

# Members' Charter

## Schedule 4

The Members' Charter sets out:

- the purpose of this Members' Charter
- the role and responsibilities of Assembly Members
- the expected standards of behaviour of Assembly Members
- the consequences of non-compliance with this Members' Charter and
- the rules for interpreting and amending this Members' Charter.

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# 1 Introduction

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The First Peoples' Assembly of Victoria (**Assembly**) is the elected voice for Traditional Owners of Country in Victoria and Aboriginal and Torres Strait Islander peoples living on the lands and waters now known as Victoria (**First Peoples**). Its object is to promote the empowerment and self-determination of First Peoples by advancing the Treaty process. Composed of Traditional Owners of Country in Victoria, the Assembly will apply the collective cultural knowledge of the Members to perform its role. This requires strength, inclusivity, wisdom and courage. The success of the Assembly depends on its Members working together to represent First Peoples on the journey to Treaty. Members may not always agree, but Members will work constructively and with purpose to advance the Treaty process.

This Members' Charter sets out the roles and required standards of behaviour of all Members. It applies to all Members throughout their term– each Member agrees to comply with this Members' Charter as a condition of becoming a Member.

# 2 Roles and responsibilities

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## 2.1 Roles

Members will represent First Peoples in advancing the Treaty process, including negotiating Statewide Treaty under the Treaty Negotiation Framework (**Framework**). Members have an important role in ensuring the Assembly meets the minimum standards under the Framework and building collective support of First Peoples for Treaty outcomes, including interim agreements. Members may also have a role in performing additional functions and responsibilities the Assembly takes on as Treaty negotiations progress and in supporting Traditional Owners to negotiate Traditional Owner Treaties, as appropriate.

Members also have a role in carrying out the Assembly's ongoing functions as the Aboriginal Representative Body under the *Advancing the Treaty Process with Aboriginal Victorians Act 2018* (Vic) (**Treaty Act**), including in relation to the Self-Determination Fund and Treaty Authority.



## 2.2 Time commitment

It is expected that all Members, at a minimum, dedicate on average 1-2 days per week to Assembly business. Members with additional duties are expected to work increased hours to reflect the nature of their position.

It is up to Members how they allocate their time. However, Members must make themselves reasonably available to attend engagements and Yurpa Committee and Treaty Committee (**Committee**) and Assembly Chamber (**Chamber**) meetings. Members must also make themselves available to work together with staff on Assembly business and to meet their reporting obligations.

## 2.3 Engagement

Members must bring their communities along the journey to Treaty.

It is expected that:

- **General Members** meaningfully engage with the communities in the Region they represent. This includes undertaking formal community engagement activities that are open to all community members in their Region and making themselves reasonably available to be contacted by and meet with community members in their Region. General Members should actively participate in, at a minimum, one formal engagement activity before each Chamber. General Members must represent their Region at Chamber and Committee meetings by ensuring their Regions' voices, ideas and aspirations are heard by the Assembly.
- **Reserved Members** meaningfully engage with their Traditional Owner Group and its members. This includes undertaking formal engagement activities with their Traditional Owner Group that are open to all members of the Traditional Owner Group and making themselves reasonably available to be contacted by and meet with members of the Traditional Owner Group. Reserved Members should actively participate in, at a minimum, one formal engagement activity before each Chamber. Reserved Members must represent their Traditional Owner Group at Chamber and Committee meetings by ensuring their Traditional Owner Groups' voices, ideas and aspirations are heard by the Assembly.

All Members are expected to actively participate in Assembly processes to:

- engage Aboriginal Community Controlled Organisations, Aboriginal Trusts and First Peoples who are not Traditional Owners of Country in Victoria
- educate and consult First Peoples, including Traditional Owner groups, Aboriginal Community Controlled Organisations, and Aboriginal Trusts regarding Treaty negotiations and
- seek the collective support of First Peoples to the outcomes of Treaty negotiations, including interim agreements.

Members must make all reasonable efforts to actively promote and enrol community members to the Assembly's Electoral Roll and encourage them to vote at Assembly elections. This includes Reserved Members assisting to promote and enrol members of their Traditional Owner Group.

Members must be responsive to staff engagement initiatives, including in relation to Assembly publicity and communications.



## 2.4 Attendance at Chamber

The Chamber is the central decision-making body of the Assembly. At Chamber, Members will be asked to consider and make key decisions of the Assembly. This may include decisions related to:

- Statewide Treaty, including meeting and continuing to meet the minimum standards, demonstrating collective support and negotiating and entering into Statewide Treaty and interim agreements
- how the Assembly exercises additional functions and powers that it takes on under interim agreements (if any), Treaty or other arrangements
- the Assembly's ongoing role in relation to the Self-Determination Fund, the Treaty Authority and functions under the Treaty Act and
- the governance of the Assembly and how it engages with Community.

The Chamber will meet at least 4 times per year, for 1-2 days at a time. The schedule of meetings will be set annually by the Council.

A Member must not be absent from two consecutive Chambers or three Chambers in a period of 12 months without the Council's consent or without reasonable excuse.

A Member may miss a Chamber meeting, or part of a meeting, for a legitimate reason. This could be, for example, due to illness, Sorry Business or other cultural duties. If a Member misses a Chamber meeting, the Member is expected to:

- perform their duties before and after the Chamber meeting, for example, read the papers and hold meetings with their community and
- make an effort to be informed of the business of that Chamber meeting.

If a Member is going to miss a Chamber meeting and chooses to appoint a proxy. Members must appoint the chairperson of that meeting or another Member as their proxy.

## 2.5 Attendance at Committee meetings

The Assembly has established Committees to progress Treaty related work and strengthen the Assembly's cultural governance. The Committees are where the work of the Assembly is done. It is expected that Members contribute to this work.

Members must be a member of at least one Committee.

Members must actively attend and participate in Committee meetings.

## 2.6 Attendance at engagements

Members must attend engagement activities arranged by the Assembly, including at least ten engagement events arranged by Assembly staff each year.



## 2.7 Reporting

General Members are required to provide quarterly reports on their engagement activities to the communities in the Region they represent.

Reserved Members are required to provide quarterly reports on their engagement activities to their Traditional Owner Group and its members.

The quarterly reports may include regional reports at Chamber.

## 2.8 Operations

Assembly operations provide support to Members as directed by the Council. It is expected that Members will work respectfully and productively with staff in the best interests of the Assembly. If a Member has concerns with the adequacy of support, they are expected to raise the issue promptly with the Chief Executive Officer.

# 3 Standards of behaviour

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Members are expected to act with integrity and humility. They are expected to perform their responsibilities in good faith and in the best interests of the Assembly. To achieve this, Members must meet certain standards of behaviour. Adhering to these standards supports building and maintaining positive relationships between Members, staff and Community.

### 3.1 Cultural practices

Members must abide by agreed ways of doing business that are part of cultural practice, lore and law.

### 3.2 Working together

Members must show respect to each other, their communities and the work of the Assembly.

Members must collaborate with other Members in their Region.

Members must make reasonable efforts to respond to questions and requests from Assembly staff. Members must make themselves reasonably available to be contacted by, and to meet with Assembly staff on a monthly basis.

### 3.3 Meeting protocols

Members must comply with the Assembly's Cultural Safety Policy, including its meeting protocols.

Members must participate in Assembly meetings in a respectful manner. This means respecting the Assembly's decision-making processes and structures, including the role of Committees, the Elders'



Voice and Youth Voice and the role and responsibilities of Members who take on additional duties and positions.

It is expected that Members attend all Chamber and Committee meetings for the full duration. Members must actively participate in the meeting. This means that Members must have read the papers for the meeting and be prepared to discuss items under consideration.

Where a meeting is held by technology, it is expected that Members:

- have their camera on and
- are in a private place where they can focus on the meeting and not allow non-Members to view the meeting.

### **3.4 Misconduct**

Members must not engage in:

- any violent, abusive or threatening conduct, including lateral violence, when engaging in Assembly business
- any behaviour that brings the Assembly into disrepute
- any behaviour that interferes with the work or activities of other Members, Assembly staff or stakeholders, for example, by frequent or vexatious complaints or
- intimidation or duress to attempt to compel another Member to support, or not support, a decision of the Assembly.

### **3.5 Communications**

Members must ensure that any communication (including social media) related to Assembly business that they make, authorise or endorse is:

- fair and honest
- respectful towards other Members and all members of the community
- free of allegations, distortion or smear and
- does not breach confidentiality requirements.

### **3.6 Conflicts of interest**

Members must declare and manage conflicts of interest in accordance with any policies adopted by the Council.

### **3.7 Confidentiality**

Members must keep confidential and not disclose any information of the Assembly that they receive, develop or become aware of while, or through having been, a Member. This is a continuing obligation; Members must continue to keep this information confidential after they stop being a Member.



Members do not need to keep information confidential where:

- the information is already publicly available (except if disclosed by a Member in breach of their confidentiality requirements)
- there is prior written agreement from the Assembly
- the disclosure is required by law or
- the disclosure is to a lawyer acting for the Member in the context of a lawyer-client relationship (and the lawyer agrees to keep the information confidential).

## 4 Compliance

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It is a key duty of Members to comply with the Members' Charter. Compliance with the Members' Charter is an important way for Members to be accountable to the communities they represent.

Members will comply with this Members' Charter if they fulfil the roles and responsibilities and meet the standards of behaviour set out in this document.

To hold Members accountable, Members' attendance at engagement activities and Committee and Chamber meetings may be made publicly available, for example, on the Assembly's website or in the Assembly's Annual Report.

Consequences for non-compliance with the Members' Charter may include:

- the chair of a Committee or Chamber meeting may draw attention to the non-compliance at the meeting and may exercise powers to require the Member to cease the non-compliance
- the Audit, Risk and Remuneration Committee or the Council may draw attention to the non-compliance by writing to the Member or, in serious cases, notifying all Members in writing of the non-compliance and
- action may be taken under the Assembly's grievance and dispute resolution policies.

The ultimate consequence for non-compliance is the Members' disciplinary procedures and sanctions under clause 9.3-9.16 of the Constitution. This involves suspension or removal of the Member.

## 5 About this Members' Charter

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This Members' Charter was adopted by the Chamber on 16 March 2023. It will commence operation on the day of the first Chamber following the 2023 election and from that day will replace any existing Members' Charter.

This Members' Charter does not form part of the Constitution.



This Members' Charter may be amended or replaced by the Chamber by Ordinary Majority Resolution. However, the terms of the Members' Charter must be consistent with the Constitution, Election Rules, Appointment Rules and requirements of the law.

Capitalised terms used but not defined in this Members' Charter have the meaning given in the Constitution. If there is an inconsistency between this Members' Charter and the Constitution, the Constitution prevails.

