



**COALITION OF ABORIGINAL AND TORRES STRAIT ISLANDER PEAK
ORGANISATIONS FOR CLOSING THE GAP
TERMS OF REFERENCE FOR GOVERNANCE AND OPERATIONS**

Endorsed 25 May 2021

<p>Introduction</p>	<p>This, the third version of the Terms of Reference for the Coalition of Aboriginal and Torres Strait Islander Peak Organisations (Coalition of Peaks), replaces version agreed to by the Coalition of Peaks on 30 April 2019.</p> <p>These Terms of Reference will be made available on the Coalition of Peaks website – www.coalitionofpeaks.org.au.</p>
<p>Context</p>	<p>The formation of the Coalition of Peaks is an act of self-determination. The Coalition of Peaks came together to provide legitimate community-controlled representation to change the way Australian governments work with Aboriginal and Torres Strait Islander people and to negotiate and agree with governments a new approach to Closing the Gap. The Coalition of Peaks, as a community-controlled structure, is accountable only to its membership and communities, not governments. The Coalition of Peaks believe that Aboriginal and Torres Strait Islander people should share decision making with governments on policies and programs that impact on us through formal partnerships with all levels of Australian governments.</p> <p><u>Partnership Agreement on Closing the Gap</u></p> <p>In March 2019, a formal Partnership Agreement on Closing the Gap 2019-2029 (Partnership Agreement) between the Coalition of Peaks and Australian governments, including the Australian Local Government Association, came into effect. The Partnership Agreement is available on the Coalition of Peaks website.</p> <p>The Partnership Agreement embodies the belief of all signatories, that shared decision making with Aboriginal and Torres Strait Islander representatives in the design, implementation and monitoring of the National Agreement is essential to achieve their shared goal to close the gap in life outcomes between Aboriginal and Torres Strait Islander people and non-Indigenous Australians.</p> <p>On 16 April 2019, as part of the Partnership Agreement, the Commonwealth Government entered into a new 3-year funding agreement with the Coalition of Peaks to support its participation in shared decision making with governments and for a small Secretariat.</p>

	<p><u>National Agreement on Closing the Gap</u></p> <p>In July 2020, the National Agreement on Closing the Gap between the Coalition of Peaks and all Australian Governments took effect. It was negotiated in accordance with the shared decision-making principles elaborated in the Partnership Agreement.</p> <p>The National Agreement sets out a strategy to close the gap that is strongly based on, and underpinned by, Aboriginal and Torres Strait Islander peoples’ priorities. It is built around four new Priority Reforms to transform the way governments work with and for Aboriginal and Torres Strait Islander people, organisations and communities to improve outcomes.</p>
<p>Governance Structure</p>	<p>The Coalition of Peaks is a representative body comprised of Aboriginal and Torres Strait Islander peak organisations. It is not incorporated and has no governing board or office holders.</p> <p>Decisions in relation to policy, strategy, and governance of the Coalition of Peaks will be made by the Coalition of Peaks. Further details regarding decision-making of the Coalition of Peaks are provided below.</p>
<p>Our Authority</p>	<p>The Coalition of Peaks’ authority is derived from our extensive membership base of Aboriginal and Torres Strait Islander community-controlled organisations with their generations of commitment to advancing the interests of, and delivering services to, Aboriginal and Torres Strait Islander people.</p> <p>In December 2018, the Council of Australian Governments (COAG), recognising the authority of the Coalition of Peaks, agreed to establish a formal partnership with Aboriginal and Torres Strait Islander representatives. In 2019 the formal Partnership Agreement on Closing the Gap, with drafting led by the Coalition of Peaks, was signed by all Governments. The Partnership Agreement established shared governance Closing the Gap between the Coalition of Peaks and Governments.</p>
<p>Principles</p>	<p>All Members of the Coalition of Peaks will exercise their responsibilities having regard to their commitment to the following principles:</p> <ul style="list-style-type: none"> • As the collective voice of our Member organisations, we are informed by our Members and regularly engage our membership base to ensure we reflect their views on issues of importance to them. • Aboriginal people have survived and thrived for at least 65,000 years on this Continent. Everything we do must be focused on maintaining and strengthening our peoples’ unique status and cultures. • Racial discrimination, racism and racial bias are the greatest threats to the successful implementation of the National Agreement and must be confronted and eliminated. • Aboriginal and Torres Strait Islander peoples are the key agents of change in Closing the Gap and must be granted agency in the development and implementation of policies and programs that impact on their lives; and

	<ul style="list-style-type: none"> • If the objectives of the Partnership Agreement on Closing the Gap are to be achieved, representatives of Aboriginal and Torres Strait Islander peoples must act together on a unified basis to engage with governments and support one another to the maximum extent possible.
Goal / Objectives	<p>The goal of the Coalition of Peaks is to bring together the voices, expertise and experiences of the Aboriginal and Torres Strait Islander community-controlled sectors and provide legitimate community-controlled representation to the partnership with Australian governments on Closing the Gap to improve the life outcomes of our people by:</p> <ul style="list-style-type: none"> • sharing decisions with governments on policies and programs impacting Aboriginal and Torres Strait Islander people • protecting and promoting the status and rights of Aboriginal and Torres Strait Islander peoples as the First Peoples of Australia, with distinct cultures and languages, as part of Closing the Gap • ensuring the shared decisions with governments are informed by the needs and experiences of Aboriginal and Torres Strait Islander communities, community-controlled organisations and peoples • driving increased accountability of all governments for the commitments in the National Agreement on Closing the Gap. <p>The objectives of the Coalition of Peaks are to:</p> <ol style="list-style-type: none"> 1. change the way Australian governments work with Aboriginal and Torres Strait Islander people, organisations and communities on Closing the Gap through partnerships based on our right to self-determination, shared decision-making and equal participation. 2. strengthen and build the Aboriginal and Torres Strait Islander community-controlled sector to provided a greater proportion of the service to our people. 3. pursue the rights of Aboriginal and Torres Strait Islander people, organisations, and communities to have access to all relevant data and information.
Membership Eligibility	<p>The following organisations are eligible to become members of the Coalition of Peaks:</p> <ol style="list-style-type: none"> 1. Peak bodies as defined below. 2. State and Territory coalitions of Peak bodies as defined below. 3. Organisations which become members of the State and Territory coalitions, provided they are either a peak body, an independent statutory authority or a significant Aboriginal and Torres Strait Islander community-controlled organisation as defined. 4. Independent statutory authorities as defined below. 5. Other significant Aboriginal and Torres Strait Islander Community-Controlled Organisations as defined below.

	<p>NB: An eligible organisation in a state or territory is not required to become a member of a state or territory coalition of Peak bodies to be considered for membership of the Coalition of Peaks, but in the event of a vote, they are counted in that state/territory coalition's vote.</p>
<p>Membership</p>	<p>Members of the Coalition of Peaks are representative of Aboriginal and Torres Strait Islander people's interests in Closing the Gap as they are directly involved in the delivery and monitoring of services to their communities and families across Australia.</p> <p>A Member should:</p> <ol style="list-style-type: none"> 1. have a governing board or council (or equivalent) elected by Aboriginal and Torres Strait Islander communities and/or organisations and which is accountable to that Member; and 2. support the vision for a genuine partnership between Aboriginal and Torres Strait Islander peoples and Australian Governments in developing and implementing the National Agreement. <p>An Aboriginal and Torres Strait Islander peak organisation may apply to become a Member of the Coalition of Peaks. Applications must be submitted to the Secretariat using the form at Schedule 3 and available on the Coalition of Peaks website.</p> <p>Following receipt of a completed membership application form, the Coalition of Peaks will decide whether to allow the applicant to join the Coalition of Peaks as a Member. In making decisions on applications for membership the Coalition of Peaks may decide to be flexible if not all requirements are strictly met by an applicant and will consider the best interests of all Coalition Members including the need for unity and the need to achieve the objectives of the Coalition of Peaks.</p> <p>Where an application is submitted by an Aboriginal and/or Torres Strait Islander organisation from a state or territory, it must be sponsored by the relevant Jurisdictional Peak body or Coalition of Peaks within the jurisdiction.</p> <p>When the relevant jurisdictional peak or coalition refuses to sponsor an application from an eligible applicant, the reason/s for that refusal must be provided to the Coalition of Peaks.</p>
<p>Community-Controlled Organisations</p>	<p>Clause 44 of the National Agreement defines an Aboriginal and/or Torres Strait Islander Community-Controlled organisation as one that delivers services, including land and resource management, that builds the strength and empowerment of Aboriginal and Torres Strait Islander communities and people and is:</p> <ol style="list-style-type: none"> a. incorporated under relevant legislation and not-for-profit b. controlled and operated by Aboriginal and Torres Strait Islander people c. connected to the community, or communities, in which they deliver services d. governed by a majority Aboriginal and Torres Strait Islander governing body.
<p>Peak Bodies</p>	<p>Aboriginal and/or Torres Strait Islander Peak Bodies deliver services to their Aboriginal and/or Torres Strait Islander Community-Controlled member organisations and are:</p> <ol style="list-style-type: none"> a. incorporated under relevant legislation and not-for-profit

	<ul style="list-style-type: none"> b. controlled and operated by Aboriginal and Torres Strait Islander people c. connected to the community-controlled organisations for whom they deliver services d. governed by a majority Aboriginal and Torres Strait Islander governing body.
<p>State/Territory Coalitions of Peak and Other Bodies</p>	<p>Coalitions are formed when Aboriginal and/or Torres Strait Islander Peak bodies and other significant organisations and independent statutory authorities come together to form a Coalition or consortium within their jurisdictions to work with state and territory governments to progress issues relevant to policies and programs which impact on Aboriginal and Torres Strait Islander people, including implementing the National Agreement within their jurisdictions.</p> <p>Such Coalitions are eligible to become members of the Coalition of Peaks.</p>
<p>Independent Statutory Authorities</p>	<p>An Independent Aboriginal and/or Torres Strait Islander statutory authority delivers services, including land and resource management, that builds the strength and empowerment of Aboriginal and Torres Strait Islander communities and people and is:</p> <ul style="list-style-type: none"> a. established under relevant legislation and not-for-profit b. able to make decisions independent of government c. connected to the community, or communities, in which they deliver services d. governed by a majority Aboriginal and Torres Strait Islander governing body.
<p>Other Significant Aboriginal and Torres Strait Islander community-controlled organisations</p>	<p>Significant Aboriginal and Torres Strait Islander community-controlled organisations are those organisations assessed by the Coalition of Peaks as having a significant interest in, and being capable of making an important contribution to the Coalition of Peaks objectives, and which are:</p> <ul style="list-style-type: none"> a. incorporated under relevant legislation and not-for-profit b. controlled and operated by Aboriginal and Torres Strait Islander people c. connected to the community, or communities, in which they deliver services and d. governed by a majority Aboriginal and Torres Strait Islander governing body.
<p>Lead Convener</p>	<p><u>Appointment of Lead Convener</u></p> <p>The Members shall appoint a Lead Convener.</p> <p>The Lead Convener must be a senior Aboriginal or Torres Strait Islander representative (such as a CEO or Board member) of a Member.</p> <p><u>Primary Roles of Lead Convener</u></p> <p>The primary roles of the Lead Convener are:</p> <ol style="list-style-type: none"> 1. to be the authorised signatory to agreements with governments, including funding agreements, on behalf of the Coalition of Peaks upon the endorsement of the Coalition of Peaks. 2. to be responsible for administering any funding arrangement on behalf of the Coalition of Peaks. 3. to convene meetings of the Coalition of Peaks.

4. to prepare agendas for each meeting of the Coalition of Peaks, to ensure that background papers are provided within agreed timeframes on key agenda items and to distribute the minutes of previous meetings.
5. to chair each meeting of the Coalition of Peaks, to support discussions at the meetings and ensure that all representatives of Members have an opportunity to present the Members' points of view on agenda items.
6. Ensure that agenda papers to be considered at Joint Council and Partnership Working Group meetings are considered by the Coalition of Peaks and positions are agreed before each meeting.

Term of appointment of Lead Convener

The Lead Convener holds office for a period of two years with no restriction on the number of terms a person can serve. For transitional purposes, the term of the current Lead Convener expires in May 2023, four years after the Coalition of Peaks was first established.

Should a Lead Convener retire, step down or become unable to complete their term, then another Representative of a Member will be appointed as Lead Convener by the Members at the next meeting of the Coalition of Peaks.

Appointment of assistant Convener

From time to time, the Lead Convener may appoint an assistant Convener to assist them with their duties in relation to convening meetings of the Coalition of Peaks and to chairing meetings if the Convener is unable to attend.

An assistant Convener must be a representative of a Member and cannot be from the same Member as the Lead Convener.

Approach to decision-making

The Coalition of Peaks supports a respectful, consensus-first approach to decision making. Members must try to reach consensus, that is, general agreement on issues, and all decisions must further the principles and objectives of the Coalition of Peaks. The consensus-first approach requires Members to:

- generate proposals by collaboration;
- identify any questions or concerns about proposals;
- consider modifying proposals if that will achieve consensus; and
- make good faith attempts to reach full agreement, even if this is not always achievable.

To support the Coalition of Peaks' work and decision-making at meetings, Members commit to providing timely, out-of-session feedback on key documents.

Decision-making on certain matters

Decisions on the following matters shall be made by the Members at meetings of the Coalition of Peaks:

Decision Making

1. Changes to the Partnership Agreement on Closing the Gap
2. Changes to the National Agreement on Closing the Gap
3. Coalition of Peaks membership applications
4. Appointing the Lead Convener
5. Approving any funding arrangements
6. Changes to the Terms of Reference

Members commit to a consensus-first approach to decision-making on these matters. If consensus on a proposal is not reached, then a vote will be held. States and Territories will be allowed one vote each. If there are members of the Peaks within a jurisdiction who are not members of the jurisdictional coalition, their vote is counted in the jurisdictional vote. National Members will have one vote each. For a proposal to pass it must be approved by a majority of Members based on the voting structure as described.

Decisions on other matters

Decisions on all other matters will be made by Members facilitated by the Lead Convener or Assistant Convener and following the Coalition of Peaks' approach to decision-making.

Meetings

The Lead Convener is responsible for convening fortnightly meetings of the Coalition of Peaks, including an agenda, any meeting papers and outcomes. The Secretariat is responsible for arranging and facilitating these meetings, including any meeting papers and outcomes.

The Peaks may require that papers are circulated a set period in advance and outcomes are circulated within a set period of the meeting.

The Lead Convener may convene extraordinary meetings of the Coalition of Peaks if required to consider significant, detailed or complex matters that cannot be dealt with in a fortnightly meeting. The Lead Convener is responsible for an agenda and any meetings papers and outcomes for extraordinary meetings.

Meetings of the Coalition of Peaks may be by teleconference, videoconference or in person.

The Lead Convener will conduct a roll-call of all attendees at the start of each meeting. The meeting may be audio or video-recorded, but participants will be told at the start of the meeting when this is proposed.

Meeting outcomes are available on the members portal of the Coalition of Peaks website.

Member representation at meetings

Each Member is required to nominate a senior Aboriginal or Torres Strait Islander representative to participate in meetings and decision making of the Coalition of Peaks

Meetings of the
Coalition of Peaks

(a **Representative**). Typically, Representatives will be either a senior office holder such as a Board member or the CEO of a Member.

Representatives must be nominated by the office holders (or similar) of the Member. Representatives should be nominated for a minimum of 12 months to assist continuity. Nominations must be provided to the Lead Convener in writing. Members should advise the Lead Convener as soon as possible of any change to their Representative.

The Secretariat will maintain a list of all Representatives.

Other attendees

If a Member wishes to have their Representative accompanied to a meeting by another person such as an adviser, staff member or colleague then they should notify the Lead Convener before the meeting.

Secretariat staff will attend all meetings.

Conduct of meetings

Representatives are expected to participate in every meeting of the Coalition of Peaks.

Meeting participants may use information received in meetings, but neither the identity nor the affiliation of the speaker, nor that of any other participant, may be revealed (the Chatham House Rule). Members are permitted to discuss or express a view on the agreed outcomes of a meeting of the Coalition of Peaks.

Any item on a meeting agenda not dealt with during a meeting may be deferred to a subsequent meeting. The same decision-making requirements apply to decisions put to email as exist for decisions in face-to-face, videoconference and teleconference meetings.

Representatives on the Joint Council on Closing the Gap

At all meetings of the Joint Council on Closing the Gap, established under the Partnership Agreement, the Coalition of Peaks will be represented by 12 elected Aboriginal or Torres Strait Islander representatives of the Members.

The Coalition of Peaks has agreed to terms of reference to be followed for electing its 12 representatives which are at Schedule A.

The Lead Convener will confirm the attendance of representatives prior to meetings of the Joint Council. If a representative is unable to attend a meeting of the Joint Council, then the Lead Convener will nominate an alternative representative, in consultation with the Coalition of Peaks.

Terms of Reference for the conduct of the Joint Council is agreed by its members.

Representatives at meetings of the Joint Council on Closing the Gap and its Partnership Working Group

	<p><u>Partnership Working Group</u></p> <p>At the preceding fortnightly teleconference of the Coalition of Peaks, the Lead Convener will confirm which representatives will attend the next Partnership Working Group meeting.</p> <p>Terms of Reference for the Partnership Working Group is agreed by its members.</p> <p><u>Conduct at Joint Council and Partnership Working Group meetings</u></p> <p>Prior to meetings of the Joint Council and Partnership Working Group, the Coalition of Peaks will consider the agendas and determine its position on key issues to be resolved.</p> <p>Representatives who attend Joint Council and Partnership Working Group meetings agree they will represent the positions taken and decisions made by the Coalition of Peaks.</p> <p><u>Observers</u></p> <p>Representatives may seek permission from the Coalition of Peaks to allow an observer from their Member to attend a Joint Council or Partnership Working Group meeting. That permission must be sought at a meeting of the Coalition of Peaks. Members should obtain a copy of the Coalition of Peaks’ policy on the role and responsibilities of observers from the members portal before they request permission for observers to attend a meeting. Observers must comply with that policy.</p>
<p>Reimbursement for Attendance at Meetings</p>	<p>Representatives may seek reimbursement for their travel and accommodation expenses to attend meetings of the Coalition of Peaks, Joint Council and Partnership Working Group in accordance with the Coalition of Peaks Reimbursement Policy which can be obtained on request from the Secretariat and is available on the members portal.</p>
<p>Code of Conduct</p>	<p><u>Observing the Terms of Reference</u></p> <p>Members must be committed to observing these Terms of Reference, as updated from time to time, and ensuring that their representatives will do so too.</p> <p>All Members and their Representatives will:</p> <ul style="list-style-type: none"> a) act in good faith and support the principles and objectives of the Coalition of Peaks; b) contribute to discussions and make decisions and take actions agreed at meetings of the Coalition of Peaks; c) act with respect and professionalism at meetings, in correspondence and when engaging with the media; d) facilitate an environment where all voices are heard; and e) seek to make decisions by consensus.

Conflicts of Interest

Representatives participating in decisions being made, or about to be made, by the Coalition of Peaks must declare beforehand any potential conflicts of interest that they, or the Member that nominated them, may have.

A potential conflict of interest arises when a decision made by the Coalition of Peaks:

- a) may result in a personal advantage for a Representative or their immediate family; or
- b) may benefit (financial or otherwise) the Member or their Representative; or
- c) may result in a conflict with another role, such as employment, which is held by the Representative.

Representatives who are uncertain whether they or their Member organisation has a potential conflict of interest must promptly notify the Lead Convener. The Lead Convener may seek independent advice as to whether a potential conflict of interest exists and how any such conflict should be managed.

If the Coalition of Peaks decides that the conflict is a material one, the Representative involved, and their Member will be required to absent themselves altogether from the decision-making process.

Confidential Information

Members and their Representatives may occasionally receive confidential information in their role as Member Representatives (such as a person's CV or confidential information provided by governments). It is their responsibility to ensure that the information remains confidential and is only used for its intended purpose.

Consequences of Breach

If this Code of Conduct is breached, the Coalition of Peaks will decide what action needs to be taken.

Media and communications

The Lead Convener is responsible for coordinating media and public communications on behalf of the Coalition of Peaks. The Secretariat will maintain a roster of Coalition of Peaks spokespersons drawn from Members, including the Lead Convener.

Coalition of Peaks spokespersons speak on behalf of the Coalition of Peaks and public comments should reflect the policy of, and decisions made by, the Coalition of Peaks. In these circumstances, spokespersons are not speaking on behalf of their Member organisation.

Where a media request in relation to a particular subject matter is relevant to a Member with expertise on that subject matter, the Secretariat should offer the request to that Member's representative first or seek advice from that Member on specific policy points.

<p>Coalition of Peaks Policy & Secretariat Team</p>	<p>The Secretariat will be located within the same Member organisation as the Lead Convener, unless otherwise requested by the Lead Convener, or their Member, or as decided by the Coalition of Peaks.</p> <p>The current Secretariat for the Coalition of Peaks will be hosted by NACCHO for the term of the current funding agreement.</p> <p>The Head of the Secretariat will be a person agreed to by the Coalition of Peaks. The Lead Convener will appoint any other Secretariat staff based on advice of an agreed panel of Coalition of Peaks Member Representatives. Priority is to be given to recruiting Aboriginal and Torres Strait Islander staff.</p> <p>The current Secretariat’s staff will be contracted by NACCHO. All Secretariat staff are required to build positive relationships with all Representatives of the Member organisations and implement the decisions of the Coalition of Peaks.</p> <p>The key functions of the Secretariat are to:</p> <ul style="list-style-type: none"> • support the Coalition of Peaks and its Members in the implementation of the National Agreement on Closing the Gap, and ongoing monitoring; • support the work of the Lead Convener; • develop policy and agenda papers to support reaching agreement with Australian Governments on changes to the Partnership Agreement and the National Agreement and other matters arising from those agreements; • develop policy and agenda papers for consideration by the Coalition of Peaks that support reaching agreement with Australian Governments at Joint Council and Partnership Working Group meetings; • facilitate engagement materials for Members and those they represent that build understanding of the National Agreement ; • maintain and update public material on the roles and responsibilities and progress of the Coalition of Peaks, including the Terms of Reference; and • organise meetings of the Coalition of Peaks including distributing invitations, agendas, papers and minutes.
<p>Disputes</p>	<p>Any dispute arising out of or in connection with these Terms of Reference must be advised to the Lead Convener.</p> <p>Disputing parties must first attempt to resolve the dispute themselves.</p> <p>If the dispute is not resolved within 30 days of the Lead Convener being advised of the dispute then the Lead Convener will decide whether to refer the dispute to the Coalition of Peaks for a decision, or whether to refer the disputing parties to the Australian Mediation Association (AMA) for mediation.</p> <p>Parties will have the opportunity to make submissions to the Coalition of Peaks before a decision is made.</p>

Review

Changes to the Terms of Reference must be agreed by the Coalition of Peaks. The Terms of Reference will be reviewed by the Coalition of Peaks in February each year. Updates to the Terms of Reference may also occur as needed.

SCHEDULE A

COALITION OF ABORIGINAL AND TORRES STRAIT ISLANDER PEAK ORGANISATIONS

TERMS OF REFERENCE FOR APPOINTMENTS TO THE JOINT COUNCIL

A Background

The Coalition of Aboriginal and Torres Strait Islander Peak Organisations (**Coalition of Peaks**) and the Council of Australian Governments (**COAG**) have finalised an agreement to share responsibility for agreeing the design, policy principles, priorities, implementation principles, oversight and monitoring of Closing the Gap (**Partnership Agreement**).

The organisations that comprise the Coalition of Peaks at the time of finalising these Terms of Reference are listed on the members portal and such other organisations as are admitted to the Coalition of Peaks from time to time.

The Partnership Agreement provides for a Joint Council made up of one Minister nominated by each of the Commonwealth, State and Territory Governments, a representative of the Australian Local Government Association and twelve representatives of the Coalition of Peaks nominated by the Coalition of Peaks (the **Joint Council**).

The Partnership Agreement provides that Coalition of Peaks' representatives on the Joint Council will have broad geographic and subject matter coverage.

These Terms of Reference govern the election of the representatives of the Coalition of Peaks to the Joint Council and guides the work of those representatives on the Joint Council.

The first election of the 12 representatives was held on 20 March 2019 and the results were declared on 25 March 2019. The next election will be held around 25 March 2022, on a date to be agreed by the Coalition of Peaks.

These Terms of Reference will continue to apply until the Coalition of Peaks adopt new Terms of Reference.

B Principles

The following principles underlie these Terms of Reference:

- 1 The process for determining the representatives of the Coalition of Peaks on the Joint Council should be transparent, democratic and fair to all Coalition of Peaks member organisations.
- 2 Representatives of the Coalition of Peaks on the Joint Council must be senior Aboriginal or Torres Strait Islander representatives of a Member, typically a Board member or CEO.
- 3 Representatives of the Coalition of Peaks on the Joint Council represent the Coalition of Peaks as a whole, not their organisation, State or Territory.
- 4 The Coalition of Peaks member organisations will endeavour to elect to the Joint Council the people best able, by reason of their abilities, experience and availability, to advance the Objectives set out

in the Partnership Agreement on behalf of the Coalition of Peaks. The Objectives, updated for the National Agreement, are to:

- (a) Enhance outcomes for Aboriginal and Torres Strait Islander people as a result of the National Agreement on Closing the Gap by ensuring their full involvement in its development and implementation;
- (b) Share ownership of, and responsibility for, a jointly agreed Priority Reforms and targets and ongoing implementation and monitoring of efforts to close the gap in outcomes between Aboriginal and Torres Strait Islander people and non-Indigenous Australians in line with each Party's responsibilities and commitments in the National Agreement;
- (c) Enhance the credibility and public support of Closing the Gap over the next ten years by ensuring full participation by Aboriginal and Torres Strait Islander representatives in implementation of the National Agreement; and
- (d) Advance Aboriginal and Torres Strait Islander involvement, engagement and autonomy through equitable participation, shared authority and decision making in relation to Closing the Gap.

5 The Coalition of Peaks will be mindful of the desirability of gender equity in the representatives on the Joint Council.

6 Nominees for representatives of the Coalition of Peaks on the Joint Council will undertake to the Coalition of Peaks that when they are nominated and for the whole of their term as elected representatives they are willing and able to contribute to advancing the interests of the Coalition of Peaks on the Joint Council including by attending Joint Council meetings, preparing for those meetings, consulting with and taking directions from the Coalition of Peaks on the issues to be discussed at Joint Council meetings and reporting to the Coalition of Peaks on the business of the Joint Council.

7 The representatives of the Coalition of Peaks on the Joint Council will consult with, take guidance and report back to the Coalition of Peaks through the forums established by the Coalition of Peaks and nominated by the Coalition of Peaks for those purposes from time to time. Those forums may include:

- Peak teleconferences and meetings;
- Partnership Working Group meetings; and
- Such other forums as the Coalition of Peaks establish and nominate.

8 Representatives of the Coalition of Peaks on the Joint Council acknowledge that the Closing the Gap partnership goals and outcomes are underpinned by fundamental, inalienable human rights, including those standards elaborated by the United Nations Declaration on the Rights of Aboriginal and Torres Strait Islander Peoples.

9 The roles and responsibilities of Joint Council members are as set out in Schedule 1.

C Facilitation of election to the Joint Council

- 1 The Coalition of Peaks Secretariat will facilitate the election of representatives to the Joint Council (**Election Facilitator**).
- 2 Only a member organisation that is not nominating a candidate in the election may be appointed as Election Facilitator.
- 3 At the commencement of the election process each member organisation of the Coalition of Peaks will update the Members Register (including contact details) on the members portal and advise the Election Facilitator that information of the Members Register is current.

D Terms of Reference

Terms

1 Representation based on subject matter expertise

A representative will be elected to the Joint Council in each of the following categories (**Subject Matter Category Representatives**):

- (a) Health and Wellbeing with responsibility for advancing the objectives of the Coalition of Peaks in relation to matters including social determinants of health, primary health care, mental health, allied health services and people with disability;
- (b) Law and Justice with responsibility for advancing the objectives of the Coalition of Peaks in relation to matters including policing, overrepresentation of Aboriginal and Torres Strait Islander peoples in the criminal justice system and in custody, and juvenile justice;
- (c) Education and Families with responsibility for advancing the objectives of the Coalition of Peaks in relation to matters including children, youth and family violence; and
- (d) Economic development with responsibility for advancing the objectives of the Coalition of Peaks in relation to matters including workforce sustainability, employment and training, land and water, and housing.

(Categories).

2 Election of Subject Matter Category Representatives

Subject Matter Category Representatives will be elected in accordance with the following process:

- a) Each member organisation of the Coalition of Peaks may nominate one candidate in any or all of the Categories using the nomination form at Schedule 2 of these Terms of Reference;
- b) The member organisation nominating the candidate will provide a copy of the completed nomination form to the Election Facilitator in the period of time agreed by the Coalition of Peaks;
- c) If, at the expiry of the time for nominations, there is only one nomination for a Category, that person will be taken to be the Subject Matter Representative for that Category;

- d) If, at the expiry of the time for nominations, there is more than one nomination for a Category, the Election Facilitator will send an email to all member organisations of the Coalition of Peaks attaching a ballot paper with the names of the nominated candidates for Subject Matter Representative in each Category and their completed nomination forms;
- e) Coalition of Peaks member organisations will vote for their preferred candidates in each Category in order of preference using the ballot paper and return the ballot paper by email to the Election Facilitator within the time agreed by the Coalition of Peaks;
- f) Each national Peak organisation and each state/territory coalition member of the Coalition of Peaks has one vote¹;
- g) If any candidate in a Category receives more than 50% of first preference votes cast, that person will represent the Coalition of Peaks at the Joint Council in that Category;
- h) If no candidate in a Category receives more than 50% of first preference votes cast, the instant run off method will be used to determine the representative of the Peaks in that Category.

3 *Representation from State and Territory organisations*

One representative will be elected to the Joint Council from each State and Territory (**State and Territory Representatives**).

4 *Election of State and Territory Representatives*

State and Territory Representatives will be elected in accordance with the following process:

- a) Coalition of Peaks member organisations from a State or Territory may nominate one candidate to be the representative from that State or Territory using the nomination form at Schedule 2 of these Terms of Reference;
- b) The State or Territory organisation nominating the candidate will provide a copy of the completed nomination form to the Election Facilitator within the period of time agreed by the Coalition of Peaks;
- c) If, at the expiry of the time for nominations there is only one nomination for representative from a State or Territory, that person will be taken to be the representative for that State or Territory.
- d) If, at the expiry of the time for nominations, there is more than one nomination from a State or Territory the Election Facilitator will send an email to all members of the Coalition of Peaks from that State or Territory attaching a ballot paper with the names of the nominated candidates for that State or Territory and their completed nomination forms;

¹ If there are members of the Peaks within a jurisdiction who are not members of the jurisdictional coalition, their vote is counted in the jurisdictional vote.

- e) Coalition of Peaks member organisations from the State or Territory will vote for their preferred candidate using the ballot paper provided and return the ballot paper by email to the Election Facilitator within the time agreed by the Coalition of Peaks;
- f) Each Coalition of Peaks member organisation will have one vote;
- g) The candidate with the highest number of votes will be the nominee for State or Territory Representative;
- h) If the highest number of votes is achieved by more than one candidate in a State or Territory, then a new ballot paper will be sent to the member organisations from that State or Territory containing the names of the candidates who received the equal highest votes and the procedure in 4(d)-(g) will be followed again.

5 *Substitute for Subject Matter Category and State and Territory Representatives*

- a) If a Subject Matter Category Representative or State and Territory Representative is unable to attend a meeting of the Joint Council, they must notify the Co-Chair, Lead Convener and the Secretariat as soon as practicable and the Coalition of Peaks will choose a substitute for that meeting.
- b) The substitute must be a senior representative of a Member in the same jurisdiction who is on the list of representatives maintained by the Secretariat.

6 *Term of office*

Representatives elected by the Coalition of Peaks member organisations to the Joint Council will each serve a term of three years unless they resign or are removed in accordance with clause 8 of these Terms of Reference.

7 *Election of Co-Chair*

- a) The Co-Chair of the Joint Council from the Coalition of Peaks will be elected by the representatives of the Coalition of Peaks on the Joint Council.
- b) The Co-Chair will be elected annually.
- c) A person may serve as Co-Chair for consecutive terms.

8 *Resignation and removal of representative on the Joint Committee*

- a) A representative of the Coalition of Peaks on the Joint Council is deemed to have resigned if they cease to be an officer holder of the Member organisation which nominated them as a candidate for election, or if the Member organisation ceases to be a member of the Coalition of Peaks.
- b) A representative of the Coalition of Peaks on the Joint Council may resign after giving 4 weeks' notice in writing to the Co-chair and the Secretariat.

- c) A representative of the Coalition of Peaks on the Joint Council can be removed by the Coalition of Peaks if they fail to comply with the Principles set out in these Terms of Reference and as set out in the Peaks Terms of Reference above.
- d) If a representative of the Coalition of Peaks on the Joint Council is removed, retires or otherwise ceases to be a member of the Joint Council, and the Coalition of Peaks have not yet agreed another process for electing representatives to the Joint Council, that representative's replacement will be elected in accordance with these Terms of Reference.

9 *Casual Vacancies*

If a vacancy on the Joint Council arises in the Subject Matter Category, it will be filled at an election conducted in accordance with these Terms of Reference. The election is to be held as soon as possible.

If a casual vacancy on the Joint Council arises in the State or Territory Category, the Coalition of Peaks may select a replacement from that state/territory until the Members in that State or Territory are able to nominate a replacement. Members in that state/territory will select a replacement.

SCHEDULE 1

Joint Council – Roles and Responsibilities

Joint Council Co-Chair

Responsibilities and Duties

- Represents the Coalition of Peaks at meetings of the Joint Council (JC)
- Work collaboratively with the Australian Government appointed Co-Chair to:
 - Set the Agenda for JC meetings;
 - Chair the JC meetings;
 - Follow up on relevant actions in the periods between JC meetings;
- Acts in good faith in the best interests of the Coalition of Peaks to advance the objectives of the Partnership Agreement and the commitments in the National Agreement; and
- Manage conflicts of interest.

Desired experience and qualifications

- Previous experience chairing a high-level governance body
- Strong understanding of good governance practices and culturally appropriate governance
- Is a recognised leader among Coalition of Peaks members
- Previous experience working with Government at a ministerial level
- Capacity and willingness to substantially contribute to the work and organisation of the Joint Council
- Strong understanding of the objectives of the Partnership Agreement and the commitments in the National Agreement

Subject Matter Category Representative

Responsibilities and Duties

- Represent the Coalition of Peaks at meetings of the Joint Council
- Work collaboratively with other Joint Council members, including government members, to achieve the objectives of the Partnership Agreement and the commitments in the National Agreement.
- Use expertise and understanding of issues in the subject matter category in which they were elected to contribute to progressing the National Agreement.
- Consults with experts within the Peaks on the matters for which they are responsible within their Category to advance the National Agreement.
- Act in the interests of the Coalition of Peaks and its members as a whole
- Disclose and manages conflicts of interest

Desired experience and qualifications

- Strong, demonstrated expertise and experience in issues relevant to the Category in which they were elected
- Previous experience as a member of a high-level governance body
- The ability to negotiate to achieve the outcomes sought by the Coalition of Peaks
- Capacity and willingness to substantially contribute to the work of the Joint Council
- Strong understanding of the objectives of the Partnership Agreement

State or Territory Based Representative

Responsibilities and Duties

- Represent the Coalition of Peaks at meetings of the Joint Council
- Work collaboratively with other Joint Council members, including COAG members, to achieve the objectives of the Partnership Agreement and the commitments in the National Agreement.
- Use expertise and understanding of matters relevant to Closing the Gap to advance the Close the Gap strategy and the objectives of the Partnership Agreement and the commitments in the National Agreement.
- Disclose and manages conflicts of interest.

Qualifications

- Strong, demonstrated experience and knowledge directly related to one or more close the gap target areas.
- Previous experience as a member of a high-level governance body
- The ability to negotiate to achieve the outcomes sought by the Peaks
- Capacity and willingness to substantially contribute to the work of the Joint Council
- Strong understanding of the objectives of the Partnership Agreement and the commitments in the National Agreement

SCHEDULE 2

Closing the Gap Partnership

Joint Council Nomination Form

I, _____ (full name)

wish to nominate as a representative of the Coalition of Aboriginal and Torres Strait Islander Peak Organisations on the Joint Council for the Closing the Gap Partnership in the following role (please select ONE only):

Subject Matter Representative – Health and Wellbeing

Subject Matter Representative – Law and Justice

Subject Matter Representative – Education and Families

Subject Matter Representative – Economic development

State / Territory Representative for: _____
(Name of State or Territory)

Member organisation: _____

Current role: _____

Relevant qualifications and experience:

Candidate statement

Signature

Date

SCHEDULE 3

COALITION OF PEAKS MEMBERSHIP APPLICATION

An online membership application form can be found on the Coalition of Peaks website:

<https://coalitionofpeaks.org.au/our-members/>