

ACT Reconciliation Council

Terms of Reference and Guidelines



Acknowledgement of Country

The Members of the ACT Reconciliation Council recognise the Ngunnawal people as the Traditional Custodians of the Australian Capital Territory and surrounding region. We also acknowledge that other Aboriginal peoples and families have enduring connections to the lands of the ACT and region, and we respect these connections to Country.

Council Members acknowledge and respect the continuing culture, knowledge and contributions of Aboriginal and Torres Strait Islander Peoples, and recognise that connection to Country holds profound spiritual, social, historical, cultural and economic significance.

The Health and Community Services Directorate likewise acknowledges the Ngunnawal people as Traditional Custodians and recognises all Aboriginal and Torres Strait Islander Peoples with connection to this land. We respect Aboriginal and Torres Strait Islander Peoples, particularly Aboriginal and Torres Strait Islander staff, and their continuing culture and contribution to the life of Canberra and the wider region.

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Introduction

This document sets out the roles and responsibilities of the Council. It provides guidance on the Council's purpose, mode of operation, including its relationship to other committees, sub-committees and working groups.

Purpose of the ACT Reconciliation Council

The ACT Reconciliation Council is an advisory body that supports and advises the ACT Government on advancing reconciliation in the Australian Capital Territory.

The purpose of the Council is to:

- Provide informed advice to the Minister for Aboriginal and Torres Strait Islander Affairs on reconciliation priorities, opportunities, and emerging issues relevant to the ACT community.
- Support the planning and delivery of the annual ACT Reconciliation Day public holiday and associated activities to strengthen relationships between Aboriginal and Torres Strait Islander Peoples, government, and the broader ACT community.
- Promote reconciliation across the ACT community through leadership, engagement, and advocacy, aligned with the five dimensions of reconciliation articulated by Reconciliation Australia.

About the Council

In September 2017, the Australian Capital Territory (ACT) established Reconciliation Day. The ACT was the first and is still the only jurisdiction in Australia to mark Reconciliation Day with a public holiday. The public holiday is held on the first Monday on or after 27 May and was selected for its significance as the anniversary of the 1967 Referendum and the first Day of National Reconciliation Week.

The Council was created to lend support and offer guidance to the ACT Government in orchestrating the annual Reconciliation Day Public Holiday. The Council was known as ACT Reconciliation Day Council upon its establishment in 2018 but has since evolved into the ACT Reconciliation Council in recognition of its role in leading reconciliation in the ACT throughout the year. In its present form, the ACT Reconciliation Council provides advice on the program for the Reconciliation Day event, and facilitates discussions of, and activities for, reconciliation with the ACT community throughout the year.

Council Ethos and principles

Members recognise Aboriginal and Torres Strait Islander Peoples as the First Peoples and their ongoing right to self-determination. According to the [Human Rights Commission](#), 'self-determination is concerned with the fundamental right of people to shape their own life, which is an ongoing process of choice to ensure Aboriginal and Torres Strait Islander communities can meet their social, cultural and economic needs'. As champions of reconciliation in the ACT, Council Members are committed to the achievement of self-determination of Aboriginal and Torres Strait Islander Peoples in the ACT, and across the nation more broadly.

Members also acknowledge the strength and resilience of the Traditional Custodians of this Land and the broader Aboriginal and Torres Strait Islander communities in sustaining the world's oldest living culture.

The ACT Reconciliation Council adopts a place-based approach to reconciliation, driven by the specific needs of the Canberra community and our approach is guided by the five dimensions of reconciliation set out by Reconciliation Australia:

- 1. Race relations:** All Australians understand and value Aboriginal and Torres Strait Islander and non-Indigenous cultures, rights, and experiences, which results in stronger relationships based on trust and respect that are free of racism.
Goal: Positive two-way relationships built on trust and respect exist between Aboriginal and Torres Strait Islander and non-Indigenous Australians throughout society.
- 2. Equality and Equity:** Aboriginal and Torres Strait Islander Peoples participate equally in a range of life opportunities and the unique rights of Aboriginal and Torres Strait Islander Peoples are recognised and upheld.
Goal: Aboriginal and Torres Strait Islander Australians participate equally and equitably in all areas of life – i.e., we have closed the gaps in life outcomes – and the distinctive individual and collective rights and cultures of Aboriginal and Torres Strait Islander Peoples are universally recognised and respected. Aboriginal and Torres Strait Islander People are self-determining.
- 3. Unity:** An Australian society which values and recognises Aboriginal and Torres Strait Islander cultures and heritage as a proud part of a shared identity.
Goal: Aboriginal and Torres Strait Islander histories, cultures and rights are valued and recognised as part of a shared national identity and, as a result, there is national unity.
- 4. Institutional Integrity:** The active support of reconciliation by the Nation's political, business and community structures.
Goal: Our political, business and community institutions actively support all dimensions of reconciliation.
- 5. Historical Acceptance:** All Australians understand and accept the wrongs of the past and the impact of these wrongs. Australia makes amends for the wrongs of the past and ensures these wrongs are never repeated.

Goal: There is widespread acceptance of our nation's history and agreement that the wrongs of the past will never be repeated – there is truth, justice, healing, and historical acceptance.

The ACT Reconciliation Council will progress its Strategic Plan and program of activities in response to the specific needs of the community of Australian Capital Territory and in alignment with the Five Dimensions of Reconciliation. For more information about place-based approach of the Council, refer to the ACT Reconciliation Council's Strategic Plan.

Role and Functions

The Council provides strategic, community-informed advice and leadership to advance reconciliation in the ACT. Its responsibilities including:

- Engagement
 - Drive and lead the promotion and education of reconciliation in the ACT community.
 - Identify and facilitate the connection of local reconciliation champions and ambassadors.
 - Work with key stakeholders to advance reconciliation in the ACT community.
 - Work in culturally safe ways, including through respect of and adherence to cultural protocols.
 - Work in ways that promote the self-determination of Aboriginal and Torres Strait Islander Peoples in the ACT and across Australia more broadly.
 - Share relevant information about reconciliation with the community and key stakeholders.
 - Serve as a point of contact for the community regarding issues or opportunities relating to reconciliation in the Canberra region.
 - Provide advice to the ACT Government about outcomes of meetings with the Australian Reconciliation Network (ARN).
- Promotion
 - Provide leadership on reconciliation in the ACT, including through:
 - Providing direction to develop a program of activities for the annual ACT Reconciliation Day Event.
 - attendance at community meetings, school activities, media broadcasts and other significant events.
 - the coordination of events and meetings, and the development of resources.
 - the facilitation of cross-sector learning about reconciliation.
 - Amplify reconciliation opportunities through broader community education, promotion of, and engagement with, Aboriginal and Torres Strait Islander committees, organisations, businesses and Peoples.

- Advising the Minister
 - Advise the Minister of relevant and emerging issues, potential risks, and opportunities in relation to the advancement of reconciliation in the ACT.

Co-Chair

The Co-Chairs are responsible to the Minister for Aboriginal and Torres Strait Islander Affairs for the operation of the Council.

Their role is to:

- Act as a public spokesperson for the Council, and attend key events that promote reconciliation in the ACT;
- lead the development of the Council's work plan;
- lead or delegate specific projects including out of session Council work;
- maintain a positive, culturally safe and constructive atmosphere at Council meetings by encouraging courtesy, respect and openness;
- consider innovative models and processes for generating ideas and problem solving;
- assist members to work together as a group by:
 - facilitating orderly, participatory and constructive discussions between members on matters within the Council's Terms of Reference;
 - ensuring all members have equal opportunity to contribute ideas, opinions and concerns; and
 - creating a safe space which draws participation from all members.
- seek to resolve conflict within the group and provide feedback as necessary to group members on expressed opinions or actions;
- ensure that any action arising from the Work Plan or meeting is appropriately assigned to members;
- liaise with the Secretariat to develop meeting agendas and ensure any action required is appropriately assigned and progressed; and
- inform the Minister for Aboriginal and Torres Strait Islander Affairs about the priorities and work of the group through meetings and correspondence.

Selection of Co-Chairs

The Council will recommend Co-Chairs for the Minister to appoint. At least one Co-Chair must be an Aboriginal and/or Torres Strait Islander person. Where possible, Co-Chairs will have different genders.

General Members

Members are expected to:

- Maintain links with the community;

- promote and raise awareness of reconciliation in the ACT;
- maintain a positive, culturally safe and constructive atmosphere at Council meetings by modelling courtesy, respect and openness;
- participate at community events and social gatherings to engage with community members, promote the work of the Council, ensure broad knowledge of the reconciliation, and gain broad knowledge of community members' ideas, vision and challenges to achieve reconciliation in the ACT;
- support the Co-Chairs;
- actively and constructively participate in Council meetings, projects and other business;
- actively participate in developing an annual plan for the Council;
- lead specific projects including out of session Council work at the request of Co-Chairs;
- advise the Secretariat when they have completed agreed actions arising from previous meetings; and
- act in accordance with the provisions of these Guidelines.

While some members may be selected due to their knowledge and experience within community organisations, they are appointed as individuals to provide advice and opinions in the best interests of the ACT community, and not to represent an organisation.

Powers and Limitations

The Council is an advisory body and

- Does not have decision-making, executive or delegated authority.
- Does not act on behalf of the ACT Government unless expressly authorised by the Minister.
- Provides advice that is non-binding, with final decisions remaining the responsibility of the Minister and ACT Government.

Governance and Membership

Membership

Membership comprises up to 12 Members based on their capacity to represent the diverse backgrounds and interests of the ACT community.

The membership of Aboriginal and/or Torres Strait Islander people is particularly critical, and every effort will be made to recruit and retain Aboriginal and/or Torres Strait Islander Members. The list of current Members can be found on the ACT Reconciliation Council Webpage.

Eligibility

Applicants must be ACT residents; work, study or volunteer in the ACT; or demonstrate another significant connection and commitment to the ACT.

Appointment

The Council will have a minimum of 7 to a maximum of 12 members. This includes two Co-Chairs. Members are appointed as individuals, and not as part of an organisation.

Members are appointed by the Minister for Aboriginal and Torres Strait Islander Affairs following recommendations from a selection panel convened by the Office for Aboriginal and Torres Strait Islander Affairs within the Health and Community Services Directorate, and are subject to Cabinet endorsement.

A recruitment process may be initiated at any time at the request of the Co-Chairs, based on the needs of the Council. A range of application methods may be utilised to encourage applications.

The selection panel will comprise at least two current Members of the Council, one of whom should be a Co-Chair. The panel will establish selection criteria that reflect applicants' ability to work in alignment with the Council Ethos and meet the membership requirements.

To the extent possible, appointments will seek to ensure the Council's membership reflects the diversity of the ACT Community. This includes, but not limited to, representation across a range of ages, Aboriginal and Torres Strait Islander peoples, people from a culturally and linguistically diverse background, people with disability, LGBTIQ+ people, individuals from various locations within the ACT, and people from varied socio-economic circumstances.

Terms of Appointment

Appointments will be for a two year term, and Members may serve up to three terms (cumulative), creating a maximum service period of six years.

The maximum service period may in exceptional circumstances be extended for individual Members at the discretion of the Minister on advice of the Council and/or Secretariat. Extensions should only be granted to ensure membership continuity, and every effort should be made to appoint a suitable replacement.

Recruitment will be staggered to meet the ACT Government's diversity, representation and renewal principles as well as support the retention and transfer of skills and knowledge. Members' appointments are made and managed consistent with Governance Principles for Appointments, Board and Committees in the ACT (part of the ACT Machinery of Government Series) as updated from time to time.

Remuneration

Members and Co-Chairs may be remunerated by way of an ACT Remuneration Tribunal Determination payment.

The Co-Chairs and Members (who are not also ACT Public Servants at the time of payment) will be paid per diem (which in effect means per Council general meeting) at a rate determined by the current ACT Remuneration Tribunal Determination for Part-time Public Office Holders.

Per diem claims can be made for up to:

- Minimum of 4 general meetings with a maximum of 9 general meetings per annum
- 1 additional meeting, per annum which will ordinarily be restricted to the ACT Reconciliation Day event.

The remuneration of members for additional payments or expenses will be considered on a case-by-case basis and needs to be discussed and agreed with the Secretariat before the expense is incurred. Remuneration should not exceed 10 payments per year.

The Secretariat will work with members to administer their timesheets after meetings based on member attendance. Payments should be made in a timely fashion and will be coordinated by the Secretariat.

This payment will ordinarily be restricted to occasions where a member attends general meetings and includes recognition of their out-of-session contributions. Reimbursement is in recognition of the work undertaken by members of the Council to fulfill its role. While the work required between meetings will vary, it is a general expectation that each Council member contribute up to 5 hours of work in between general meetings. Absent members will not be remunerated.

Other Conditions

The Tribunal acknowledges that Aboriginal and Torres Strait Islander members of the ACT Reconciliation Council bring particular expertise and knowledge, and experience personal accountabilities and additional leadership responsibilities, including nationally. As a result of this and their connection to community, together with the specific role of this Council, the Tribunal has decided that Aboriginal and Torres Strait Islander members of the Council are to receive an additional 20 per cent of the daily rate (per diem) in recognition of this additional expertise and cultural responsibility.

Code of Conduct

Members are expected to follow Section 9 of Public Sector Management Act 1994 on public sector conduct and adopt the Values and Signature Behaviours of the ACT Public Service in their work respectful work, integrity, collaboration and innovation.

The [ACT Public Sector Code of Conduct](#) is available on the ACT Government website. Documentation outlining appropriate conduct in relation to ethical standards, conflict of interest and other issues is outlined in [Governance considerations when participating on boards and committees \(2022\)](#) and in the [Governance Principles – Appointments, Boards and Committees](#). The Secretariat or Workforce Governance in the Office of Industrial Relations and Workforce Strategy (OIRWS), CMTEDD may be consulted for any queries. In addition to the above, the following matters are also vital to the effective operation of the Council.

Ways of Working

Council Members will:

Practice cultural safety

- Listen deeply
- Engage with curiosity, honesty and kindness
- Be proactive and courageous
- Promote unity, and
- Do no further harm.

Conflict Resolution

Where unresolved conflict that affects the ability of individual members or the Council to meet their responsibilities within existing Council processes persists, the Council will obtain conflict resolution advice and/or assistance from an independent organisation with a track record of culturally safe work practices. Refer to Governance Principles - Appointments, Boards and Committee in the ACT.

Conflict of Interest

Conflict of interest is defined as any instance where a Council member has a direct financial or other interest in matters under consideration or proposed for consideration by the Council.

Council members are expected to observe the highest standards of ethical conduct, including honesty, courtesy, fairness and conflict of interest, as outlined in:

- The ACT Public Service Code of Conduct (2022) and;
- the Governance Principles – Appointments, Boards and Committees in the ACT

A member must disclose to the Co-Chair any situation that may give rise to a conflict of interest, a potential conflict of interest, or a potential perceived conflict of interest. The Co-Chair will make the determination whether there are adequate grounds for excluding a member from any related discussion or decision making regarding a conflict-of interest issue.

Conflicts of interest that may be sufficient to justify the termination of a member's appointment must be considered by the Minister. In such a situation, the Co-Chair has the power to suspend the person's membership until the Minister's agreement is obtained.

Active Participation

- Members are expected to attend all general meetings, read agenda papers, and periodically contribute to agenda papers.
- Members will also actively contribute to discussions, including questioning, with due diligence and in good faith, and in the best interests of the community.
- Members are also expected to actively seek community feedback and advice in the normal course of their community engagement; and to occasionally attend, and contribute to, formal Council consultation forums.

Meetings and Secretariat

Meetings and decision-making

- The Council will meet at least 4 times per calendar year, with one of these meetings designated as an attendance for the annual ACT Reconciliation Day Event.
- Council Members are required to attend at least 75% of meetings unless exceptional circumstances arise.
- Quorum: Council meetings will be considered quorate when attended by a minimum of half of the current appointed members, including at least one of the two Co-Chairs.

- The Council and/or Co-Chairs will also meet with the Minister to provide updates and progress against the annual workplan at least twice per calendar year and/or upon request by the Minister.
- Conflict of interests by Council Members must be declared at the commencement of meetings and noted in the meeting minutes.
- Items for meeting agenda can be put forward by any member of the Council for consideration by contacting the Secretariat and the Council Co-Chairs.
- The Council strives to make decisions and provide advice based on consensus. If the Council cannot reach consensus the issue will be taken to a vote, with a majority vote required to resolve issue in discussion. In the case of a split vote, the Co-Chairs will exercise a deciding vote. If decision that cannot be agreed by this method the decision will not progress.
- The Co-Chairs may invite and/or approve additional non-voting attendees to meetings of the Council to provide specific expertise as appropriate.
- The Secretariat will draft minutes for each meeting, distribute to Co-Chairs for approval within ten business days. Once approved by the Co-Chairs, the minutes will be circulated to the Council Members.

Sub-committees and working groups

- The Council may form working groups and/or subcommittees to progress the Council's agenda.
 - The purpose and scope of a sub-committee or working group will be agreed by resolution of the Council.
 - The chair of a subcommittee or working group must be a member of the Reconciliation Council, and should be appointed by resolution of the Council. Once appointed, the subcommittee or working group chair will lead establishment of the group.
 - Membership of sub-committees is open to all Council Members and Reconciliation Community Advocates.
 - Membership of working groups is open to all Council Members, Reconciliation Community Advocates and other community members by invitation of the Council, and once established, by consensus decision of the relevant working group.

A Working Group or Sub-Committee is responsible for coordinating its own meetings.

Secretariat support

Secretariat services are provided by the Office for Aboriginal and Torres Strait Islander Affairs (OATSIA) in the ACT Health and Community Services Directorate.

The Secretariat will undertake the administration required to support the Council. This includes:

- Booking meeting rooms.
- Calling for agenda items in advance of meetings.

- Coordinating an agenda and discussion papers for meetings.
 - Recording accurate minutes and actions.
 - Coordinating Council recruitment processes.
 - As required and authorised, providing financial and administrative support for travel.
- The Secretariat will call for agenda items at least 4 weeks before a meeting.
 - Meeting agenda will be circulated no later than one week before a scheduled meeting.
 - Prior to circulation, the Secretariat will seek Co-Chairs' approval of the agenda and discussion papers, and the invitation of any non-voting attendees.
 - The Secretariat will circulate previous minutes and other papers at least five business days prior to the scheduled meeting, where possible.
 - The Secretariat will record and circulate to the Co-Chairs detailed meeting minutes and action items within ten business days.
 - After Co-Chair review, the meeting minutes will be circulated to attendees.

Out of Session Matters

The Council may deal with matters out-of-session, usually where feedback is sought from Council members, rather than a Council decision:

- where an urgent response is required from Council members between meetings, the Co-Chair must endeavour to alert members to the relevant business via email, text message or other appropriate means, providing a clear timeframe for response;
- extraordinary meetings may be required to progress urgent and significant issues e.g. to more fully discuss a key Council submission to the ACT or Australian Government; and
- where a matter requiring resolution is to be dealt with out of session, agreement by two thirds of Council members is required for assent.

Advisers

- The Minister's Adviser will ordinarily have a standing invitation to general meetings as a guest, with their primary role at the meetings being to clarify the Minister's position on issues and processes.
- Non-members who are subject matter experts may be invited by or with the consent of Co-Chairs to provide advice to inform the work of the Council.

Reconciliation Community Advocates

Council may identify and invite an unlimited number of individuals to become Reconciliation Community Advocates. Their role is to assist the Council in fostering and promoting understanding and collaboration for reconciliation in the ACT community by:

- **Education and awareness:** Supporting the Council’s promotional and educational initiatives to continue raising awareness about historical issues, cultural heritage, and the importance of reconciliation within the broader community.
- **Promotion of reconciliation programs:** Supporting the Council by promoting and supporting reconciliation programs and activities occurring in the community, including the ACT Annual Reconciliation Day Event as well as with events leading up to and after.

Community engagement: Utilising their prominence and networks to keep the Council updated on the happenings in the ACT community, and to liaise with stakeholders to encourage involvement in reconciliation within the community.

Council Members must be satisfied Reconciliation Community Advocates will not damage the reputation of the Council, and will apply the following principles to their engagement:

- **Cultural safety:** Reconciliation Community Advocates demonstrate cultural safety, fostering an environment where diverse perspectives are valued and celebrated, and Aboriginal and Torres Strait Islander Peoples feel safe.
- **Commitment to reconciliation:** Reconciliation Community Advocates have previously acted, and will continue to act, in ways that progress the five dimensions of reconciliation.

Reconciliation Community Advocates are not Members of the Council and cannot vote in Council decisions. However, they may be invited to Council meetings by Co-Chairs to present advice on matters.

The Reconciliation Community Advocates will actively promote reconciliation and reconciliation activities in their sphere of influence at the direction of the Reconciliation Council. The scope and term of the Reconciliation Community Advocates’ duties will be specific to each Advocate and will be agreed by the Council and delivered in writing to the Advocate at the beginning of their appointment.

Reporting, accountability and Ministerial engagement

Leave of absence

Where a member is unable to attend a meeting, that member should submit an apology to the Secretariat and the Co-Chair stating the reason for the absence. Apologies are noted in the minutes. Where the Co-Chair is an apology, the Co-Chair will assume their role.

Where a member does not submit an apology and does not attend a meeting, they will be recorded as absent.

Proxies and/or observers will not be accepted to replace the absent member.

Members’ terms may be cancelled if they fail to attend three consecutive meetings (regardless of whether an apology has been recorded).

Members may apply to the Co-Chair for a Leave of Absence of up to three months from the Council. The Chair may grant any such application if it is permissible within the operational needs of the Council. The Co-Chair must apply to the Minister for a Leave of Absence.

Applications for a Leave of Absence for longer than three months must be submitted to the Minister and will be granted at the discretion of the Minister. Where a leave of absence has been granted for more than three months, the Minister may appoint a casual replacement for the duration of the leave granted.

Resignation, termination and vacancies

Resignation

Members may resign from the Council at any time. All resignations must be provided in writing to the Minister and signed at least four weeks prior to the date of resignation. A copy of the notice of resignation must also be provided to the Co-Chair. The appointment of replacement members is at the discretion of the Minister.

Termination

The Minister may terminate an appointment where a member:

- Is unable to fulfil the duties of the role.
- Repeatedly fails to attend meetings without reasonable explanation.
- Acts inconsistently with these Terms of Reference or applicable governance principles.

Vacancies

Members of the community can apply for Council membership through a merit-based selection process. This involves preparing a written application and providing details of community referees.

A Merit based selection means comparing and weighing up the skills, abilities and experience of each applicant to select the best person/people for the role.

Terms of Reference Review

The Council will review its Terms of Reference every two years and/or as required on recommendation of the Council and agreement of the ACT Minister for Aboriginal and Torres Strait Islander Affairs.

The Minister must approve these Terms of Reference as part of the Council's recruitment process, and they reserve the right to amend them at any time.

The Minister may direct an independent evaluation be undertaken regarding the Council's performance, which may include a review of the Terms of Reference.

Suspension or cessation of Council

The Minister to whom the Council reports reserve the right to suspend the work of the Council or to dissolve the Council at any time by notice in writing to members.

The Minister may also direct that aspects of the work of the Council should be continued through another forum, including through another advisory council forum.

Contact Details

Secretariat

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