



# Terms of Reference

## National Co-Design Group

### Context

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1. The Government is committed to a process of co-design to determine options to improve local and regional decision making and a national voice.
2. This approach reflects the Government's commitment to working in partnership with Indigenous Australians, and their longstanding desire to have a greater involvement in the issues that affect them.
3. The co-design process to determine options for a voice will have two separate co-design groups, one to focus on local and regional decision-making (Local & Regional Group) and the other to look at options for a national voice (National Group).
4. A Senior Advisory Group will provide advice and support across the co-design process for a voice and act as a forum for the Minister for Indigenous Australians (the Minister) to test ideas and build consensus.

### Purpose

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5. The National Co-Design Group (National Group) is commissioned to consider proposed models for a national voice, and provide advice on preferred options.

### Scope

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6. The principal focus of the National Group is to develop options and models for a national voice, including articulating relevant detail (such as the structure, membership, functions and operation of a voice), and how to give a national voice legal form, excluding drafting of the establishing legislation.
7. Proposed options must not create barriers to the operation of existing Commonwealth Government Parliamentary processes.
8. The National Group will undertake this process in two stages:
  - a) Stage one - develop possible approaches, models and options, and engaging with key stakeholders as needed.
  - b) Stage two - support consultation and engage with Indigenous leaders, communities and stakeholders across the country; and refine recommendations for national options prior to providing them to Government for consideration.

9. The Minister will be responsible for leading ongoing engagement with state and territory governments, as well as the cross-party Parliamentarians group and Government colleagues to build consensus around possible options. National Group members may be asked to provide advice or assist in these discussions, as required.

## Activities

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10. The National Group will:
  - a) Develop a work plan for the Group, which includes links with the broader co-design process, and consultation and engagement with Indigenous communities, Indigenous leaders, experts and other key stakeholders in stage two. This will be done in consultation with the Senior Advisory Group and Local & Regional Group.
    - i. The development of options and models will draw on existing work done to date where appropriate.
    - ii. The options should enable the Government to consider how a voice could be given legal effect.
  - b) Work in partnership with the Local & Regional and the Senior Advisory Groups at key points, to ensure options for a national voice can be informed by, and connect with local and regional elements of a voice.
  - c) Consider the impact of existing mechanisms for agreement making with Aboriginal and Torres Strait Islander Australians on options for a voice.
  - d) Develop options and models, including drawing on previous work, to put forward to the Minister for consultation and engagement, following consultation with the Local & Regional Group and Senior Advisory Group.
  - e) Support consultation and engagement with Indigenous communities, leaders and other stakeholders across the country.
  - f) Support and advise the Government on public messaging to update the broader community on the co-design process.
  - g) Refine options and models based on feedback from consultations and engagement.
  - h) Provide a final report for the Minister after consultation and refinement have been completed, with preferred options and models. The Senior Advisory Group will review these options and models and provide advice alongside the National Group's report to the Minister.
  - i) Seek advice from the Senior Advisory Group and the Local & Regional Group throughout the process, as appropriate.
  - j) Provide regular updates to the Minister and Senior Advisory Group on progress and key issues as they emerge.
  - k) The National Group may request technical expertise if needed, through the National Indigenous Australians Agency (NIAA).

## Timeframes

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11. The process will be undertaken in two stages:
  - a. Stage one – early to mid 2020
    - i. At the conclusion of stage one, options and models will be provided in an interim report to the Minister (by mid 2020). This report will be provided alongside the advice of the Senior Advisory Group, for decision by Government, ahead of the consultation and engagement stage.
  - b. Stage two – mid to late 2020
    - i. At the conclusion of stage two, a final report with options and models refined following consultation and engagement will be provided to the Minister by late 2020, alongside advice from the Senior Advisory Group.

## Membership

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12. The Minister will invite individuals to participate in the National Group, following consultation with the Senior Advisory Group, and appoint a co-chair from among the Indigenous non-government members. The second co-chair will be a senior official from the NIAA.

13. The National Group is responsible for determining how they conduct discussions. The two co-chairs will chair meetings and ensure work progresses out of session.
14. The two co-chairs will also be key contacts and representatives for the National Group. They will lead engagement with the Senior Advisory Group and Local & Regional Group, Minister and the Government at key points, as required.
15. The non-government members of the National Group will comprise a majority of Indigenous Australians. Consideration will also be given to achieving a balance of: gender; representation across jurisdictions, and the urban, regional and remote spectrum, as much as possible.
16. The National Group will comprise up to 20 members, (inclusive of one government co-chair and one Indigenous non-government co-chair) as determined by the Minister.
17. Deliberations of the National Group, discussions with the Minister, any sub-groups and external experts will be confidential. Liaising outside the group to discuss potential options should have prior agreement from the National Group co-chairs. Public comment about the Group's deliberations and formal discussions will be subject to a media protocol and code of conduct.

### **Secretariat**

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18. All secretariat, logistical and administrative support will be provided by NIAA. This will include planning, logistics, travel arrangements and meeting support.

### **Out of scope**

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19. The following matters are out of scope for the National Group:
  - a) Drafting of legislation to establish a national voice.
  - b) Design of options and models for local and regional elements of a voice, other than considering linkages with local and regional elements of a voice, in order not to duplicate work across the two co-design groups.
  - c) Final decision on which options and models progress to consultation and engagement in stage two.
  - d) Making recommendations as a Group through this co-design process on constitutional recognition, including determining the referendum question or when a referendum should be held.
  - e) Making recommendations as a Group through this co-design process on the establishment of a Makarrata Commission (as called for by the Uluru Statement from the Heart), agreement making, treaty and truth-telling.
  - f) Overall budget, deliverables and associated timing and the overarching timeframe for the co-design process.