

Council of Australian Law Deans

FIRST PEOPLES PARTNERSHIP

TERMS OF REFERENCE

VISION, RATIONALE & STANDARDS

Informing this Council of Australian Law Deans (CALD) 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 First Peoples Partnership 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 members of the First Peoples Partnership;
- To develop mechanisms that will promote First Peoples' full and equitable participation as advisors to CALD, as determined and defined by the First Peoples members of the First Peoples Partnership.

(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 members of the First Peoples Partnership;
- 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 First Peoples Partnership 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's Indigenous Strategy 2022-2025¹ and the Universities Australia, National Best Practice Framework for Indigenous Cultural Competency in Australian Universities (2011)²;
- To identify and implement strategies to communicate with external partners, including professional bodies, First Peoples community organisations and legal providers;
- To invite, as appropriate, members onto the First Peoples Partnership 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.

¹ <https://universitiesaustralia.edu.au/policy-submissions/diversity-equity/universities-australias-indigenous-strategy-2022-2025/>.

² <https://universitiesaustralia.edu.au/wp-content/uploads/2019/06/National-Best-Practice-Framework-for-Indigenous-Cultural-Competency-in-Australian-Universities.pdf>.

(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 CALD, in consultation with the First Peoples Partnership membership and the CALD Executive.

3. Membership

Members of the First Peoples Partnership are invited by the Co-Chairs after consultation with existing members.

Inaugural, past and current membership of the initial Working Party, subsequent years of the First Peoples Partnership Working Party, and the First Peoples Partnership is listed on the CALD website. Membership of the First Peoples Partnership will be open to CALD members, and Indigenous and non-Indigenous staff working in law schools, legal practice and policy and governance, invited to achieve a balance of Indigenous and non-Indigenous members, a level of geographical representation of both diverse First Nations and Australian States and Territories. Other members may be invited to join the First Peoples Partnership from inside or outside CALD and may or may not be members of an Australian law school.

4. Accountabilities, Responsibilities and Expectations

The First Peoples Partnership is accountable for:

- developing and progressing means and mechanisms, in consultation with CALD, by which members of the First Peoples Partnership may be selected;
- attending to First Peoples' geographic, linguistic, cultural, class, gendered, sexual, age, embodied diversity in the First Peoples Partnership 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 First Peoples Partnership, 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 advice from the First Peoples Partnership;
- supporting and progressing the purposes listed in clause 1 above in Australian law schools as 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 First Peoples Partnership proposals and initiatives.

Members of the First Peoples Partnership will commit to:

- attending all scheduled First Peoples Partnership meetings;
- sharing all communications and information across all First Peoples Partnership members;
- notifying members of the First Peoples Partnership, as soon as practical, if any matter arises which may be deemed to affect the development of the First Peoples Partnership;
- championing the work of the First Peoples Partnership within and outside of the legal academy.

Members of the First Peoples Partnership 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 and be alerted to potential risks and issues that could impact the project, as they arise;
- open and honest discussions will be the hallmark of First Peoples Partnership meetings;

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

5. Meetings

First Peoples Partnership meetings will be held online or via telephone conference four to six times per year. If required, additional meetings will be arranged at a time convenient to members.

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

Co-chairs, one Indigenous and one CALD member, will be nominated by the First Peoples Partnership and approved by the CALD Executive. The CALD member co-chair will be a member of the CALD Executive.

The Co-chairs in partnership will provide to First Peoples Partnership members and the CALD Executive on request:

- suitable meeting times that will solicit a quorum;
- meeting agendas, supporting papers and minutes;
- further notes and information;
- requests for financial assistance from CALD.

The Co-chairs together in partnership will be the primary liaison between the First Peoples Partnership and CALD.

6. Amendment, Modification or Variation

These Terms of Reference may be amended, varied or modified in writing after consultation with First Peoples Partnership members by the CALD Executive.