- 15.1 Where required, the FNRG will meet bi-monthly but may meet more often if required.
- 15.2 Additional meetings of the FNRG may be convened by the Chair at any time, subject to there being a quorum for such meeting and with reasonable notice given to members.
- 15.3 A calendar of significant dates will be provided to members.

## **16. Procedure at meetings**

Procedures for the meetings are set out below.

### 16.1 Holding meetings remotely

- (a) The attendance of a person at a meeting need not be in person but may be by telephone or other means of instantaneous communication, including online meetings.

### 16.2 Decision-Making

- (a) Decisions or recommendations made at a meeting of the FNRG, are to be made by consensus.
- (b) Where consensus cannot be reached, the dissenting member/s may request their views be recorded in the minutes and those views will also be presented to the FNRG Chair for determination or recommendation.

### 16.3 Resolution without meeting

- (a) A resolution in writing signed, or otherwise assented to in writing, by each member has the same effect as if it had been passed at a meeting of the FNRG.

### 16.4 Minutes to be kept

- (a) Minutes of each meeting are to provide evidence of the FNRG.
- (b) FNRG decisions and actions, including the delegation of tasks arising from meetings.
- (c) The draft minutes of the previous meeting will be presented in the next meeting agenda papers for ratification by the FNRG.
- (d) A record of the proceedings of every meeting shall be certified as correct by the member presiding at that or the next succeeding meeting.
- (e) Key outcomes from each meeting, approved by the Chair, outlining the high-level discussion and any decisions made by the FNRG.

## **17. Secretariat Support**

- 17.1 GIRA Advisory will provide secretariat support to the FNRG including the coordination of agendas, preparation of minutes, follow up of actions, and drafting

of meeting papers as required.

17.2 To manage the administrative tasks associated with meetings, the secretariat will comprise the following:

- (a) GIRA Partner, who will settle the agenda in consultation with the Chair;
- (b) Client Relationship Manager
- (c) Program Engagement Officer.

17.3 The Client Relationship Manager will:

- (a) advise members of the meeting date by way of a meeting request;
- (b) call for agenda items;
- (c) prepare and distribute the agenda and supporting papers for each meeting;
- (d) take minutes of each meeting; and
- (e) coordinate any follow up action as determined in that meeting.

## **18. Queries**

Any queries in relation to the FNRG should be directed to the Chair or the GIRA Advisory Secretariat in the first instance.

## Appendix 1 – Process Map

Walker Corporation – First Nations Reference Group Meeting - Process Map

