

# Council of Australian Law Deans

## WORKING PARTY ON FIRST PEOPLES PARTNERSHIP TERMS OF REFERENCE

### VISION, RATIONALE & STANDARDS

Informing this Council of Australian Law Deans (CALD) Working Party on First Peoples Partnership is the organising principle that deep and abiding *structural change* must take place in Australian legal education with respect to the First Peoples. This change is necessary in order to redress the historical exclusion of, and continuing injustices to First Peoples and their laws, knowledges and sovereignties occasioned by colonisation in the country now known as Australia.

Australian legal education is complicit in that history of First Peoples' exclusion and their on-going experiences of injustice. In acknowledging and honouring First Peoples laws, knowledges and sovereignties, Australian legal education admits to, takes responsibility for and seeks to redress that complicity. In so doing, Australian legal education commits to the creation and support of culturally sensitive learning environments that will equip law students with the knowledge and skills to work effectively, respectfully and in equitable partnership with First Peoples, congruent with the expectations of First Peoples and in accord with their free, prior and informed consent. This partnership is predicated upon, and grounded in the recognition by Australian legal education that First Peoples are the owners of cultural knowledges, and that their rights to those knowledges are paramount, being dispositive of any use made of those knowledges.

As a matter of best practice, partnership with First Peoples should and will comply with community-approved guidelines for ethical research and engagement with First Peoples. First Peoples includes, but is not limited to, Traditional Owners of the land which Australian legal educational institutions occupy, as well as First Peoples' centres-of-power on Australian university campuses.

### 1. Purpose

The purpose of the CALD Working Party on First Peoples Partnership (henceforth, 'the Working Party') is as follows:

#### (a) CALD Partnership

- To develop strategies that will foster a full and equitable partnership between Australia's First Peoples and CALD, as determined and defined by the First Peoples;
- To develop mechanisms that will promote First Peoples' full and equitable participation in the core business of CALD, as determined and defined by the First Peoples.

## **(b) Legal Education**

- To promote the respectful acknowledgement and cultural awareness throughout Australian legal education of First Peoples laws, knowledges and sovereignties;
- To equip Australian law students with the knowledge and skills to work effectively with First Peoples congruent to the expectations of First Peoples;
- To encourage faculty members and student bodies of Australian legal education to examine closely and critically reflect upon their own values and cultural biases, attending carefully to issues of power, privilege, race and diversity;
- To critically and contextually examine Australia's legal system, institutions and profession, acknowledging the harmful impact that its historical processes has had, and continues to have on First Peoples.

## **(c) Governance**

- To promote the vision and rationale of the Working Party across Australian legal education, supporting and sustaining full partnership with First Peoples in curriculum design, research protocols and governance mechanisms;
- To advance the directives of the Universities Australia Indigenous Strategy 2017-2020 and the Universities Australia, National Best Practice Framework for Indigenous Cultural Competency in Australian Universities;
- To identify and implement strategies to communicate with external partners, including professional bodies including, First Peoples community organisations and legal providers.
- To invite, as appropriate, additional members onto the Working Party so as to include representation from external bodies.

## **(d) Community Engagement**

To consult with First Peoples in order to develop partnerships that facilitate the design, development and delivery of place-based legal education, which advance First Peoples' communities, building ethical and respectful relationships with First Peoples.

## **(e) First Peoples Student Strategies**

To increase recruitment, retention and success of First Peoples students in legal education programs in Australia, as well as actively promote culturally safe learning environments for First Peoples.

## **(f) First Peoples Faculty Members**

To increase recruitment, retention and success of First Peoples academics in Australian law schools, as well as actively promote culturally safe working environments for First Peoples.

### (g) **First Peoples Research**

To facilitate the advancement of First Peoples research priorities through partnership with Australian and international legal education and First Nations communities around the world.

## **2. Term**

These Terms of Reference continue until terminated by the Chair of the Council of Australian Law Deans, in consultation with the Working Party membership, the Council and its Executive.

## **3. Membership**

Membership in the Working Party will comprise:

- **Ms Marcelle Burns**, Lecturer, School of Law, University of New England (Armidale, NSW)
- **Professor Anna Cody**, Dean of the School of Law, Western Sydney University (Sydney, UNSW)
- **Ms Annette Gainsford**, Lecturer, Centre for Law & Justice, Charles Sturt University (Bathurst, NSW)
- **Professor Alison Gerard**, Dean and Head of the Canberra Law, University of Canberra (Canberra, ACT)
- **Dr Ambelin Kwaymullina**, Senior Lecturer, Law School, University of Western Australia (Perth, WA)
- **Dr Heron Loban**, Senior Lecturer, School of Humanities and Legal Futures Centre, Griffith University (Brisbane, Qld)
- **Professor William MacNeil**, Dean of Law, School of Law & Justice, Southern Cross University (Lismore, NSW & Coolangatta, Qld) (acting facilitator)
- **Professor Natalie Skead**, Dean of Law, University of Western Australia (Perth, WA)
- **Professor Asmi Wood**, School of Law, Australian National University (Canberra, ACT)

Other members may be invited to join the Working Party from inside or outside the Council of Australian Law Deans, and may or may not be members of an Australian law school.

## **4. Accountabilities, Responsibilities and Expectations**

The Working Party is accountable for:

- proposing and constituting, in consultation with CALD, an Indigenous Advisory Board (IAB) to advise, inform and participate as an equal partner in the core business of CALD;
- developing and progressing means and mechanisms, in consultation with CALD, by which members of the IAB may be selected;

- attending to First Peoples' geographic, linguistic, cultural, class, gendered, sexual, age, embodied diversity in the IAB's selection processes so that its membership is truly representative of the rich array of First Peoples' unique historical experiences and particular contemporary contexts;
- exploring, developing and proposing recommendations to CALD for constitutional amendment that will embed the IAB, and any standards it sets, within CALD's regulatory framework;
- reviewing, developing and proposing amendments to CALD regarding the Australian Law Schools Standards so that they fully reflect and substantively comply with the IAB and its Standards;
- supporting and progressing the objectives itemised above (a-e) in law schools around the country, and pertaining to legal education, governance, community engagement, First Peoples student strategies, First Peoples faculty members, First Peoples research;
- inviting the students and staff of Australian legal education to critically reflect upon their own cultural limitations, including that of their professional paradigms, in order to effect positive change;
- encouraging and fostering in Australian legal education student and staff understanding of First Peoples' legalities, protocols, cultures, histories, and contemporary realities, combined with the proficiency to engage and work effectively in First Peoples contexts, congruent with the expectations of Australia's First Peoples;
- identify and contribute satisfactory resources for development of the Working Party's proposals and initiatives.

Members of the Working Party will commit to:

- attending all scheduled Working Party meetings, or, if necessary, nominating a proxy;
- sharing all communications and information across all Working Party members;
- notifying members of the Working Group, as soon as practical, if any matter arises which may be deemed to affect the development of the Group;
- championing the work of the Working Party within and outside of the legal academy;

Members of the Working Party can expect that:

- each member will be provided with complete, accurate and meaningful information in a timely manner;
- be given reasonable time to make key decisions be alerted to potential risks and issues that could impact the project, as they arise;
- open and honest discussions will be the hallmark of Working Party meetings;

- CALD will engage cooperatively and collegially in ongoing progress checks to track and verify the overall status, development and well-being of the Working Party and its initiatives.

## **5. Meetings**

Working Party meetings will be held telephonically four to six times per year. If required, additional meetings will be arranged at a time convenient to Working Party members.

A meeting quorum will be five (5) members of the Working Party. Decisions of the Working Party will be by consensus.

A chair will be nominated and approved by the Working Party. A co-chair may be nominated and approved by the Working Party.

The chair, or his or her proxy, will provide:

- suitable meeting times that will solicit a quorum
- meeting agendas, supporting papers and minutes
- further notes and information

The Chair, or his or her proxy, will be the primary liaison between the Working Party and the Council of Australian Law Deans.

## **6. Amendment, Modification or Variation**

These Terms of Reference may be amended, varied or modified in writing after consultation with Working Party Members by the Chair of CALD acting on behalf of CALD's membership and its Executive.