

Adnyamathanha Traditional Lands Association (ATLA) (Aboriginal Corporation)

Registered Native Title Body Corporate (RNTBC)

ICN 3743

Terms of Reference

Culture, Heritage and Native Title Committee (CHANT)

an ATLA advisory committee

Establishment

The Culture, Heritage and Native Title (CHANT) committee is formed by resolution of the Adnyamathanha Traditional Lands Association (Aboriginal Corporation) (ATLA) board as a sub-committee. The CHANT is designated as an advisory committee to the ATLA board. The CHANT is to operate until such time as it is disbanded by resolution of the ATLA board.

This Terms of Reference shall determine the responsibilities and powers of the CHANT.

Purpose

The purpose of the CHANT is to ensure connection between Adnyamathanha culture and the activity of the Corporation by providing advice to the ATLA board (including the Corporation Advisory Group (CAG) and special administrator under any period of special administration) on culture, heritage and native title.

Functions

The CHANT is an advisory body to the ATLA board. This primarily involves meetings, discussion and making timely recommendations to the ATLA board on Adnyamathanha heritage, culture, language and traditional Lore and on matters that may impact upon Native Title. The CHANT is not a decision-making body for ATLA corporate matters. The CHANT can be tasked by the ATLA Board to provide advice on any matter. The CHANT can raise matters relating to culture, heritage and Native Title directly with the ATLA Board.

The CHANT **advises** the ATLA board on cultural, heritage and native title matters such as:

Cultural and heritage implications of Native Title matters including:

Part 9B of the *Mining Act 1971 (SA)* – Mining operations on Native Title land.

Pastoral Land Management and Conservation ACT 1987 (SA)

Heritage Places Act 1993 (SA)

Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)

National Parks and Wildlife Act 1972 (SA)

Authorisations under Section 21 of the *Aboriginal Heritage Act 1988 (SA)* – Excavation of land

Authorisations under Section 23 of the *Aboriginal Heritage Act 1988 (SA)* - Damage, disturb or interfere with Aboriginal heritage

Regulations made under the Local Government Act 1999 which impact heritage and Native Title

Work Area Clearance Agreements (WACA).

Native Title Mining Agreements (NTMA).

Providing advice to the ATLA board on the preservation of the Adnyamathanha Language.

Providing advice to the ATLA board on membership of the CHANT.

When requested by the ATLA Board, providing advice to the ATLA board on membership of the ATLA Aboriginal Corporation.

Providing advice to Core Groups as requested.

Providing advice to the ATLA board on youth and cultural respect development.

Providing advice to the ATLA board on Elders needs.

Providing advice to the ATLA board on applications for ATLA membership.

The CHANT is empowered to **make decisions** on cultural, heritage and native title matters such as:

Considering applications from persons seeking to be included into Adnyamathanha Heritage Survey Participants Register.

Applying the heritage survey participant selection rules (see below) to identify persons from the Adnyamathanha Heritage Survey Participants Register to participate in specific heritage clearance surveys.

Setting dates for cultural heritage surveys.

Seeking quotations from specialist advisors to conduct cultural heritage surveys.

Engaging with the Adnyamathanha community on matters of Lore, culture and heritage in order to provide timely and appropriate advice to the ATLA board.

The ATLA board may, by resolution of the board, issue a standing delegation to the CHANT to authorise the start of a cultural heritage surveys. If this is so delegated, the CHANT must inform the board of its intention to commence a cultural heritage survey on such basis as is determined by the board.

The CHANT may also be required to investigate, research and report to the ATLA board on specific culture and heritage matters raised as agenda items at ATLA board meetings.

When considering items on the CHANT meeting agenda and when making recommendations to the ATLA board, CHANT members are required to act in the interests of the Common Law Holders and the Adnyamathanha people as a whole.

If CHANT members are not Adnyamathanha Lore holders for any special interest area matter under consideration, it is their responsibility to ensure relevant Lore is represented to the Committee through consultation with the appropriate Adnyamathanha Elders and Lore holders.

Specifically, the CHANT is **not responsible** for:

- a) running the business of the Corporation or being involved in ATLA operations. These are roles of the ATLA board.
- b) Communicating directly with ATLA management or employees other than the ATLA Manager or their nominated delegate. The ATLA employee performing the function of the Heritage Manager will assist to arrange meetings of the CHANT and coordinate CHANT operational activity. All other communication should be through the ATLA board.

- c) Engaging with corporate strategy, financial, business and commercial matters. That is the role of the ATLA board.
- d) Engaging with, making representations to or making decisions with external stakeholders. That is the role of the ATLA board.

Members of the CHANT do not hold any ATLA financial delegation and are not authorised to commit ATLA to expenditure other than expenditure in relation to conducting heritage and clearance surveys.

Members of the CHANT do not hold any ATLA contractual delegation and are not authorised to commit ATLA to any contractual obligation.

Heritage Surveys

A key role of the CHANT is the appointment of Adnyamathanha people with the requisite knowledge, experience and cultural authority to conduct heritage surveys. Participation in heritage surveys is a culturally significant and sensitive activity which is of interest to the wider Adnyamathanha community.

To ensure transparency of decision-making, good governance and community credibility, the following rules apply to the selection of survey team members:

- 1) All members of a survey team must have applied for, and be accepted on, the Adnyamathanha Heritage Survey Participants Register.
- 2) For each survey request, the CHANT will appoint one of their members as the lead cultural authority for the area under survey. The lead member may select a **maximum of two** survey participants from the Adnyamathanha Heritage Survey Participants Register.
- 3) The remaining survey participants (to the maximum allowed in the relevant Work Area Clearance Agreement or Letters of Agreement) are to be appointed by the other members of the CHANT. As far as is practicable the overall composition of the survey team is to provide a balance of:
 - a. male and female representation,
 - b. moiety (Northwind – Southwind) representation,
 - c. elder and youth representation,
 - d. experienced survey participants and no more than one novice survey participant.
- 4) Within any 12 month period, an individual is permitted to participate in a **maximum of three** heritage surveys.
 - a. if all persons on the Adnyamathanha Heritage Survey Participants Register who are available to participate in a survey reach this maximum level, the 12 month period is to reset.
 - b. if the person with the most appropriate cultural connection to the survey site has reached the maximum level, the CHANT by consensus of the majority, may determine that Rule 4 be waived for this survey.

- 5) No more than **two members** of the CHANT are permitted to participate in any one survey. For clarity, the members must have a cultural connection to the survey area and the limitation of Rule 4 also applies to CHANT Members.
- 6) The specialist survey team advisors (anthropologist / archaeologist) engaged by the CHANT to assist with the survey are exempt from these rules.
- 7) Where permitted under the relevant Work Area Clearance Request or Letters of Agreement, or when negotiated with the survey proponent, the CHANT may request that two specialist survey team advisors (one male and one female) be appointed.

Adnyamathanha Heritage Survey Participants Register

The CHANT is required to maintain a register of Adnyamathanha people who have applied to participate in heritage surveys. The Adnyamathanha Heritage Survey Participants Register is an **in-confidence** document which can be used only for the purpose of recording details of persons who apply to participate in heritage surveys and for selecting persons to participate in a survey. The Adnyamathanha Heritage Survey Participants Register is to be accorded appropriate security and protection and details may not be released for any purpose other than as stated in this section.

Any Adnyamathanha person is eligible to apply to be a survey participant by completing the attached application form (**Attachment A**) and submitting it to the CHANT for consideration. If the person is not a member of ATLA then the application must be accompanied by an application to become a member of the Corporation.

Applications which meet the criteria for inclusion (as specified on the application form) are to be added to the register. Applications received from persons who are not member of ATLA are to be held until membership of the Corporation has been considered by the ATLA Board of Directors.

Applications which the CHANT consider do not meet the criteria for inclusion (as specified on the application form) are to be returned to the applicant with a letter outlining the reasons why the application has not been accepted. The letter must provide an opportunity for the applicant to address those reasons before reapplying or presenting their argument for inclusion directly to the CHANT.

Role of the Adnyamathanha Heritage Manager

The Adnyamathanha Heritage Manager is an employee ATLA. The Heritage Manager provides administration services to the CHANT. The Heritage Manager also acts as the point of contact between the CHANT and mining companies, the State government and other people seeking to engage with ATLA on culture, heritage and native title matters.

Members of the CHANT who require additional information from external parties on culture, heritage and native title matters are to request this through the Heritage Manager.

The ATLA Heritage Manager is an ex-officio member of the CHANT and cannot participate in the CHANT resolution voting process.

CHANT Membership Requirements

CHANT Committee members represent the Adnyamathanha community through their knowledge, understanding and awareness of Adnyamathanha culture and heritage.

Members of the CHANT are appointed by the ATLA Members at an ATLA General Meeting.

The CHANT is to comprise a minimum of eight and a maximum of sixteen members.

Members serve a one-year term and may be reappointed for subsequent terms.

No more than **two members** of the ATLA Board may also be appointed to the CHANT.

CHANT Members must:

- 1) be an Adnyamathanha Common Law Holder.
- 2) be members of the Corporation.
- 3) be recognised by the Adnyamathanha elders as persons with the authority to preserve and protect culture and Adnyamathanha sites of significance.
- 4) represent and put the interests of Adnyamathanha Common Law holders first and as a whole when making recommendations to the ATLA board.
- 5) consult with Adnyamathanha Elders and Lore holders as appropriate to make informed recommendations to the ATLA board.
- 6) work together and in good faith for the benefit of all Adnyamathanha people.
- 7) agree to be bound by the ATLA code of conduct and confidentiality agreement (as they apply to ATLA board members).
- 8) have the ability to participate in scheduled CHANT meetings.

ATLA employees who meet the above requirements, are not excluded from being appointed to the CHANT.

CHANT Meeting Frequency and Format

The frequency of meetings will be determined by the committee's workload but under normal circumstances will not exceed a frequency of one meeting per month. The minimum requirement is for the CHANT to meet at least once each quarter.

The quorum for a CHANT meeting is to be four members.

Urgent business may be circulated to CHANT Members between meetings and members may make decision on out of session papers by circular resolution. A motion may be passed by circular resolution provided that responses are received from a minimum of 50 per cent of the CHANT membership and the majority of members responding support the motion. In the case of a tied circular resolution, the CHANT Chairperson is to exercise a casting vote.

The CHANT may consider appointing a chairperson by vote at its first meeting. If a chairperson is appointed:

- 1) he / she may not necessarily be a member of the CHANT. The CHANT may recommend to the ATLA Board that an independent specialist be appointed as the chairperson. If an independent specialist chairperson is appointed the chairperson's position is not to be counted when determining the maximum number of members permitted on the CHANT. The independent Chairperson is a voting member of the committee.

- 2) If an independent specialist chairperson is appointed the ATLA Board will determine the term of the appointment, otherwise the position of chairperson must be rotated amongst CHANT members annually with no repeat appointments within a period of four years.
- 3) The chairperson is responsible for the CHANT meeting process, addressing all items on the meeting agenda, ensuring equal voice for all CHANT members and for recording, approving and issuing CHANT meeting agendas and minutes.
- 4) The chairperson is the principal point of contact between the ATLA board and the CHANT.
- 5) The chairperson does not have authority for representation, meetings or lobbying on behalf of ATLA outside the CHANT unless specifically requested to do so by the ATLA board.
- 6) In the event of a tied vote on any resolution by the CHANT, the chairperson may exercise an extra vote (casting vote) to decide the outcome.

Remuneration

Members of the CHANT are remunerated on the same basis as the ATLA directors.

Schedule 1

Appointment Considerations

Members of the CHANT are persons who meet the CHANT membership requirements outlined in this Terms Reference and are selected by the members of the Adnyamathanha Traditional Lands Association (Aboriginal Corporation) (ATLA) by a process agreed at an ATLA General Meeting, but which must reflect a balanced representation from:

Men and Women

Adnyamathanha Moieties

Mathari

Arraru

Elders and younger persons who have appropriate cultural authority.

During any period of Special Administration

Members of the CHANT are persons who meet the CHANT membership requirements outlined in this Terms Reference and are nominated the Common Law Holders by a process determined by the special administrator and reflects a balanced representation from:

Men and Women

Adnyamathanha Moieties

Mathari

Arraru

Elders and younger persons who have appropriate cultural authority.