



The First Nations Peoples Strategic Advisory Group

Terms of Reference

Purpose

The Terms of Reference (ToR) for the Royal Commission into Violence, Abuse, Neglect and Exploitation of people with disability (The Royal Commission) requires the Royal Commission, in inquiring into

- a. what governments, institutions and the community should do to prevent, and better protect, people with disability from experiencing violence, abuse, neglect and exploitation, having regard to the extent of violence, abuse, neglect and exploitation experienced by people with disability in all settings and contexts;
- b. what governments, institutions and the community should do to achieve best practice to encourage reporting of, and effective investigations of and responses to, violence against, and abuse, neglect and exploitation of, people with disability, including addressing failures in, and impediments to, reporting, investigating and responding to such conduct;
- c. what should be done to promote a more inclusive society that supports the independence of people with disability and their right to live free from violence, abuse, neglect and exploitation;
- d. any matter reasonably incidental to a matter referred to in paragraphs (a) to (c) or that you believe is reasonably relevant to your inquiry.

to have regard to a number of matters. Of specific relevance in this context, is the following:

the specific experiences of violence against, and abuse, neglect and exploitation of, people with disability are multilayered and influenced by experiences associated with their age, sex, gender, gender identity, sexual orientation, intersex status, **ethnic origin or race, including the particular situation of Aboriginal and Torres Strait Islander people** and culturally and linguistically diverse people with disability.

Thus, the Royal Commission ToR requires the Royal Commission pay particular attention to the experiences of First Nations peoples with disability. The First Nations peoples Strategic Advisory Group (FNPSAG) has been developed to support the Royal Commission in its important work in this regard.

FNPSAG is co-Chaired by Commissioner Mason and Commissioner Atkinson. Its membership includes an expert panel of First Nations representatives. The united voices of the expert panel will provide leadership and guidance on matters specific to First Nations peoples with disability.

The FNPSAG is an advisory group, not a decision-making body.

Our Principles

To provide the Royal Commission with informed and considered advice and that is guided by:

- Voices of First Nations peoples with disability, along with their families, supporters, and advocates;
- Lived experiences of First Nations peoples with disability;
- Specialist knowledge of considerations which are specific to First Nations People with disability; and
- The United Nations Convention on the Rights of Persons with Disabilities and the United Nations Declaration of the Rights of Indigenous Peoples

Membership

FNPSAG is Chaired by Commissioner Andrea Mason OAM, and co-chaired by Commissioner Atkinson. The Chairs of FNPSAG will provide advice to the FNPSAG on the overall strategic direction of the Royal Commission, in particular, in respect of First Nation matters.

The other members of FNPSAG are:

(a) Commissioner Galbally and Commissioner McEwin, who will attend meetings depending on their respective availability.

(b) Seven community experts – refer to appendix A. The members are highly regarded within the First Nations sector. Collectively they bring to the Royal Commission expertise and experience on issues that include, but are not limited to: health, housing, education, employment, justice, mental health, advocacy, service delivery, governmental arrangements, workforce strategies, healing and social and emotional wellbeing and intersectionality. Members individually and collectively, will have:

- Knowledge and lived experience of advancing the rights and life opportunities of First Nation peoples with disability and First Nations peoples without disability.
- Knowledge and lived experience of community development practice models
- Knowledge and lived experience in social justice and human rights frameworks including an understanding of The United Nations Convention of the Rights of Persons with Disabilities
- Experience in developing and implementing effective policy and systems in the public sector and in civil society including in the domain areas identified
- Extensive employment and or advocacy experience of working with First Nation communities including First Nations peoples with disability to reduce or eliminate violence, abuse, neglect and exploitation.

Members will be appointed for twelve month periods, renewable at the end of each term by mutual agreement.

From time to time the FNPSAG will draw on the knowledge of specific experts who will be invited to provide substantive information and to add a depth of knowledge to specific discussions.

The contracts of engagement with the expert members will contain obligations of confidentiality in line with DRC staff confidentiality requirements and obligations for the provision of written declaration of interests. (See further below regarding declaration of interests.)

(b) Senior level staff from branches within the Royal Commission

FNPSAG membership will also include the Official Secretary and one senior staff member (preferably Executive Level) from each of the branches, that is, from Engagement, Policy/Research, Strategy and OSA, and Counselling. Preferably, staff members will also draw from the DSEG.

(c) Senior Counsel Assisting Lincoln Crowley SC will act as an adjunct member. If he is unable to attend a meeting he will nominate another Senior Counsel to attend in his place.

Meetings

FNPSAG meetings will generally be informed by the Royal Commission's hearings, case studies, issues papers, community engagements / forums, private sessions, round tables and public submissions.

FNPSAG will meet four times a year.

Additional meetings can be held, with the prior approval of the Chair of the Royal Commission.

Meetings will usually take place in person, by telephone or videoconference.

Members will be required to attend at least three meetings.

From time to time the Chair and other Commissioners may wish to attend a meeting and similarly the FNPSAG may extend invitations to the Chair and other Commissioners to attend a meeting. These arrangements should be managed through the Chair of the FNPSAG, with the approval of the Chair of the Royal Commission.

Care will be exercised by the FNPSAG, with the advice of Senior Counsel, to ensure that the matters addressed do not go beyond the objectives of the FNPSAG and do not create any apprehension of bias or present a potential conflict of interest. No decisions binding on the Commission can be made at a meeting, or at any time, by the FNPSAG.

All meetings should be properly minuted and recorded.

The FNPSAG will:

- Analyse information received, and as appropriate, disseminate to other sections of the Commission to assist them to carry out and further their endeavours.
- This process may include the FNPSAG making recommendations for further action to be taken, for example:
 - recommendations as to specific types of engagement with people with disability;
 - recommendations as to particular areas which might be worthy of further exploration by a branch, for example, OSA, Strategy, or the Research/Policy branch;
 - recommendation that advice be sought on a particular issue, and the person/group who this might be appropriately sought from. (If the recommendation is accepted, the Commission will formally arrange for the advice to be obtained and determine the appropriate parameters, with associated confidentiality clauses and protections against conflicts of interest).

Secretariat & administration support

Secretariat & administration services will be provided by the Royal Commission and include:

- Arranging remuneration for members, and supporting reasonable costs associated with members' travel and accommodation;
- Organising meetings in person, by telephone or by video conference
- Drafting agendas, electronic papers for meetings and minutes ;

- Facilitating input from and communication between members;
- Liaising with various areas of the Royal Commission to help co-ordinate and communicate FNPSAG priorities; and
- Drafting correspondence on behalf of FNPSAG members:
- Where appropriate, contributing to the Royal Commission's work by providing comprehensive policy, research and engagement advice.
- Supporting the Royal Commission's work externally by further promoting and advocating for First Nations peoples with disability.
- Ensuring all matters are treated confidentially and with sensitivity.
- Providing advice where appropriate to the broader work of the Royal Commission.

Transparency

The role of the DSEG, and the names of its members, should be put on the public website.

Conflicts of Interest

At (or shortly before) the commencement of engagement of the expert members, each expert member will provide written declarations, through the Chair, to the Official Secretary declaring any material personal interests they may have in relation to their responsibilities. Members should consider past employment, consultancy arrangements and related party issues in making these declarations. The Official Secretary, in consultation with the Chair, should be satisfied that there are sufficient processes in place to manage any actual or apparent conflict.

At the beginning of each meeting, members are required to declare any material personal interests that may apply to specific matters on the meeting agenda. Declarations are not required if there are no material personal interests.

Where required by the Chair of FNPSAG, or the Chair of the Royal Commission, the member will be excused from the meeting or from the FNPSAG's consideration of the relevant agenda item(s).

Details of material personal interests declared by the Chair and other members, and actions taken, will be recorded in the minutes

Appendix A

Community Expert Members

1. Dr Jackie Huggins AM FAHA, Co-Chair Eminent Panel and Working Group, Pathway to Treat QLD
2. Damian Griffis, CEO, First Peoples Disability Network Australia.
3. Jake Briggs, Managing Director, Culture Connex.
4. Jody Barney, Aboriginal Disability Training Consultant and Senior Fellow in Social Equity.
5. Aunty Louisa Uta, member of the Elders Living with Disability Australia (ELDA), First Peoples Disability Network Australia.
6. Joanna Aguis OAM, Lecturer, TAFE South Australia and Online Support Group Co-ordinator, The Deadly Deaf Mob.

Previous Community Expert Members

1. Dr Hannah McGlade, - Term: 4 April 2019 to 25 March 2021
Senior Indigenous Research Fellow Curtin University, Member of the Medical Board of Australia and Member of UN Permanent Forum for Indigenous Issues.