

Stolen Generations Reparations Scheme Design Steering Committee

Terms of Reference

Overview

1. The Stolen Generations Reparations Scheme (Scheme) Design Steering Committee (Steering Committee) is a non-statutory committee established by the Department of Premier and Cabinet. It will provide advice, through the Aboriginal Affairs Policy Branch, to the Victorian Government on the engagement approach, design, development and implementation of the Scheme.
2. The Steering Committee will work within a co-design model and integrate the principles of self-determination.

Definitions

1. In this document –

Department means the Department of Premier and Cabinet;

Guidelines mean the Victorian Government Appointment and Remuneration Guidelines;

Member means a person appointed to the Steering Committee or a nominated delegate;

Stakeholders means relevant organisations, departments or individuals identified by the Steering Committee;

Minister means the Minister for Aboriginal Affairs.

Purpose

1. The purpose of the Steering Committee is to conduct direct engagement with Stolen Generations survivors and the wider Aboriginal community regarding the scope and design of the Scheme.
2. The Steering Committee will provide advice and recommendations to government regarding the engagement approach, design, development and implementation of the Scheme to inform Scheme development.
3. The Steering Committee has an advisory role not a decision-making role.

Membership

Chair

1. The Steering Committee is Chaired by:
 - a. Ian Hamm, Chair of Connecting Home Limited (CHL) in his capacity as an independent chair.

Members

2. The Steering Committee will comprise twelve members or, where appropriate, an authorised delegate, including:
 - a. An organisational representative from CHL
 - b. A Stolen Generations person as nominated by CHL
 - c. An organisational representative from Victorian Aboriginal Legal Service
 - d. A Stolen Generations person as nominated by Victorian Aboriginal Legal Service
 - e. An organisational representative from Koorie Heritage Trust
 - f. A Stolen Generations person as nominated by Koorie Heritage Trust
 - g. An organisational representative from LinkUp
 - h. A Stolen Generations person as nominated by LinkUp
 - i. Up to four Stolen Generations people as selected through an open Expression of Interest process.
3. All members of the Steering Committee will be appointed by the Department.
4. Representatives from the Department, and where relevant representatives from the Department of Justice and Community Safety, will attend meetings to provide updates on government work programs and activities pertaining to the work of the Steering Committee.
5. The Chair may invite other persons to attend, observe, or submit advice to a meeting.
6. Members may request to include additional attendees if relevant to a particular item or discussion.

Scope

The role of the Steering Committee is to:

1. Provide advice on a suitable, culturally safe engagement approach to engage with Stolen Generations and other key stakeholders as determined by the Steering Committee.
2. Coordinate and oversee engagement with Stolen Generations and stakeholders.
3. Collate feedback and data collected throughout the engagement phase.

4. Provide advice on the development and design of the scheme, including alignment with policy and reform frameworks, such as the recommendations of the 1997 Bringing Them Home Report, timing and resource constraints, and any other reasonable considerations identified by the Department.
5. Assess high-level risks and opportunities associated with the development of the scheme and brief the Department in a timely manner.
6. Provide high-level recommendations and findings to inform government's design and implementation of the scheme.
7. Develop and deliver an interim report to the government on the engagement and design of the Steering Committee's Reparations consultation process by 31 March 2021.
8. Develop and deliver a final report to the government on the recommendations of the Steering Committee by 18 June 2021.

Chair

The Chair of the Steering Committee is responsible for:

1. Calling meetings;
2. Determining the agenda for each meeting; and
3. Directing and facilitating the business of the Steering Committee.

Meetings

1. Meetings will be held at least bimonthly, or on an as needed basis to be agreed by members.
2. Meetings will be held virtually until physical isolation requirements ease.
3. Following the delivery of the final report to government on the recommendations of the Steering Committee, the Chair will determine the ongoing need for the Steering Committee to meet, in consultation with members.

Secretariat

1. The Steering Committee will be supported by a Secretariat
2. The Secretariat will comprise staff within CHL
3. The Secretariat will prepare:
 - a. A high-level project plan
 - b. Meeting agendas
 - c. Minutes
 - d. Meeting papers
 - e. Ad-hoc administrative support as necessary

4. Meeting papers will be distributed at least two working days prior to the next scheduled meeting.
5. The agreed actions from each meeting will be provided to all members no later than 14 days following each meeting.

Responsibilities and Behaviours

1. Members will act in accordance with all relevant laws, privacy/confidentiality requirements, ethical standards and relevant policies including conflicts of interest and codes of conduct as set out in this Terms of Reference or as otherwise determined by the Department or CHL.
2. Members will be required to complete relevant paperwork such as conflict of interest forms upon joining the Steering Committee.
3. The responsibilities and behaviours of members are to:
 - a. Maintain a thorough understanding of, and comply with, the Terms of Reference
 - b. Have regard to the principles and objectives of the Victorian Aboriginal Affairs Framework 2018-2023 (VAAF) when undertaking the work of the Steering Committee
 - c. Understand the priorities of the Steering Committee, and act in good faith to progress the work of the Steering Committee
 - d. Maintain respectful and constructive discourse amongst Steering Committee members, delegates or other attendees.
4. Members acknowledge that any material or information that is marked or notified as confidential should not be disclosed to any third party. It is only to be used for activities within the scope of these Terms of Reference. Material must be destroyed or returned as directed to the Department following delivery of the final report to government.

Conflicts of Interest

1. Due to the subject matter of the Steering Committee, it is acknowledged that members will inherently have personal and vested interests in the development of the Scheme.
2. The Scheme is required to be developed in a way that is self-determining and genuinely responsive to the needs of Stolen Generations survivors. As such, it is critical that Stolen Generations survivors are represented on the Steering Committee. Lived experience as a Stolen Generations survivor and any potential for members to access the Scheme in future should not be considered to constitute a conflict for the purposes of this Steering Committee.
3. Conflicts of interest will be managed by a robust and transparent Conflict of Interest process (process).
4. Members will be required to complete a Declaration and Management of Private Interest form before appointment. Members must, to the best of their ability, inform the Department of any new private interests as they arise. Wherever possible, members must avoid any real, potential or perceived conflicts of interests, and declare any interests that relate to agenda items.

5. The process requires members to avoid wherever possible or identify, declare and manage conflict of interest.
6. Where a member of the Steering Committee (either as an individual or as a representative of an organisation) is deemed to have a conflict of interest, the remaining members will determine the appropriate form of management and mitigation strategies including the following:
 - a. The members' involvement in the matter may be restricted
 - b. A disinterested or neutral third party may oversee part or all of the process that deals with the matter
 - c. The member may remove themselves from the matter until it is deemed appropriate to return.

Role of the Department

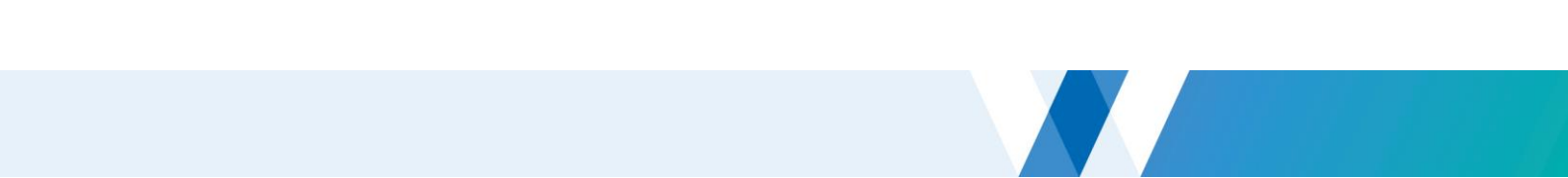
1. The role of the Department is to:
 - a. Provide policy support as instructed by the Steering Committee.
 - b. Provide advice on lessons learnt from other reparations or compensation schemes from interstate, nationally and within Victoria.
 - c. Provide data modelling and feasibility advice.
 - d. Provide advice on Government constraints and requirements.
 - e. Develop the final design of the Scheme, based on the recommendations of the Steering Committee.

Guiding principles for Scheme development

1. The Steering Committee's community engagement and advice on the design of a Scheme should adhere to the following guiding principles:
 - *No further harm or re-traumatisation*

The engagement process should avoid practices and processes that further harm or re-traumatise Stolen Generations.
 - *A culturally safe, accessible and supported process*

Culturally appropriate wrap-around supports should be provided to Stolen Generations survivors who participate in the engagement process, such as counselling assistance. The engagement process should be open and inclusive, minimise barriers against participation and prioritise cultural safety.
 - *Consistency with human rights and rights of Indigenous peoples, including self-determination*



The objectives and processes of the engagement process should be consistent with the *Victorian Charter of Human Rights and Responsibilities Act 2006* (Vic), the United Nations Declaration on the Rights of Indigenous Peoples (2007) and the VAAF.

- *Stolen Generations-centred*

The engagement process and design of the Scheme should reflect the aspirations of Stolen Generations survivors.

- *Within reasonable resource constraints*

The process must be deliverable within any reasonable funding and resource constraints and other legitimate considerations of the Victorian Government.

- *Responsive*

The engagement process must draw upon lessons learnt from other reparations and compensations schemes from interstate, nationally and within Victoria.

- *Robust Scheme*

The final recommendation to Government must account for a robust and thorough Scheme, which is informed by Stolen Generations and their families.