

## Report to the Future Melbourne Committee

Agenda item 6.1

### Establishment of First Nations Committee

5 March 2024

**Presenter: Alison Leighton, Chief Executive Officer and Jason Eades, Director  
Aboriginal Melbourne**

#### Purpose and background

1. The purpose of this report is to request Council establish a First Nations Committee (FNC), approves the FNC Terms of Reference (TOR) (refer Attachment 2) and authorises management to undertake an expression of interest process for FNC membership in 2024-27.
2. Major Initiative #25 in the Council Plan 2021-25 is a commitment by Council to Govern with Sovereign First Nations. This commitment recognises and supports the right of the Victorian Aboriginal Community to self-determine its future and to have a say in decisions that impact their lives. The initiative seeks to ensure that Sovereign First Nations Groups and individuals are provided with opportunities to participate in the governance of the Council.
3. The agreed scope of deliverables for this current financial year included the establishment of a First Nations Committee of Council with broad First Nations representatives from across the City of Melbourne.

#### Key issues

4. The FNC is being established by Council to advise it on First Nations strategy, policy and programs. The First Nations representatives will be appointed to collectively represent the broad demographics of the City of Melbourne's First Nations community including traditional owners, residents, workers and visitors of the City of Melbourne.
5. It is proposed that the FNC will comprise of twelve representatives, including:
  - 5.1. the Lead and Deputy Lead of the Aboriginal Melbourne Portfolio
  - 5.2. nine First Nations representatives
  - 5.3. the Director Aboriginal Melbourne
6. Selection of First Nations representatives via expression of interest supports an equitable and transparent process for appointments to the FNC.
7. Endorsement of recommendations for member appointments to the FNC will be presented at a Future Melbourne Committee before the end June 2024.

### **Recommendation from management**

8. That the Future Melbourne Committee recommends Council :
  - 8.1. Establishes the First Nations Committee (FNC) as an advisory committee of Council and approves the Terms of Reference (TOR) (attachment 2).
  - 8.2. Authorises the undertaking of an expression of interest process to fill membership positions on the FNC.
  - 8.3. Authorises the Director Aboriginal Melbourne to make any further minor editorial changes to the FNC TOR prior to publication.
  - 8.4. In accordance with the TOR, appoints the Lead of the Aboriginal Melbourne Portfolio as co-Chair of the FNC and the Deputy Lead of the Aboriginal Melbourne Portfolio as a member of the FNC.
  - 8.5. Approves the payment of a sitting fee of \$300 to the nine First Nations members of the FNC per meeting.

#### **Attachments:**

1. Supporting Attachment (page 3 of 14)
2. First Nations Advisory Committee draft TOR (page 4 of 14)
3. First Nations Committee Code of Conduct (page 9 of 14)

## Supporting Attachment

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### Legal

1. The FNC will be an advisory committee of Council. There are no direct legal issues arising from the recommendations from management.

***[Has the comment for this specific report been reviewed by Legal Services? Yes  No***

### Finance

2. The costs associated with the undertaking of the expression of interest process, secretariat co-ordination of meetings and the sitting fees paid to First Nations members of the FNC will be accommodated within the \$30,000 Govern with Sovereign First Nations Budget 2023-24.

***[Has the comment for this specific report been reviewed by Finance and Procurement? Yes  No***

### Conflict of interest

3. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a material or general conflict of interest in relation to the matter of the report.

### Health and Safety

4. In developing this proposal, no Occupational Health and Safety issues or opportunities have been identified.

### Stakeholder consultation

5. Specific consultation has not been undertaken on the establishment of the FNC. Previous external stakeholders engagement on the Council Plan including the major initiatives and the Reconciliation Action Plan demonstrate strong support for the Major Initiative and the RAP.

### Relation to Council policy

6. The Council Plan 2021-25 and the Reconciliation Action Plan all highlight First Nations issues and reconciliation as a key priority for Council and the community. Council's Community Engagement Policy outlines its commitment to engaging with the community. The FNC is an important platform to facilitate formal engagement with the First Nations communities.

### Environmental sustainability

7. Environmental sustainability principles will be included wherever possible in implementing any future FNC meetings and or FNC activities.



# First Nations Committee

## Terms of Reference

Draft: February 2024

## 1. Background

The City of Melbourne (CoM) stands on the land of its Traditional Owners, the Wurundjeri Woi-wurrung and Bunurong Boon Wurrung peoples of the Kulin Nation.

CoM is committed to leading by example and meaningfully engaging with First Nations communities to build respect for their heritage, culture and knowledge. First Nations voices and aspirations must be embedded in our core business and decision-making at every level as we strive for reconciliation, recognition, respect and truth telling.

The First Nations Committee is appointed by Council to advise it on First Nations policy and programs. It is a key mechanism by which Council is seeking to implement the principles of self-determination.

Members of the Committee are appointed to represent the broad demographics of the First Nations community who live, work or use the services of the City of Melbourne. Members are not appointed to represent the views of a particular sector, group or organisation.

## 2. Purpose, Objectives and Outcomes

2.1. The role of the Committee is to:

2.1.1 Provide advice to inform the development and implementation of Strategies, Policies, Plans, and other relevant documents adopted by the City of Melbourne, on matters that may impact First Nations people and communities.

2.1.2 Provide advice and guidance on the programming and delivery of key First Nations events

2.2. Projected outcomes from the Committee include:

2.2.1 Provision of guidance and advice on key initiatives and strategies aimed to reduce disadvantages and increase social justice opportunities for First Nations people and communities including the Council's Reconciliation Action Plan.

2.2.2 Support the establishment of partnerships with relevant agencies to strengthen outcomes for First Nations community within the municipality.

2.3. The First Nations Committee does not replace other First Nations advisory committees and working group established by the City of Melbourne i.e. the Stolen Generations Marker Working Group or the Yirramboi Advisory Group.

2.4. The First Nations Committee is not an executive panel and is not authorised to undertake work on behalf of the City of Melbourne. Committee members are not authorised to represent the City of Melbourne in communications with the public

2.5. The Committee's advice must be in alignment with CoM's policies, strategies and Council plans.

## 3. Membership

3.1. The First Nations Committee will comprise of twelve representatives, including:

- The Lead and Deputy Lead of the Aboriginal Melbourne Portfolio
- Nine First Nations representatives who collectively represent the broad demographics of First Nations communities including but not limited to: elders, youth, reconciliation, creatives, health and wellbeing, and economic development
- Director Aboriginal Melbourne
- At least half of the representatives will be women

3.2. The Council will make appointments based on merit, skill and expertise. The Committee will bring specialist and lived experience of health and wellbeing, innovative thinking and a passion for creating improved outcomes for First Nations people and communities.

- 3.3. The Committee will be co-chaired by the Lead of the Aboriginal Melbourne Portfolio together with a First Nations person appointed by Council.
- 3.4. Decisions by the Committee will be made by consensus. All members except Council Officers shall have full voting rights. In the event that a consensus decision cannot be reached, decisions will be made by two thirds voting in favour.
- 3.5. The Committee may invite guests, with specific skills and expertise, to participate in discussions as needed.

#### **Tenure**

- 3.6. Committee members shall be appointed for a maximum of three years.

#### **Disqualification of a Member**

- 3.7. If the Council proposes to remove a member from the Committee, it must give written notice to the member of its intention to do so and provide that member with the opportunity to be heard if that member so requests.
- 3.8. If a member misses two consecutive Committee meetings without an accepted approval of absence, they will have disqualified themselves from membership.
- 3.9. Any vacancies will be filled by reviewing previous applicants or by placing a public advertisement as soon as possible.
- 3.10. Members may be required to undergo Police and/or Working with Children Checks.
- 3.11. The CEO has the power to exclude an appointed member from Council premises and committee meetings under their powers and responsibilities to provide a safe workplace.

#### **Selection Process**

- 3.12. Every three years, an expression of interest will be promoted to the City of Melbourne First Nations community via media, community networks, key First Nations organisations and stakeholders.
- 3.13. Applications for membership must meet at least one of the following criteria:
  - 3.13.1 Traditional Owners of the City of Melbourne local government area.
  - 3.13.2 Aboriginal and/or Torres Strait Islander people who live, work or study in the City of Melbourne's local government area.
  - 3.13.3 Aboriginal and/or Torres Strait people with connections to the City of Melbourne local government area.
- 3.14. Applications must include a statement supporting the application that contains:
  - 3.14.1.1. The reason for nominating;
  - 3.14.1.2. A list of skills, knowledge and experience that they will bring to the committee;  
and
  - 3.14.1.3. Outcomes they hope to see from the work of the Committee.
- 3.15. Applications for membership of the Committee will be assessed by a panel comprised of City of Melbourne officers.
- 3.16. The Chief Executive Officer will make recommendations on the appointment of members to Council for final decision.
- 3.17. Applicants will be advised in writing of the outcome of their nomination.

## **4. Roles and responsibilities**

- 4.1. The duties of the Advisory Committee members is to:
  - attend and participate in a compulsory induction workshop, if required, on the Committee

- understand the role and responsibility of members and Council
- abide by the First Nations Committee Code of Conduct (Appendix 1) and other related policies and protocols
- attend and participate in meetings of the Committee
- work cooperatively with other members in achieving the aims of the Committee
- provide informed and considered advice, ideas and recommendations

4.2. The role of the co-chairs is to:

- chair meetings in accordance with the Terms of Reference, Code of Conduct and meeting agenda
- liaise with the Council Officer convening the Committee to determine the Agenda for each meeting
- initiate new issues for discussion as they arise
- facilitate the discussion of items on the agenda in a timely manner
- facilitate the moving of recommendations and voting by Committee members
- ensure all committee members have the opportunity to participate

## **Meetings**

### ***Conduct of Meetings***

4.3. The Director Aboriginal Melbourne will:

- allocate secretarial support to the First Nations Committee to:
  - coordinate meetings, agendas and minutes
  - organise interpreters, cab vouchers, reimbursements or any other requirements in order to support members to attend and participate in meetings
- provide policy support to the Committee
- provide the support required to enable the meetings of the Committee and invite City of Melbourne Officers or others to attend meetings to provide pertinent information as necessary; and
- facilitate a collaborative meeting format.

### ***Attendance and quorum***

4.4. All Committee members are expected to attend each meeting.

4.5. In the absence of the First Nations co-chair from a meeting, the meeting shall appoint an acting co-chair from the First Nations members present.

4.6. If less than half plus one of the 'voting membership' is not in attendance then the committee will not be able to determine any decisions or actions and may only deliberate on issues and undertake informal discussion.

### ***Meeting Frequency***

4.7. The Committee meetings will take place a minimum of four times per year.

### ***Meeting papers***

4.8. Documents will be sent to members with a minimum of seven business days in advance of the Committee meeting. This will include:

- agenda for the upcoming meeting
- minutes of the previous meeting, and
- any other documents, information and/or attachments to be considered at the meeting.

### **Conflicts of Interest**

- 4.9. The Disclosable Interest Protocol and Declaration applies to all Council's Advisory Bodies. In addition to this code, all committee members will comply with the Disclosable Interest Protocol and Declaration.
- 4.10. In the event of a conflict of interest arising from any member of the Committee, the matter must be immediately tabled and the member must abstain from any dialogue in relation to that matter.

### **Confidential and sensitive information**

- 4.11. Members are expected to comply with the confidential information provisions contained in sections 3 (1) and 125 of the *Local Government Act 2020*.
- 4.12. Members must treat information they receive as confidential unless otherwise advised. The documents presented to the Committee will often be in draft format and not ready for wider community distribution.
- 4.13. Members must not use confidential information other than for the purpose of performing their function as a member of the Committee.
- 4.14. Draft documents cannot be referred to or used in any grant applications, presentations or in the private working roles of members.

## **5. Payment**

- 5.1. The City of Melbourne may pay Committee members, other than Councillors and Officers, a sitting fee of no more than \$300 per meeting they attend.
- 5.2. For Councillors, expense reimbursements are to be made in accordance with Council's Expenses Policy.

## **6. Reporting**

- 6.1. The City of Melbourne Administration will report to the First Nations Committee on activities and issues as they arise. The First Nations Committee will provide strategic advice to the City of Melbourne through the Chair.
- 6.2. The First Nations Committee will report to Council through the portfolio lead on matters of importance or priority.

## **7. Review**

- 7.1. The First Nations Committee will be reviewed prior to the end of the current term of the Committee.





# First Nations Committee Code of Conduct

## March 2024

### *Acknowledgement of Traditional Owners*

The City of Melbourne respectfully acknowledges the Traditional Owners of the land we govern, the Wurundjeri Woi-wurrung and Bunurong / Boon Wurrung peoples of the Kulin and pays respect to their Elders past and present. We acknowledge and honour the unbroken spiritual, cultural and political connection they have maintained to this unique place for more than 2000 generations.

We accept the invitation in the Uluru Statement from the Heart and are committed to walking together to build a better future

## First Nations Committee Code of Conduct

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## First Nations Committee Code of Conduct

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### Foreword

At the City of Melbourne we set and uphold high ethical standards. As an organisation, we think not just about what we do but also how we do it through our people, the way we work and our customers' experience.

The rules and guidelines in this handbook give examples of how all Committee members are expected to behave, and provide the boundaries within which we must operate.

Council's vision is that the City of Melbourne is a city of possibility – where the world meets and the extraordinary happens. It's critical that we have a shared understanding of how we collectively work. The code provides instructions and advice as we work to make the difference for Melbourne and its people.

The code works in close harmony with our values and culture. A constructive culture is critical to realising our vision. Everyone plays a part in creating our culture at the City of Melbourne.

The code cannot describe every requirement or present all the details of our policies. Committee members must use their own judgement in applying these rules and guidelines. It is up to you to seek information if you are unclear on any area of conduct.

### What do you need to do?

1. Read it: please read this code and make sure you understand it. If there is anything you don't understand it is your responsibility to ask.
2. Agree to it: you must agree to abide by the code by signing and returning this document to Council.
3. Live it: we expect you to always work and behave in accordance with the code.

We encourage you to speak up if you see a potential breach of the code or if there is an opportunity to improve the ways we work.

Breaches of the code are a serious matter and can result in sanctions up to and removal from the Committee.

Together, we can uphold and protect the high ethical standards we have set for ourselves and our organisation and achieve our vision of a leading organisation for a leading city.

## **Section 1: Understanding and using the Code**

### ***Why do we need a code of conduct?***

The City of Melbourne serves the community and Council and aims to be a leading organisation for a leading city. That's why it's important we provide the best possible service.

Committee members should also respect and promote the human rights set out in the Victorian Charter of Human Rights and Responsibilities. This includes making recommendations consistent with human rights, and actively implementing, promoting and supporting human rights.

Committee members should adhere to the code and not breach its principles.

The CEO will exercise judgement and action where an appointed member may need to be removed from the committee due to poor conduct.

### ***Disclosable Interest Protocol***

The Disclosable Interest Protocol and Declaration applies to all Council's Advisory Bodies. In addition to this code, all committee members will comply with the Disclosable Interest Protocol and Declaration.

## **Section 2: Commitment to our people**

### ***Fairness, equity, diversity and inclusion***

The City of Melbourne promotes inclusivity, diversity, fairness and equity. This means the differences between the ideas, aspirations and needs of people are considered and valued equally.

### ***The principles***

At the City of Melbourne, we recognise and embrace the diversity each person brings. Our aim is to create an environment of trust, mutual respect and appreciation where everyone is treated fairly and with respect, and has the opportunity to realise their full potential.

Committee members are encouraged to feel confident that the diversity of their experiences will be valued and supported, regardless of their age, breastfeeding employment activity, gender identity, disability, industrial activity, lawful sexual activity, marital status, parental status or status as a carer, physical features, political beliefs or activity, pregnancy, race, religious belief or activity, pregnancy, race, religious belief or activity, sex, sexual orientation, personal association (whether as a relative or otherwise) with a person who identifies to any of listed attributes.

### ***Your responsibility***

1. Value diversity and consider diversity in recommendations, program and policy advocacy.
2. Speak up if you see or hear things that are not in the spirit of our commitment to fairness, equity and inclusivity or if you are concerned about discriminatory behaviours.
3. Know the policies which guide behaviour, address gender inequality and challenge attitudes and behaviours around issues such as violence against women.

Workplace diversity and inclusion ensures everyone enjoys the opportunity for full participation. City of Melbourne supports the development and achievement of well-informed and culturally-appropriate business outcomes.

It also involves managing and recognising the value of individual differences in the workplace.

Diversity and inclusion are important because we value and embrace all contributions. Everyone is able to bring something unique due to different backgrounds, varying work and life experiences, and multiple perspectives. Collectively this makes us a better organisation.

### ***What do we mean by 'diversity'?***

Diversity consists of all visible characteristics such as age, cultural diversity, ability, gender

identity, sexual orientation and language. It also includes characteristics such as education, caring responsibilities, socio-economic background, life experiences, opinions and working styles. Diversity recognises the characteristics of the whole person and treats all individuals, customers and the communities in which we operate – with fairness and respect.

### ***What do we mean by ‘inclusion’?***

Inclusion is the way our organisational culture, values and behaviours make a person feel welcomed, respected, valued and included. An inclusive environment draws on the unique differences of its people; where all people are treated fairly and respectfully with equal access to opportunities and resources. There are anti-discrimination and equal opportunity laws that support fairness, equity, diversity and inclusion. These laws apply to how we treat each other. It is your responsibility to be aware of the relevant laws and comply with them.

### ***Ask yourself***

- Am I being fair and respectful?
- Are my personal feelings, prejudices or preferences influencing my decisions?
- Am I using inclusive language?
- How will I respond if I witness behaviour that is not respectful?

## **Section 3: Harassment and bullying**

Harassment occurs when someone engages in conduct that would make a reasonable person feel offended, humiliated or intimidated because of their age, breastfeeding employment activity, gender identity, disability, industrial activity, lawful sexual activity, marital status, parental status or status as a carer, physical features, political beliefs or activity, pregnancy, race, religious belief or activity, pregnancy, race, religious belief or activity, sex, sexual orientation, personal association (whether as a relative or otherwise) with a person who identifies to any of listed attributes or some other attribute specified under anti-discrimination legislation.

### ***The Principles***

The City of Melbourne does not tolerate bullying or harassment.

We do not tolerate any action, conduct or behaviour which is humiliating, intimidating or hostile.

Bullying, harassment and discrimination may lead to removal from the Committee.

### ***Your responsibility***

1. Speak up and tell the person if you're upset by their actions or behaviour. Explain why and ask them to stop.
2. Report inappropriate behaviour.
3. We all have a responsibility to create a positive, safe environment which is free from harassment, discrimination and bullying.

Bullying is repeated, unreasonable behaviour directed toward an individual or group of individuals that creates a risk to health and safety. There is no place for harassment or bullying at the City of Melbourne. Not only does it go against our values, it is unlawful and breaches our policies. It is fundamental that we recognise and value the diversity of others, and ensure that City of Melbourne is free from discrimination, harassment and bullying.

### ***Ask yourself***

- Have I behaved in an intimidating or threatening manner?
- Have I made inappropriate jokes or comments?
- Have I distributed or displayed potentially offensive material? If I'm witnessing behaviour that goes against our values, do I need to step in and say something?
- Am I supporting a culture of inclusion?

### ***What is bullying?***

Bullying occurs when a person or group of people repeatedly act unreasonably towards an individual or a group.

Unreasonable behaviour includes victimising, humiliating, intimidating or threatening. Whether the behaviour would be considered as unreasonable is based on whether a reasonable person might see the behaviour as unreasonable in the circumstances. Bullying behaviour creates a risk to health and safety.

### ***Examples of bullying include:***

- behaving aggressively
- teasing or practical jokes
- pressuring someone to behave inappropriately
- excluding someone from work-related events
- unreasonable work demands.

## **Section 4: Drug and alcohol use and a smoke-free workplace**

We're committed to ensuring that you're able to safely perform the requirements of the role as a Committee member.

### ***The Principles***

If you are affected by alcohol or drugs, you should not attend a Committee meeting.

The possession or use of illegal drugs at any City of Melbourne location is strictly prohibited in line with the law.

Exposure to other people's smoke is a hazard. That's why it's important that City of Melbourne premises are smoke-free.

### ***Your responsibility***

1. Do not smoke or use an e-cigarette within any of our premises or vehicles, or within five metres of any entry point to our premises and vehicles.
2. Be aware of the impacts of your smoke drift on other people's health. Exposure to high levels of environmental tobacco smoke can increase the risk of heart disease by 50 to 60 per cent, as well as increasing the risk of stroke and nose and sinus cancer among non-smokers.
3. Do not litter. Protect our buildings and equipment through keeping them clean and discarding of cigarette butts appropriately.

## **Next steps and key contacts**

Thank you for reading the First Nations Committee Code of Conduct. It provides you with acceptable standards of behaviour for the way we work. As a member of a City of Melbourne committee you are required to adhere to and uphold these standards.