



MACKAY WHITSUNDAY ISAAC TRADITIONAL OWNER REFERENCE GROUP (TORG)

Terms of Reference

Updated March 2021

MEMBERS:

Mrs Carol Prior – Ngaro Elder
Mr George Tonga – Yuwibara Elder
Mrs Sue West – Juru Elder
Mr Samuel Dallachy – Wiri/Barada
Ms Samarla Deshong – Koinmerburra
Ms Agnes Boyd - Gia

PROXY:

Mrs Cathy Illin
Mrs Irene Adams (interim Yuwi Aboriginal Corporation)
Mr Kurtis Dow
Ms Marissa Deshong
Ms Casey McAvoy

The TORG is not the forum for discussion of Native Title matters.

Reef Catchments will act as sponsoring agents for grant applications for the TORG (if requested by the TORG) and will consider and communicate with the TORG how the group's objectives could be met in other grant applications that may be available. Other suitable sponsoring groups may be nominated by the TORG to apply for funds on their behalf.

PURPOSE

- It provides a forum for the facilitation and implementation of the goals and aspirations of Traditional Owners in relation to management of natural and cultural resources within the Mackay Whitsunday Isaac region.
- It provides the broader community opportunity to engage with Traditional Owners about activities, plans, events or other matters that may be of interest to the Traditional Owners of the Mackay Whitsunday Isaac region.
- It provides an opportunity to promote and garner respect for the cultural protocols of each Traditional Owner Group within the broader community.

Provide appropriate and considered advice to Reef Catchments on all relevant issues affecting Traditional Owners within the Mackay Whitsunday Isaac Region and to influence NRM support & intent in achieving objectives for the current:

- Reef Catchments Strategic Plan 2018 - 2022
- Reef Catchments Aboriginal & Torres Strait Islander Peoples' Participation Plan
- MWI Water Quality Improvement Plan 2014 – 2021
- MWI Healthy Rivers 2 Reef Report Card
- TORG Strategic Plan 2017-2027

- The TORG forms the basis for a coordinated, facilitated, forum for the open discussion of matters relating to the interests of Traditional Owners in the region including the development and implementation of projects or programs that are NRM related.
- Reef Catchments' role is the facilitation of the group including the organisational and secretarial support.

ROLE OF THE MEMBERS

- To advise Reef Catchments and stakeholders on necessary issues relating to Aboriginal communities in the Mackay Whitsunday Isaac region.
- Promote and increase knowledge & understanding of Aboriginal society, history & culture.



- Facilitate and advocate for Aboriginal people in Land, Sea & Waters, NRM Cultural Heritage and environmental issues.
- Advise on the development and implementation of the TORG Strategic Plan.
- Develop strong collaborative partnerships between Aboriginal communities and NRM stakeholders.
- Maintain strong links between Reef Catchments and Aboriginal communities throughout the MWI region to accomplish the relationships and outcomes required for genuine reconciliation.
- Foster and safeguard a spirit of mutual trust and respect which allows the TORG and Reef Catchments to work together in their commitment towards intelligent, well-informed decision-making processes that are sensitive to all Aboriginal issues.
- Recognise, support & uphold past and present local cultural heritage and its place in future NRM directions.
- Remain a meaningful 'place' for the communication of messages and information from Aboriginal community voices that identify local needs for services, facilities and activities.
- Support and promote significant celebrations and events within the MWI Aboriginal and Torres Strait Islander community, such as NAIDOC events, Reef Catchments stakeholder day, Reef Festival etc.

MEMBERSHIP

- Traditional Owner members can only speak for their country.
- The group is open to Traditional Owners of the Ngaro, Gia, Koinmerburra, Barada, Wiri, Juru and Yuwibara Traditional Owner Groups, who identify as members of at least one of those groups and are acknowledged as members of such by the community (e.g. by a letter from an incorporated tribal group or elder of the tribal group).
- The Traditional Owner Reference Group (TORG) may request the submission of a 'Confirmation of Aboriginality Form' at their discretion.
- TORG members must have the necessary support and endorsement from their respective tribal groups, including relevant Registered Native Title PBC Bodies.
- The TORG is responsible for endorsing new members to the TORG.
- Traditional Owners of Ngaro, Gia, Koinmerburra, Barada, Wiri, Juru and Yuwibara who wish to be part of the group may self-nominate by applying to the TORG to be reviewed at the next TORG meeting after submission.
- Existing members may only nominate new or proxy members from within their tribal group. All nominations must be applied to the TORG and provide a letter of support by at least one of the Traditional Owner Groups (e.g., by a letter from an incorporated tribal group or elder of the tribal group). Applications will be reviewed at the next TORG meeting after submission.
- The membership of the TORG is to be seven (7) members in total and to include 1 member from each Traditional Owner group within the MWI Reef Catchments region who may participate as a member of the TORG. Members from the same group must be from different families, if available locally.
- After a new Native Title determination within the Mackay Whitsunday Isaac region, the RNTBC will be asked to nominate a TORG member, this may be an existing member or a new member. Nominations must follow the standard application process. An existing member may remain on the TORG at the TORGs discretion, even if they are not the member nominated by the RNTBC. This is the only circumstance that can result in more than seven TORG members.
- TO group members are appointed through an application process.
- If possible, this membership should include men, women, and young people (at least 18 years of age).
- A proxy may be nominated by each existing member, should the existing member be unable to attend (maximum of one proxy per Traditional Owner group).
- Proxies must complete the application process outlined in the Terms of Reference, noting their application as a proxy.
- A proxy is bound to all the same conditions as a TORG member, as outlined in the Terms of Reference.



- Preference will be given to members who are living on/in the country. However, if no one is available locally they can be nominated from outside the area.
- Non-attendance at two or more consecutive meetings will trigger a review of that person's membership by the TORG. At the third meeting a decision will be made by the TORG and may result in membership being rescinded. Where extenuating circumstances exist the TORG will consider these in their deliberations (e.g., Sorry Business).
- Members of the public may request attendance at a TORG meeting. Their attendance will be dependent on the nature of their interest and its relevance to the TORG members.
- Members of the public must submit a letter to the TORG who will review the request and decide regarding their attendance.
- Members must not be charged with a criminal offence.

APPOINTMENT

- Appointment to the TORG is ongoing.
- If a member resigns or is terminated, the proxy will be asked to fill that position.
- Vacancies will be advertised within that member's tribal group's networks, communication channels etc.
- The TORG will manage the application process.

EXPECTATIONS OF TORG MEMBERS

- Individual group members are responsible for reporting back on activities of the TORG to their TO group.
- Individual group members are responsible for reviewing correspondence, media, proposed activities and formal documents produced by the TORG. If required these may be taken back to the broader Traditional Owners groups for further discussion prior to approval.
- Individual group members are responsible for making all best endeavours to attend TORG meetings and all activities listed on the meeting agenda.
- Individual group members/proxy are responsible for active contribution to TORG meetings and discussions and providing advice on behalf of the Traditional Owner group they represent.
- Members are expected to undertake meeting preparation activities (e.g., reading distributed documents and requested research) to enable full contribution to meeting/workshop discussions/agenda items.
- Members will be responsible for gaining broader advice and information from their community and local service providers that will inform the TORG and Reef Catchments plans.

MEETING PRACTICE & PROCEDURES

- Decision-making will be through consensus to be reached through discussion. Where consensus cannot be reached then a resolution is put to the meeting and the decision is made by majority.
- However, if the decision is related to one person's country the TORG member on whose country it is has the ultimate say in any decision.
- Meeting facilitation will be performed by Reef Catchments in its secretarial capacity.
- Individual TORG members will report back to the rest of the TORG at each meeting about business they have been involved in that holds relevance to the TORG.
- The group will attempt to meet at least three (3) times per year.
- The meetings will take place in the most convenient location for most of the group with respect to agenda items.
- Phone/video conferencing may be necessary and is acceptable for some meetings however, the group will attempt to meet face-to-face at least twice a year.
- The TORG will decide whether it is appropriate for meetings to be held via video/phone conference based on the urgency and importance of the matters for discussion.
- It is acknowledged that the number of face-to-face meetings is dependent on funding available.
 - Members can nominate a chair for meetings; however, Reef Catchments will organise and facilitate the meetings.
 - Agenda items will be drafted by Reef Catchments and group members will nominate items to include.



- Reef Catchments will circulate the draft agenda for each meeting to TORG members prior to meetings for review, amendment and inclusion of additional items as required.
- Minutes of the previous meeting will be circulated only to TORG members.
- Meetings may include small group discussions if required.
- The Quorum will consist of at least half plus one (1) of the members.
- Observers can be invited by TORG members to observe meetings. All TORG members must approve the attendance of observers prior to the start of the meeting. A reminder of conduct will be provided at the start of TORG meetings.
- Reef Catchments are responsible for meeting organisation, logistics, collation, and dissemination of approved correspondence and collaborating with external stakeholders, if requested by the group.
- A minimum period of one-week consideration time for project proposals is recommended.

SITTING FEES

- Sitting fees will only be paid for the days attending TORG related activities i.e., TORG meetings, workshops, or field trips (excludes travel days, sick days etc.)
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- Sitting fees will be paid in compliance with the MOU agreements between the individual TORG member and Reef Catchments.
- Sitting fees will be paid at a flat rate for services provided, which has been agreed upon by the TORG members as per MOU agreement.
- Partial services provided – TORG members may be entitled to a pro rata payment in compliance with the MOU agreements between the individual TORG member and Reef Catchments.
- Activities between individual members and other stakeholders are not entitled to a sitting fee from Reef Catchments, even if these activities were initiated during or as a result of a TORG activity or if the TORG member has asked Reef Catchments to support the activity. It is the responsibility of the TORG member and stakeholder to negotiate any fees associated with such activities.

EXTERNAL STAKEHOLDERS

- For the purposes of the TORG, external stakeholders are considered to be any party who are not TORG members or Reef Catchments staff.
- External stakeholders are welcome to apply to join TORG activities as either observers or to present to the TORG.
- External stakeholders wishing to observe or present to the TORG must fill out a request form and forward to reception@reefcatchments.com
- Requests from external stakeholders will be notified via email or telephone once the request has been approved.
- When approved, external stakeholders will also be forwarded a copy of the 'TORG Meeting Procedures for External Stakeholders'.
- Applicants wishing to present to the TORG will typically be scheduled to talk immediately following the 'Welcome to Country/Acknowledgment of Country' and will depart after they have presented to the TORG, unless they have requested to be an observer.
- External stakeholders who have applied and been accepted to observe TORG meeting/s or activities are considered an observer for that occurrence only.
- Observers are entitled to see and hear the proceedings of the meeting but have no voting rights and no right to speak at meetings, unless invited to do so by TORG members. Observers must leave the meeting when requested by the TORG members, or if any matters are to be considered in closed session. Observers are not entitled to a sitting fee.
- External stakeholders must maintain confidentiality and privacy in accordance with the TORG Terms of Reference.



CONFIDENTIALITY & PRIVACY

This section applies to all TORG members and external stakeholders (including observers).

- The TORG shall determine whether any of the TORG agendas, minutes or discussions are considered confidential. This shall be recorded in the minutes. Agendas and minutes are not distributed to observers unless authorised by the TORG.
- Where no decision has been recorded regarding confidentiality the assumption shall be that it is confidential.
- Public statements about the TORG will be authorised by the group (e.g., media releases).
- Projects and products produced by the TORG must stay within the group unless authorised for release by the TORG.
- Projects and products produced by Traditional Owner Groups within the TORG may be taken back to others of the broader Traditional Owner Group for further discussion.
- Correspondence with external parties will be prepared and approved by the TORG.
- Decisions related to one person's country will ultimately be the responsibility of that Traditional Owner Group. Including correspondence.
- All members and external stakeholders (including observers) must respect and maintain confidentiality.
- In the event of a breach of confidentiality and privacy, the matter will be investigated by the TORG or Reef Catchments as required by the circumstance, and appropriate action taken. The party that breaches will be responsible for any damages.

INTELLECTUAL PROPERTY

This section applies to all TORG members and external stakeholders (including observers).

- All intellectual property and related material that is developed or produced by the TORG will be the sole property of the TORG member of each respective tribal group.
- The use of Intellectual Property is restricted unless consent is given by the relevant party.
- The party who breaches will be responsible for any damages resulting from the unauthorised use of Intellectual Property.
- Upon termination of membership to the TORG, the individual will return any documents, records, confidential information back to Reef Catchments.

CONDUCT OF MEMBERS

This section applies to all TORG members and external stakeholders (including observers).

- All members of the TORG and external stakeholders are to abide by Reef Catchments Code of Conduct and all their Policies and Procedures relevant to the TORG nature of business activities.
- Members must declare in writing or before meetings any interests in any report tabled at the meeting covered by the Code of Conduct, Conflict of Interest and Pecuniary Interests.
- All members and observers shall conduct themselves respectfully, ethically, and honestly in all matters and always in relation to the TORG and its activities.
- All members will act in a professional and responsible manner with the information they obtain as a member, as the TORG requires openness and honesty to function well.
- Members should feel free to express opinions and views without fear of recrimination.
- It is essential for members to accept collective responsibility, remain loyal to decisions of the TORG and Reef Catchments, even where they may not have agreed with the final decision.
- The TORG should not be used as the forum to try and resolve issues of conflict between individual members, observers, or Traditional Owner Groups - unless it impacts on the TORG or TORG member and is agreed/decided by all TORG members.
- Reef Catchments (as facilitator) reserves the right to ask a TORG member or external stakeholder (including observers) to leave if their behaviour is inappropriate.



DISPUTE RESOLUTION

This section applies to all TORG members and external stakeholders (including observers).

- If two or more TORG members have difficulty working together (for example because of a conflict of personalities or ideological differences) and it is unduly affecting the functioning of the TORG, the matter will be resolved as soon as possible in the interests of remaining group members.
- TORG members and observers will avoid disputes with other TORG members and observers, where possible.
- If a dispute arises, the TORG members who are in dispute will make a reasonable, thorough, and conscientious attempt to resolve it on an informal basis.
- During informal attempts to resolve a dispute, if the disputing parties are of the view that the TORG should be notified of the existence of the dispute, for example because it may pose a major risk to the effective operation of the TORG, the matter will be placed on the agenda of the next TORG meeting for noting and/or monitoring.
- Members in dispute must continue to act respectfully to other members with whom they may be in conflict. Members in dispute must actively work in good faith to resolve the dispute.
- Reef Catchments (as facilitator) reserves the right to ask a TORG member to leave if their behaviour is inappropriate.

REVIEW

- The group review the relevance and value of its work and the terms of reference annually or more frequently as may be required.

DEFINITION OF TERMS

Members - Traditional Owners of Ngaro, Gia, Koinmerburra, Barada/Wiri, Juru and Yuwibara who have applied and been accepted into the TORG by current members following the process outlined in the Terms of Reference.

Observers- Observers are external stakeholders who have applied and been accepted to observe TORG meeting/s or activities.

TORG - Traditional Owners Reference Group

External Stakeholders - Include Government Agencies, Land Councils, community members, community groups, corporations, not-for-profit or any other party who are not TORG members or Reef Catchments staff.

Proxy - A proxy is nominated by an existing member to attend a TORG activity should the existing member be unable to attend. Proxies are bound to all the same conditions as a TORG member outlined in the Terms of Reference.