

# Terms of Reference Review

Wednesday, 4 September  
2024

Reconciliation Committee

Strategic Alignment - Our Corporation

**Program Contact:**

Sarah Gilmour, Associate  
Director Park Lands, Policy &  
Sustainability

Public

**Approving Officer:**

Ilia Houridis, Director City  
Shaping

## EXECUTIVE SUMMARY

The purpose of this report is to consider the proposed Reconciliation Committee (the Committee) Terms of Reference and Meeting Procedures as contained in **Attachment A**.

The Reconciliation Committee is established by Council under Section 41 of the *Local Government Act 1999* (SA) and is subject to the provisions under parts 1, 3 and 4 of the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations).

The revised Terms of Reference and Meeting Procedures document incorporates identified improvements including discretionary provisions to aid in clarifying the operation of the Committee and to provide clarity and accessibility to all stakeholders including members of the public, Committee Members and Administration.

The Terms of Reference have been initially discussed at the meeting of the Reconciliation Committee on 29 November 2023 and subsequently at meetings of Panpanpalya. Feedback received at these meetings, including the request to investigate the establishment of a targeted Torres Strait Islander Committee position and to clarify Proxy Member entitlements, is addressed in this report.

If endorsed by the Committee and adopted by Council the amended Committee Terms of Reference and Meeting Procedures will replace the existing Reconciliation Committee Terms of Reference.

---

## RECOMMENDATION

THAT THE RECONCILIATION COMMITTEE RECOMMENDS TO COUNCIL

THAT COUNCIL

1. Adopts the Reconciliation Committee Terms of Reference and Meeting Procedures as contained in Attachment A to Item 5.5 on the Agenda for the Reconciliation Committee meeting held on 4 September 2024.
2. Authorises the Chief Executive Officer or delegate to make grammatical or technical amendments to the Reconciliation Committee Terms of Reference and Meeting Procedures as contained in Attachment A to Item 5.5 on the Agenda for the Reconciliation Committee meeting held on 4 September 2024.

## IMPLICATIONS AND FINANCIALS

City of Adelaide 2024-2028 Strategic Plan	<a href="#">Strategic Alignment – Our Corporation</a> <i>'Effective leadership and governance'</i>
Policy	<a href="#">Reconciliation Committee Terms of Reference (Current)</a>
Consultation	Clarification of the Reconciliation Committee's Terms of Reference was requested by the Reconciliation Committee and discussed at the Reconciliation Committee meeting on 29 November 2023 and subsequently at meetings of Panpanpalya.
Resource	Not as a result of this report
Risk / Legal / Legislative	<a href="#">Local Government Act 1999 (SA)</a> <a href="#">Local Government (Procedures at Meetings) Regulations 2013</a>
Opportunities	Revisions to the Reconciliation Committee's Terms of Reference seek to provide clarification for Reconciliation Committee Members to understand their attendance at meetings and roles in implementing reconciliation priorities. The review includes introducing livestreaming of Reconciliation Committee meetings subject to several cultural considerations, for consistency with other Committees of the Council.
24/25 Budget Allocation	Not as a result of this report
Proposed 25/26 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	The Reconciliation Committee was established by Council on 13 December 2022 for the 2022-2026 Council term.
23/24 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

# DISCUSSION

## Background

1. The Reconciliation Committee (the Committee) was established by Council at its meeting on 13 December 2022 pursuant to Section 41 of the *Local Government Act 1999* (SA) (the Act).
2. Council subsequently appointed the membership of the Committee and adopted the Committee's Terms of Reference ([Link 1](#)) and Remuneration Schedule ([Link 2](#)).
3. At its meeting on 22 March 2023 the Committee resolved to appoint its Dual Chair and Deputy Dual Chair from the Community Representative Membership for a period of 2 years ([Link 3](#)).
4. In response to requests from Committee Members to provide clarity on the roles and responsibilities of both Committee and Proxy Members, and to consider the establishment of a targeted Torres Strait Islander Community Representative position, the Committee, at its meeting on 29 November 2023, was presented with a revised Terms of Reference ([Link 4](#)).
5. A preliminary review of the Terms of Reference was undertaken at Panpanpalya on 8 November 2023 and general support was provided for the draft revisions to the Terms of Reference.
6. The resolution of the Committee at its meeting on 29 November 2023 resulted in a request to Administration to further investigate the implementation of a targeted Torres Strait Islander Community Representative position and to amend the designation of proxies in relation to Community Members of the Committee.

## Discussion

7. In response to the resolution of the Committee on 29 November 2023, Administration has undertaken a robust governance review of the Terms of Reference with the proposed revised document, the Reconciliation Committee Terms of Reference and Meeting Procedures contained in Attachment A to this report.
8. The proposed Terms of Reference and Meeting Procedures as contained in Attachment A to this report has been initially reviewed at Panpanpalya on 7 August 2024. General support was provided for the draft with feedback being incorporated into Attachment A.
9. The style and structure of the document aligns with the proposed Terms of Reference and Meeting Procedure documents for Council Committees, intending to provide clarity surrounding roles, responsibilities, decision making and meeting procedures.
10. The proposed document is structured to enhance accessibility for Committee Members, Administration and members of the public and incorporates a structure that guides the user through the full Terms of Reference and meeting procedures process, including the following key sections:
  - 10.1. Purpose of the Reconciliation Committee
  - 10.2. Responsibilities and reporting
  - 10.3. Behavioural provisions
  - 10.4. Before the Meeting
  - 10.5. During the Meeting
  - 10.6. After the Meeting
11. The review has identified changes that can be addressed in the current term of Council and further identifies changes to be addressed at the establishment of the Committee in the 2026-2030 Council term.
12. Key changes in the proposed Terms of Reference and Meeting Procedures are identified in the table below:

Current Terms of Reference	Proposed Terms of Reference and Meeting Procedures
Structure of document includes: <ul style="list-style-type: none"><li>• Process</li><li>• Role</li><li>• Frequency of Meetings</li><li>• Reporting requirement</li><li>• Process for Selection and Appointment</li></ul>	Structural and content additions to the whole document including new sections: <ul style="list-style-type: none"><li>• Cover Page</li><li>• Acknowledgement of Country</li><li>• Index Page</li><li>• Purpose</li><li>• Appointment of Members and Membership</li></ul>

	<ul style="list-style-type: none"> <li>• Role, Responsibilities and Reporting</li> <li>• Guiding principles</li> <li>• Behaviours</li> <li>• Meeting Procedures: <ul style="list-style-type: none"> <li>○ Before the Meeting</li> <li>○ During the Meeting</li> <li>○ After the Meeting</li> </ul> </li> <li>• Other Matters <ul style="list-style-type: none"> <li>○ Special Meetings</li> <li>○ Review</li> </ul> </li> </ul>
Not included	<p>Inclusion of Meeting Procedures as set out under parts 1, 3 and 4 of the <i>Local Government (Procedures at Meetings) Regulations 2013</i> including discretionary provisions and associated behavioural provisions.</p> <ul style="list-style-type: none"> <li>• This inclusion does not amend the role or function of the Committee, but formalises the procedural aspect of the Committee and aligns the format with all Council Committees and legislative requirements.</li> </ul>
Not included	<p>Introduction of live streaming, including provisions to:</p> <ul style="list-style-type: none"> <li>• Enable the Committee to resolve to close a stream for cultural considerations.</li> <li>• Enable Administration to remove stream recordings from public websites prior to the commencement of the subsequent meeting of the Committee.</li> </ul>
Not included	<p>Inclusion of process for selection and appointment of the Community Member Dual Chair and Deputy Community Member Dual Chair, including a two year term appointment clause.</p> <ul style="list-style-type: none"> <li>• This provision formalises the decision of the Reconciliation Committee to appoint the Community Member Dual Chair and Deputy Community Member Dual Chair for a period of two years and outlines the process for nominations and appointments.</li> </ul>

13. Should the Committee and Council adopt the proposed Terms of Reference and Meeting Procedures, the document will be in immediate effect.

**Council Term 2026-2030**

14. In response to the resolution of the Committee on 29 November 2023, requesting Administration to further investigate the implementation of a targeted Torres Strait Islander Community Representative position and to amend the designation of proxies in relation to Community Members of the Committee, Administration has considered the steps to be undertaken to establish these requests.

14.1. Targeted Torres Strait Islander Community Representative position considerations:

14.1.1. The membership of the Committee was established by Council on 13 December 2022 and provides for three Aboriginal and/or Torres Strait Islander Community Representative Committee Members and two proxies.

- 14.1.2. Amendments to the current membership structure of the Committee will require consideration and adoption through Council.
  - 14.1.3. It is recommended that the establishment of a targeted Torres Strait Islander Community Representative position is reviewed by the Committee when the Committee Membership Structure is being considered for the next term of Council and if an agreed position is reached, may be incorporated into the future Terms of Reference, to be adopted when the Committee is re-established in 2026.
  - 14.1.4. This approach will allow consideration regarding the Membership Structure of the Committee to ensure that there is an agreed level of Community Representation moving forward and will allow Administration to consider any recruitment, budgetary and administrative implications associated.
- 14.2. Community Representative Proxy Members:
- 14.2.1. It is acknowledged that the attendance, participation and remuneration of Proxy Community Member Representatives has been an ongoing practice and provides valuable input to the Committee.
  - 14.2.2. The current Terms of Reference and Committee Remuneration Schedule as adopted by Council do not set out any specific provisions in relation to the voting rights, participation and designation of Community Representative Proxy Members.
  - 14.2.3. Amendments to the current membership structure of the Committee will require consideration and adoption through Council.
  - 14.2.4. It is recommended that the designation of Proxy Members is reviewed when the Committee Membership Structure is being considered for the next term of Council and will be incorporated into the future Terms of Reference documents, to be adopted when the Committee is re-established in 2026.
  - 14.2.5. This approach will allow consideration regarding the membership structure of the Committee to ensure that there is an agreed level of Community Representation moving forward and will allow Administration to consider any budgetary and administrative implications, as well as ensure consistency with other Committee structures and practices.
15. Through the review of the Terms of Reference, Administration has identified an opportunity to review the role and function of Panpanpalya, to be undertaken prior to the 2026 term of Council.

### Next Steps

16. If supported by the Reconciliation Committee the revised Terms of Reference will be submitted to the City Finance and Governance Committee ahead of being presented to Council.
17. If endorsed by the Committee and adopted by Council, the proposed Committee Terms of Reference and Meeting Procedures (**Attachment A**) will replace the existing Reconciliation Committee Terms of Reference.

---

## DATA AND SUPPORTING INFORMATION

**Link 1** – [Reconciliation Committee Terms of Reference \(current\)](#)

**Link 2** – [Reconciliation Committee Remuneration Schedule](#)

**Link 3** – [Minutes of the Reconciliation Committee 22 March 2023](#)

**Link 4** – [Reconciliation Committee Proposed Terms of Reference 29 November 2023](#)

---

## ATTACHMENTS

**Attachment A** – Reconciliation Committee Terms of Reference and Meeting Procedures

- END OF REPORT -