

APPENDIX B: TERMS OF REFERENCE

Purpose

The Referendum Council (the Council) will advise the Prime Minister and the Leader of the Opposition on progress and next steps towards a successful referendum to recognise Aboriginal and Torres Strait Islander peoples in the Constitution, as set out in these terms of reference.

The Council will build upon the extensive work of the Expert Panel on Constitutional Recognition of Indigenous Australians and the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples.

Role

1. The Council will lead the process for national consultations and community engagement about constitutional recognition, including a concurrent series of Indigenous-designed and led consultations.
2. The Council will be informed by the Parliamentary Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples chaired by Mr Ken Wyatt AM MP with Deputy Chair, Senator Nova Peris OAM. The Committee will have input into the discussion paper on various issues regarding constitutional change to help facilitate an informed community discussion.
3. The Council and consultations it leads, will also consider the recommendations of the 2012 Expert Panel on Constitutional Recognition of Indigenous Australians.
4. The Council will report to the Prime Minister and the Leader of the Opposition by 30 June 2016 on:
 - a. outcomes of national consultations and community engagement about constitutional recognition, including indigenous-led consultations;
 - b. options for a referendum proposal, steps for finalising a proposal, and possible timing for a referendum; and
 - c. constitutional issues.

Membership

1. The Council will have up to 16 members, including two Co-Chairs.
2. Membership will be for a term of one year.
3. The Prime Minister, after consultation with the Leader of the Opposition, will determine appointment of members and extensions of membership.

Meetings and Working Methods

1. The Council will meet once every three months or as otherwise agreed.
2. The quorum for Council meetings will be ten members, including one Co-Chair.
3. The Council may convene working groups as necessary, to consider particular issues in depth and report back to the full Council.
4. Deliberations of the Council will be confidential.

Indigenous Reference Group

1. The Government will appoint an Indigenous Reference Group of non-Council Members to advise the Referendum Council on the roll-out of the national consultation and community engagement process and provide a sounding board for views among Indigenous communities and groups on constitutional recognition.
2. The Indigenous Reference Group will include members of the Indigenous leaders meeting on 6 July 2015 and others.

Remuneration

1. The Co-Chairs will be part-time paid positions.
2. Other Council members will be paid sitting fees and costs for in-person attendance at Council and Indigenous Reference Group meetings and for participation in community conferences provided that such participation is agreed in advance by the Council. Other Council members will not be paid sitting fees or costs for participation in working groups or any other activities related to the Referendum Council.
3. Indigenous Reference Group members will not receive sitting fees. Their reasonable costs of travel to participate in-person meetings will be paid.

Secretariat

1. The Council will be supported by a Secretary and secretariat provided by the Department of the Prime Minister and Cabinet.
2. The Referendum Council and its activities will be properly supported by the Department of the Prime Minister and Cabinet.