

Terms of Reference and Rules of Governance

May 2016

1. TITLE

The name of the body shall be the National Aboriginal and Torres Strait Islander Leadership in Mental Health (NATSILMH).

2. PURPOSE

NATSILMH will:

- Provide independent, expert Aboriginal and Torres Strait Islander leadership in Aboriginal and Torres Strait Islander mental health, social and emotional wellbeing and suicide prevention at a national level.
- Advocate for improvements to Aboriginal and Torres Strait Islander mental health, social and emotional wellbeing, and reductions in the rates of suicide. This includes by the advocating for appropriate funding for relevant programs and services, building the capacity of communities and addressing workforce issues.
- As requested, provide frank advice on Aboriginal and Torres Strait Islander mental health, social and emotional wellbeing and suicide prevention, and any related topic, to government and non-government organisations.
- Proactively participate in all relevant reform processes that could impact, directly or indirectly, on the mental health and social and emotional wellbeing of Aboriginal and Torres Strait Islander peoples.
- Network and develop relationships with other bodies, both Aboriginal and Torres Strait Islander and non-Indigenous, and both nationally and internationally, whose work is relevant to the mental health and social and emotional wellbeing of Aboriginal and Torres Strait Islander peoples, and also suicide prevention.
- Support Aboriginal and/or Torres Strait Islander people and non-Indigenous Australians working in Aboriginal and Torres Strait Islander mental health, social and emotional wellbeing and suicide prevention to deliver better services to Aboriginal and Torres Strait Islander peoples.
- Bring a cultural perspective to all the above.
- Within resource limits, consult as widely as possible in relation to the above.
- Maintain a visible and trusted presence among Aboriginal and Torres Strait Islander peoples and non-Indigenous Australians in relation to Aboriginal and Torres Strait Islander mental health, social and emotional wellbeing and suicide prevention.
- Aim to secure independent funding for its operations over time.

3. CHAIR

- Professor Pat Dudgeon is the founding Chair of NATSILMH.
- Chairs will serve a two-year term.

- Chairs will be elected by a simple majority of the members at a nearest meeting coincident with the end of a two-year term, or at any shorter period as required.

4. MEMBERSHIP

(a) Commissioners and deputy commissioners:

- An invitation to join NATSILMH shall be extended by the Chair to all Aboriginal and Torres Strait Islander commissioners and deputy commissioners from the mental health commissions of Australia.

(b) Other people associated with the mental health commissions, or candidates for membership

- All other potential candidates for membership will be submitted to the existing members for approval.
- In general:

Members of commission advisory boards

- There is a presumption that an invitation to join NATSILMH will be extended to Aboriginal and Torres Strait Islander members of advisory councils or boards to the commissions.
- However, it is a member prerogative to lodge an objection to a candidate and, if this occurs, members must be able to discuss this objection prior to any invitation being extended.
- An invitation will only be extended if a consensus can be reached as to the suitability of the candidate.

Employees of the commissions and any other potential members

- There is no presumption of membership.
- Potential members from this group of candidates should be proposed to the existing members and they must be able to discuss the suitability of the candidate.
- An invitation will only be extended if a consensus can be reached as to the suitability of the candidate.

(c) In guiding the above, every attempt should be made to ensure:

- a balanced spread of members across the four commissions, and other commissions as they are established;
- a balanced spread of members from across the states and territories;
- the manageability of the size of the group;
- a spread of expertise is present among the members;
- members are actively contributing to, and participating in, the work of the group
- the collective membership has a wide network of contacts in the political, academic, community and professional worlds.

(d) The founding members are:

- Professor Pat Dudgeon;
- Dr Robyn Shields;
- Ms Sandy Gillies;
- Ms Vickie Hovane;
- Mr Tom Brideson;
- Professor Gracelyn Smallwood;
- Dr Tom Calma;
- Ms Adele Cox;
- Mr Danny Ford; and
- Ms Lisa Briggs, CEO NACCHO.

(e) Process for removing members

Once appointed, membership of NATSILMH will continue subject to this process for removing members and the considerations in 4(c).

- If a member is in breach of the Code of Conduct or for any other reason deemed appropriate by the members they may be removed from NATSILMH.
- The member must be given notice in writing of the call to have them removed and the reason.
- The member must be given 14 days to object and respond to the notice.
- This response must be circulated among the members.
- At the next meeting of NATSILMH, by secret ballot conducted by the Executive Officer and independently validated, a vote will be taken as to whether the members should be removed from the group.
- A clear two-thirds majority of the members is required to remove a member.
- The Chair will notify the member in writing within three days.
- If relevant, the commission or body from which that member was a part of will be notified in writing within three days.
- There is no right of appeal.

5. MEMBER RESPONSIBILITIES

- Members are expected to attend meetings in person or via teleconference.

- Participation in meetings cannot be delegated to a representative except by prior arrangement.
- With the exception of the Chair, members should not present themselves as representatives of NATSILMH without prior approval of the body.
- Members are expected to secure funding for any travel or accommodation needed to attend meetings through their relevant state mental health commission or relevant organisation.
- Members must adhere to the Code of Conduct.

6. SECRETARIAT SUPPORT

- The work of NATSILMH is supported by the Secretariat managed by the Mental Health Commission of New South Wales, with support from the National Mental Health Commission, Mental Health Commission of New South Wales, Western Australian Mental Health Commission, the Queensland Mental Health Commission and the South Australia Mental Health Commission(?).
- The equivalent of one day per week Secretariat support will be provided by an Executive Officer.

7. WORK PLAN

A work plan is to be developed and agreed each year and reviewed at each meeting to address emerging issues. It will identify the work to be undertaken, required deliverables, timelines and agreed budgets.

8. MEETINGS

- It is anticipated that there will be five to six meetings of the membership, one every two months, by teleconference per year with one face-to-face meeting.
- The Executive Officer is to circulate agendas, papers and any other relevant material a minimum of one week prior to a meeting.
- Agreed actions/decisions are to be circulated to all members within one week of each meeting.

9. EXECUTIVE GROUP

- An Executive Group will progress business in between the above meetings and address matters that require a rapid response.
- Agreed actions/decisions of the Executive Group are to be circulated to all members with an appropriate time specified for them to indicate approval or raise objections. Silence will be taken as approval.
- The Executive Group at May 2016 comprises:
 - Chair Professor Pat Dudgeon
 - Professor Tom Calma AO
 - Mr Tom Brideson
- The Executive Officer will support the work of the Executive Group.
- Other members are able to attend Executive Group meetings including by invitation.

10. QUORUM

- The minimum number of members required for a meeting to be held and for decisions to be agreed is the Chair and one half of members.
- One half of the membership will be counted in the following way:
 - the sum of the members will be divided by two; and
 - if this results in a fraction, the result will be rounded up to the nearest whole number.

11. DECISION MAKING

- Decisions will be made by:
 - Consensus;
 - In cases where a rapid decision is required, by the Executive Group, as per section 9.

12. CONFLICT RESOLUTION

(a) Conflict with a commission

- While the commissions support NATSILMH, it is not required to agree with the actions of the commissions or positions held by the commissions.
- In matters regarding Aboriginal and Torres Strait Islander mental health, social and emotional wellbeing and suicide prevention, it is expected that the commissions will follow the leadership of NATSILMH.
- As much as possible, all differences of opinion should be managed discreetly and in a friendly and respectful dialogue with the commissions.
- There should be no attempt made to publicly embarrass a commission.
- Where a difference arises and it is necessary for that disagreement to become public the following process will be followed:
 - No public comment will be made until a resolution process has been attempted.
 - The commission will be formally and respectfully notified of the difference in writing and with an alert that NATSILMH will be publicly commenting on the issue.
 - The commission will be given an opportunity to respond.
 - The members must consider that response.
 - If NATSILMH then decides to 'go public', it should include an explicit and respectful reference to the position of the commission, highlighting the difference, and that NATSILMH does not represent the views of the commission, nor does the commission represent the views of NATSILMH.

- Such will be made in the name of NATSILMH without any reference to specific members names or affiliations.

(b) Internal conflict resolution

- NATSILMH is committed to prompt and fair resolution of all disputes of any nature which may arise in the course of its business.
- Members should respectfully engage each other as the first step towards resolving a dispute.
- If the dispute cannot be resolved between the members:
 - The Chair will attempt a resolution process involving mediation.
 - If a mutual resolution is not reached:
 - The Chair may issue a determination on the issue that shall be circulated among the members.
 - The members will have one week with which to lodge an objection.
 - If an objection is lodged, it too must be circulated among the members.
 - At the next meeting of NATSILMH, by secret ballot conducted by the Executive Officer and independently validated, a vote will be taken as to how the issue should be resolved.
 - A simple majority of the members is required to resolve the matter
 - There is no right of appeal.

13. APPROVAL OF DOCUMENTS

- A document is deemed a document of the group by the above decision making rules, and by:
 - being provided in draft form to the members for at least ten working days; and
 - members approving/ making changes and approving the draft document; or
 - members not commenting on the document.
- The Chair/ Executive Group can approve a shorter time frame for the above at their discretion.
- Documents will be signed ““Professor Pat Dudgeon, Chair, on behalf of the members (then each named).”

13. REPORT FOR NATSILMH SPONSORS

- The group will provide a brief report/update on its activities to its sponsors (i.e. the four commissions) on a regular basis.

14. RESPONDING TO REQUESTS FROM EXTERNAL AGENCIES

- NATSILMH has a work plan and that is its core business.
- The members will consider requests from external agencies.

- There is a presumption that any work undertaken as a result of these requests should not unnecessarily burden the limited time and resources of the group.

CODE OF CONDUCT FOR MEMBERS

Personal behaviour – I will:

- act ethically and with integrity;
- participate in meetings and assist, to the best of my ability, when required in NATSILMH activities;
- read all papers and submissions circulated for member comment, particularly submissions and other documents to which my name will be attached;
- make decisions fairly, impartially and promptly, considering all available information, legislation, policies and procedures;
- not harass, bully or discriminate against other members
- contribute to a harmonious, safe and productive meeting environment
- observe the Terms of Reference, Rules and this Code of Conduct

Communication and official information – I will:

- not disclose information or documents acquired through my work with NATSILMH unless authorisation is given by the Chair
- respect the confidentiality and privacy of all information as it pertains to individual members and the commissions.

Use of public resources – I will:

- be accountable for NATSILMH expenditure and other resources;
- use commission resources diligently and efficiently.

Conflicts of interest – I will:

- ensure personal or financial interests do not conflict with my ability to perform my membership in an impartial manner;
- manage and declare any conflict

I commit

- to taking responsibility for reporting improper conduct or misconduct which has been, or may be occurring, to the Chair and members
- to taking responsibility for contributing in a constructive and positive way to enhance good governance and the reputation of NATSILMH.