

# Children and Families Tripartite Forum

## TERMS OF REFERENCE

### 1. Vision statement

Children and young people in the Northern Territory grow up safe, thriving and loved in their families, cultures and communities.

### 2. Context

All Members acknowledge:

- 2.1. the entrenched and unacceptable over-representation of Aboriginal children and young people in the child protection and youth justice systems, and of Aboriginal families experiencing disadvantage and vulnerability in the Northern Territory;
- 2.2. that addressing this over-representation will rely on a different way of working with Aboriginal Territorians involving genuine partnerships with Aboriginal communities, organisations and leaders to design and deliver services that better meet the needs and priorities of Aboriginal children and families, to close the gap;
- 2.3. that Aboriginal people, communities and organisations have a particular and unique interest in these matters by virtue of their inherent rights to self-determination as formally recognised by the Northern Territory and Commonwealth governments;
- 2.4. the right of Aboriginal people to actively participate in and have genuine influence over decision making, planning and service delivery for their children, young people, families and communities;
- 2.5. the fundamental importance of Aboriginal people and organisations leading and driving the required reforms;
- 2.6. that Aboriginal representatives bring to the Forum unique knowledge, understanding, expertise and relationships with Aboriginal people and communities, which is essential to bringing about generational change. This knowledge and expertise will ensure that policy and program design are based on deep understanding of the circumstances and culture of those affected and of the service systems, which will impact positively; and,

- 2.7. that as per Australian law and the Convention of the Rights of the Child, in all actions concerning children, the best interests of the child shall be the primary consideration.

## Royal Commission

- 2.8. The Tripartite Forum is a key component of the reform program arising from the Royal Commission into the Protection and Detention of Children in the Northern Territory (Royal Commission).
- 2.9. The Royal Commission identified the need for wide-ranging, whole-of-government, cross-sectoral reforms in services for children, young people and families in, or at risk of entering, the child protection or youth justice systems in the Northern Territory.
- 2.10. Recognising the disproportionate impact of these systems on Aboriginal families, the Royal Commission concluded that the effectiveness and sustainability of the required reforms would rely on place-based, community-led planning and implementation with strong and ongoing engagement by local Aboriginal families, leaders and organisations.
- 2.11. Finding a new way forward through successful implementation of the reform agenda will help to reduce the inequalities that currently exist, particularly the significant inequalities impacting on Aboriginal people, to give all children and young people in the Northern Territory the hope and the opportunities they deserve.
- 2.12. The Royal Commission recommended the establishment of the Tripartite Forum to address an identified need for structured and sustained high level engagement between the Northern Territory government, Commonwealth government and Community Sector regarding children experiencing vulnerability, young people and families, and child protection and youth justice issues. The Royal Commission identified roles for the Tripartite Forum, including:
- a) strategic coordination of policy and services;
  - b) coordination of engagement with the community;
  - c) guiding implementation of the Northern Territory Government's reform agenda and the Commission's recommendations;
  - d) overseeing the development of the Generational Strategy for Children and Young People.

- 2.13. In their respective formal responses to the Royal Commission report, both the Northern Territory and Commonwealth Governments have supported the establishment of the Tripartite Forum. The Northern Territory Government's response, *Safe, Thriving and Connected: Generational Change for Children and Families*, specifically outlined the Northern Territory Government's commitment to this approach.

### 3. Shared Commitment

- 3.1. The Members are committed to:
- a) prioritising early intervention and prevention to bring about transformative social change, particularly for Aboriginal children, families and communities and creating contemporary child protection and youth justice systems, acknowledging that these reforms will have broader benefits and outcomes for all families and children in the Northern Territory;
  - b) working together collaboratively and transparently in equal partnership to achieve the purpose of the Tripartite Forum.

### 4. Purpose Statement

- 4.1. The Tripartite Forum will be influential in the advice it provides to the Northern Territory and Commonwealth governments.
- 4.2. The Tripartite Forum will provide advice to the Northern Territory and Commonwealth governments to guide and support the implementation of the agreed reform agenda arising from the Royal Commission report including, in no particular order:
- a) provide input and facilitate the provision of data and evidence, where requested, into the recommended Productivity Commission Study;
  - b) consider the findings from the Study and provide advice to governments on options for implementation;
  - c) enable and facilitate cross-government, inter-agency and inter-sectoral cooperation, coordination and collaboration in delivering the reform agenda and services for children and young people experiencing vulnerability including those in the youth justice and child protection systems;

- d) work collaboratively with other relevant bodies as appropriate in light of the broad-based influence of social determinants on the life course of individuals including their potential interaction with child protection or youth justice services;
- e) provide strategic oversight and monitor the development and implementation of the 10 year Generational Strategy and key reforms for children and families in the Northern Territory;
- f) provide strategic advice and facilitate integrated efforts in relation to community engagement and supporting local decision making to help ensure that local engagement is coordinated, purposeful and shaped as far as possible by the interests and preferences of local communities;
- g) enable and facilitate the timely flow of information and ideas to and from the Forum, with the diverse range of stakeholders interested in the reform agenda;
- h) recommend particular actions, including time-limited working groups, as and when agreed by the Forum, that contribute to achieving the Forum's purpose, and;
- i) communicate the outcomes of Forum meetings as agreed by the Forum and in accordance with the communications protocol (refer 7.5(c)).

## 5. Membership

- 5.1. The Forum will have two Government Members and three Community Sector Members.
- 5.2. The Government Members will be:
  - a) the Northern Territory government; and
  - b) the Commonwealth government.
- 5.3. The Community Sector Members will be:
  - a) Aboriginal Peak Organisations Northern Territory (APO NT);
  - b) Northern Territory Council of Social Service (NTCOSS); and
  - c) North Australian Aboriginal Justice Agency (NAAJA)
- 5.4. Each Member will nominate a representative or representatives as specified in 5.5 and 5.6, to attend Forum meetings.

- 5.5.** The Government Members will each nominate two senior departmental representatives with appropriate decision making delegations and authority.
- 5.6.** Each Community Sector Member will nominate the following number of representatives with appropriate decision making delegations and authority:
- a) APO NT - 3 representatives
  - b) NTCOSS - 3 representatives
  - c) NAAJA - 1 representative
- 5.7.** Representatives of each Member will be selected through a process and for a period determined by that Member.
- 5.8.** Appointments of representatives will have due regard to ensuring continuity and stability of participation in the Forum.
- 5.9.** Members will ensure that they maintain their full number of representatives at all times, and that representatives are available to attend meetings.
- 5.10.** Representatives selected by Members will fulfil the following criteria:
- a) knowledge, skills and experience of policy development and/or strategic planning and/or services management and/or service delivery for children and families experiencing vulnerability in the NT, and;
  - b) knowledge, skills and experience in serving on a high level strategic committee, and;
  - c) knowledge, skills and experience of working in or with Aboriginal communities in the NT, an understanding of Aboriginal cultural and social issues, and respect for Aboriginal people, and;
  - d) demonstrated capability to communicate effectively with community organisations and Aboriginal communities in the NT.
- 5.11.** Representatives of Community Sector Members will reflect a broad range of services provided to children and families experiencing vulnerability.
- 5.12.** The majority of Community Sector representatives will be from Aboriginal controlled organisations and will be Aboriginal people.
- 5.13.** Where a representative is unavailable for a meeting, the Member may nominate an alternative representative to attend that meeting. An alternative representative must have at least equivalent seniority/authority to the representative.

- 5.14. Subject to prior agreement by the Chairperson, identified individuals in addition to representatives may be invited by Members to attend a meeting of the Forum as observers.
- 5.15. With the agreement of Forum Members, the Chairperson may invite subject matter experts to provide advice at Forum meetings from time to time.

## 6. Roles & Responsibilities

### 6.1. All Members and their representatives agree to:

- a) participate in good faith, and contribute in a constructive and timely manner;
- b) share all relevant and necessary information and data in a timely, accountable and transparent manner for the purpose of informing the work of the Forum, in accordance with the data and information sharing protocol (refer 7.5(b));
- c) ensure that representatives have the required level of delegated authority to fully participate in Forum business including making commitments on behalf of the Member;
- d) consult with relevant networks to ensure that they are able to reflect the views of other relevant organisations and individuals;
- e) ensure that Aboriginal people, families, communities and organisations are fully engaged and strongly represented in all aspects of the reform agenda overseen by the Forum.

### 6.2. The Chairperson

- 6.2.1 The person appointed as Chairperson by the Northern Territory government will be selected from individuals nominated by Members and approved by the relevant Northern Territory and Commonwealth government Ministers.
- 6.2.2 Remuneration and terms of appointment of the Chairperson will be informed by relevant Northern Territory Government legislation and provisions.
- 6.2.3 The Chairperson will be an Aboriginal person who is independent or can act independently of all Member agencies, is very familiar with the Northern Territory, its population and unique operating environment, and is committed to improving outcomes for all children and families in the Northern Territory.

- 6.2.4 The Chairperson's duties will include that of interlocutor. This will involve actively fostering conversation and collaboration across the Membership between and during meetings, including facilitating informed discussion to explore any differences in Members' respective positions so as to build shared understandings and guide the Forum towards agreement where possible.
- 6.2.5 In addition to the above responsibility, the Chairperson is responsible for:
- a) leading and guiding the activities of the Forum;
  - b) in consultation with the Members of the Forum, setting the Forum agenda;
  - c) conducting Forum meetings and other business;
  - d) ensuring the efficient and effective operation of the Forum;
  - e) speaking on behalf of the Forum with Ministers and other stakeholders.
- 6.2.6 For any Forum meeting or part of a meeting where the Chairperson is absent, the Members will, prior to the meeting, agree on an Acting Chairperson for that meeting or part of a meeting.

### **6.3 Interim Chairperson**

- 6.3.1 An Interim Chairperson may be appointed prior to the selection and appointment of the Chairperson where this would enable meetings to be held in a timely manner.
- 6.3.2 The Northern Territory government will consult with other Members before appointing an Interim Chairperson.

### **6.4 The Secretariat**

- 6.4.1 Forum Secretariat will be provided by the Northern Territory government.
- 6.4.2 The Forum Secretariat is responsible for:
- a) preparing the agenda in consultation with the Chairperson;
  - b) drafting meeting papers in consultation with the Chairperson;
  - c) compiling supporting documentation, quality control of documentation and distributing meeting papers to Forum representatives at least three working days prior to each meeting;
  - d) making all necessary arrangements regarding the meeting venue and any telecommunication support required;

- e) recording minutes and outcomes of meetings of the Forum and retaining appropriate records of activities;
- f) ensuring follow up of actions arising between meetings;
- g) undertaking minor research as directed by the Chairperson;
- h) if required, arranging for guest speakers or relevant personnel to attend a meeting of the Forum.

## 7. Governance

- 7.1. The Tripartite Forum will provide advice and recommendations to:
  - a) the Northern Territory government through the Children's Subcommittee of Cabinet, and;
  - b) the Commonwealth government through the Minister for Social Services.
- 7.2. Advice and recommendations to be provided to the two governments will be agreed by representatives through discussion and debate rather than voting.
- 7.3. Where there is a strong and irreconcilable difference of opinion among Forum representatives on a matter which the Chairperson regards as material, this strong difference of opinion will be recorded in the Minutes and included in any advice and recommendations provided to the Northern Territory and Commonwealth governments.
- 7.4. A quorum for a Forum meeting will be one representative of each of the Government Members and four representatives of the Community Sector Members in addition to the Chairperson or Acting Chairperson.
- 7.5. The objectives, priorities and processes of the Forum will be agreed by Members and documented in:
  - a) a two year rolling work plan including key performance indicators;
  - b) a data and information sharing protocol;
  - c) a communications protocol;
  - d) a managing conflict of interest protocol;
  - e) other protocols as deemed necessary by the Forum.



- 7.6. The Tripartite Forum will deliver a publicly available annual report to the relevant Northern Territory and Commonwealth government Ministers and boards of Community Sector Members.

## **8. Meetings**

- 8.1. Meetings will be held quarterly, with a minimum of four meetings to be held each year.
- 8.2. Out of session consultations may be undertaken as required with key partners and stakeholders driving the reform process.
- 8.3. Meeting venues will generally alternate between Darwin and Alice Springs to provide an opportunity for other local consultations and/or observers. When agreed by representatives, the Forum may meet in other locations in the Northern Territory.
- 8.4. The Secretariat will document and manage arrangements for reimbursing Community Sector representatives for reasonable costs incurred from meeting attendance.
- 8.5. Meeting and travel costs incurred from meeting attendance by the Community Sector representatives will be shared between the Northern Territory and Commonwealth governments.
- 8.6. Meeting and travel costs incurred by observers will be covered by their employer.
- 8.7. In general, representatives will be expected to attend Forum meetings in person. In extenuating circumstances and subject to prior agreement by the Chairperson, a representative may participate remotely via video- or teleconference.

## **9. Declaration of interests and determination of conflicts and confidentiality**

- 9.1. The Forum Chairperson and representatives are required to declare any interests related to matters listed on or added to the meeting agenda at the beginning of each Forum meeting.

- 9.1.1 For any interest declared by a representative, the Chairperson will determine whether the interest represents a perceived or actual conflict, and if so, any consequential course of action (which may include, for example, excluding the representative from discussion of a particular agenda item).
- 9.1.2 For any interest declared by the Chairperson, the Chairperson will consult with representatives (and where appropriate, Members) to determine whether the identified interest represents a perceived or actual conflict, and if so, agree on any consequential course of action.
- 9.2. With the exception of authorised communications with their Member, Forum representatives will not reveal any confidential or proprietary information entrusted in the course of their involvement with the Tripartite Forum, and may not use or attempt to use any such information, documents or data, other than for the fulfilment of their work with the Forum. These same prohibitions also apply to the Chairperson and Members.
- 9.3. Participation in the Tripartite Forum does not impinge on the rights of the Chairperson or representatives as employees of other organisations and members of the public from taking action that they would otherwise have taken.
- 9.4. Upon cessation of participation and thereafter, the Chairperson and representatives shall not reveal any confidential or proprietary information which they obtained while the Chairperson or a representative on the Forum, and may not use or retain, or attempt to use or retain, any such information, documents or data.

## **10. Dispute Resolution Processes**

- 10.1. In the event of a disagreement arising between representatives in relation to the activities of the Tripartite Forum, the Members agree to seek to resolve any disputes in a non-adversarial, collaborative and informal manner.
- 10.2. The Chairperson may assist in the informal resolution of a dispute in their role as interlocutor by facilitating informed discussion to explore differences in Members' respective positions so as to build shared understandings and guide the Forum towards agreement where possible.

- 10.3.** If an informal process has not resolved the dispute and the matter is of a significant nature and likely to impede or impact on work progression, Members may agree to seek alternative dispute resolution mechanisms including but not limited to:
- a) Establish a high-level expert working group to provide professional and technical advice on the matter in dispute;
  - b) Engage an independent mediator.

## **11. Timeframe and Review**

- 11.1.** The work of the Tripartite Forum will be reviewed annually.
- 11.2.** Performance measurement criteria linked to the two year rolling work plan will be agreed by the representatives, and the effectiveness of the Forum against these criteria will form part of the annual review conducted by, respectively:
- a) Forum Members and representatives as part of a planning process led by the Chairperson, and;
  - b) an independent external party to be determined by agreement of the Members.
- 11.3.** An independent external review of the operations of the Tripartite Forum will be undertaken after five years of operation to examine the overall effectiveness of the Forum and identify future directions.
- 11.4.** Any variation to the Terms of Reference, governance structures, processes and key Forum documents require written agreement of all Members.