



OPERATIONS SUB-COMMITTEE (LAND RELINQUISHMENT & TRANSFER) CHARTER

Western Cape Communities Coordinating Committee

The Operations Sub-Committee (Land Relinquishment & Transfer) Charter was adopted by the Western Cape Communities Coordinating Committee at their Members Meeting of 7 March 2017. Item 3



WCCCA
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OPERATIONS SUB-COMMITTEE (LAND RELINQUISHMENT & TRANSFER) (LR&T) CHARTER.



1.0 COORDINATING COMMITTEE VISION

As members of the Western Cape Communities Coordinating Committee, and its Sub-Committees, we will transparently monitor, implement and review the objectives of the WCCCA to ensure that all parties' obligations to the agreement are met.

2.0 PURPOSE

The Land Relinquishment & Transfer (LR&T) Sub-Committee will provide a forum in which Traditional Owners, Rio Tinto, State Representatives and CYLC can provide advice and recommendations to the Coordinating Committee on the progress of land relinquishment and transfer activities identified in the Western Cape Communities Coexistence Agreement (WCCCA).

The LR&T Sub-Committee will:

- Monitor and evaluate the progress of the activities relating to the relinquishment and transfer of the land referred to in the WCCCA as the 'immediate surrender areas' and the 'rehabilitation areas';
- Ensure that appropriate communication protocols are established and maintained between the Coordinating Committee and the LR&T Sub-Committee, including formally reporting at quarterly Coordinating Committee Meetings;
- Acknowledge that there will be consultation processes in accordance with the requirements of the *Aboriginal Land Act 1991* (ALA) for land transfers that will run separately to the LR&T Sub-Committee meetings;
- Provide advice on the appropriate Aboriginal people particularly concerned with the land proposed for transfer.

3.0 LR&T MEMBERSHIP

The LR&T Sub-Committee will be chaired by a member of the Coordinating Committee and comprise membership which gives representation to the Parties represented on the Coordinating Committee as follows:

- 2 Coordinating Committee representatives from the Northern Trust Area.
- 2 Coordinating Committee representatives from the Central Trust Area.
- 2 Coordinating Committee representatives from the Southern Trust Area.
- 1 Coordinating Committee Chairperson.
- 1 Rio Tinto representatives nominated by the General Manager, Weipa Operations, representing the Land Relinquishment and Transfer portfolio.
- 1 Department of Natural Resources and Mines representative.
- 1 Department of Aboriginal and Torres Strait Islander Partnerships Representative.
- 1 Cape York Land Council representative.

Representatives will be appointed to the LR&T Sub-Committee for a period of 2 years. On the expiry of 2 years after the Commencement Date (being the "Committee Review Date"), all such representatives' appointments will cease and the procedure under WCCCA clause 24.1 may apply to the appointment of representatives for a further term. A person may be reappointed to be a representative.

Until a new representative is appointed the prior representatives' appointment will continue, even though their term may have expired.

4.0 MEETINGS

A quorum for a meeting will consist of 1 representative from each of the Northern, Central and Southern Trust areas, 1 Rio Tinto representative and at least 1 from the either DATSIP, DNRM or CYLC.

Meetings will be held quarterly as per the approved WCCCA Meeting Schedule for that particular year.

The WCCT services to the LR&T Sub-Committee, Executive Officer or his/her nominated officer will provide secretarial including preparation of agendas, meeting papers and dissemination of minutes.

Meeting papers will be provided at least 5 days prior to the meetings.

Rio Tinto guests and observers **must** be coordinated by the Rio Tinto representative nominated by the General Manager and their names and purpose of attendance **must** be provided to the WCCT Executive Officer when papers are called for and prior to the finalisation of the agenda.

All other guests and observers will be coordinated by the WCCT Executive Officer or nominated officer.

The draft minutes will include a written record of each meeting, details of all advice and recommendations made and will be forwarded to the Coordinating Sub-Committee for consideration and adoption.

5.0 RESPONSIBILITIES AND CONSULTATION PROCESS

To fulfil its responsibilities and duties, the LR&T Sub-Committee, as delegated by the Coordinating Committee shall:

- Provide advice and recommendations on who are the Aboriginal people particularly concerned with the land (for the 'immediate surrender areas' and the "rehabilitation areas") referred to in the WCCCA ILUA as the "Traditional Owner Group" who should be consulted with for land transfers in accordance with the ALA;
- Agree that the consultation process under the ALA will run separately to LR&T Sub-Committee meetings;
- Acknowledge that the consultation process is undertaken to identify an appropriate tenure and proposed grantee for the 'immediate surrender areas' and "rehabilitation areas".
- Provide advice and recommendations for consideration on the order of the proposed transfers of the 'immediate surrender areas' and "rehabilitation areas"; and
- Provide feedback to the WCCCA Coordinating Committee.

6.0 EXPENSES

- Rio Tinto will pay for the following costs associated with the LR&T Sub-Committee meetings as required:
 - Reasonable costs for the hire of the meeting place and provision of equipment necessary for the meeting;
 - Reasonable travel and accommodation costs for representatives of the LR&T Sub-Committee **(except State and CYLC representatives)** to attend meetings;
 - Reimbursement of reasonable costs for food and out of pocket expenses incurred by representatives **(except State and CYLC representatives)** during their attendance at meetings; **but**
 - **Excluding** any sitting fees for attendance at the meeting.

The WCCT Administration will be responsible for payment of sitting fees to LR&T Sub-Committee **(except State and CYLC representatives)** members for attendance at quarterly meetings. The costs for any additional meetings will be negotiated between Rio Tinto and the WCCT Executive Officer on a needs basis.

The Department of Natural Resources and Mines will be responsible for facilitating the consultation process in accordance with the ALA and will be responsible for any catering costs for community meetings.



WESTERN CAPE COMMUNITIES CO-EXISTENCE AGREEMENT



Incorporating : Western Cape Communities Trust ABN 47 223 656 890
Northern Sub-Regional Trust ABN 63 549 473 409
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Southern Sub-Regional Trust ABN 57 687 065 776
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