



Terms of Reference

Local & Regional Co-Design Group

Context

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 forum for the Minister for Indigenous Australians (the Minister) to test ideas and build consensus.

Purpose

5. The Local & Regional Co-design Group (Local & Regional Group) is commissioned to articulate preferred approaches to improved local and regional decision-making and Indigenous regional governance and provide advice on preferred options.

Scope

6. The principal focus of the Local & Regional Group is to articulate effective regional mechanisms for improved local and regional decision-making by Indigenous Australians in partnership with governments, including their purpose and scope. The Local & Regional Group will consider how existing regional mechanisms and Indigenous regional governance structures can give effect to the notion of a local and regional voice.
7. The Local & Regional Group will undertake this process in two stages:
 - a. Stage one - developing possible approaches (e.g. principles-based), models and options for broader conversations and engaging key stakeholders as needed.
 - b. Stage two - support conversations and engage with Indigenous leaders, communities and stakeholders across the country, and refine options and models, prior to providing them to the Government for consideration.
8. 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. Local & Regional Group members may be asked to provide advice or assist in these discussions, as required.

9. There will also be engagement, as required, between the Local & Regional Group and the Senior Officials Group (representing local, state and Commonwealth). The extent and details of links between the officials' group and the broader co-design process will be determined by co-chairs of the co-design groups, in consultation with the officials' group.

Activities

10. The Local & Regional Group will:
 - a. Develop a work plan for the Group, which includes links with the broader co-design process, and conversations 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 the National Group.
 - b. Articulate how current regional and local arrangements and mechanisms can give effect to local and regional voices.
 - c. Identify options, such as principles and a framework for local and regional decision-making and Indigenous regional governance, which could underpin implementation across the country (regardless of existing mechanisms).
 - d. Draw on the existing local and regional decision-making and Indigenous regional governance models, as well as the principles and design questions identified by the Joint Select Committee 2018, as a starting point for the development of possible future arrangements.
 - e. Consider the impact of the possible future arrangements on the existing regional models, and how these could be encompassed within the improved approach.
 - f. Provide input to inform discussions between levels of government on how to align and improve various existing regional governance and decision-making models, as appropriate. These discussions will be led by the Minister.
 - g. Work in partnership with the National and the Senior Advisory Groups at key points, to ensure local and regional elements of a voice can be considered as part of a national model.
 - h. Support and advise the Government on public messaging to update the broader community on the co-design process.
 - i. Develop options and models to put forward to the Minister for broader conversation and engagement, following consultation with the National Group and Senior Advisory Group.
 - j. Support conversations and engagement with Indigenous leaders, communities and stakeholders across the country.
 - k. Refine options and models based on feedback from conversations and engagement.
 - l. Provide a final report for the Minister after conversations 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 Local & Regional Group's report to the Minister.
 - m. Seek advice from the Senior Advisory Group and the National Group throughout the process, as appropriate.
 - n. Provide regular updates to the Minister and the Senior Advisory Group on progress and key issues as they emerge.
 - o. The Local & Regional Group may request technical expertise if needed, through the National Indigenous Australians Agency (NIAA).

Timeframes

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

- b. Stage two – commencing late 2020
 - i. At the conclusion of stage two, a final report with options and models refined following conversation and engagement will be provided to the Minister, alongside advice from the Senior Advisory Group.

Membership

- 12. The Minister will invite individuals to participate in the Local & Regional Group, following consultation with the Senior Advisory Group, and appoint a co-chair from among Indigenous non-government members. The second co-chair will be a senior official from the NIAA.
- 13. The Local & Regional Group will be 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 Local & Regional Group. They will lead engagement with the Senior Advisory Group and the National Group, Minister and the Government at key points, as required.
- 15. The non-government members of the Local & Regional Group will comprise a majority of Indigenous regional leaders and others with expertise relevant to Indigenous regional governance and decision-making. 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 Regional 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 Local & Regional 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 Local & Regional Group co-chairs. Public comment about the Group's deliberations and discussions will be subject to a media protocol and code of conduct.

Secretariat

- 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

- 19. The following matters are out of scope for the Local & Regional Group:
 - a. Design of options for a national voice, other than considering linkages of local and regional elements and a national voice, in order not to duplicate work across the two co-design groups.
 - b. Final decision on which options progress to conversations and engagement in stage two.
 - c. Making recommendations as a Group through this co-design process on constitutional recognition, including the referendum question or when a referendum should be held.
 - d. 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.
 - e. Overall budget, deliverables and associated timing and the overarching timeframe for the co-design process.