

Elders Council

TERMS OF REFERENCE



New South Wales
Aboriginal Land Council

Consistent with:

1. Resolutions of the New South Wales Aboriginal Land Council (“the NSWALC”) at 232nd Council meeting, pursuant to section 118 of the *New South Wales Aboriginal Land Rights Act (1983)* (“the ALRA”); and
2. Key priority areas of the NSWALC to:
 - Developing strong leadership, good governance, integrity and accountability through the acknowledgement of our Elders and the vital connection to knowledge, traditions and culture they offer community;
 - Building productive and meaningful partnerships between Elders and youth within community to assist in delivering social and cultural growth and prosperity;
 - Supporting innovation, learning and continuous improvement through the facilitation of input and the exchange of ideas to assist with the delivery of real outcomes which strengthen our communities and the capacity of Aboriginal people; and
 - Encouraging wealth generation and commerce through promoting the development of initiatives to enhance Aboriginal employment and training outcomes.

AUTHORISING SECTION OF THE ALRA

The NSWALC Elder Advisory Council (“the Elder Council”) is appointed by the NSWALC under the provisions of section 118 of the ALRA reproduced hereunder:

- (1) The New South Wales Aboriginal Land Council may from time to time appoint such advisory committees as the Council considers appropriate for the purpose of advising the Council, carrying out consultations with Aboriginal persons or facilitating discussions about issues arising under this Act.
- (2) The advisory committee has such functions as the Council may from time to time determine in respect of it.
- (3) An advisory committee consists of such persons appointed by the Council as the Council thinks fit.
- (4) A committee member holds office for such a period as specified in the instrument of appointment of the committee member, but any such appointment may be terminated by the Council at any time.
- (5) One of the committee members, in and by the instrument of appointment of the committee member, is to be appointed as chairperson of the committee.
- (6) The procedure for the calling of meetings of the advisory committee and for the conduct of business at those meetings is to be as determined by the Council or (subject to any determination of the Council) by the committee.
- (7) A committee member is to be paid such travel and other allowances as the Minister may from time to time determine in respect of the committee member.

FUNCTIONS

The primary functions of the Elder Council will be to:

1. Provide advice and make recommendations to NSWALC on policy, programs and services, which impact on Aboriginal Elders, with particular focus on Aboriginal Land Rights in NSW, Aboriginal culture and heritage, and engaging with Elders groups across NSW;
2. Provide advice and make recommendations to NSWALC on current and emerging issues and concerns of importance to Aboriginal Elders, to improve awareness of a range of issues which affect Aboriginal Elders;
3. Provide advice and make recommendations to NSWALC on issues impacting on Aboriginal Elders specific to local and regional contexts; and
4. Assist with identifying opportunities and developing strategies for the sharing of, and the passing on of the knowledge of our Elders for future generations;
5. Assist with facilitating discussions and consultations to raise the awareness of the broader community, particularly young Aboriginal people, in the history of Land Rights and the Land Council system in NSW.

In furtherance of the primary functions the Elder Council shall:

- Provide a forum for the sharing of ideas and discussions on a wide range of issues, especially those affecting Aboriginal Elders in the NSWALC regions and within the State of NSW;
- Be the primary mechanism for the NSWALC to consult with our Aboriginal Elders on a range of issues;
- Provide a two-way communication forum for Aboriginal Elders perspectives on a range of issues, and as a means of communication from the NSWALC to Aboriginal Elders on issues relating to Land Rights and the Land Council system;
- Demonstrate leadership through building cooperative and meaningful partnerships with and between Aboriginal Elders, young Aboriginal people, Aboriginal communities, and the NSWALC;
- Demonstrate leadership through a commitment to mentoring and the personal development and learning of young Aboriginal people with an aim of building respect and understanding between Aboriginal Elders and young Aboriginal people;
- Encourage the active participation of Aboriginal people in the Land Council system; and
- Contribute to the development of the NSWALC strategic initiatives and policies.

WHO ARE “ELDERS”?

For the purpose of this Elder Council, Elders are defined as those persons aged 50 years and over. The NSWALC recognise that there is no single definition of an Elder within Aboriginal Australian societies.

In fact, the definitions for an Elder are extremely diverse¹. It is commonly accepted that an Elder is a person who is recognised by the community as possessing the wisdom, knowledge and experience to be called upon as an authority to advise or act on important family and community matters.

The use of the term “Elder”, “Uncle” and “Aunt”, may also be used to describe an older person to indicate respect, honour and special status as aging is associated with experience, wisdom, the transmission of cultural heritage and language, leadership roles in the community, and in some cases, spiritual knowledge².

SELECTION AND TERM

The method of filling the Elder Council membership positions shall be via a public advertising process inviting interested persons to nominate for a position in writing whereupon the NSWALC will appoint persons to the Elder Council.

Elder Council members will be appointed based on a merit selection process for the period of the pilot project, being a term of one (1) year.

Selection to the Elder Council is to be based on the following considerations:

1. Is a member of a Local Aboriginal Land Council, or is able to demonstrate they are in the process of becoming a member of a Local Aboriginal Land Council;
2. Is 50 years of age and over;
3. Is able to demonstrate a commitment to actively participate on the Elder Council, including travelling and attending Regional and State-wide meetings; and
4. Is able to demonstrate a willingness to mentoring and the personal development of young Aboriginal people.

¹ F Peters-Little (2000), Research Discussion Paper Number 10 ‘*The Community Game: Aboriginal Self-Determination at the Local Level*’ Aboriginal and Torres Straight Islander Studies, Canberra ACT.

² S J Ship & R Tarbell (1997), *Our National Elders Speak: A Cross-Cultural Approach ‘Elders from First Nations, Inuit and Ethnocultural Minority Communities’* <http://www.niichro.com/Elders/Elders7.html>

MEMBERSHIP AND COMPOSITION

All members of the Elder Committee shall be appointed by NSWALC. Furthermore, a person appointed to the Elder Council shall remain a member of the Elder Council for the term of the pilot project, but any such appointment can be terminated by the NSWALC at any time.

The Elder Committee shall comprise of the following membership:

1. Consist of a maximum of 18 persons, being two (2) representative from each of the 9 NSWALC regions;
 - a. One (1) principal representative whom will attend all training and meetings in the first instance; and
 - b. One (1) deputy representative whom will attend all training and only those meetings where the primary representative is absent, or where requested.
2. Is a member of a Local Aboriginal Land Council, or is able to demonstrate they are in the process of becoming a member of a Local Aboriginal Land Council; and
3. Be aged 50 years and over.

MEETINGS

At the first meeting of the Elder Council:

1. Shall elect a Chairperson of the Elder Council, amongst themselves; and
2. May elect a Deputy Chairperson, again from amongst themselves.

The Elder Council, when electing a Chairperson or Deputy Chairperson, are to vote on the matter by secret ballot.

The persons elected by the Elder Council to these positions shall remain in that position for the period of the pilot project, or until:

1. The person ceases to become a member of the Elder Council; or
2. The person resigns from that position.

Where the positions of Chairperson or Deputy Chairperson do become vacant the Elder Council must elect a replacement at the next meeting of the Elder Council.

If the Chairperson and Deputy Chairperson are absent from the same meeting, the members present must elect an Interim Chairperson for that meeting from amongst themselves, prior to the commencement of any business.

The procedure for calling of meetings of the Elder Council and for the conduct of business at those meetings will be determined by the NSWALC, in consultation with the Elder Council, or subject to any determination of the NSWALC, by the Elder Council.

The Elder Council is to meet at least four (4) times during the period of the pilot project at a place and time to be determined by the NSWALC.

Notice of meetings of the Elder Council shall be given not less than 30 days before each meeting.

Minutes shall be kept of the meetings proceedings. The Elder Council may nominate a member to keep Minutes of the meetings proceedings and/or the NSWALC may appoint a person other than a member of the Elder Council to keep Minutes of the meetings proceedings.

RESPONSIBILITIES OF ELDER COUNCIL

Each member of the Elder Council will be required to:

1. Attend and participate in meetings of the Elder Council, and where necessary regional NSWALC meetings (will require travel);
2. Undertake further training and development as provided by the NSWALC;
3. Assist and support in the personal development and mentoring of Youth Advisory Council members;
4. Work cooperatively with the respective NSWALC regional Councillor, the NSWALC, and the NSWALC Youth Advisory Council; and
5. Assist facilitate discussions and consultations within their respective NSWALC region to raise the awareness of the broader community, particularly young Aboriginal people, in the history of Land Rights and the Land Council system in NSW, and other matters where required.

RESPONSIBILITIES OF NSWALC

The NSWALC will:

1. Assist Elder Council members fulfil their roles and responsibilities through the provision of high level support;
2. Assist Elder Council members in the provision of support and mentoring of the Youth Advisory Council members;
3. Work cooperatively with the Elder Council at all times; and
4. Provide a safe and respectful environment for open two-way dialogue by and with the Elder Council.

REMUNERATION

An Elder Council member is to be paid such travel and other allowances as the Minister may from time to time determine, and as approved by the NSWALC, in respect of the Elder Council member.

CONDUCT OF MEMBERS

The NSWALC requires all members of the Elder Council to adhere to a strict code of conduct in relation to their activities as representatives of the NSWALC.

CRIMINAL RECORD CHECKS

Pursuant to section 114 of the ALRA, a person who is convicted of an offence under Part 3 (except section 61), 4, 4A or 5 of the *Crimes Act 1900* must not be employed as a staff member of the NSWALC for 5 years from the date of conviction.

An Elders Council member must undergo a criminal record check prior to appointment to the Elders Council.