

WYNDHAM RECONCILIATION ADVISORY COMMITTEE (WRAC) DRAFT Terms of Reference

ACKNOWLEDGEMENT OF COUNTRY

Wyndham City Council recognises Aboriginal and Torres Strait Islander peoples as the First Custodians of the lands on which Australia was founded. Wyndham City Council acknowledges the Bunurong and Wadawurrung people as the Traditional Owners of the lands along either side of the Werribee Yulluk (River) and across Wyndham on which Wyndham City is being built.

We pay respect to Elders who always have, and always will, care for Country and community today and for future generations.

We recognise their care and connection to land, water and community over the past 60,000+ years. The Werribee River has been a significant meeting place for Aboriginal people to build community, exchange resources, and share responsibility for its lands.

Council pays respect for the wisdom and diversity of Elders past, present and emerging.

Council also recognises the many Aboriginal¹ people who have moved to Wyndham City from all over Australia since colonisation. These diverse Aboriginal communities contribute to the life of the city and shape its future.

With the Victorian Constitution, Council agrees that the founding of this City occurred without proper consultation, recognition or involvement of the First People of this place².

Council is committed to an inclusive approach that supports collaboration across the community and between Aboriginal people and non-Aboriginal communities to shape and achieve this vision for reconciliation.

1. BACKGROUND

- Council is committed to implementing a third Innovate RAP for the period 2027 – 2029 and the establishment of its third WRAC.

¹ The term Aboriginal has been used in these Terms of Reference to refer to Aboriginal and Torres Strait Islander people for consistency and ease, but not to undermine respective distinct identities

² Constitution Act 1975 – SECT1A Recognition of Aboriginal People http://www6.austlii.edu.au/cgi-bin/viewdoc/au/legis/vic/consol_act/ca1975188/s1a.html

- Council's first RAP provided a framework for Council to realise its vision for Reconciliation with First Nations peoples and helped successfully drive a broad range of actions across the organisation to progress the three key areas of building relationships, showing respect and improving opportunities with First Nations Peoples.
- Council's second RAP built on the progress achieved under the first RAP and included an additional theme of Truth-Telling, to help strengthen shared understanding of the impacts of colonisation. Building on the foundational relationships established under the first RAP, the second Innovate RAP sought to directly inform Council programs, partners and projects through connection to First Nations culture and voice. 93% of the deliverables under this RAP were delivered and 7% to be carried into the next RAP.

2. INTRODUCTION

- Council acknowledges and commits to engaging with the diverse local Aboriginal community of Wyndham, including Traditional Owners of the Kulin Nation, through implementing our Reconciliation Action Plan (RAP), to conserve and protect our Aboriginal heritage and improve access and inclusion for Aboriginal people in Council services, programs and facilities.
- In 2015 Council consulted extensively across the organisation and with external stakeholders to formulate the Statement of Commitment³, articulating how Council commits to work with Aboriginal and non-Aboriginal people in the context of reconciliation.
- The Statement of Commitment has set the framework for the creation of Council's first two Innovate RAPs for the periods 2017 – 2019⁴ and 2023 – 2025⁵ and will continue to provide this guidance.
- The Wyndham Reconciliation Advisory Committee (WRAC), is the framework that enables community stakeholders to provide guidance and feedback on the development and delivery of each of RAP.

2. OBJECTIVES

The objectives of the WRAC are to:

- Support the establishment of ways for working together that encourage culturally safe, respectful and robust dialogue between Council, local Aboriginal and non-Aboriginal communities.
- Provide input into the development, implementation and review of Council's third RAP.
- Consider and advise Council on how Treaty and its processes might intersect with the development and delivery of Council's third RAP.
- Advise Council on plans, policies, programs, services, events, projects, activities and facilities that support reconciliation.

³ Statement of Commitment <https://www.wyndham.vic.gov.au/statement-commitment>

⁴ Wyndham City Reconciliation Action Plan 2017 - 2019 <https://www.wyndham.vic.gov.au/services/community-support/community-led-programs/reconciliation-wyndham>

⁵ Wyndham City Reconciliation Action Plan 2023 – 2025 <https://www.wyndham.vic.gov.au/services/community-support/community-led-programs/reconciliation-wyndham>

- Support the planning and development of events with Council that have significance for advancing reconciliation.
- Strengthen community awareness of how reconciliation is being, and can be, advanced in Wyndham City.

3. ROLE OF THE COMMITTEE

The role of the WRAC is to:

- Provide strategic input for the development of policies, plans and projects that integrate reconciliation processes into Council business, services and programs.
- Facilitate ongoing engagement between Aboriginal and non-Aboriginal communities with Council across a broad range of issues relating to reconciliation.

Note: Due to the specific nature of the role of Traditional Owners and Traditional Owner related business, separate Traditional Owner consultation and engagement mechanisms may be undertaken by Council. Council engages regularly with Traditional Owners, and will reach agreement on recognition, engagement, communication and matters relevant to the role of Traditional Owners, including actions developed and included in the RAP.

4. DEFINITIONS

Council	The City of Wyndham.
Councillor	Elected officials representing the City of Wyndham, including the Mayor.
Council officer	All staff of the City, including all contractors and volunteers engaged by the City, and the Executive Leadership Team.
ELT	Executive Leadership Team consisting of the Directors or Executive Managers of the Departments of the City who all report to the Chief Executive Officer.
Mayor	The Councillor elected to be the Mayor of the Council.

5. TERMS OF REFERENCE

5.1 Expected / Definite life of the Committee.

5.1.1 The term of Committee will be until the closure of Council's third RAP (2027 - 2029).

5.1.2 Three months prior to the end of the term a subsequent Expressions of Interest will be invited. Members may reapply for a further term.

5.1.3 If a member wishes to resign their appointment, they must provide the Committee Co-Chairs with a written resignation, including by email. The resignation takes effect on the day it is received by the Co-Chairs, or if a later day is specified in the resignation, on that later day.

5.1.4 If a member does not attend at least three consecutive meetings without prior notification being given, their position may be considered vacant. In the case of exceptional or sensitive circumstances, a leave of absence can be granted by the Co-Chairs, which will not affect the members position on the committee.

5.1.5 If a member is elected into office as a Wyndham City Councillor during their term on the WRAC, the member will be deemed to have resigned from the Committee.

5.1.6 Council officers will ensure that the Committee is promptly informed of all resignations.

5.1.7 The Committee Co-Chairs may also end a member's appointment term early if the member fails to disclose a conflict of interest or adhere to the conditions in this Terms of Reference or the participation and confidentiality agreement.

5.1.8 The Committee will conduct a review of its effectiveness prior to the conclusion of the term and, where appropriate, make recommendations to Council regarding a revised Terms of Reference.

5.2 Appointment of members

5.2.1 The appointment of community members on the Committee shall follow the following process:

- Council will publicly advertise seeking applications from community members requiring them to demonstrate how they meet the key selection criteria in the Expression of Interest Form.
- Advertisements will include information about the commitments required by the Committee, including regularity and modes of meetings and hours of commitment.
- Membership of the Committee is based on representation of the community with specific experience and expertise, rather than representation from specific organisations.
- Council will advise all key stakeholder networks of the opportunity and to encourage them to promote it amongst their networks.
- Once the application period has closed the applications will be assessed by a panel against the selection criteria and the need for a broad cross section of members.
- Any panel formed for the consideration of membership of the committee will have at least 3 members, including one First Nations member and one member from the outgoing WRAC (this may be the same person).
- Council may approach individuals considered to meet the selection criteria and suggest they submit an Expression of Interest Form for consideration.
- If all the positions are not filled or if a vacancy occurs, the vacancy will be filled at the discretion of Council and made effective in writing.
- Members nominated to fill a vacancy are appointed for the remainder of the term of the current members.
- Membership of the committee is as an individual, and not as a representative of any group or organisation unless otherwise stated.
- Members cannot be currently serving as Wyndham City Councillors or political party staff members.
- Members can be currently serving as Council staff members.
- Members can be constituents of particular interest groups or employees of Aboriginal or reconciliation organisations.

5.2.2 Committee selection is based on the demonstration of the following attributes and skill sets:

- Aboriginal and/or Torres Strait Islander people are strongly encouraged to apply.

- Live, work, study, volunteer in, or have a connection to Wyndham City and be aged 16 or over.
- Demonstrate experience in reconciliation leadership.
- Understanding of the issues that impact Aboriginal people and relations with government and non-government institutions in Australia.
- Commitment to social justice and willingness to engage in dialogue on reconciliation.
- Strong community linkages with the ability to represent and engage with a broad range of community views.
- Willingness to constructively participate in an advisory capacity to Council.
- Formal acceptance and signing of the Terms of Reference and Confidentiality Agreement and
- Specific experience and expertise related to key RAP areas, where Council's priorities involve:

Relationships

- Building a community of Reconciliation
- Participating in National Reconciliation Week
- Engaging the diversity of Aboriginal stakeholders with their distinctive reconciliation priorities
- Consolidating and develop networks to improve justice, health, housing and education outcomes for Aboriginal people
- Partnering to protect and promote the rich, living Aboriginal cultural heritage of Wyndham City
- Establishing governance for Aboriginal self-determination and civic participation

Respect

- Building understanding and respect about Aboriginal cultures and histories across Council
- Respectful acknowledgement and engagement with Traditional Owners across all our business
- Recognising NAIDOC Week
- Integrating respect for Aboriginal communities and reconciliation priorities into all our planning
- Supporting education that contributes to reconciliation

Opportunities

- Strengthen Aboriginal employment
- Support Aboriginal economic development
- Maximise opportunities to improve Justice outcomes with the Wyndham Aboriginal Community

5.3 Composition of the Committee

5.3.1 The number of Committee members shall be 12.

5.3.2 The number of community members on the Committee shall be 11.

5.3.3 Of the community members on the Committee, 8 will be Aboriginal members and 3 will be non-Aboriginal members.

5.3.4 The Mayor or another Councillor as delegated will be a Committee member.

5.3.5 The Mayor or delegated Councillor will be a member of the Committee for the Council term. This recognises the importance of continuity for building relationships and trust with committee members.

5.3.6 The Committee will be co-chaired by the Mayor or their Councillor delegate and an Aboriginal community member who will be elected at the first meeting for the term of the Committee.

5.3.7 The Committee will also be attended by Council officers to provide administrative support. Council officers that provide support to the Committee are not members.

5.3.8 Additional staff, service providers, agencies and government representatives may attend to provide relevant information on matters being considered by the Committee where appropriate and as agreed by the committee members.

5.4 The role of committee members is to:

5.4.1 Commit themselves to the Terms of Reference of the Committee.

5.4.2 Commit to the attendance of meetings of the Committee personally (no proxy allowed) and ensure attendance at as many meetings as possible.

5.4.3 Abide by Council Policy by declaring any real or perceived personal conflicts of interest as soon as such becomes known.

5.4.4 Embrace and demonstrate values of community focus, commitment, respect, teamwork, leadership and integrity.

5.4.5 Demonstrate community leadership and positive role modelling.

5.4.6 Properly use their position on the Committee and make proper use of information acquired as a result of their position.

5.4.7 Work together with other members to seek resolution of any disputes.

5.4.8 Actively contribute by participating in discussions and offer opinions and knowledge.

5.4.9 Treat others with respect and have due regard to the opinions, rights and responsibilities of others.

5.4.10 Maintain the confidentiality of all information provided unless otherwise advised.

5.4.11 Act in a voluntary capacity.

Note: A “representative” of an organisation is expected to be able to represent the views and ideas of that organisation while participating in the Committee as an individual with their own views, ideas and experience to be contributed for the benefit of the Committee.

Note: Council understands that family, work and community commitments may at times impact a member’s availability. If a member is unable to attend a meeting it is their responsibility to submit an apology and contact the relevant Council Officer to be briefed on what they have missed.

Note: Input from a member who is not able to attend a meeting is strongly encouraged, this can be done through one-on-one meetings, phone conversations or email correspondence.

5.5 Role of the Co-Chairs

5.5.1 In addition to the role of Committee members outlined in 5.4, the role of the Committee Co-Chairs is to:

- Chair the meetings, taking account of both the need for efficiency and the importance of accountability.
- Call additional meetings as required.
- Ensure all Committee members act in accordance with the Terms of References and any Council Policy that may apply.
- Monitor Committee member attendance to support consistent engagement and participation.
- Provide guidance to Committee members to resolve conflicts and disputes and within Committee meetings where possible.
- Where appropriate, speak to the media as designated media spokespeople for the Committee.

Note: A Council officer will prepare the agenda for every Committee meeting in consultation with the Co-Chairs and circulate the agenda and any meeting papers to Committee members at least one week before the meeting.

5.6 Authority of the Committee

5.6.1 The Committee is an Advisory Committee for the purposes outlined in the Terms of Reference, therefore does not have delegated authority, and reports to Council as required.

5.6.2 The Committee has no power to commit Council to any decision or action, or to direct Council staff in their duties. It may make recommendations for Council consideration, however, Council reserves its right to accept or reject recommendations from the Committee.

5.6.3 The Committee has no financial delegation authority.

5.6.4 The Co-Chairs are the designated media spokespeople for Council in accordance with Council's Media Policy.

5.6.5 Committee members may speak to the media about their own views but must not purport to represent the Committee without the express written consent of the Co-Chairs.

5.6.6 The Committee may form Working Groups on particular issues as it sees fit.

5.7 Conflict of Interest and Confidentiality

5.7.1 If a Committee member determines that they have a Conflict of Interest in any matter which is to be considered at a meeting of the Committee then that member must:

- If he or she intends to be present at the meeting, disclose the nature of the interest immediately before the consideration or discussion; or

- If he or she does not intend to be present at the meeting, disclose the nature of the interest to the Co-Chairs of the Committee at any time before the meeting is held.

5.7.2 While any vote or discussion is taken on the subject matter the member must:

- Leave the room and notify the Co-Chairs that he or she is doing so; and
- Remain outside the room and any gallery or other area in view or hearing of the room.

5.7.3 The Co-Chairs of the Committee must ensure the declaration and the nature of the interest is recorded in the minutes of the meeting.

5.7.4 Information of a confidential nature may be tabled and/or discussed at Committee meetings to assist or inform discussions. Committee Members will be expected to sign a Confidentiality Agreement in respect of such information prior to the commencement of their term.

5.8 Timing, Place and Regularity of Meetings

5.8.1 The Committee will meet a minimum of four times per year, with the possibility to hold additional meetings as required.

5.8.2 The Committee may decide to meet more often to consider specific issues.

5.8.3 Additional meetings can be called by the Co-Chairs as required.

5.8.4 The Committee will be hosted by Council in an appropriate Council venue.

5.8.5 Dates and times of the meetings will be determined by Council, taking into consideration members' constraints and the need to allow participation from a wide range of Aboriginal and non-Aboriginal people across the municipality.

5.8.6 A meeting of the Committee will not be called with less than two weeks' notice to all members, unless there are exceptional circumstances.

5.8.7 Council understands that family, work and community commitments may at times impact a member's availability. If a member is unable to attend a meeting it is their responsibility to submit an apology and contact the relevant Council Officer to be briefed on what they have missed.

5.8.8 Input from a member who is not able to attend a meeting is strongly encouraged, this can be done through one-on-one meetings, phone conversations or email correspondence.

5.8.9 The Committee may form Working Groups on particular issues as it sees fit.

5.9 Meeting Agenda

5.9.1 The Standing Agenda will include:

- Acknowledgement of Country;
- Attendance and apologies;

- Declaration of any conflicts of interest;
- Minutes of the previous meeting;
- Business arising from previous meeting;
- Matters identified by community members in writing for discussion and action; and
- Summary of matters to be reported on at the next meeting.

5.9.2 At the first meeting of the term of the Committee, members will discuss the Draft Terms of Reference, meeting procedures and agree on ways of conducting meetings which are culturally safe and informed by Aboriginal approaches to meeting, talking and negotiating.

5.9.3 At the first meeting of the term of the Committee, members will be asked to consider the Draft Terms of Reference for endorsement.

5.10 Meeting Procedure

5.10.1 The Co-Chairs shall chair the meetings, taking account of both the need for efficiency and the importance of accountability.

5.10.2 If both Co-Chairs are not present the meeting will be chaired by one of the members present.

5.11 Meeting Quorum

5.11.1 A quorum will consist of at least half the membership, with majority being of Aboriginal representation (six members, with at least four being Aboriginal members).

5.11.2 If less than a quorum attends, the meeting may proceed but no decisions can be made.

5.12 Reporting Requirements

5.12.1 Minutes from the Committee meeting will be tabled at the Council meeting on a quarterly basis.

5.12.2 Agendas will be circulated at least one week prior to the scheduled meeting date.

5.12.3 Minutes from the Committee meeting will be circulated one week after the meeting has been held.

5.13 Secretariat

5.13.1 A Council officer will support the Committee.

5.13.2 A Council officer will prepare the agenda for every Committee meeting in consultation with the Co-Chairs and circulate the agenda and any meeting papers to Committee members at least one week before the meeting.

5.13.3 Access to information and request for support will be led through the First Nations Unit at Council.

5.13.4 A Council officer will record any declarations, and their nature, of conflicts of interest in the minutes of the meeting.

5.13.5 Minutes of actions and decisions will be recorded and distributed to Committee members and Mayor.

5.13.6 Minutes, reports and correspondence of the Committee will be registered in Council's record keeping software.

5.14 Resources and Support from Council

5.14.1 The Committee will not have a budget for approved activities but will provide Council with an annual proposal on budget requirements in relation to research, advocacy, training, promotions and community engagement for inclusion in respective program budgets.

5.14.2 Council will support community Co-Chairs by connecting them with leadership and governance development opportunities to strengthen their capacity to lead and guide the Committee.

5.15 Reimbursement

5.15.1 Participation on the Committee is on an honorary basis, therefore it is an 'unpaid' position, however participants can claim for reimbursement of expenses incurred to enable them to attend meetings. This includes reimbursement for family care and travel expenses. Reimbursements will be made in accordance with existing policy and guidelines.

6. ATTACHMENTS

Wyndham 2050 Community Vision

Wyndham City's Media Policy

Wyndham Statement of Commitment

Wyndham 2023-2025 Reconciliation Action Plan