



**YOO-RROOK**  
Justice Commission

**Expert Advisory Committee**  
September 2021

# EXPERT ADVISORY COMMITTEE MEMBERS

Yoo-rrook Justice Commission Expert Advisory Committee members were appointed following an Expression of Interest process. Members were appointed due to the alignment of their expertise with the requirements in Yoo-rrook's Letters Patent (see Terms of Reference below).

Expert Advisory Committee members are:

**Karen Jackson**, a Yorta Yorta woman, has extensive experience in First Peoples cultural knowledge and has worked in advisory roles across Aboriginal Community Controlled Organisations, government and education institutions.

**Jidah Clark**, a Djab Wurrung man, has expertise in First Peoples' cultural knowledge and histories. He is a lawyer and has held senior roles in inquiries into youth justice, child protection and family, human and cultural rights for Aboriginal people.

**Associate Professor Nikki Moodie**, a Gamilaroi woman, is a specialist in the sociology of education and holds extensive experience in First Peoples research and information and data sovereignty. She is the Program Director of the Atlantic Fellows for Social Equity at the University of Melbourne - an Indigenous-led fellowship program and platform for systemic change.

**Dr Michael Maguire** has senior experience in criminal justice system oversight and reform in Northern Ireland. His experience as a management consultant, Police Ombudsman and the Chief Inspector of Criminal Justice, as well as membership on various professional tribunals will provide an international perspective on systems reform.

**Mark Kulkens** is a clinical psychologist with extensive experience working with men who have perpetrated violence, including First Peoples. He has worked in various Victorian correctional settings over a number of years and currently works with Dardi Munwurro, a family violence service for First Peoples men.

# TERMS OF REFERENCE

## 1. Background

The Yoo-rrook Justice Commission (Yoo-rrook) is the first truth-telling body to be established in Australia. It has been established as a Royal Commission under the *Inquiries Act 2014* (Vic). Yoo-rrook is led by Professor Eleanor Bourke as Chairperson (Yoo-rrook Chairperson), supported by Commissioners Dr Wayne Atkinson, Professor the Honourable Kevin Bell AM QC, Sue-Anne Hunter and Distinguished Professor Maggie Walter (collectively Commissioners).

Yoo-rrook will inquire into historical and ongoing systemic injustices perpetrated against First Peoples in Victoria by State and non-State entities since colonisation until today. It will establish an official public record of the impact of colonisation on First Peoples in Victoria, as well as make recommendations for practical actions and reform needed in Victoria to acknowledge historical injustices and address ongoing injustices. Yoo-rrook is required to provide an interim report by 30 June 2022 and its final report by 30 June 2024.

## 2. Role

Yoo-rrook's Letters Patent dated 12 May 2021 direct it to establish an Expert Advisory Committee (Committee) within three months of gazettal of the Letters Patent to act as consultants to Yoo-rrook. The Committee must include certain expertise, namely:

- persons with expertise in First Peoples':
- history;
- cultural knowledge;
- information and data sovereignty; and
- trauma, redress and healing (Letters Patent, 4(e)(i)); and
- at least one member of the Committee who is an impartial expert with at least 10 years' experience in a jurisdiction outside of Victoria in driving practical reform or transformation of entrenched norms, practices, legislation, and/or policy in large institutions, particularly experience in providing independent oversight of such institutions to drive government system reform through assessment of strategy, governance, accountability and outcomes of large organisations or institutions (Letters Patent, 4(e)(ii)).

The Committee may include persons with other experience, such as comparative international processes and transitional justice that the Commissioners consider could assist Yoo-rrook in achieving its objectives (Letters Patent, 4(e)(iii)).

These Terms of Reference provide guidance on how Yoo-rrook may engage the Committee to assist with its work.

# TERMS OF REFERENCE

## 3. Functions

### 3.1 Functions of all Committee members

Committee members may be requested to act as a sounding board for Commissioners and Commission staff on an ad-hoc basis throughout the course of the inquiry. This may include providing input or feedback on aspects of Yoo-rrook's work, including its Terms of Reference (Letters Patent, 3), recommendations and interim and final reports.

Committee members may also be requested to provide written advice during the conduct of the inquiry on specific matters in accordance with requests from the Yoo-rrook Chairperson.

Committee members may be required to work as a group with other Committee members, or to work as individual consultants to Yoo-rrook as required (see 9 Advice provided by Committee/Committee Members).

### 3.2 Functions of Committee Chairperson

The Yoo-rrook Chairperson may appoint one or more Committee Chairpersons to lead and coordinate Committee members if they are required to work as a group (see 5.1 Membership and Requirements).

If appointed, a Committee Chairperson is responsible for leading and coordinating the work of the Committee when it is operating as a group in line with guidance provided by the Yoo-rrook Chairperson. If more than one Committee Chairperson is appointed, the Committee Chairpersons will perform their functions jointly, or as otherwise directed by the Yoo-rrook Chairperson.

## 4. Responsibilities

Committee members are:

- considered Royal Commission officers under the *Inquiries Act 2014 (Vic)*, and as such are subject to the requirement of confidentiality; and
- appointed in their personal capacity, and not as a representative or nominee of any community or organisation.

The Committee and/or its individual members:

- do not represent the Royal Commission; and
- cannot request, collect or store any research, information or data.

Any research, information or data made available to Committee members by Yoo-rrook and any documents created during the operation of the Committee must be kept confidential at all times and returned to Yoo-rrook on or before 29 June 2024.

# TERMS OF REFERENCE

## 5. Membership

### 5.1 Membership and Requirements

Committee members will be appointed in their individual capacity by the Yoo-rrook Chairperson on the basis that they have the necessary expertise and meet the criteria set out in the Letters Patent (see 2 above). Following the establishment of the Committee, additional Committee members may be appointed at any time throughout the duration of Yoo-rrook's inquiry.

One or more Committee Chairpersons may be appointed by the Yoo-rrook Chairperson at any time throughout the duration of Yoo-rrook's inquiry.

### 5.2 Induction

The Yoo-rrook Chairperson, supported by the Chief Executive Officer and Yoo-rrook staff, will provide Committee members with all necessary and relevant information to enable them to understand the scope of operations of the Committee and their duties and responsibilities.

### 5.3 Conduct

Committee members:

- should prioritise attending Committee meetings – which may be scheduled on a regular or ad hoc basis;
- should ensure adequate preparation for Committee meetings or engagements to be able to contribute, clearly articulate points of view or concerns and, where required, work collaboratively with other Committee members; and
- are subject to the duties and obligations imposed under the Inquiries Act 2014 (Vic).

### 5.4 Governance

Committee members individually and the Committee as a group will report to the Yoo-rrook Chairperson, and be supported by Yoo-rrook staff.

### 5.5 Resignation and Removal

A Committee member may resign in writing to the Yoo-rrook Chairperson. Only the Yoo-rrook Chairperson is able to appoint or remove a member of the Committee at any time for any reason.

# TERMS OF REFERENCE

## 6. Conflict of Interests

Committee members will be required to disclose relevant interests prior to their appointment, and will be subject to an ongoing duty of disclosure during the period of their appointment. Such interests may include:

- employment with agencies of the State of Victoria and/or other organisations the subject of Yoo-rrook's inquiries from time to time;
- role as a native title applicant and/or officer of a Prescribed Body Corporate (PBC); and
- an appointment to the First Peoples' Assembly of Victoria (Assembly).

Practical guidance as to the relationships, roles and appointments that may constitute a perceived, potential or actual conflict of interest will be provided to Committee members, to support these processes.

During the course of Yoo-rrook's inquiry, in the context of individual requests for advice, Committee members shall declare prior to the commencement of relevant agenda items and/or discussions:

- any relevant interests in the matters the subject of the Committee's intended focus;
- details as to the nature of those interests; and
- any conflict that results, may result or could be perceived to result from it.

All declared actual, potential or perceived conflicts of interest will be recorded by Yoo-rrook staff, and the Committee member will be required to manage them in line with a conflict of interest management protocol.

## 7. Media and Public Comment

Committee members will make no public comments or undertake any media activities in respect of the Committee or Yoo-rrook, unless given prior approval in writing by the Yoo-rrook Chairperson.

# TERMS OF REFERENCE

## **8. Meetings**

Committee members will be called upon to attend meetings as determined by the Yoo-rrook Chairperson – including, possibly, as a full group, subgroup or individually (as the context requires).

## **9. Advice provided by Committee/Committee members**

Advice provided by individual Committee members and/or the Committee as a group or subgroup is advisory in nature only. Therefore, if requested to meet as a group, no quorum is required.

Advice from the Committee members does not need to be unanimous or agreed upon by the majority of the Committee (or Committee members in attendance at a particular meeting).

Advice provided by Committee members will helpfully inform Yoo-rrook's work, but will not determine any aspect of Yoo-rrook's work.

## **10. Remuneration and Expenses**

### **10.1 Remuneration**

Remuneration for Committee members will be in accordance with the Appointment and Remuneration Guidelines (Guidelines). The Committee is classified as a Group B organisation as defined by the Guidelines.

Members will be paid a day rate for each meeting they attend, inclusive of meeting preparation. Where duties are required for less than four hours, members will be paid at a half day rate. Where a member is commissioned to conduct work for Yoo-rrook, they will be paid at a day rate for the number of days agreed with Yoo-rrook or an agreed amount.

### **10.2 Expenses**

Committee members are entitled to reimbursement of reasonable travelling and personal expenses that they incur as a result of their duties.