



Australian Government  
National Indigenous  
Australians Agency



Indigenous **Voice**

INDIGENOUS VOICE

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# Discussion Paper

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**Indigenous Voice Discussion Paper**

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# Foreword

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Indigenous Australians have a long and continuing connection to the lands and waters of Australia. Aboriginal and Torres Strait Islander cultures are rich in knowledge, passing stories from generation to generation, and hold a unique and enduring place in our nation's story.

The next step in this story is to ensure Aboriginal and Torres Strait Islander peoples have more of a say on the laws, policies and services that impact them, their communities and their lives. There has been a lot of work already undertaken to think about the best model for our nation, including the work of the Referendum Council which led to the Uluru Statement from the Heart in 2017.

In 2018, a cross-party parliamentary committee looked at the Uluru Statement and other work. They recommended the Australian Government start a process of co-design to develop the details for an Indigenous Voice.

Over the past year, 52 Australians, mostly Aboriginal and Torres Strait Islander people, have been working on this process. We have looked at how an Indigenous Voice might work, and how local voices can be heard on what's important and what's needed for local communities.

We have developed proposals for an Indigenous Voice that has two complementary parts, Local and Regional Voices and a National Voice.

The Local and Regional Voice would use a flexible principles-based framework that allows local people and communities to decide governance structures that work best for them.

The arrangements would enhance decision making, bringing different levels of government together to sit down and work together with local and regional representatives to determine the best way for programs and services to be delivered in local communities.

Through Local and Regional Voices, Aboriginal and Torres Strait Islander people would be able to work in a partnership with governments to achieve their aspirations and improve daily lives in local communities.

A National Voice would be a small national body of Aboriginal and Torres Strait Islander members providing advice to the Australian Parliament and Government. A National Voice would provide the mechanism to ensure that Aboriginal and Torres Strait Islander people have a direct say on legislation and policies that affect them.

Our proposals are detailed in this discussion paper. It's important that everyone can have a say in how the proposals might work so that we can continue to refine them.

Following this nation-wide consultation on the proposals, we will take our final recommendations to the Australian Government.

We look forward to your feedback.



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**Professor Dr Marcia Langton AO**  
Co-Chair, Senior Advisory Group



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**Professor Tom Calma AO**  
Co-Chair, Senior Advisory Group

# Overview

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## Background

On 30 October 2019, the Minister for Indigenous Australians, the Hon Ken Wyatt AM MP, announced the start of the Indigenous Voice co-design process.

Stage one of the co-design process saw three Indigenous Voice co-design groups, comprising 52 members from around the country, work together to develop the detail of what an Indigenous Voice could look like and how it could work.

The proposals were presented to the Australian Government in the Indigenous Voice Co-design Interim Report in late-October 2020, available at [voice.niaa.gov.au](https://voice.niaa.gov.au).

## Why we are seeking feedback

Individuals, communities and organisations are invited to provide feedback on how they think the proposals could work for them. This input will help the Indigenous Voice co-design groups further develop and refine the proposals so that final recommendations can be made to the Australian Government.

## Discussion paper

This discussion paper explains the proposals for the Indigenous Voice at the local and regional and national levels, and provides links to further information. It also provides guiding questions on issues that Indigenous Voice co-design groups are keen to explore further prior to the development of final recommendations.

The discussion paper has been developed by the Indigenous Voice co-design groups in partnership with the National Indigenous Australians Agency (NIAA).

## Provide your feedback

Now is the time to provide feedback on the Indigenous Voice proposals. This is stage two of the co-design process and will help to determine the final recommendations to the Australian Government.

Submissions are open now until 31 March 2021.

Visit [voice.niaa.gov.au](https://voice.niaa.gov.au) to:

- Provide a submission guided by this discussion paper
- Undertake a survey
- Find out about webinars and upcoming consultation sessions
- Find out more about the Indigenous Voice co-design process, including how to access the full Interim Report.

Submissions and feedback can also be provided by post to:

Voice Secretariat  
Reply Paid 83380  
CANBERRA ACT 2601



The interim report along with additional resources, including fact sheets, are available at [voice.niaa.gov.au](https://voice.niaa.gov.au)

# Indigenous Voice Proposal

Aboriginal and Torres Strait Islander cultures are rich in knowledge, passing stories from generation to generation. They hold a unique place in our nation's story.

The next step in this story is to make sure Aboriginal and Torres Strait Islander people have more of a say on the laws, policies and services that impact their lives.

An Indigenous Voice could provide a mechanism for Indigenous Australians in communities around the country to have a say on how to improve their lives.

This would result in real changes on the ground and create a shared responsibility where Indigenous Australians could work in partnership with governments.

## **An Indigenous Voice could:**

- provide advice and input on decisions, laws, policies, programs and services that are important to Aboriginal and Torres Strait Islander people
- be made up of two parts – Local and Regional Voices and a National Voice.

Local and Regional Voices and the National Voice could work together to share information, consult and provide advice.



## Local and Regional Voice

### ? **The Proposal**

A regional level governance structure that:

- be designed and led by communities
- provide advice to all levels of government about what's important in communities and in the region
- work in partnership with all governments to make plans on how to meet community aspirations and deliver on local priorities
- provide local views to the National Voice where this informs national issues.

### Q **What could it look like?**

There would be no one set structure for a Local and Regional Voice. Different regions could have different structures, based on what works best for their local communities.

A flexible principles-based framework would guide and support all Local and Regional Voices.

This framework responds to the diversity that exists across the country. It would also allow communities to build on existing arrangements that are already working well.



## National Voice

### ? **The Proposal**

A national body made up of Aboriginal and Torres Strait Islander people that:

- could provide advice to the Australian Parliament and Government on relevant laws, policies and programs
- could engage early on with the Australian Parliament and Government in the development of relevant policies and laws.

### Q **What could it look like?**

Membership for the National Voice could happen in two different ways:

- 'Structurally linked': Members selected from Local and Regional Voices.
- Elections held for Aboriginal and Torres Strait Islander people to elect National Voice members directly.

Either membership option would have a two-way advice link to Local and Regional Voices.

Members would represent their state or territory as well as the Torres Strait Islands.

# Local and Regional Voice Proposal

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A Local and Regional Voice would be a community designed and led governance structure at a regional level. It would work in partnership with governments to provide advice about what's important and what's needed for local communities. This would include the design and implementation of programs, policies and services for the region and shared decision making on local priorities.

A Local and Regional Voice would provide clear pathways for local Aboriginal and Torres Strait Islander people, communities and organisations to participate and have their say in the work of the Local and Regional Voice. It would allow for local priorities to be addressed at the local level.

Local and Regional Voices across all parts of Australia would be guided and supported by a flexible principles-based framework. The framework provides for Aboriginal and Torres Strait Islander communities and all levels of government to work together in partnership towards a common purpose.

The framework aims to give communities flexibility to tailor Local and Regional Voice arrangements to their circumstances, and to build on existing structures that are already working well. It acknowledges that there is no 'one size fits all' solution, and provides for the diverse cultures, aspirations and priorities of Aboriginal and Torres Strait Islander communities around the country.

This approach allows Local and Regional Voices to continue to evolve in line with the capability of communities and governments to work in genuine partnership.

A Local and Regional Voice would work with all levels of governments to provide advice about priorities, policies, programs and service delivery at the local and regional level and engage in shared decision making. It would also provide advice to the National Voice on national issues.

The framework sets out the purpose and scope of functions for a Local and Regional Voice, including nine guiding principles. All Local and Regional Voice arrangements would have to align with the principles.

A key consideration in developing the framework has been the importance of supporting all Aboriginal and Torres Strait Islander residents of a place – Traditional Owners and all other residents alike – to have an opportunity to be involved and have their voices heard. The Local and Regional Voice would also connect with community leaders responsible for cultural lore and customs in each place. This would be important for the Local and Regional Voice to be legitimate to relevant communities.

In designing local arrangements, the Local and Regional Voice would work with and provide links to involve bodies with existing statutory roles or specific functions.

Communities in each region would be able to decide the membership and governance structure of their Local and Regional Voice in whichever way best fits their context, as long as the arrangements are consistent with the principles. This could be through communities selecting, nominating or electing members, drawing on or incorporating cultural leadership involved in traditional decision making and governance structures, or a combination of these methods.

There would also be a way for each Local and Regional Voice to be recognised, using a set of minimum expectations based on the principles as the assessment criteria.

Two options for how this recognition could occur are being explored, one through a joint assessment between the proposed Local and Regional Voice governance structure and relevant governments, and the other through an independent assessment. Further work is being undertaken throughout stage two to further design minimum expectations and recognition of a Local and Regional Voice.

It is proposed there would be between 25 to 35 regions across Australia. A specific number of regions nationally and in each state and territory will be informed by the outcomes of consultations and set out in the final proposal for the Australian Government's consideration. If the Government supports this proposal, there will be further discussion between Aboriginal and Torres Strait Islander communities and all levels of government to determine details of regional areas and boundaries.

The starting point for each Local and Regional Voice would be different. Some regions may need time to establish new structures while others might evolve existing arrangements. Communities will determine the pace of implementation for their Local and Regional Voice. Governments will support and enable implementation and/or transition from existing arrangements. Equally, it is proposed that governments would work together to develop legislation and intergovernmental agreements to enable local and regional voice arrangements, and for governments to fulfil relevant partnership expectations.

A Local and Regional Voice would not manage government programs or funding, nor replace or undermine existing bodies with statutory roles or other specific functions.

The Local and Regional Voice overview provides further detail about the proposed framework. Further information is also available at [voice.niaa.gov.au](https://voice.niaa.gov.au)



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Questions to consider based on the proposed Local and Regional Voice principle-based framework:

- What would be the benefits or challenges of a proposed Local and Regional Voice for you?
- Do the Local and Regional Voice principles seem right to you?
- How could the framework improve local partnerships and relationships between communities and governments?
- Should the number of Local and Regional Voices across Australia be a greater number of smaller regions, or fewer larger regions (within the proposed 25 to 35 range)?
- What support do you think would be needed to establish or transition to a Local and Regional Voice?

# Local and Regional Voice Overview

## What is the Local and Regional Indigenous Voice Framework?

### Purpose

To enable Aboriginal and Torres Strait Islander people in every community to have a **greater say in public policy, programs and service delivery affecting their lives through shared decision making in partnership with governments.**

### How will it be achieved?

Regional governance structures are established as Local and Regional Voices, building on relevant arrangements in place that work well.

Local and Regional Voices engage with all levels of government through a partnership interface to provide advice and engage in planning and shared decision making on policies, programs and services affecting communities, based on community aspirations and priorities.

### Context

The *Joint Select Committee on Constitutional Recognition* found Local and Regional Voices should provide a forum for dialogue between Indigenous Australians and governments on policy, programs and services, and draw on the varying practices of communities rather than a 'one size fits all' model.

The Local & Regional Co-design Group's task is to articulate preferred approaches to improved local and regional decision making and Indigenous regional governance, and provide advice on preferred options.

To achieve this, the Group has developed this principles-based framework that:

- draws on what is working well in local and regional decision-making across the country
- is flexible enough to build on these approaches and accommodate diverse communities
- provides a platform for enhanced, effective and sustainable engagement between communities and governments on the ground
- connects communities and regions to a National Voice

### Scope

Functions of Local and Regional Voices are expected to evolve over time along this spectrum, depending on their preferences and capacity.

<p><b>Advice to governments and others</b></p> <ul style="list-style-type: none"> <li>• Provide advice to all levels of government on community aspirations, priorities and challenges to influence policy, program and service responses (including mainstream)</li> <li>• Draw on knowledge of local Indigenous organisations and sector experts to develop advice and enhance their voice to governments</li> <li>• Provide advice to non-government sector (e.g. business, corporate)</li> </ul>	<p><b>Shared decision making</b></p> <ul style="list-style-type: none"> <li>• Work with all levels of government to undertake strategic regional planning based on the aspirations, priorities and challenges of communities in the region</li> <li>• Agree how investment and service delivery (including mainstream) will align to this shared agenda</li> <li>• Co-design strategies, services, delivery, monitoring and evaluation</li> </ul>	<p><b>National engagement</b></p> <ul style="list-style-type: none"> <li>• Provide advice to the National Voice on systemic issues associated with national policies and programs, and matters of national importance</li> <li>• Clear, two-way flow of advice and communication between levels of an Indigenous Voice</li> <li>• Communication with state/territory level representative bodies (where they exist)</li> </ul>	<p><b>Out of scope</b></p> <ul style="list-style-type: none"> <li>• Administration of programs &amp; funding</li> </ul> <p><i>Noting shared work with governments on priority setting, influencing funding decisions to better align investment to priorities and procurement planning are in scope</i></p>
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**Community engagement**

- Provide clear pathways for community members (includes all individuals, families, groups, organisations and traditional owners with ties to the local area) to contribute input and feedback loop with the voice structure

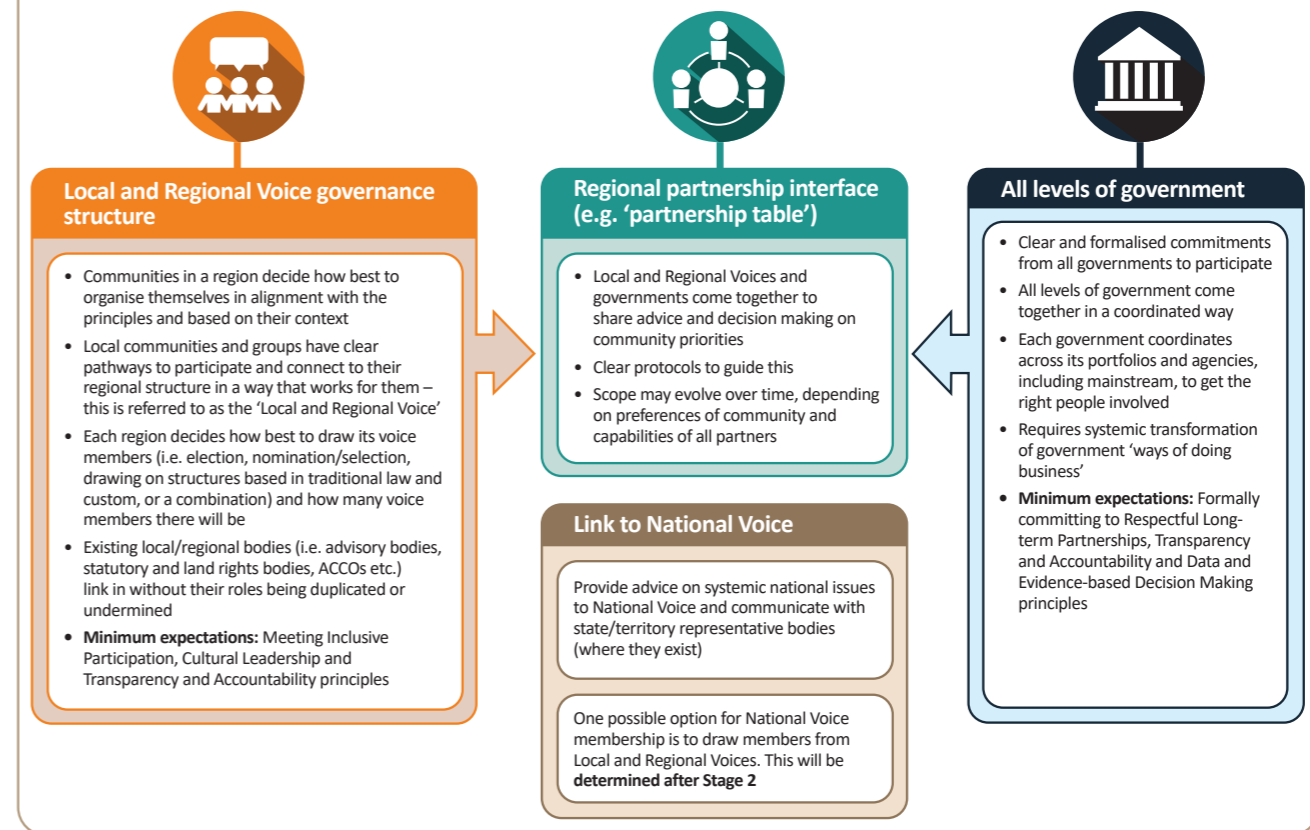
### Principles

These guide Local and Regional Voices, government arrangements, and the partnership interface arrangements.

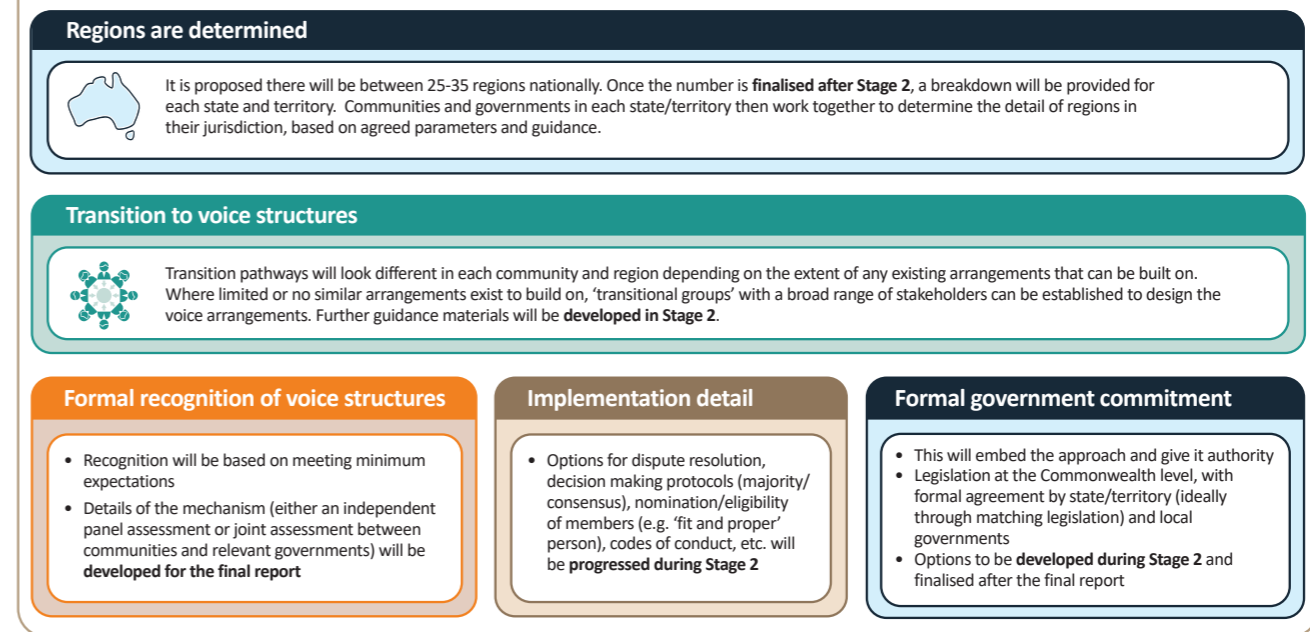
- ★ **Empowerment**
  - Aboriginal and Torres Strait Islander Australians have greater control and voice in their own affairs – a self-determination approach. Governments shift to an enabling role. Arrangements are culturally safe.
- ★ **Inclusive Participation**
  - All have the opportunity to have a say, including traditional owners and historical residents<sup>1</sup>. Arrangements are broad-based and support respectful engagement across a diversity of voices – individuals, communities and organisations.
- ★ **Cultural Leadership**
  - Voice arrangements strongly connect to cultural leaders in a way that is appropriate for each community and region. Communities determine how this principle interacts with the Inclusive Participation principle in their context.
- ★ **Community-led Design**
  - Voice arrangements are determined by communities according to local context, history and culture. Community ownership gives authorisation and mandate to voice structures. Communities determine implementation pace; governments support and enable this.
- ★ **Non-duplication and Links with Existing Bodies**
  - Voice structures build on and leverage existing approaches wherever possible, with some adaptation and evolution as needed to improve the arrangements. Voices will link to other existing bodies, not duplicate or undermine their roles.
- ★ **Respectful Long-term Partnerships**
  - Governments and voices commit to mutually respectful and enduring partnership, supported by structured interface. Governments are responsive and proactive. Governments support building capacity and expertise of voice structures and implement system changes.
- ★ **Transparency and Accountability**
  - Governments and voice structures adhere to clear protocols and share responsibility and accountability, including downward to communities.
- ★ **Capability Driven**
  - Voice arrangements match the unique capabilities and strengths of each community and region. Governments and communities both build their capability to work in partnership and support local leadership development.
- ★ **Data and Evidence-based Decision Making**
  - Data is shared between governments and communities to enable evidence based advice and shared decision making. Communities are supported to collect and manage their own data.

<sup>1</sup> 'Historical residents' commonly refers to all residents who are not traditional owners of the given area, irrespective of when they moved to that community.

## How does this work in practice?



## What are the steps to get there?





# National Voice Proposal

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The proposed National Voice would be an advisory body made up of Aboriginal and Torres Strait Islander people to provide advice to the Australian Parliament and Government on proposed laws, policies and programs impacting Aboriginal and Torres Strait Islander peoples.

## Membership and structure

Membership for the National Voice could be drawn in two different ways to represent each state, territory and the Torres Strait Islands:

1. The first option draws members directly from Local and Regional Voices.
2. The second option directly elects members to the National level.

Either membership option would have a two-way advice link to Local and Regional Voices.

The first model – drawing from Local and Regional Voices to represent each state, territory and the Torres Strait Islands – was preferred during the co-design process. This model would embed community voices in the membership of the National Voice. Under the principles-based framework for Local and Regional Voices, members could be selected in different ways in different regions, responding to the diversity across the country.

This could include:

- communities electing, nominating or selecting members
- drawing on or incorporating cultural leadership involved in traditional decision making and governance structures or
- a combination of these methods.

There would be no single method required across all regions, as each would determine their preferred method of choice.

The second model – with a direct election held in each state and territory, and the Torres Strait Islands – is an easy model for people to understand and would give a clear source of authority for National Voice members.

However, there would be no flexibility in this model to accommodate the vast diversity of cultures and ways in which cultural authority works in Aboriginal and Torres Strait Islander communities. A number of challenges would exist if there was a need to confirm Indigeneity of voters as part of a national election process. Other potential challenges include the possibility of low voter turnout which could also have a negative impact on the perception of the National Voice's authority. Additionally, elections could be expensive and might not always reflect the diversity of Aboriginal and Torres Strait Islander leadership, including in remote regions and cultural leadership.

The two membership models for the National Voice are underpinned by features proposed to be common, such as its role and scope and having an advice link to and from Local and Regional Voices.

Equally, the number of members on the National Voice is an important consideration. To ensure the National Voice is effective and efficient, it is proposed that membership consists of no more than 20 members, with guaranteed gender balance of members.

Young people and people with a disability are significant Aboriginal and Torres Strait Islander groups. To ensure their voices are appropriately heard, it is proposed that the National Voice includes permanent youth and disability advisory groups. The design of these advisory groups, including selection of members, will be developed throughout the consultation period.

The National Voice would also be able to establish other committees as required to bring together the relevant expert individuals and organisations to consider and advise on specific policy matters.

Like any organisation, the National Voice would require mechanisms to ensure strong and good governance. A key part of this is having ways to ensure robust processes for the selection of members by Aboriginal and Torres Strait Islander peoples, together with managing risk and maintaining integrity of the National Voice. There would be minimum eligibility requirements for members, along with proposals for either independent or internal options to consider matters of organisational governance and ethics.

## Working with the Australian Parliament and Government

Both the Australian Parliament and Government have responsibility for making laws and policies. Most laws are developed by the Australian Government before they are sent to the Australian Parliament. Parliament's role is to make laws and review the Government's activities and work. The Australian Government has other different responsibilities including making policies, managing funding and delivering programs and services.

The National Voice could be able to engage early on with the Australian Government in the development of relevant policies and laws. It could provide both formal and informal advice. This would allow for a partnership approach. The National Voice could also be able to engage with the Australian Parliament when it is considering relevant laws and provide formal advice.

### Role and scope

Aboriginal and Torres Strait Islander peoples are impacted by a broad range of laws and policies, both those relating exclusively or specifically, as well as those laws and policies which are designed for all Australians. For this reason the proposed National Voice would have a broad scope to advise on nationally significant matters of critical importance to the social, spiritual and economic wellbeing of Aboriginal and Torres Strait Islander peoples across Australia.

The National Voice could advise on the matters it decides are the most important to Aboriginal and Torres Strait Islander peoples. The National Voice could determine these priorities by consulting with the Local and Regional Voices, as there would be a strong advice link between the two levels. The National Voice could be proactive in providing advice, it would not have to wait for a request or invitation.

Advice from the proposed National Voice would be provided to both the Australian Parliament and Government. This could include, where appropriate, providing advice to Ministers and Australian Government agencies.

The Australian Parliament and Government would be expected to consult the National Voice on proposed laws and policies anticipated to significantly impact on Aboriginal and Torres Strait

Islander people. There would also be a requirement on the Australian Parliament and Government to consult on a much narrower range of matters. This narrower requirement would be on proposed laws exclusively applying to Aboriginal and Torres Strait Islander people, for example laws proposed under section 51(xxvi) of the Constitution (the 'race' power).

The development of policies and laws could be done in partnership with the National Voice to ensure the needs and aspirations of Aboriginal and Torres Strait Islander peoples are reflected in laws and policies that affect them.

The National Voice would not deliver or administer government programs.

Further detail on how the Australian Parliament and Government could consult and work with the proposed National Voice is being developed throughout the consultation period. This will include defining the scope for the narrow requirement to consult and the principles and scope for the broader expectation to consult. It would also include the principles and processes to guide how the Australian Parliament and Government could work in partnership with the National Voice.

The National Voice overview provides further detail of the proposal.

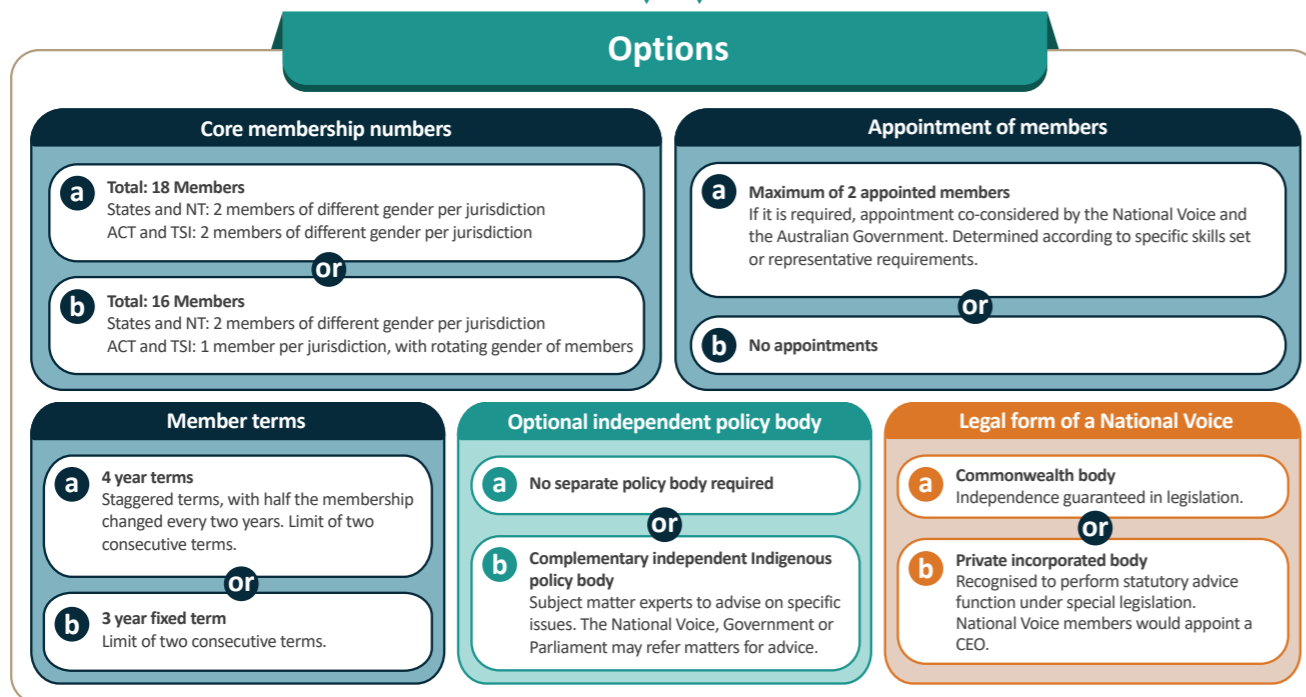
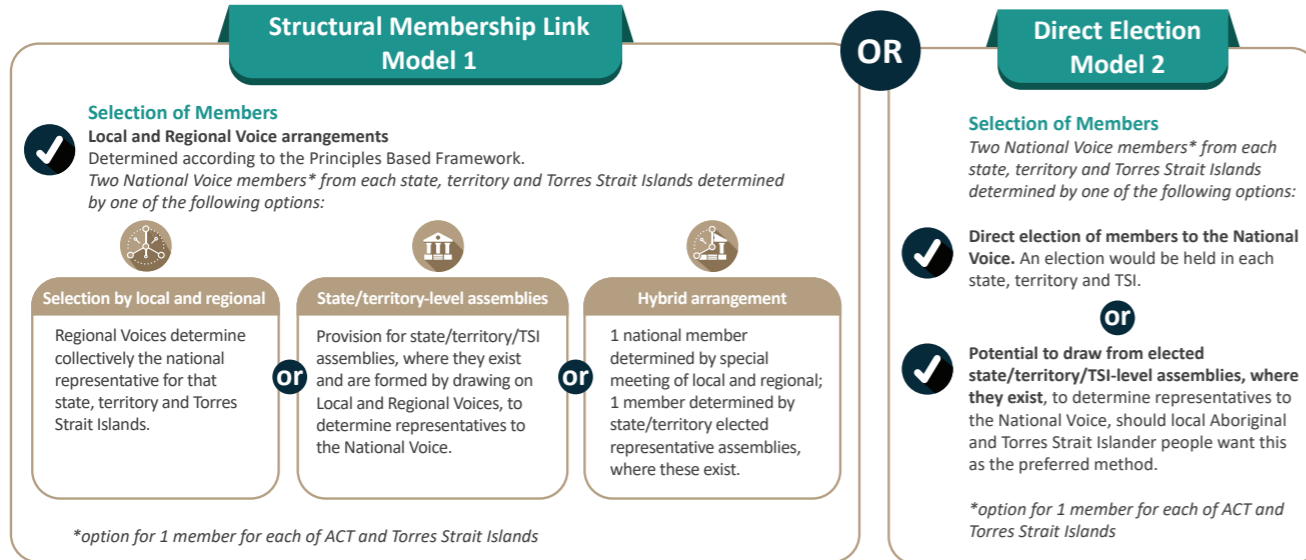


Questions to consider based on the National Voice proposal:

- How do you think the proposed National Voice could support you, your organisation or your community to have your voice heard on issues of national importance?
- Do you think the scope of the proposed National Voice would empower Aboriginal and Torres Strait Islander people at a national level?
- What are the benefits or challenges for drawing National Voice members directly from Local and Regional Voices?
- What are the benefits or challenges for drawing National Voice members through a direct election?

# National Voice Overview

The National Co-design Group developed the below options and features for consideration to build the National Voice.



- The National Voice:**
- Will not deliver Government programs**
  - Will **not** be a clearing house for research
  - Will **not** provide mediation or facilitation between Aboriginal and Torres Strait Islander organisations
  - Will **not** be an escalation point for the local and regional operational issues, nor provide mediation or facilitation between government and Local and Regional Voices on specific issues
  - Will **not** replace existing bodies or structures
  - Will **not** undertake program evaluations, but could identify matters where evaluation may be needed or how evaluations could be more effective



## What's next?



### Have your say!

#### We want your feedback:

- What would be the impact of an Indigenous Voice for you, your community or organisation and Australia more broadly?
- What features of the Local and Regional proposal are most important and why?
- How would the proposed Local and Regional Voice work for you, your community or your organisation?
- What features are most important in the proposal for a National Voice and why?
- How would the proposed National Voice work for you, your community or your organisation?



Visit [voice.niaa.gov.au](https://voice.niaa.gov.au) to:

- complete the **survey**
- provide a **submission**
- find out about **webinars** and upcoming **consultation sessions**
- read the full Interim Report.

You can also join the conversation using **#IndigenousVoice** on social media.

The co-design groups will continue to refine the Indigenous Voice proposals throughout the stage two consultation and engagement around the country. They will use the feedback received from community discussions, submissions and survey responses to guide them.

The co-design groups will also further develop a number of elements of the proposals including:

- The triggers for an obligation for the Australian Government and opportunities for the Australian Parliament to consult the National Voice, and
- How the number of regions for the Local and Regional Voice would be determined.

The details of how Indigenous Voice arrangements at the national and local and regional level could be implemented are also being considered during stage two.

At the conclusion of stage two, the co-design groups will prepare a final report to the Australian Government outlining their final proposals and recommendations for the proposed Local and Regional Voices and a proposed National Voice.



