First Nations Reference Group - Terms of Reference

1. Purpose

The First Nations Reference Group (FNRG) exists to provide independent, culturally informed advice to Investa on the design, delivery, and ongoing implementation of its First Nations Strategy. The group will help ensure Investa's policies, projects, and operations are aligned with the aspirations, cultures, rights, and priorities of Aboriginal and Torres Strait Islander peoples.

2. Objectives

The FNRG will:

- Advise on embedding First Nations perspectives in Investa's operations, governance, and developments.
- Support the delivery of commitments in Investa's future reconciliation initiatives through a First Nations Strategy.
- Provide guidance on governance, engagement, procurement, employment, cultural capability, and truth-telling initiatives.
- Review progress against agreed First Nations Strategy goals, KPIs, and indicators of success.
- Help Investa develop meaningful and respectful partnerships with First Nations communities, businesses, and organisations.
- Ensure that ICIP is acknowledged, protected, and managed in accordance with cultural protocols, community expectations, and applicable laws.

3. Scope

The FNRG's scope includes:

- Reviewing and advising on strategies, programs, policies, and major projects with a First Nations focus.
- Providing cultural advice on place-based design, art, and interpretation in Investa's developments.
- Advising on community engagement approaches and participation in procurement processes with Aboriginal and Torres Strait Islander businesses.
- Supporting initiatives to improve First Nations employment outcomes within Investa and through its supply chain.
- Ensuring ICIP is safeguarded, including but not limited to:
    - Traditional stories, languages, and oral histories.
    - Cultural designs, motifs, and visual arts.
    - Performance, dance, music, and ceremony.
    - Knowledge of land, waterways, plants, animals, and cultural practices.

4. Indigenous Cultural and Intellectual Property (ICIP) Protocols

4.1 Recognition

Investa acknowledges the rights of Aboriginal and Torres Strait Islander peoples to own and control their cultural heritage, traditional knowledge, and traditional cultural expressions, regardless of whether these are in material form.

4.2 Consent

- All use of ICIP must be based on free, prior, and informed consent from the relevant Traditional Owners, custodians, or communities.
- Consent must be documented through an agreement before any ICIP is recorded, reproduced, adapted, or shared.

4.3 Ownership & Control

- ICIP remains the property of the relevant Aboriginal and Torres Strait Islander people or community.
- Investa and the FNRG will not claim ownership over any ICIP provided or shared in the course of group activities.

4.4 Attribution

- Any use of ICIP will acknowledge the source community, people, or artist, as agreed by them.
- Where individuals do not wish to be named, acknowledgements will follow the community's direction.

4.5 Confidential & Sacred Material

- Some ICIP may be confidential, sacred, or sensitive and must not be disclosed publicly.
- The FNRG will determine, in consultation with the knowledge holders, what information may be shared and what must remain restricted.

4.6 Benefit Sharing

- Where ICIP is used in a way that generates commercial or reputational benefit for Investa, a benefit-sharing arrangement will be negotiated to ensure fair returns to the custodians and community.

4.7 Storage & Access

- ICIP-related records will be stored securely.
- Access will be restricted to authorised persons as agreed with the relevant Traditional Owners or custodians.

5. Membership

- Members will be Aboriginal and/or Torres Strait Islander people with demonstrated expertise in areas such as community leadership, ESG/social impact, property, policy, governance, education, or cultural competency.
- The group will comprise four members plus Investa senior management sponsors.
- Members will be appointed for a two-year term, with the possibility of reappointment.
- The Advisory group will sit as a sub-group to the Investa Connected Communities Working Group which is responsible for delivering the social aspects of Investa's sustainability strategy.
- Secretariat support will be provided by Tika EQ, which will:
    - Coordinate meeting logistics and invitations.
    - Prepare and distribute agendas in collaboration with Investa.
    - Record meeting minutes and track action items.
    - Ensure cultural protocols are respected during meetings.
    - Maintain secure records, including ICIP-related documentation.

6. Meetings

- Meetings will be held quarterly (minimum) with additional engagements by mutual agreement as required.
- Meetings may be in person or virtual, depending on availability and location of members.
- Secretariat will circulate agendas at least one week prior and minutes within two weeks after each meeting.
- A quorum will consist of at least 50% of members plus one Investa senior management sponsor.

7. Remuneration

- Members will be paid $200 per hour for their time and expertise, in line with the NSW Government's Board and Advisory Committee remuneration guidelines.
- Investa will reimburse reasonable travel and associated costs for in-person meetings.
- Where ICIP is contributed outside the scope of standard meeting participation, separate cultural fees may be negotiated.

8. Reporting

- The FNRG reports to Investa's Executive Committee via the Group Executive - Corporate Operations.
- An annual report on the FNRG's activities, advice provided, and progress against recommendations will be incorporated into Investa's ESG reporting.

9. Guiding Principles

The FNRG will operate in a way that:

- Respects the rights, cultures, and heritage of Aboriginal and Torres Strait Islander peoples.
- Embeds the principles of self-determination, co-design, and free, prior, and informed consent.
- Protects and honours ICIP in all forms.
- Upholds confidentiality where required.
- Works collaboratively and constructively with Investa, stakeholders, and communities.

10. Review of Terms of Reference

- These ToR will be reviewed annually in consultation with the FNRG and Investa's leadership to ensure relevance and effectiveness, including ICIP clauses.