Australian Government
National Indigenous Australians Agency

Indigenous Voice

INDIGENOUS VOICE CO-DESIGN PROCESS

Interim Report to the Australian Government

OCTOBER 2020

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Introduction

Foreword

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. It is an opportunity that we are taking with both hands.

Aboriginal and Torres Strait Islander peoples have been here for over 65,000 years. Our rich history is the foundation of our nation. Our cultures have helped shape our national identity. Yet in Australia's recent history our voices have been largely absent in the decision making processes that govern our daily lives.

There is enormous diversity across Aboriginal and Torres Strait Islander Australia. Indeed, diversity is one of our great strengths. Almost 800,000 Aboriginal and Torres Strait Islander voices span the country today.

We want a robust system in which Aboriginal and Torres Strait Islander people and our communities are able to work in true partnership with governments, to have our advice heard by the Parliament and Australian Government and to be part of shared decision making with governments at the local and regional level.

An Indigenous Voice provides an appropriate mechanism for the voices of Aboriginal and Torres Strait Islander peoples to be heard on issues that affect us. The consideration of our vast and diverse experiences through an Indigenous Voice will provide for better policy outcomes, strengthen legislation and programs and, importantly, achieve greater and more sustainable outcomes for our people across a wide range of areas.

There have been many calls for Aboriginal and Torres Strait Islander peoples to have a voice. This process has drawn on those historical calls for inspiration. Most recently, from the 2018 Joint Select Committee on Constitutional Recognition relating to Aboriginal and Torres Strait Islander Peoples. The committee recommended the Australian Government initiate a process of co-design to develop proposals for an Indigenous Voice. The Australian Government accepted this, demonstrating a strong commitment to the process to co-design an Indigenous Voice.

We have set about this task through a process of genuine co-design. We have done this with Aboriginal and Torres Strait Islander people from around the country, and other Australians, at the table with the Australian Government. To achieve this, a Senior Advisory Group has worked alongside the National and Local & Regional Co-design Groups in developing proposals for an Indigenous Voice across over 70 meetings, which included formal meetings, working group meetings, member briefings and design discussions. We have designed the proposals for the Indigenous Voice.

We now present these proposals for an Indigenous Voice, comprised of a National Voice, and Local and Regional Voices that provide avenues to enhance local and regional decision making and regional governance through a principles-based framework.

The co-design groups have worked in an iterative process, working to shape robust proposals that meet the needs of our diverse communities across the country. We have undertaken this work at the height of the COVID-19 pandemic. The way governments and Aboriginal and Torres Strait Islander communities have worked together during the pandemic has been a testament to the benefits of working in partnership, hearing each other's voices and working together to make decisions.

In July, in the midst of our deliberations, the new National Agreement on Closing the Gap gave us an example of genuine partnership between Australian governments and Aboriginal and Torres Strait Islander peak organisations. In developing an Indigenous Voice we have been acutely aware of existing organisations and bodies, and their varied roles.

Many members of our co-design groups are leaders from those entities and we hold a deep appreciation for the wide variety of existing arrangements and their strengths. Informed by this perspective, the clear intent in the proposals that have been developed is that they will complement and enhance the raft of existing arrangements.

What is clear is that the institutional landscape we are working within is diverse and complex. It is a mix of customary, traditional and contemporary, the remote and the urban – there is no one-size-fits-all answer. Our proposals are presented as a majority view and will provide a framework to support what is already happening in many areas around the country, although at times disjointed and lacking a national body.

An Indigenous Voice will enhance shared decision making at the local and regional level. It will ensure we as a people are heard at all levels, because no one level of government has sole responsibility for delivery of the programs, tools or funding that are needed to improve the lives of Aboriginal and Torres Strait Islander peoples. Our proposals will also provide a mechanism for the Australian Government to request policy and program advice from our representatives.

Each co-design member in this process has brought their own varied expertise, advice and experiences to the table. Together, we have contested ideas and challenged ourselves to consider what might work best. The results of this rigorous process represent either a unanimous or clear majority view of the co-design groups and are now presented in this interim report for the Australian Government's consideration.

The co-design process is not complete, indeed, the most important work is ahead of us. In the next stage of the co-design process all Australians will be invited to provide feedback on the Indigenous Voice proposals. This is a crucial part of continuing co-design, with communities and the broader public putting their views forward on the proposals. This feedback will help our co-design groups refine the final Indigenous Voice proposals to the Australian Government to ensure we have the best possible solutions.

The Senior Advisory Group and co-design groups continue to look forward to the next stage, and will ensure that we provide advice beyond the consultation and engagement stage, through to implementation. We are considering the key requirements, opportunities and challenges as we do this. The co-design groups will continue to focus on this important work to inform the final report and support the Australian Government to establish an Indigenous Voice.

We are thankful for the expertise, advice and experiences shared by all co-design group members so far. It is a testament to their dedication to this co-design process. Their continued support will be vital as the views of the community are sought through public consultation and engagement.

An Indigenous Voice is a pragmatic, natural step for our country, as we work towards creating a better shared future for all Australians.

We commend this report to the Australian Government and look forward to your continued support to progress consultation with the Australian people on the features of an Indigenous Voice.

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

Professor Tom Calma AO
Co-Chair, Senior Advisory Group

Executive summary

The Indigenous Voice co-design interim report (the interim report) to the Australian Government is a significant milestone in the Australian Government's commitment to the co-design of an Indigenous Voice and working in partnership with Aboriginal and Torres Strait Islander peoples.

The co-design task follows the recommendation of the 2018 Joint Select Committee on Constitutional Recognition relating to Aboriginal and Torres Strait Islander Peoples to achieve a design for the Indigenous Voice, considering local, regional and national elements and how they interconnect.

2018 Joint Select Committee on Constitutional Recognition relating to Aboriginal and Torres Strait Islander Peoples: Final Report Recommendation 1

In order to achieve a design for The Voice that best suits the needs and aspirations of Aboriginal and Torres Strait Islander peoples, the Committee recommends that the Australian Government initiate a process of co-design with Aboriginal and Torres Strait Islander peoples.

The co-design process should:

- consider national, regional and local elements of The Voice and how they interconnect;
- be conducted by a group comprising a majority of Aboriginal and Torres Strait Islander peoples, and officials or appointees of the Australian Government;
- be conducted on a full-time basis and engage with Aboriginal and Torres Strait Islander communities and organisations across Australia, including remote, regional, and urban communities;
- outline and discuss possible options for the local, regional, and national elements of The Voice, including the structure, membership, functions, and operation of The Voice, but with a principal focus on the local bodies and regional bodies and their design and implementation;
- consider the principles, models, and design questions identified by this Committee as a starting point for consultation documents; and
- report to the Government within the term of the 46th Parliament with sufficient time to give The Voice legal form.

The interim report draws together the work of the Senior Advisory Group, the National Co-design Group and the Local & Regional Co-design Group. The three groups have provided the Australian Government with proposed models for a National Voice, and a proposed framework to enhance local and regional decision making and regional governance for Aboriginal and Torres Strait Islander peoples and communities.

The interim report:

- sets out the co-design process to date
- provides detailed descriptions of the Indigenous Voice: the National Voice and the Local and Regional Voice
- outlines how the two levels would interact and connect
- summarises the discussion and deliberation within and across the co-design groups that led to the proposals.

The interim report also outlines the recommended consultation and engagement approach to seek feedback from all Australians across the country. There are currently 52 co-design group members with a range of experience and expertise, most of whom are Aboriginal and Torres Strait Islander people. These members have worked within three groups:

- The Senior Advisory Group, whose role is to guide the process and ensure the co-design process is representative of the best interests of Aboriginal and Torres Strait Islander people.
- The National Co-design Group, whose role is to develop models for a National Voice, including how it would link to Local and Regional Voices.
- The Local & Regional Co-design Group whose role is to articulate effective regional mechanisms for improved local and regional decision making by Aboriginal and Torres Strait Islander peoples in partnership with governments, including building on what is already working well in regions across Australia.

The co-design groups have developed the proposals for a National Voice and a Local and Regional Voice through careful deliberation. This allowed for the views of all members to be considered, discussed and debated in regular meetings. These proposals represent either the unanimous or clear majority view of the co-design groups.

A Senior Officials Group was also established comprising representatives from each state and territory government, the Australian Local Government Association, and the Australian Government (represented by National Indigenous Australians Agency). The Senior Officials Group is a forum for governments to contribute input and advice to inform the co-design process.

National Voice

The National Co-design Group developed detailed proposals for a National Voice to provide advice to the Parliament on national issues impacting Aboriginal and Torres Strait Islander peoples. The National Voice would also be able to provide advice to the Australian Government, ideally in the earlier stages of policy design. This advice would be both proactive and responsive. These proposals include the key design principles that members of the National Voice be chosen by Aboriginal and Torres Strait Islander peoples, rather than being solely appointed by the Australian Government, and that the National Voice be linked with Local and Regional Voices.

The proposals for the National Voice, detailed in this report, would advise on nationally significant matters of critical importance to the social, spiritual[1] and economic wellbeing of, or matters which have a significant or particular impact on Aboriginal and Torres Strait Islander peoples. There would be two-way interactions between the National Voice and the Parliament, and between the National Voice and the Australian Government. The National Voice would not administer programs and would not be able to veto laws made by the Parliament or overturn Australian Government decisions.

> *'provide a forum for people to bring ideas or problems to government and the government should be able to use the voices to road test and evaluate policy. This process should work as a dialogue where the appropriateness of policy and its possible need for change should be negotiable.'*[2]

There are different styles and approaches that will ensure legitimacy of Aboriginal and Torres Strait Islander peoples' representation, reflecting the diversity of situations that exist across the country. This legitimacy can be achieved through different mechanisms or a combination of mechanisms. These mechanisms include elections, communities nominating or selecting members, or drawing on or incorporating cultural leadership involved in traditional decision making and governance structures. The right option will be determined by Aboriginal and Torres Strait Islander peoples in each region or local community.

In reflecting this, two alternative core models are put forward for the membership of the National Voice:

1. A structural membership link established with Local and Regional Voices where members are selected by:
   a. Local and Regional Voices at the state or territory level, or
   b. state, territory or Torres Strait Islander level assemblies where they exist and are formed by drawing on Local and Regional Voices, or
   c. a hybrid of the above with representation drawn from both Local and Regional Voices as well as from separate state or territory representative bodies where they exist.
2. Direct election to the National Voice in each state, territory and the Torres Strait Islands. There is also an option for National Voice members to be drawn from state or territory assemblies where they exist, to avoid the duplication of elections across levels of government.

These proposed models have the option for 16 or 18 members, with both models having structurally guaranteed balanced gender representation being made up of only Aboriginal and Torres Strait Islander people. The proposals are further detailed in Chapter 2 of this report.

[1] Spiritual – The connection Aboriginal and Torres Strait Islander people have with their traditional lands and waters.
[2] Box 2.1 Principles for the design of The Voice in the 2018 Joint Select Committee on Constitutional Recognition relating to Aboriginal and Torres Strait Islander peoples

It is critical the National Voice and Local and Regional Voices are linked. A two-way formal advice link is proposed as a way to achieve this. Each Local and Regional Voice would provide advice to the National Voice on systemic issues related to national policies and programs and community input on matters of national importance. The National Voice could seek perspectives from each Local and Regional Voice, and engage with Local and Regional Voices. This would provide a credible link between communities and the advice given by a National Voice. This would also connect local knowledge to help improve national policy design and proposed laws. This formal advice link is further detailed in both Chapters 2 and 3 of this report.

Throughout the co-design process, the co-design groups were conscious of the need to build on the work and learnings from previous key arrangements. This included learnings from Aboriginal and Torres Strait Islander bodies that had advisory, advocacy and service delivery functions. Consideration of these historical bodies, such as the Aboriginal and Torres Strait Islander Commission and the National Congress of Australia's First People, provided significant policy insights when developing the proposals for the National Voice and Local and Regional Voices. The co-design groups carefully considered the strengths and weaknesses of these previous arrangements and brought this into the design of the proposals. These previous arrangements are further detailed in Chapter 4 of this report.

The co-design groups also considered lessons learned from a range of existing arrangements at the national, local and regional and international level. This included consistency with the Priority Reforms in the recently concluded National Agreement on Closing the Gap. These considerations are outlined throughout Chapters, 2, 3 and 4 of this report.

The ability for the National Voice to engage and intersect with existing bodies and organisations when developing advice to the Parliament and Australian Government is considered crucial. The existing relationships of peak bodies and organisations with the Australian Government was acknowledged, including with the Coalition of Peaks through the Partnership Agreement on Closing the Gap. There has been some concern expressed that a National Voice could lead to different views on matters being presented to the Australian Government on a topic. The consistent view of the co-design groups has been that the National Voice would engage with existing bodies, structures or mechanisms to work in partnership and would not replace or undermine them.

Similarly, Local and Regional Voices would bring together views from a broad range of stakeholders, including existing bodies, organisations and individuals within their regions. The participation of state, territory and local governments in Local and Regional Voices is also considered crucial, as is building on existing arrangements for shared and local decision making supported by various levels of government. These intersections are further detailed in Chapter 3 and 5 of this report.

The report highlights the importance of Indigenous Voice relationships and how existing structures including community-controlled organisations, peak bodies and statutory bodies would work together with an Indigenous Voice. It was acknowledged that as Indigenous Voice arrangements mature, their alignment with existing arrangements will also evolve.

Co-design stage two

As stage one of the co-design process has resulted in the proposals being developed, stage two is a very important opportunity for the Australian public to be part of co-designing the Indigenous Voice. Views and feedback on the proposals will be sought through consultation and engagement with all Australians, in particular Aboriginal and Torres Strait Islander peoples, elders, communities and organisations. This will genuinely inform how the proposals are refined by the co-design groups, and importantly, influence the final recommendations for consideration by the Australian Government.

Stage two consultation and engagement proposes to build understanding of the co-design process and seek feedback on how the proposals for both the National Voice and Local and Regional Voices could work in practice, including how non-Indigenous Australians see themselves interacting with the proposals. The consultation and engagement process is proposed to commence in December 2020 and finish in March 2021.

Public consultation and engagement is proposed to be delivered through a range of modes including:

- Submissions
- A survey
- Webinars
- Facilitated discussions
- Stakeholder meetings
- Freestyle submissions focussing on storytelling and creative input.

Consultation and engagement will be supported by communications activities reinforcing the co-design process and the intent of an Indigenous Voice. The consultation and engagement process will outline the proposed benefits for amplifying Aboriginal and Torres Strait Islander voices and how the Indigenous Voice works towards reconciliation. The process will influence the final design of proposals to the Australian Government, incorporating feedback from Australians during consultation. Stage two consultation and engagement is further detailed in Chapter 6 of this report.

The Senior Advisory Group acted as a peer review group for each of the co-design groups throughout the process. The co-design groups were not subordinate to it but worked iteratively presenting emerging proposals to the Senior Advisory Group for testing and feedback; this process worked well and allowed for ideas and proposals to be further contested. Throughout the process the Senior Advisory Group had key observations drawing on previous experiences, and on considering how to build momentum and take proposals forward for the consideration of all Australians.

The Senior Advisory Group have also made the following recommendations to the Australian Government:

- Consider the proposals outlined in this report.
- Release the interim report to the public.
- Implement stage two consultation and engagement.
- Confirm the Australian Government's commitment to implementing the Indigenous Voice after consultation.

Details of these recommendations and further reflections from the Senior Advisory Group are outlined in Chapter 7 of this report.

The report sets out proposals for a National Voice together with Local and Regional Voices. It also sets out how these would relate to each other, to existing community-controlled organisations, peak bodies, statutory bodies (such as land councils and the Coalition of Peaks) and to all governments and parliaments in Australia.

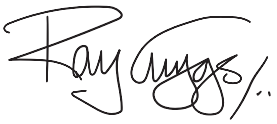
The proposals for an Indigenous Voice have brought together a variety of views and perspectives through a robust and rigorous co-design process. The proposals outlined in this report are practical and lay the foundation for all Aboriginal and Torres Strait Islander people to work in partnership with all levels of government to have a greater say in the legislation, policies, programs and service delivery that affect them.

There has been a deliberate position taken to not be overly prescriptive in developing fully operational detail of the Indigenous Voice as it was acknowledged that it would continue to evolve over time, as both national and local and regional arrangements take shape and mature. Seeking the views of all Australians is the next step in this journey to establish effective mechanisms for Aboriginal and Torres Strait Islander peoples to have their voices heard.

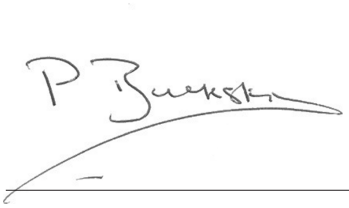
Professor Dr Marcia Langton AO
Co-Chair, Senior Advisory Group

Professor Tom Calma AO
Co-Chair, Senior Advisory Group

Dr Donna Odegaard AM
Co-Chair, National Co-design Group



Mr Ray Griggs AO CSC
Co-Chair, National Co-design Group



Professor Peter Buckskin PSM FACE
Co-Chair, Local and Regional Co-design Group

Ms Letitia Hope
Co-Chair, Local and Regional Co-design Group

Report Summary

Chapter 1 is an introduction to this interim report, including the Foreword, Executive Summary, the Rationale for the proposed Indigenous Voice and an overview of stage one of the co-design process.

Chapters 2 and 3 detail the proposals for a National Voice and a principles based framework for Local and Regional Voices respectively.

Chapter 4 details previous arrangements and Chapter 5 explores the intersections that the National Voice and Local and Regional Voices will have with a range of existing stakeholders and initiatives, as well as state and territory government arrangements.

Chapter 6 outlines what stage two consultation and engagement of the co-design process will look like.

Chapter 7 details the Senior Advisory Group's reflections on the process and the deliberations that have informed the proposals being put forward.

Rationale for the proposed Indigenous Voice

There have been numerous and longstanding calls for an Indigenous Voice, going back to the 1800s letters from Flinders Island. More recently the Uluru Statement from the Heart called for an Indigenous Voice which led to the 2018 Joint Select Committee on Constitutional Recognition relating to Aboriginal and Torres Strait Islander People (Joint Select Committee). Following this, the Australian Government committed to this co-design process to develop proposals to give Aboriginal and Torres Strait Islander peoples a say in the laws, policies and programs that affect them.

This report includes proposals for an Indigenous Voice, both at a national level and through enhanced local and regional decision making. It deliberately does not revisit the policy rationale for an Indigenous Voice as this has been extensively covered elsewhere and the task given to this process was to co-design different proposals for the Australian Government to consider. These proposals are flexible. They allow for the National Voice to be called upon to provide advice to the Parliament and Australian Government. This includes at the initial and various stages of the design of policies, laws and programs that affect Aboriginal and Torres Strait Islander peoples. This is designed with the aim of making these laws, policies and programs achieve greater outcomes through the influence of Aboriginal and/or Torres Strait Islander voices.

The proposals in this report outline how the National Voice will be able to provide advice to both the Parliament and Australian Government. This includes being informed by perspectives of Local and Regional Voices on systemic national issues. In line with the principles for the design of the Indigenous Voice in the final report of the Joint Select Committee, the proposals considered how advice could be sought at the *earliest* available opportunities and how they could be used at all levels of government.

The proposals also outline what the National Voice and Local and Regional Voices are not. They will not deliver programs or manage funding, nor make parliamentary decisions.

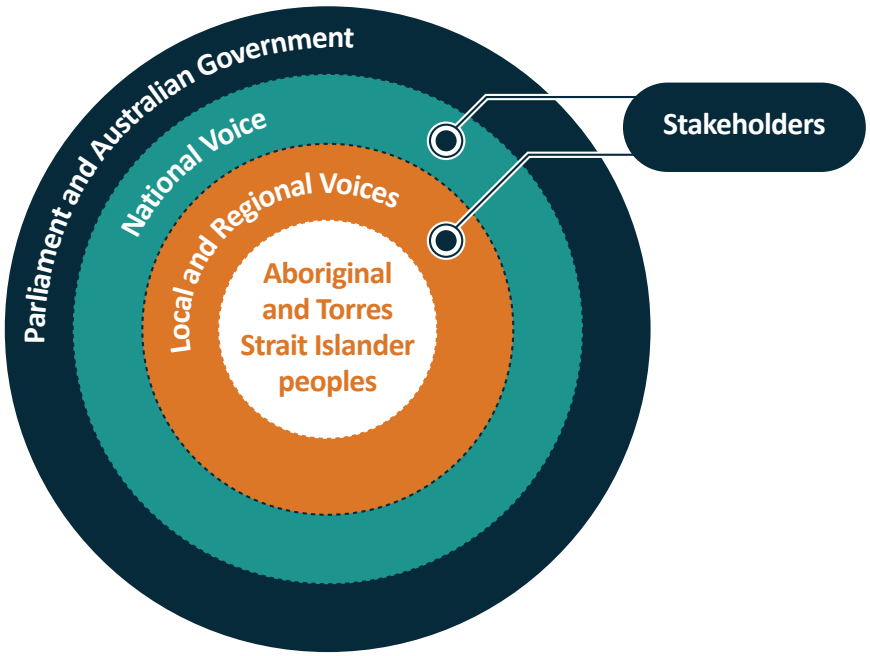
The proposals also indicate the National Voice and Local and Regional Voices do not replace the current mechanisms or avenues for Aboriginal and Torres Strait Islander peoples to have their voices heard by the Australian Government, including the new National Partnership on Closing the Gap. The proposals in this report work to complement and build on these existing structures (further outlined in Chapter 5), including at the state and territory level. This will allow further avenues for Aboriginal and Torres Strait Islander peoples to have their voices heard. The National Voice proposed in this report aims to fill the gap as there is no existing national broad-based Aboriginal and Torres Strait Islander body.

Hearing the advice and perspectives of Aboriginal and Torres Strait Islander peoples and listening to their views through the National Voice and Local and Regional Voices will see more effective, productive and fair laws, policies and programs. These proposals provide formal structures to engage with Aboriginal and Torres Strait Islander peoples that do not currently exist in this form so they can advise on matters that have critical importance to them both nationally and at the local level.

The proposals in this report aim to provide robust mechanisms enabling Aboriginal and Torres Strait Islander peoples to work in partnership with the Parliament and Australian Government to influence policy and be part of shared decision making at the local and regional level. The proposals allow for the lived experiences of Aboriginal and Torres Strait Islander peoples to be heard. They establish arrangements with the authority and responsibility to inclusively represent Aboriginal and Torres Strait Islander voices.

Figure 1 below outlines the high level connections between Aboriginal and Torres Strait Islander peoples and the Indigenous Voice, through to the Parliament and Australian Government. Further detail on how these proposals work in practice is detailed in Chapter 2 for the National Voice and Chapter 3 for Local and Regional Voices.

Figure 1: High level overview of connections between Aboriginal and Torres Strait Islander peoples and the Indigenous Voice, through to the Parliament and Australian Government, further outlined in Chapter 5.



Aboriginal and Torres Strait Islander National Voice

National Co-design Group

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

Structural Membership Link Model 1

Selection of Members

Local and Regional Voice arrangements
Determined according to the Principles Based Framework.
Two National Voice members from each state, territory and Torres Strait Islands determined by one of the following options:*

Selection by local and regional
Regional Voices determine collectively the national representative for that state, territory and Torres Strait Islands.

or

State/territory-level assemblies
Provision for state/territory/TSI assemblies, where they exist and are formed by drawing on Local and Regional Voices, to determine representatives to the National Voice.

or

Hybrid arrangement
1 national member determined by special meeting of local and regional; 1 member determined by state/territory elected representative assemblies, where these exist.

**option for 1 member for each of ACT and Torres Strait Islands*

OR

Direct Election Model 2

Selection of Members

Two National Voice members from each state, territory and Torres Strait Islands determined by one of the following options:*

Direct election of members to the National Voice. An election would be held in each state, territory and TSI.

or

Potential to draw from elected state/territory/TSI-level assemblies, where they exist, to determine representatives to the National Voice, should local Aboriginal and Torres Strait Islander people want this as the preferred method.

**option for 1 member for each of ACT and Torres Strait Islands*

Options

Core membership numbers

a **Total: 18 Members**
States and NT: 2 members of different gender per jurisdiction
ACT and TSI: 2 members of different gender per jurisdiction

or

b **Total: 16 Members**
States and NT: 2 members of different gender per jurisdiction
ACT and TSI: 1 member per jurisdiction, with rotating gender of members

Appointment of members

a **Maximum of 2 appointed members**
If it is required, appointment co-considered by the National Voice and the Australian Government. Determined according to specific skills set or representative requirements.

or

b **No appointments**

Member terms

a **4 year terms**
Staggered terms, with half the membership changed every two years. Limit of two consecutive terms.

or

b **3 year fixed term**
Limit of two consecutive terms.

Optional independent policy body

a **No separate policy body required**

or

b **Complementary independent Indigenous policy body**
Subject matter experts to advise on specific issues. The National Voice, Government or Parliament may refer matters for advice.

Legal form of a National Voice

a **Commonwealth body**
Independence guaranteed in legislation.

or

b **Private incorporated body**
Recognised to perform statutory advice function under special legislation. National Voice members would appoint a CEO.

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

Common across Models 1 & 2

All elements are agreed by the National Co-design Group

Membership

Membership boundaries
State/Territory boundaries and Torres Strait Islands

Role
Full time co-chairs of different genders are elected by National Voice members. Part time general members.

Eligibility
Minimum eligibility requirements set for National Voice members with **Ethics Council** option.

Member support
Induction training and ongoing professional development to be offered.

Functions

Role
The National Voice will have a right and responsibility on behalf of Aboriginal and Torres Strait Islander Australians to advise Parliament and the Government with regard to any matters of national significance to Aboriginal and Torres Strait Islander Australians.

Core function and scope
National Voice to Commonwealth Parliament and Government on matters of critical importance to the social, spiritual and economic wellbeing, or which has a significant or particular impact on Aboriginal and Torres Strait Islander Australians of national significance.

A National Voice would have a proactive, unencumbered scope to advise on priorities and issues as determined by the National Voice.

Principles of advice
- Cannot be required by Parliament or Government to provide advice – can be requested to advise.
- National Voice will generally issue public advice, with discretion for informal discussion where appropriate.
- Issue advice with a clear position, with flexibility to reflect diversity of Aboriginal and Torres Strait Islander views or dissenting views.
- Issue periodic statements on the work of the National Voice.
- Two-way interaction between the National Voice and the Parliament and Government. The National Voice may ask for advice and information.

Local and Regional Voice advice linkage mechanism
Advice link between the levels of an Indigenous Voice.

National will:
- Engage with Local and Regional Voices, and state assemblies where they exist, for community input into policy development.
- Provide feedback to local and regional on how advice has been used.

Local and Regional will advise on:
- Systemic issues associated with national policies and programs
- Local and regional input and advice on national policies and programs.
- Matters of national importance.

Parliament and the Australian Government

Parliament and the Australian Government obliged to consult the National Voice on a narrow range of proposed laws which are exclusive to Aboriginal and Torres Strait Islander people and would be expected to consult on a broader component.
Parliament and the Australian Government to engage as early as possible in development of policy and laws.
The obligation would be non-justiciable, nor affect the validity of any laws.

Tabling
Advice must be tabled on issues that have been referred to the National Voice. Informal advice is not tabled.

Parliamentary committee
Establish a new parliamentary committee to examine engagement and consideration of advice.

Statement on Bills
Statement of consultation provided with Bills, addressing engagement with a National Voice.

Policy and expert input

Panel of experts
A panel of qualified people and experts for the National Voice to draw upon as required and constitute to undertake a specific inquiry or task.

National Voice committees
The National Voice has the power to establish committees to support the National Voice in considering policy matters or perspectives. Committees provide the opportunity to bring in external views and expertise.

Youth and Disability Advisory Groups
Permanent standing committees specified in establishing legislation comprised of non-National Voice members.

Engagement with stakeholders
Central principle of not replacing or undermining existing bodies and structures. The Parliament and Government is expected to continue engaging with stakeholders, and the National Voice will not be a gatekeeper.

The National Voice would engage with peak bodies and other subject matter expert organisations. This role is intended to both ensure the advice from the National Voice is well informed and developed, and draws on the partnerships with key stakeholders, as well as amplify the advice of key Aboriginal and Torres Strait Islander stakeholders and experts.

Principles-based framework for Local and Regional Voice

Local & Regional Co-design Group

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.

Advice to governments and others

- Provide advice to all levels of government on community aspirations, priorities and challenges to influence policy, program and service responses (including mainstream)
- Draw on knowledge of local Indigenous organisations and sector experts to develop advice and enhance their voice to governments
- Provide advice to non-government sector (e.g. business, corporate)

Shared decision making

- Work with all levels of government to undertake strategic regional planning based on the aspirations, priorities and challenges of communities in the region
- Agree how investment and service delivery (including mainstream) will align to this shared agenda
- Co-design strategies, services, delivery, monitoring and evaluation

National engagement

- Provide advice to the National Voice on systemic issues associated with national policies and programs, and matters of national importance
- Clear, two-way flow of advice and communication between levels of an Indigenous Voice
- Communication with state/territory level representative bodies (where they exist)

Out of scope

- Administration of programs & funding

Noting shared work with governments on priority setting, influencing funding decisions to better align investment to priorities and procurement planning are in scope

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. 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.

How does this work in practice?

Local and Regional Voice governance structure

- Communities in a region decide how best to organise themselves in alignment with the principles and based on their context
- Local communities and groups have clear pathways to participate and connect to their regional structure in a way that works for them – this is referred to as the 'Local and Regional Voice'
- Each region decides how best to draw its voice members (i.e. election, nomination/selection, drawing on structures based in traditional law and custom, or a combination) and how many voice members there will be
- Existing local/regional bodies (i.e. advisory bodies, statutory and land rights bodies, ACCOs etc.) link in without their roles being duplicated or undermined
- **Minimum expectations:** Meeting Inclusive Participation, Cultural Leadership and Transparency and Accountability principles

Regional partnership interface (e.g. 'partnership table')

- Local and Regional Voices and governments come together to share advice and decision making on community priorities
- Clear protocols to guide this
- Scope may evolve over time, depending on preferences of community and capabilities of all partners

Link to National Voice

Provide advice on systemic national issues to National Voice and communicate with state/territory representative bodies (where they exist)

One possible option for National Voice membership is to draw members from Local and Regional Voices. This will be **determined after Stage 2**

All levels of government

- Clear and formalised commitments from all governments to participate
- All levels of government come together in a coordinated way
- Each government coordinates across its portfolios and agencies, including mainstream, to get the right people involved
- Requires systemic transformation of government 'ways of doing business'
- **Minimum expectations:** Formally committing to Respectful Long-term Partnerships, Transparency and Accountability and Data and Evidence-based Decision Making principles

What are the steps to get there?

Regions are determined

It is proposed there will be between 25-35 regions nationally. Once the number is **finalised after Stage 2**, a breakdown will be provided for each state and territory. Communities and governments in each state/territory then work together to determine the detail of regions in their jurisdiction, based on agreed parameters and guidance.

Transition to voice structures

Transition pathways will look different in each community and region depending on the extent of any existing arrangements that can be built on. Where limited or no similar arrangements exist to build on, 'transitional groups' with a broad range of stakeholders can be established to design the voice arrangements. Further guidance materials will be **developed in Stage 2**.

Formal recognition of voice structures

- Recognition will be based on meeting minimum expectations
- Details of the mechanism (either an independent panel assessment or joint assessment between communities and relevant governments) will be **developed for the final report**

Implementation detail

- Options for dispute resolution, decision making protocols (majority/consensus), nomination/eligibility of members (e.g. 'fit and proper' person), codes of conduct, etc. will be **progressed during Stage 2**

Formal government commitment

- This will embed the approach and give it authority
- Legislation at the Commonwealth level, with formal agreement by state/territory (ideally through matching legislation) and local governments
- Options to be **developed during Stage 2** and finalised after the final report

Stage One Co-design Process Overview

This interim report is a milestone in the Australian Government's commitment to co-design an Indigenous Voice in partnership with Aboriginal and Torres Strait Islander peoples. Stage one of the Indigenous Voice co-design process has been undertaken from late 2019 through to this report's completion in October 2020 for presentation to the Australian Government. This included a significant period during the height of the unprecedented COVID-19 pandemic.

Process establishment and governance

On 30 October 2019, the Minister for Indigenous Australians, the Hon Ken Wyatt AM MP (the Minister), announced the Indigenous Voice co-design process. The co-design process was established to develop models to enhance local and regional decision making and provide a voice for Aboriginal and Torres Strait Islander peoples.

In announcing the two stage co-design process, the Minister established the Senior Advisory Group, co-chaired by Professor Dr Marcia Langton AO and Professor Tom Calma AO. Stage one of the co-design process was to develop the proposals for presentation to the Australian Government and stage two to consult on the proposals with all Australians to inform a final proposal to the Australian Government.

The Senior Advisory Group membership was announced by the Minister on 8 November 2019, on advice from co-chairs, Professor Dr Langton AO and Professor Calma AO. Members of the Senior Advisory Group first met on 13 November 2019. Under its Terms of Reference (set out at Appendix B), the Senior Advisory Group's role is to guide the process and ensure the co-design process is representative of the best interests of Aboriginal and Torres Strait Islander people. The Senior Advisory Group is comprised of 18 members from across Australia – a majority of whom are Aboriginal and Torres Strait Islander people – whose expertise and experience range from education and academia, social justice and youth affairs, creative industry, public affairs and policy design and sociology (membership biographies are at Appendix A). Members have extensive experience on boards and advisory committees. One of the Senior Advisory Group's first tasks was to provide advice on the membership of the co-design groups.

The Minister announced the establishment of the National Co-design Group on 15 January 2020, Co-chaired by Dr Donna Odegaard AM and Mr Ray Griggs AO CSC, Chief Executive Officer of the National Indigenous Australians Agency. The National Co-design Group is made up of 16 members – a majority of whom are Aboriginal and Torres Strait Islander people – who bring extensive knowledge and experience from the Australian community. Their experience ranges from advocacy, health services, native title and law, and business to human rights and academia and research (membership biographies are at Appendix A). Under its Terms of Reference (set out in Appendix B), the National Co-design Group's role is to develop models for a National Voice, including how it would link to Local and Regional Voices.

The Minister announced the establishment of the Local & Regional Co-design Group on 4 March 2020, co-chaired by Professor Peter Buckskin PSM and Ms Letitia Hope, Deputy Chief Executive Officer of the National Indigenous Australians Agency. The Local & Regional Co-design Group is made up of 18 members – all of whom are Aboriginal and Torres Strait Islander people – who bring extensive knowledge and experience working at the local and regional levels across Australia, ranging from Mayoral and CEO positions within community organisations to Aboriginal employment, economic and cultural development (membership biographies are at Appendix A). Under its Terms of Reference (set out in Appendix B), the Local & Regional Co-design Group's role is to articulate effective regional mechanisms for improved local and regional decision making by Aboriginal and Torres Strait Islander peoples in partnership with governments, including building on what is already working well in regions across Australia.

The co-design process undertaken by each group was deliberative in nature, allowing for the views of all members to be considered, discussed and debated.

All co-chairs worked together throughout the co-design process. They attended meetings of all three co-design groups and met regularly as a co-chair group to shape the direction of the process.

A Senior Officials Group was also established comprising representatives from each state and territory government, the Australian Local Government Association, and the Australian Government. An initial meeting of the Senior Officials Group took place on 20 February 2020. Under its purpose statement, the Senior Officials Group is a forum for governments to contribute input and advice to inform the co-design process.

Impact of COVID-19

Stage one of the co-design process was undertaken during the height of the COVID-19 pandemic. Because of restrictions to travel, access to communities and physical distancing requirements, meetings of the co-design groups were undertaken virtually. Timing of meetings was revised to accommodate the shift to virtual meetings along with competing priorities arising from the pandemic response.

Following advice from the Senior Advisory Group co-chairs, on 12 June 2020 the Minister announced the completion of stage one of the co-design process to be by November 2020. The Minister also announced stage two consultation and engagement is expected to occur into early 2021.

Co-design process in practice

The co-design process has been undertaken in a methodical way. The background and details of previous processes and arrangements were provided for all co-design members to consider as the process commenced, and as a baseline for discussions of all the co-design groups.

Reference material included the Building a Sustainable National Representative Body report from 2008 and the Our Future in Our Hands report from 2009, by the Aboriginal and Torres Strait Islander Social Justice Commissioner; the 2017 final report of the Referendum Council's regional dialogues with Aboriginal and Torres Strait Islander peoples; and the 2018 interim and final reports of the Joint Select Committee into Constitutional Recognition relating to Aboriginal and Torres Strait Islander Peoples, and key submissions from this process which included proposals for a National Voice.

Each co-design group also considered a number of working papers to inform their discussions, as well as an environmental scan of existing and historical arrangements in Australia and internationally (Appendix D).

Following an initial phase when co-design groups were developing their approach, meetings were sequenced (dates detailed at Appendix C) to provide for two-way information and advice flow between each of the co-design groups and the Senior Advisory Group.

Agenda and meeting papers were provided to co-design members ahead of each meeting. Each formal meeting followed a general pattern, with an introduction or presentation by the co-chairs of each co-design group on the papers, then each member was provided an opportunity to provide their advice, comments and ideas. In addition to individual member contributions, a group discussion provided for dissenting views to be discussed and deliberated. Members were also encouraged to provide feedback in writing following meetings.

Where a co-design member was unable to attend a meeting, best efforts were made to provide opportunity for a separate briefing or discussion.

In between full meetings of each co-design group, several smaller working groups met – with co-design group members invited to self-nominate to participate – to consider particular topics. Working groups explored the function, establishment, structure and membership elements of a National Voice. The local and regional focussed working groups considered elements of a framework including principles, governance structures for Local and Regional Voices and partnership arrangements with governments, as well as impact on existing models and transitional arrangements.

A working group comprising representatives from all three co-design groups also considered linkages between the local and regional and national levels of an Indigenous Voice.

The working groups considered particular features in further detail, and brought recommendations back to the full co-design groups for consideration. The co-design groups also commissioned the National Indigenous Australians Agency to provide papers or background information as required to inform their work.

Through this process, the co-design groups developed the core content for the proposals, followed by drafting of the relevant sections of this report. The Senior Advisory Group considered and provided feedback on the work of the co-design groups, and also developed the consultation and engagement strategy for stage two.

CHAPTER 2

National Voice Design

Introduction

The calls for a national Indigenous Voice reflect the desire by Aboriginal and Torres Strait Islander peoples to have a greater say in the laws of the Parliament, policies and Australian Government decisions which affect Aboriginal and Torres Strait Islander peoples. There is a desire to make sure Aboriginal and Torres Strait Islander peoples' distinct perspectives, aspirations and needs are heard. The National Voice will be a turning point for the relationship between Aboriginal and Torres Strait Islander peoples and the Parliament and Australian Government.

The Australian Government is committed to doing things with, not to, Aboriginal and Torres Strait Islander people. Talking with Aboriginal and Torres Strait Islander peoples, listening to their views, having regard for their expertise, and acting on their advice, are all essential to developing effective, productive and fair laws and policies. A National Voice would provide a formalised way to engage so Aboriginal and Torres Strait Islander peoples can advise on matters of national significance that have critical importance.

The National Voice would have the authority and responsibility to represent Aboriginal and Torres Strait Islander peoples. It would be a unique and empowering National Voice, giving Aboriginal and Torres Strait Islander people a structured way to provide perspectives to help shape relevant policies and legislation.

National Voice co-design task

The National Co-design Group was tasked with developing proposals for a National Voice. In considering this task there has been significant discussion regarding whether the National Voice was a voice to the Parliament, Australian Government or to both. The 2018 Joint Select Committee on Constitutional Recognition relating to Aboriginal and Torres Strait Islander Peoples (Joint Select Committee) was not explicit but there is clear evidence that a voice to both the Parliament and Australian Government were considered. In Chapter 2 of the Joint Select Committee report the intention of the voice is laid out variously as follows:

> *'First, that the intention of The Voice is not to exercise a veto or limit the legislative power of the Parliament; rather it is to provide input where such power is exercised in relation to Aboriginal and Torres Strait Islander peoples.'*[5]

and to

> *'provide a forum for people to bring ideas or problems to government and government should be able to use the voices to road test and evaluate policy. This process should work as a dialogue where the appropriateness of policy and its possible need for change should be negotiable.'*[6]

As such the National Voice co-design has primarily focused on achieving both of these purposes. The majority of the detail in the proposals presented in this chapter go to how a National Voice would interact with the Parliament, given the interaction needs to interface with the Parliament's current processes and procedures. This would be a two-way interaction – the National Voice able to provide advice on matters it believes are relevant and the Parliament and Australian Government able to request advice from the National Voice. The advice role of the National Voice would be both proactive and responsive.

This chapter outlines the proposals and explains each element and its rationale. The National Voice proposals address a range of elements, including what functions, membership and structure it might have and how it could be set up. The proposals ensure a National Voice can be informed by and connect with Local and Regional Voices. The members of the National Co-design Group have taken a pragmatic approach, keeping in mind the Terms of Reference (Appendix B).

A key element of the National Co-design Group's work was to build on previous structures and approaches rather than take a clean slate approach. In addition to their subject matter knowledge, the National Co-Design Group members have drawn on several reports in developing the proposals (see below). In particular, the National Co-design Group adopted the design principles from the final report of the Joint Select Committee[7] (see below). As such, the National Co-design Group did not revisit the policy argument for the National Voice, as this has been extensively covered elsewhere.

[5] Paragraph 2.9, Joint Select Committee into Constitutional Recognition relating to Aboriginal and Torres Strait Islander Peoples, Final Report, 2018.

[6] Box 2.1 Principles for the design of The Voice, Ibid.

[7] Box 2.1 Principles for the design of The Voice, Ibid.

The Australian Government accepted the recommendation of the Joint Select Committee to co-design an Indigenous Voice and implemented this co-design process, which is set out in the National Co-design Group's Terms of Reference (see Appendix B).

The National Co-design Group has agreed on the key elements of a National Voice. This includes some elements with a single position, and others where options are put forward. Options do not represent a point of difference amongst the National Co-Design Group, only different approaches to the same issue. These elements will continue to be co-designed and refined with the National Co-design Group, including using feedback from public consultation and engagement during stage two of the co-design process, to be detailed in the final report.

National Co-design Group

The National Co-design Group is made up of a majority of Aboriginal and Torres Strait Islander people as well as non-Indigenous people, with a non-government Indigenous co-chair and a government co-chair. While many members hold leadership positions on major Aboriginal and Torres Strait Islander organisations, including the community controlled sector, they participated as individuals, bringing significant experience, subject matter expertise and a shared sense of purpose to the role. See Appendix A for biographies of all members.

Designing proposals

In designing the National Voice proposals, the National Co-design Group considered the range of previous and current arrangements, including recent consultation processes, to inform its deliberations.

State and territory representative bodies

While there is currently no body able to provide national, citizen-based representation for all Aboriginal and Torres Strait Islander people, some states and territories have established Aboriginal and Torres Strait Islander representative bodies. The Australian Capital Territory Government established the Aboriginal and Torres Strait Islander Elected Body (ATSIEB) in 2008, and the First Peoples' Assembly of Victoria was formed in 2019 by the Victorian Government. Both of these structures were examined by the National Co-design Group.

Previous national bodies

Several national bodies have previously been established for representing Aboriginal and Torres Strait Islander peoples at the national level, including those listed below:

- The Aboriginal Development Commission existed from 1980-1990 and managed a limited number of programs. It was run by an Australian Government-appointed board rather than selected by Aboriginal and Torres Strait Islander peoples.
- The Aboriginal and Torres Strait Islander Commission (ATSIC) was established in 1989, combining both representative and service delivery roles. ATSIC ceased following legislative changes in 2005.
- The National Congress of Australia's First Peoples (Congress) was established in 2010 and had advocacy and advisory roles. Congress had no legislative basis and the relationship with the Australian Government diminished over time. There was a view Congress was only representative of its members, and not broader Aboriginal and Torres Strait Islander communities. Congress was wound up in 2019.

A brief history of these previous bodies is contained in Chapter 4.

Current partnerships with governments

There are many Aboriginal and Torres Strait Islander organisations in existence and working in partnership with governments today. Two partnerships of particular significance are outlined below:

- The Coalition of Peaks is comprised of around 50 Aboriginal and Torres Strait Islander community controlled peak organisations. In July 2020, the Coalition of Peaks signed the significant National Agreement on Closing the Gap with the Australian Government, all state and territory governments and the Australian Local Government Association. The agreement sets out priority reforms, targets and a commitment to develop implementation plans in partnership with Aboriginal and Torres Strait Islander peoples. The agreement is overseen by the Joint Council on Closing the Gap, which includes federal, state, territory and local government and the Coalition of Peaks.
- The Northern Australia Indigenous Reference Group is a group of senior Aboriginal and Torres Strait Islander leaders who advise governments on the implementation of the Northern Australia agenda, including the Northern Australia Indigenous Development Accord. The Accord is an agreement between the Australian, Northern Territory, Queensland and Western Australian Governments to work together and individually to advance Aboriginal and Torres Strait Islander economic development in Northern Australia.

These represent positive examples of genuine partnership between governments and Aboriginal and Torres Strait Islander peoples. Both of these partnerships are with groups of individuals or organisations with relevant subject-matter knowledge. The National Voice builds on this with a broader, citizen-based approach, representing Aboriginal and Torres Strait Islander communities across all legislative and policy issues.

There are also partnerships at the local and regional level including Empowered Communities and New South Wales Local Decision Making initiatives. These are discussed further in Chapter 3.

In designing the National Voice the National Co-design Group members have had regard to existing organisations and partnerships. Many members of the National Co-design Group are leaders from those organisations, and hold a deep appreciation for the wide variety of existing arrangements and their strengths.

The National Voice would have the opportunity to leverage this expertise, knowledge, networks and experience to better inform its advice to the Parliament and Australian Government. The National Voice would have a broader, strategic overview of the matters affecting Aboriginal and Torres Strait Islander peoples of national significance but is intended to be complementary, not to reduce the relationship with the Australian Government that has been developed through these existing arrangements. Chapter 5 provides further detail on how the National Voice will engage with existing organisations and structures.

Previous consultative processes

Successive consultative processes have considered the need for a National Voice and recommended progressing the development of a National Aboriginal and Torres Strait Islander Voice. In 2017, the Final Report of the Referendum Council recommended a representative body to give Aboriginal and Torres Strait Islander peoples a voice, echoing the Uluru Statement from the Heart. In 2018, the Joint Select Committee recommended a co-design process to design an Indigenous Voice.

This recommendation was accepted by the Australian Government and the Indigenous Voice co-design process was established. In stage one of the Indigenous Voice co-design process, Aboriginal and Torres Strait Islander leaders, other eminent Australians and the Australian Government have developed proposals for a National Voice for the Australian Government to consider.

Environmental scan of historical and existing structures

An environmental scan was one of the first pieces of work undertaken at the start of the Indigenous Voice co-design process. The scan encompassed relevant bodies and structures, both existing and historical, including Australian and international examples. Relevant bodies included:

- native title and statutory land rights bodies such as land councils, Native Title Representative Bodies, Prescribed Bodies Corporate and land trusts
- national community-controlled peak bodies
- state and territory coalitions of peak bodies
- regional statutory and non-statutory bodies
- government-appointed and independent advisory bodies.

See Appendix D for the full environmental scan.

All members were provided with this resource and asked to identify any other examples that should be included in the environmental scan. These additions further informed the papers and deliberations of co-design groups to ensure that a broad view of the models and arrangements that were relevant to the work of the co-design groups were captured. As this expanded through its iterative process, it was shared with all of the co-design groups.

The National Co-design Group built on the work of a number of major reports that have considered this matter. These are set out in full in the References section below. However, some inquiry processes and reports that were regarded as having significance to the co-design process were:

- The Building a Sustainable National Representative Body report from 2008 and the Our Future in Our Hands report from 2009, by the Aboriginal and Torres Strait Islander Social Justice Commissioner. These reports set out the findings of research which identified the key considerations to be addressed in establishing a new national Indigenous representative body. The reports comprehensively examine historical bodies and canvass a wide variety of possible functions. They also address a series of issues for consideration in the design process for an Indigenous representative body. These reports were the product of an extensive three-stage consultation process which included focus groups, a national survey, submissions process, consultations, workshops and meetings, and a national workshop with Aboriginal and Torres Strait Islander individuals and communities. The reports led to the establishment of Congress.
- The 2017 final report of the Referendum Council emerged from a process of regional dialogues with 1200 Aboriginal and Torres Strait Islander peoples. This consultation process was significant in its breadth and depth. It was characterised by impartiality; accessibility of relevant information; open and constructive dialogue; and mutually agreed and owned outcomes. The report outlines the broad support at the regional dialogues for an Indigenous Voice, and the reasons driving this.

- The Joint Select Committee was set up, following the call for an Indigenous Voice in the Uluru Statement from the Heart, to respond to the findings of the Referendum Council, including the proposal for an Indigenous Voice. The committee was jointly chaired by members of both major parties. The committee held 24 public hearings across the country and considered 480 submissions from the public. The interim report and final report synthesise this input, considering both the merits of an Indigenous Voice and its possible design. The National Co-design Group considered both reports, as well as key submissions. The National Co-design Group adopted the principles for the design of an Indigenous Voice set out in the report. These are provided in the References section of this report, see below.

The National Co-design Group received these reports, the environmental scan, as well as a broader range of source materials at the beginning of the co-design process. Discussion papers drawing together the common elements and matters to be addressed from the reports and submissions of previous processes informed the possible membership and structure, and functions and operation options of the National Voice considered by the National Co-design Group. Accompanying these discussion papers were background papers on existing models, and on models proposed through the Joint Select Committee submission process. These were provided to show the different ways structure, membership and functions could be approached.

Discussion papers for the National Co-design Group

The key discussion papers drafted by the National Indigenous Australians Agency and considered by the National Co-design Group are listed below with an explanation of their purposes:

- The *Design Task for a National Voice* paper outlined an overarching context and approach to the co-design process for the National Co-design Group to consider.
- The *Purpose of an Indigenous Voice* paper outlined the key reasons for an Indigenous Voice set out in various reports.
- The *Advice Function Elements* paper outlined the possible parts which could form the advice function and discussed key issues on the scope, provision and timing of advice for the National Voice.
- The *Interaction with Parliamentary Processes* paper looked at how the advice function might connect with existing parliamentary processes, drawing on established mechanisms and laws.
- The *Structure and Membership* paper outlined key issues for how members would be selected, including possible linkages to Local and Regional Voices.
- The *Models for a National Voice* paper summarised a range of bodies with similarities to the proposal for a National Voice, including historical and existing bodies, Australian and international, and key proposed models for a National Voice submitted to the Joint Select Committee.
- The *Survey of Legislation* paper analysed the legislation program to illustrate the possible implications for the work of the National Voice.
- The *Functions Models Matrix* paper analysed historical, existing and proposed bodies with respect to their functions to illustrate how different models address key issues in the design of the functions.
- The *Structure and Membership Models Matrix* paper analysed historical, existing and proposed bodies with respect to their structure and membership to illustrate how different models address key issues in the design of the structure and membership of a National Voice.

- The *Membership Options* paper set out a wide range of options for the possible composition of members to adequately ensure representation of gender, youth and people with a disability, and options for how to structure the membership of the National Voice.
- The *Elections, Selections and Appointments* paper outlined possible mechanisms to determine membership and the considerations for each proposal.
- The *Initial Design Slide Deck* pulled together all the design elements, options, and considerations from the working groups for the full National Co-design Group to consider.
- The *Establishment* paper for the first establishment workshop outlined practical issues including role of members, and the legal form of the National Voice body, including the governance, funding mechanism and secretariat support. This paper included an 'establishment framework' for consideration of the National Co-design Group, to guide the development of these proposals.
- The *Establishment* paper for the second establishment workshop provided further detail on practical issues, including members' roles in representing the National Voice and engaging with the Parliament, Australian Government, and Aboriginal and Torres Strait Islander organisations, as well as the leadership structure for the National Voice, the form and structure of secretariat support and the legal form of the National Voice body.
- The *Approach to Linkages* papers explored options for how the national and local and regional levels of an Indigenous Voice should connect and communicate. In particular this considered options for how advice could flow between the levels of an Indigenous Voice, the scope of advice to be shared between the two levels, and the options for structurally linking membership between the two levels of an Indigenous Voice.
- The *Structure and Membership Options* paper outlined the remaining considerations for options on structure and membership issues prior to drafting the interim report.
- The *Functions Options* paper outlined the remaining considerations for options on functions issues prior to drafting the interim report.
- The *Eligibility and Member Support* paper considered four issues relating to eligibility to stand as a candidate and provisions to remove National Voice members, ongoing advice on ethics, probity and governance, and the offer of induction and professional development.

No restrictions were set on any aspect of the design of a National Voice or constraints on the discussions of the National Co-design Group members, except for those specifically outlined in the Terms of Reference. This included the drafting of legislation for a National Voice and making recommendations on matters of constitutional recognition, Makarrata Commission, treaty and truth telling. The final report of the 2018 Joint Select Committee provided principles for the design of a National Voice (Box 2.1). These principles, set out below, were adopted by the National Co-design Group to inform its work.

Joint Select Committee Design Principles

The final report of the Joint Select Committee contains a list of principles for the design of a voice (as specified in Box 2.1 in the Joint Select Committee report). These principles informed the work of the National Co-design Group in designing proposals for a National Voice.

Principles for the design of the voice as stated in the Joint Select Committee report:

- Most significant is the strong support for local and regional structures.
- The members of the voice should be chosen by Aboriginal and Torres Strait Islander peoples, rather than appointed by the Government.
- The design of the local voices should reflect the varying practices of different Aboriginal and Torres Strait Islander communities—a Canberra designed one size fits all model would not be supported.
- There should be equal gender representation.
- The voice at the local, regional, and national level should:
  - be used by state, territory and local governments as well as the federal government
  - provide oversight, advice and plans but not necessarily administer programs or money
  - provide a forum for people to bring ideas or problems to government and government should be able to use the voices to road test and evaluate policy. This process should work as a dialogue where the appropriateness of policy and its possible need for change should be negotiable.
- Consideration must be given to the interplay of any voice body with existing Aboriginal and Torres Strait Islander organisations at both local and national level (in areas such as health, education, and law) and how such organisations might work together.
- Cross-border communities should be treated as being in the same region where appropriate.
- Advice should be sought at the earliest available opportunity.

Adopting these design principles to guide the process, the National Co-design Group discussions were iterative, beginning with a broad range of possibilities and narrowing down their position through consideration and discussion. Each member brought a unique perspective, informed by their experience and expertise. Different views were put forward and robustly contested within the National Co-design Group as they explored what were the best options to provide an effective voice for Aboriginal and Torres Strait Islander peoples. The considerations and rationale for each element of the National Voice design is detailed in this chapter.

Overview of the design considerations

One of the significant considerations was how to fairly determine membership of a National Voice, balancing multiple factors, including appropriate representation of cultural and demographic groups, and geographic representation – with the size of a National Voice. Factors considered included:

- membership drawn directly from smaller geographical regions noting this would create a much larger membership base, particularly if each region had representatives from different genders
- members drawn from groupings of regions
- members from states and territories
- member seats reserved for particular groups, such as gender, youth, people with disability, traditional owners
- members appointed by the Australian Government.

Another important consideration for the National Co-design Group was the functions and scope of advice for the National Voice, and how to best design and structure the advisory and representation role. The National Co-design Group considered options on elements such as:

- The scope of advice: broad, unrestricted scope on legislation and policy and a proactive role in providing advice, compared with a narrow scope restricted to only legislation.
- The requirements on the Parliament and Australian Government for engaging with the National Voice: the scope ranging from an obligation to consult, to only an expectation to consult, or a mixture of both.
- How to harness and access expertise to inform the National Voice's development of formal advice on legislation and policy development.

A broad range of proposals were presented to the Senior Advisory Group for their consideration and feedback. The National Co-design Group then considered this feedback and undertook further refining of the proposals. The National Co-design Group agreed there were some key design elements which should be included in any proposal presented to the Australian Government, and then provided for consultation and engagement with Aboriginal and Torres Strait Islander peoples, as well as the broader Australian community. These key design elements are:

- All proposals for the National Voice must have all members, or a large majority of members chosen by Aboriginal and Torres Strait Islander peoples.
- Membership of the National Voice should be restricted to no more than 20 members to ensure the maximum workability and flexibility of the body.
- The National Voice must be linked in some way with the representative structures for Local and Regional Voices that would be established.
- The scope of advice should be unencumbered to ensure the National Voice is able to advise on any matters that are of particular significance to Aboriginal and Torres Strait Islander peoples.
- Gender balance must be structurally guaranteed in the membership, and Aboriginal and Torres Strait Islander youth and people with disability must be represented.

The National Co-design Group reached consensus on the proposals to put forward for consultation and engagement through careful consideration and discussion. This consensus covered some core elements that should be consistent across both core models, such as the scope for the advice role of the National Voice. The National Co-design Group also agreed to put forward different proposals to be considered, consulted and engaged on, such as whether membership would be derived directly from the Local and Regional Voice level, from elections, or from a mix of these two methods.

Summary

The National Voice proposals incorporate lessons from past experiences and processes and draw on their strengths. The proposal maintains Australian Government responsibility for funding the delivery of services and programs, while the National Voice would be focussed on providing a formalised way for Aboriginal and Torres Strait Islander peoples to have a say and engage with the Parliament and Australian Government on relevant laws and policies. Aboriginal and Torres Strait Islander peoples would largely determine the members of the National Voice. Its role would be set out in legislation.

The proposals for a National Voice presented here reflect the agreed position of the National Co-design Group following this extensive research and deliberation. There are ongoing design tasks to occur during the stage two consultation and engagement process. The proposals put forward in this report will also continue to be refined as feedback is received from the stage two consultation and engagement process. The National Co-design Group acknowledged that a National Voice would continue to evolve over time as it is implemented, takes shape and matures. For this reason, the National Co-design Group has not been overly prescriptive in the detailed operating mechanisms and processes of the National Voice.

Key features

The National Co-design Group determined the following key features for the proposed National Voice as a result of its deliberations.

Scope

- The National Voice would be an advisory body to the Parliament and Australian Government. This would be a two-way interaction.
- The National Voice would provide advice on behalf of Aboriginal and Torres Strait Islander peoples, to ensure their views are considered in legislation and policy development.
- Advice from the National Voice would be on matters of critical importance to the social, spiritual and economic wellbeing of Aboriginal and Torres Strait Islander peoples at the national level.
- The National Voice would work effectively with other bodies and stakeholders and draw on relevant expertise to inform the development of its formal advice.
- The National Voice would be connected to the structures established for Local and Regional Voices through a formal advice link.
- The National Voice will not deliver Australian Government programs.

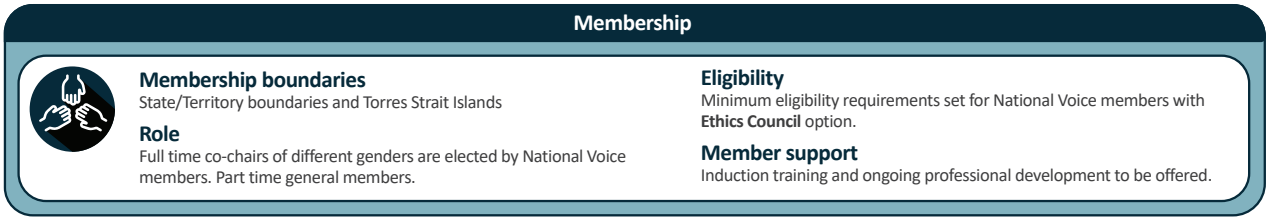
Membership

- There are two alternative core models for the membership of the National Voice:
  - Structurally linked through membership, with members drawn from the Local and Regional Voices level to the National Voice.
  - Directly elected to represent the state, territory or Torres Strait Islands on the National Voice.
- Both models provide for between 16 and 18 members to be selected from states, territories and the Torres Strait Islands with gender balance structurally ensured.
- Permanent Youth and Disability Advisory Groups would be established to provide specialist advice to the National Voice members.

Governance

- The Parliament and Australian Government would be *obliged* to consult and engage the National Voice on a very narrow range of matters.
- The Parliament and Australian Government would be *expected* to consult and engage more generally on a broader range of matters that significantly affect Aboriginal and Torres Strait Islander peoples.
- Compliance with these obligations and expectations could not be challenged in a court. The National Voice would not be able to veto laws made by the Parliament, or decisions made by the Australian Government.
- Transparency mechanisms are proposed to help demonstrate the National Voice has been appropriately consulted and engaged. Examples include tabling the National Voice's formal advice in Parliament, having the National Voice's advice considered by a parliamentary committee, and including a statement about the National Voice's formal advice and consultation when a proposed law is introduced in the Parliament.

Membership



The National Co-design Group proposes two alternate core models, and several options and underpinning elements which could support both core models. As explained further below, these models are inclusive of different arrangements at the local and regional level, and do not seek to be prescriptive about how communities and regions organise their representation.

Core models

The way members are selected is an important consideration. For a National Voice to have legitimacy, its members must be selected by Aboriginal and Torres Strait Islander peoples and as much as possible have a connection to the local community level. There are different styles and approaches to ensure legitimacy of Aboriginal and Torres Strait Islander peoples' representation. This can be through different mechanisms or their combination, such as an election, communities nominating or selecting members, or by drawing on or incorporating cultural leadership involved in traditional decision making and governance structures. There is no single method. The two core models presented below represent the National Co-design Group's views of the appropriate ways of selecting members of the National Voice. These models will be refined as feedback is received during the stage two consultation and engagement process.

Core model one

Structural Membership Link

Selection of members

Local and regional voice arrangements would be determined according to the principles-based framework.

Two National Voice members from each state, territory and the Torres Strait Islands would be determined by one of the following options:*

a) Selection by Local and Regional Voices

Local and Regional Voices would collectively select the national representative for that state, territory and the Torres Strait Islands. This would be done through a special meeting of local and regional representatives. (In cases where this is not viable then selection can be determined through an election conducted within the state/territory.)

Or

b) Selection by state or territory representative assemblies

Two National Voice representatives would be selected by relevant state, territory and Torres Strait Islander representative assemblies, where they exist and are formed by drawing on Local and Regional Voices, to determine representatives to the National Voice and where the Aboriginal and Torres Strait Islander population agrees.

Or

c) Hybrid arrangement

- One national member would be determined by a special meeting of local and regional representatives
- One member would be determined by state or territory representative assemblies, where these exist and where the Aboriginal and Torres Strait Islander population in the state or territory agrees to this approach.

** option for one member for each of the ACT and Torres Strait Islands, see below.*

Core model two

Direct Election

Selection of members

Two National Voice members from each state, territory and the Torres Strait Islands would be determined by one of the following options:*

i) Direct election

Direct election of members to the National Voice. An election would be held in each state, territory, and in the Torres Strait Islands.

Or

ii) Draw from representative assemblies

Potential to draw from state, territory and Torres Strait Islands representative assemblies, where they exist, to select representatives to the National Voice if local Aboriginal and Torres Strait Islander peoples in the relevant state or territory prefer this method. This would avoid duplicating existing representative election processes.

Local and regional voice arrangements would still exist under this model, but would not have a role in selection of National Voice members.

A link between the National Voice and Local and Regional Voices would be maintained through the 'advice linkage mechanism', see below.

** option for one member for each of the ACT and Torres Strait Islands, see below.*

As outlined, both core models include separate representation of the Torres Strait Islands. The boundaries would align with those used by the Torres Strait Regional Authority. These include all Torres Strait Islands, including those with Aboriginal populations, and two predominantly Torres Strait Islander communities in the Northern Peninsula Area, Bamaga and Seisia.

Rationale

The idea that members of a National Voice should be chosen by Aboriginal and Torres Strait Islander peoples, rather than by the Parliament or Australian Government, is seen as a fundamental component of the National Voice and aligns with the role of a National Voice as a source of advice on issues impacting Aboriginal and Torres Strait Islander peoples. This was a very strong preference of the National Co-design Group and the core models reflect different ways to achieve this. These models take account of different arrangements at the local and regional level, and do not rely on a prescribed approach to how communities and regions organise their representation. This aligns with the proposed Local and Regional Voice framework (detailed in Chapter 3) which seeks to give flexibility so tailored, local-level approaches can reflect the diverse cultures, needs and aspirations of communities across Australia. The proposed framework also aims to use existing structures which work well.

Local and regional voice arrangements

Regardless of the National Voice core model, Local and Regional Voices will be established under the 'principles-based framework' (outlined in detail in Chapter 3). This approach accommodates the diversity of communities and builds on arrangements already in place across Australia. All Aboriginal and Torres Strait Islander peoples in a region, including traditional owners and historical residents, will have the opportunity to have a say, with local and regional voice arrangements to be designed and led by communities, according to local context, history and culture. Communities, not organisations, will determine the preferred governance structures, which will be broad based, equitable and inclusive to reflect the diversity in each community.

The Aboriginal and Torres Strait Islander people in each region would be able to decide membership of their Indigenous Voice structure in whichever way best fits their context, consistent with the principles based framework. This could be through communities, groups and organisations nominating or selecting members; or by building on or incorporating into the Indigenous Voice structures traditional decision making and governance structures; or by members being chosen through some form of election. There can also be various mixed arrangements for a region, drawing on some or all of these elements. The arrangements in each region will need to consider how to balance the principles of *Inclusive Participation* and *Cultural Leadership* in a way appropriate to communities' context, accommodating each community and region's unique system of cultural leadership. This is explained in greater detail in Chapter 3.

Core model one

This model had the broadest level of support within the National Co-design Group. The model provides a direct connection between the national level and the local and regional level, representing a direct link to communities. This model draws on the strengths of Local and Regional Voices, reflective of the principles of *Inclusive Participation* and *Cultural Leadership*. The options provide sufficient flexibility to adapt to the different representative landscapes across the states and territories.

The possible variations in methods used by Local and Regional Voices mean that members for a National Voice under core model one could be chosen in different ways across regions and also between states and territories. Where a special meeting of Local and Regional Voices in a state or territory to determine the National Voice member is not a viable option, then the National Voice members could be determined through an election within the relevant state or territory.

However, this core model would mean members of the National Voice could only be drawn from this group of local leaders and the model may be hard to explain. Arrangements might need to be made for National Voice members to be selected while these Local and Regional Voices are set up across the nation (see Local and Regional Voices transitional arrangements section in Chapter 3).

Core model one – hybrid arrangement

Under core model one, there is provision for a hybrid arrangement. Where a state or territory has established an Aboriginal and Torres Strait Islander representative assembly that draws from Local and Regional Voices, this assembly could choose one National Voice representative. The other National Voice representative would be chosen by a special meeting of the Local and Regional Voices. Under this version of core model one, a National Voice would have structural links with Local and Regional Voices as well as an existing state or territory representative body.

Core model two

This model proposes direct election of National Voices members. The model was supported by some co-design members because it could provide the opportunity for broad participation in directly selecting the National Voice member. This would give a clear source of authority for National Voice members, and could be a simple model to understand. However, challenges would exist if there was a need to confirm Indigeneity of voters as part of an election process. Historically this has created some significant disagreement over voting eligibility within the community. In addition, low voter turnout could impact the perceived authority of the National Voice. Elections are also expensive and may not always reflect the diversity of Aboriginal and Torres Strait Islander leadership, including in remote regions and cultural leadership. Design options for holding an election will continue to be considered during stage two, including through consultation, to be included in the final report.

Membership elements

A number of factors required careful and substantial consideration in determining the membership for the National Voice. These factors include balancing the number of members with:

- functions of the National Voice and workability
- representation of particular groups, such as gender, youth, people with disability and traditional owners
- geographic considerations and connection to community, including the relationship to Aboriginal and Torres Strait Islander understandings of cultural authority
- Australian Government appointment and selection by Aboriginal and Torres Strait Islander peoples

Two options for the size and configuration of the National Voice are proposed. Both options use states, territories and the Torres Strait Islands as the basis for selection. These options could also be supported by a small number of ministerial appointments, discussed below.

Core membership numbers

The National Co-design Group considered options of up to 38 members of the National Voice and also considered options for a small board-style group of no more than 10 members. These options were presented to the Senior Advisory Group. Feedback from the Senior Advisory Group focused on the workability of the National Voice membership while balancing representation and gender, and recommended a membership size between 10 and 20.

Following this feedback, the National Co-design Group agreed a smaller membership number for the National Voice would be the most effective. A smaller membership could adapt and respond more quickly in doing its work, resulting in greater workability. The National Co-design Group therefore opted to present two options within this size range.

Option 1 – equal representation (preferred option)

- 18 members:
  - Two members of different gender for each state, territory and Torres Strait Islands.

Option 2 – scaled representation

- 16 members:
  - Two members of different gender for each state and the Northern Territory.
  - One member each for the Australian Capital Territory (ACT) and Torres Strait Islands with a member of a different gender selected following each completed term. This takes into account their smaller geographic size and smaller Aboriginal and Torres Strait Islander populations.

Rationale for options

There are significant differences in the size of Aboriginal and Torres Strait Islander populations in the ACT and Torres Strait Islands, compared to the other states and the Northern Territory. In the 2016 Census, the number of Aboriginal and Torres Strait Islander peoples living in the ACT and the Torres Strait Islands each only accounted for less than 1% of the national Aboriginal and Torres Strait Islander population. In comparison, New South Wales accounted for 33% of the national Aboriginal and Torres Strait Islander population.

However, having two members from each of the ACT and the Torres Strait Islands would put all states, territories and the Torres Strait Islands on an equal footing and provide more diversity on the National Voice. It also recognises the unique position of the Torres Strait Islands. The National Co-design Group noted there could be perceptions of over or under-representation regardless of the option chosen and agreed to put forward both options.

Basis of membership selection

The National Co-design Group considered how to fairly and adequately determine representation of Aboriginal and Torres Strait Islander peoples for the National Voice. States and territories, or regions, were considered as options for membership boundaries. The National Co-design Group chose the states and territories, with separate representation for the Torres Strait Islands for the following reasons:

- State and territory governments are crucial stakeholders and deliver the majority of services. Selecting members based on states, territories and the Torres Strait Islands may better facilitate engagement with them by the National Voice members. States and territories are also commonly recognised and easily understood.
- This approach supports a smaller number of members, which would make a National Voice more practical, workable and affordable.
- Some states and territories have established, or may establish in the future, their own representative assemblies, such as the ATSIEB. This approach allows these assemblies to potentially be accommodated in the National Voice membership structure.

The National Co-design Group also considered models based on 15 to 38 smaller geographic regions, taking into account the great diversity, geographic spread and variations in population density of Aboriginal and Torres Strait Islander people. The National Co-design Group noted this larger number of regions may have supported greater diversity of members of a National Voice, for example by separately representing metropolitan and remote areas and a more direct link to local communities. A larger number, however, may lead to a difficult trade-off between having a sufficient number of regions, without making the membership too large and impractical.

Members acknowledged, however, many of these benefits could also be achieved through the Local and Regional Voices and their link to the National Voice, particularly under Core Model 1. The local and regional level would operate under the premise that decisions should be made as close to the community level as possible to achieve better outcomes, and this level could also consider program and service delivery at the local level. This arrangement supports a National Voice with larger areas for selecting members. The National Co-design Group noted, however, that the risk remains under a state- or territory-based arrangement that some communities may still feel under-represented at the national level.

Gender representation

The National Co-design Group agreed unanimously to the importance of gender balance. All options reflect the principle that there must be a requirement for balanced representation of different genders in the National Voice membership.

Specific representation of other groups

There was also consideration of specific representation of other groups, including youth, disability, the Stolen Generations, Elders, and people identifying as LGBTQI+. The National Co-design Group considered the representation of youth and people with disability must be structurally guaranteed. Rather than dedicated positions, the National Co-design Group put forward the design feature of permanent Youth and Disability Advisory Groups, detailed below.

However, for representation of other particular groups, with the design principle to keep the size of the National Voice to no more than 20 members, it was decided the broad representation and strong links between the National Voice with peak bodies and other interest groups would be sufficient. Noting, committees to bring together the relevant expert individuals and organisations can be set up if needed, outlined below.

The National Co-design Group has also discussed representation of traditional owners. The National Co-design Group noted traditional ownership was highly significant for Aboriginal and Torres Strait Islander peoples. It is also inherently localised and linked to place and country, and the National Co-design Group felt it was best addressed at the local and regional level (see Chapter 3).

Ministerial appointments

The National Co-design Group emphasised the importance of Aboriginal and Torres Strait Islander peoples choosing members of the National Voice. In addition to this, there was discussion on whether to include some ministerially-appointed members. Initially the National Co-design Group was strongly opposed to the notion of Ministerial appointments, but this view evolved over the course of the co-design process. Some National Co-design Group members suggested appointments could be used to fill skill gaps and resolve issues of demographic balance, for example providing additional representation for remote areas if needed.

Discussions noted that any model with a majority of Australian Government-appointed members would not support self-determination and would not be acceptable to Aboriginal and Torres Strait Islander peoples. It was therefore not supported by the National Co-design Group. The National Co-design Group thought there was a real risk that appointees could be perceived as lacking credibility, and community or cultural authority. In considering an option for appointments, the National Co-design Group was highly aware of these concerns, and addressed them in the following ways:

- There would be a maximum of two appointees. This would ensure they were only a small proportion of the overall membership.
- Appointments would only be made where needed, not by default, according to clear criteria, and importantly only made with the agreement of the National Voice members.

The National Co-design Group agreed to progress two options:

a) Option 1: Up to two Ministerial appointees where required, as co-considered by the National Voice and Australian Government.

b) Option 2: No Ministerial appointees.

Term lengths of National Voice members

Two options are put forward for term lengths:

a) Option 1: Four years, with staggered terms, making half the membership positions vacant every two years.

b) Option 2: Three years, with all membership positions made vacant at the end of every term.

There would be a limit of two consecutive terms for National Voice members for both options.

The four-year option would ensure continuity in the membership, and provide greater stability in leadership and development of members, as opposed to shorter terms. The longer term would also provide for an established membership with continuity of policy and advice development, to brief incoming Parliaments and Australian Governments, which are on shorter election cycles.

The three-year option would provide more points of accountability as all members would have to stand for re-election or selection every three years, ensuring the members are the best candidates for the National Voice.

The National Co-design Group preferred a four-year term length because of the continuity provided by the overlapping terms. However, there was some support for three-year terms from the Senior Advisory Group, and the National Co-design Group agreed keeping the option open would support further discussion.

Member support

The National Co-design Group and the Senior Advisory Group members stressed the importance of support for members of the National Voice in the execution of their role. National Voice members would be offered induction training and would receive a service offering of ongoing professional development.

The content of this program could include the information on the role of members, the role of the National Voice (including relevant legislation), key policy issues, and the legislation and policy development process. There could also be an opportunity to address technology and innovation. Training would include both governance and leadership elements. For some members, training in skills such as public speaking may be of value.

Similar offerings in other contexts include the training provided by:

- Australian Institute of Company Directors to directors of private corporations
- Australian Public Service Commission to federal officials
- Office of the Registrar of Indigenous Corporations to office holders of *Corporations (Aboriginal and Torres Strait Islander) Act 2006* entities

The offering could also draw on the Australian Indigenous Leadership Centre, which runs courses to unlock opportunities for Aboriginal and Torres Strait Islander peoples to develop their careers and expand the ways they contribute to the community.

Members would be further supported by a 'charter' or similar document which would set out clear expectations and principles. The National Voice members would draft and agree this charter, and could draw on the members' charter of the First Peoples' Assembly of Victoria.

Rationale

The National Co-design Group agreed that a member support framework could strengthen the ability of members to perform their complex roles.

The National Co-design Group noted induction and professional development programs were common across a wide range of contexts, and that it would be appropriate for the National Voice to have similar provisions.

Eligibility of members

The National Co-design Group considered the eligibility requirements for members of a National Voice such as eligibility to stand as a candidate and provisions for the removal of a member should a serious misconduct issue arise.

The National Co-design Group noted there was a need both to respect the process of selection of members by Aboriginal and Torres Strait Islander peoples, while also managing risk, maintaining integrity and supporting confidence in the National Voice. Design of eligibility requirements has not been finalised and will continue to be progressed by the National Co-design Group through stage two consultation and engagement, to be detailed in the final report.

Eligibility to stand as a candidate

The National Co-design Group identified two options for administering eligibility criteria for candidates for selection as members of the National Voice:

a) Option 1: Candidates to make a declaration against objective eligibility requirements

b) Option 2: Candidates to be pre-cleared against a broader character test

Under option 1, objective eligibility requirements would be drawn from similar contexts such as the ATSIEB, the Torres Strait Regional Authority and the First Peoples' Assembly of Victoria. In general, these may relate to:

- Age (18 years of age and older)
- Indigeneity – National Voice members must be Aboriginal and/or Torres Strait Islander
- Residence in the Torres Strait Islands or the state or territory for which they are standing
- Australian citizenship
- Conduct issues, which could include bankruptcy, certain criminal convictions, and currently serving sentences of imprisonment.

Under option 2, a broader character test option would require an independent committee to pre-clear candidates. This would provide greater assurance and capture a broader range of misconduct issues. On the other hand, there could be disagreement over the authority or necessity of the pre-clearance process, and it could be perceived as overly bureaucratic. Given this range of issues, the National Co-design Group agreed to progress both options for consultation and engagement.

Removal of members

The National Co-design Group agreed there would be a need for provisions to remove National Voice members if a major misconduct issue arises, to maintain integrity and confidence. The National Co-design Group identified two options for how this could work:

a) Option 1: Removal by vote of National Voice membership

b) Option 2: Objective removal criteria

Under option 1, there would be strong process provisions to ensure:

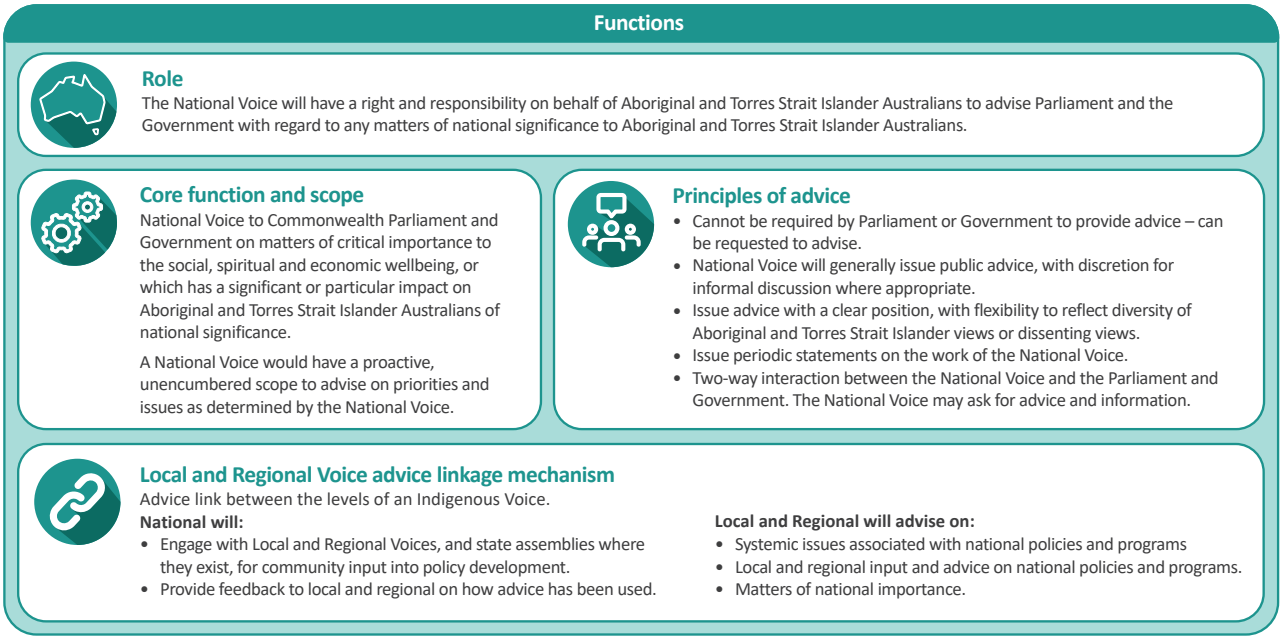
- Clear expectations are set, for example in a charter, which would provide a standard against which a misconduct issue could be judged.
- After a conduct issue arises, a process of assessment would take place to assess the issue and make recommendations on the best way to address it.
- Prior to a vote to remove, the member in question would be given an opportunity to respond to the claims, allegations and evidence presented.
- Other remedies to misconduct such as suspension would be available to address the issue.
- There could be a 'supermajority' requirement, for example a 75% vote of National Voice members.

Under option 2, objective, factual removal criteria would align with the objective eligibility criteria set out above. There would also be provisions relating to issues that might arise during a member's term, for example a failure to manage a conflict of interest or repeated non-attendance.

The National Co-design Group agreed option 1 allowed a role for common sense and could be coupled with strong procedural checks. They also agreed that option 2 would be clear, simple and impartial. Noting these issues, they agreed to progress both options to consultation and engagement.

Functions

The National Co-design Group discussed and agreed the functions and policy descriptions of the National Voice.



Role

On behalf of Aboriginal and Torres Strait Islander peoples, the National Voice would have a responsibility and right to advise the Parliament and Australian Government on matters of national significance to Aboriginal and Torres Strait Islander peoples.

National Voice members would be expected to perform their roles to speak on behalf of and represent the Aboriginal and Torres Strait Islander peoples and communities in the state, territory, or Torres Strait Islands from which the members are drawn. The National Voice member(s) representing the Torres Strait Islands would be expected to speak for all Torres Strait Islander peoples, including those not currently residing in the Torres Strait Islands.

Advice function

The National Co-design Group agreed the core function of a National Voice would be to:

> **Advise on matters of critical importance to the social, spiritual and economic wellbeing, or which has a significant or particular impact on Aboriginal and Torres Strait Islander peoples of national significance.**

The National Co-design Group considered how this advice function should work, and identified the following key features:

Core features and scope

- The National Voice would determine its own priorities and issues on which to develop and provide formal advice. There should be no restriction on the matters within the scope of the advisory role on which a National Voice could advise. Advice would focus on national level issues. Some form of prioritisation process would need to be developed to focus resources of the National Voice on the areas of greatest importance and impact.
- Advice could be provided to both the Parliament and Australian Government (relevant Ministers and agencies).
- Advice would be both proactive and responsive. The National Voice would be able to initiate advice, as well as respond to referrals from the Parliament and Australian Government.

Advice function features

- The National Voice could not be required to provide advice. The Parliament and Australian Government may request advice.
- In general, the formal advice provided by the National Voice would be made public, with the option for informal discussions where appropriate.
- Formal advice would ideally be issued with a single clear position. However, sometimes advice would need to reflect the diversity in views of Aboriginal and Torres Strait Islander communities, including dissenting views.
- The National Voice would issue periodic statements on its work.
- There would be two-way interactions between the National Voice and the Parliament, and between the National Voice and the Australian Government. The National Voice may ask for advice and information.

Rationale

Aboriginal and Torres Strait Islander peoples have their own specific priorities, in addition to the same concerns as non-Indigenous Australians, and the role of a National Voice would be to reflect those priorities in providing its formal advice. 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 and not specifically for Aboriginal and Torres Strait Islander peoples.

For these reasons, the scope of the National Voice's advice function would not be restricted to only proposed laws relating exclusively to Aboriginal and Torres Strait Islander peoples, but would include perspectives on the impacts of other laws and policies. This formal advice would be provided to both the Parliament and Australian Government.

Providing advice to the Parliament and Australian Government would allow the National Voice to be involved early in the legislation and policy development process. This was a design principle recommended by the Joint Select Committee. It would also allow the National Voice and its views to inform the agendas of the Parliament and Australian Government of the day. This would include providing advice to Ministers and Australian Government agencies, including departments and agencies beyond the parts of government focussed primarily on Aboriginal and Torres Strait Islander matters.

The early engagement of the National Voice in the development of laws and policies was described as *critical* for Aboriginal and Torres Strait Islander peoples to achieve 'better policies and outcomes for Aboriginal and Torres Strait Islander peoples, and a fairer relationship with Government' in the Referendum Council's 2016 Discussion Paper.

Providing advice to the Parliament gives the National Voice broader opportunities to engage on issues beyond the Australian Government's agenda. This would allow the National Voice to engage with a broader range of perspectives, including where bipartisan support is important.

The National Co-design Group discussed a wide range of possible ways to define the types of matters and scope on which the National Voice could provide advice, with reference to different proposals made to the Joint Select Committee. This included whether there should be a distinction between a 'mandatory jurisdiction' and an 'optional jurisdiction' of matters on which to consult the National Voice, whether the scope should be based only on referrals from the Parliament and Australian Government, and whether the scope should make specific reference to section 51(xxvi) (commonly known as the 'race' power) of the Constitution, among other matters.

Section 51(xxvi) in particular is critical to the scope within which the National Voice could provide advice, as it has predominantly been used to make laws for Aboriginal and Torres Strait Islander peoples since 1967. However, the number of laws relying on this constitutional power is small and does not reflect the much greater number of laws that particularly affect Aboriginal and Torres Strait Islander peoples. The National Co-design Group considered this section further in designing the obligation on the Parliament and Australian Government to consult and engage the National Voice, outlined below.

In their discussions, the National Co-design Group concluded that putting any restrictions on the topics of laws and policies the National Voice could advise on would detract from its ability to reflect the priorities of Aboriginal and Torres Strait Islander peoples.

The National Co-design Group also considered a proposal from a small minority of Senior Advisory Group members to restrict the National Voice to advising only on proposed laws, leaving existing Aboriginal and Torres Strait Islander organisations to advise on policy. Some argued that this would provide greater clarity and avoid cutting across existing arrangements such as the Coalition of Peaks.

However, the National Co-design Group concluded the National Voice should strengthen existing arrangements through its authority drawn from being selected by Aboriginal and Torres Strait Islander peoples. This would complement existing arrangements. Further, legislative and policy processes cannot be separated and generally the best opportunity to influence and advise on proposed laws and policies is in the early stages of policy development. The National Co-design Group stated the National Voice should be involved, where appropriate, in the legislative and policy processes from the beginning to the end, at multiple points. This would necessarily require providing advice to both the Parliament and Australian Government.

The National Co-design Group agreed the National Voice should solely focus on national issues, rather than local ones. This is discussed below (see Links with Local and Regional Voices section, below).

Restricting the scope of the advice function would diminish the role of the National Voice as a national, citizen-based representative body for all Aboriginal and Torres Strait Islander peoples, and reduce its ability to influence the Parliament and Australian Government. The National Co-design Group strongly agreed the National Voice should determine its own priorities and its scope only defined by matters which are critically important or which have a significant or particular impact on Aboriginal and Torres Strait Islander peoples. Within this broad scope, the National Voice should operate in a way which strengthens existing consultation and engagement arrangements (see Engagement section, below).

Functions excluded

The National Co-design Group considered various other possible functions for a National Voice, including conducting evaluation of government programs and research publication. It was ultimately decided these other functions would detract from the advisory function, and were not consistent with the purpose of a National Voice.

The National Co-design Group agreed the National Voice should not have a mediation or facilitation function. This included between Aboriginal and Torres Strait Islander organisations, between Local and Regional Voices, between organisations, or between Local and Regional Voices and governments. As above, the National Co-design Group agreed this would risk drawing a National Voice into local issues, rather than maintaining a strategic focus on national level issues. This decision is consistent with the principles for the advice link between the National Voice and Local and Regional Voices (see Links with Local and Regional Voices section, below).

There was a strong consensus from the outset of the process that the National Voice should not have any Australian Government program delivery functions. There was a strong awareness of the challenges faced by the ATSIC in combining a program delivery function with a strategic advice role. These challenges included:

- The need for a very large administrative arm to perform program delivery functions.
- It created a complex dual accountability – accountability to the Australian Government for service delivery and accountability to its Aboriginal and Torres Strait Islander constituency for its advisory function.
- There was a need for strong governance to manage issues such as conflicts of interest.
- ATSIC was increasingly held responsible for all services to Aboriginal and Torres Strait Islander peoples, rather than all other agencies (where the majority of Aboriginal and Torres Strait Islander expenditure occurred).

Scope for future international role

The National Co-design Group considered the role the National Voice might play in international fora, and agreed it was important for the National Voice to engage in the future at the international level consistent with indigenous voices in other countries.

Aboriginal and Torres Strait Islander peoples, as with other indigenous peoples across the world, have a long history of engaging in the various forums and mechanisms of the United Nations. This includes through the Permanent Forum on Indigenous Issues in particular. The participation of Aboriginal and Torres Strait Islander peoples in the international policy community has been important to ensure policy development in Australia is consistent with best practice international standards.

The exact design of its international role is not discussed or proposed here, however it would be expected the National Voice would be consulted on legislation and policies regarding Australia's international obligations, as they affect Aboriginal and Torres Strait Islander peoples. A broader role around international matters could be discussed further between the National Voice and the Australian Government.

Links with Local and Regional Voices

The National Co-design Group stated a National Voice must be grounded in community and place. A strong link to the Local and Regional Voices will be critical to achieve this.

There should be a two-way advice link between the National Voice and Local and Regional Voices. Careful consideration was given to how this link could work. The key principles are:

Local and Regional Voices should provide perspectives to the National Voice on:

  - Systemic issues with national policies and programs
  - Community input on national issues
  - Matters of national importance
- Local and Regional Voices should not raise local operational issues with the National Voice, or seek to use a National Voice as a dispute resolution mechanism.
- A National Voice would:
  - Seek views from Local and Regional Voices on national issues. This should occur at the earliest appropriate stage of legislation and policy development.
  - Provide feedback to Local and Regional Voices on how their views have been used.
- The National Voice should focus on matters with a national remit, and not become involved in local operational issues.

Where state and territory representative assemblies exist, there would be provision to apply these principles on the advice link to the National Voice.

Rationale

An effective linkage to Local and Regional Voices would be critical to:

- Enhance the legitimacy of the National Voice by showing a clear, credible link between communities and the advice of a National Voice.
- Ensure advice of a National Voice is grounded in the concerns and priorities of Aboriginal and Torres Strait Islander peoples and communities.
- Harness locally held knowledge to improve national law and policy design and decisions.

At the same time, it is important to ensure a National Voice does not become bogged down in local operational issues. This would detract from a focus on national priorities, and impact on the ability of Local and Regional Voices to make decisions closer to the ground.

The principles for the link between the National Voice and the Local and Regional Voices provide clear guidance on what input a National Voice would receive from Local and Regional Voices, ensuring it is well informed about the impact of programs and policies on the ground while still maintaining a strategic national focus.

Engagement with other Aboriginal and Torres Strait Islander stakeholders

The National Co-design Group agreed it was important the National Voice does not replace or undermine existing bodies and structures which are working effectively.

A National Voice should complement existing arrangements, not displace them. The Parliament and Australian Government would both be expected to continue to consult and engage with Aboriginal and Torres Strait Islander stakeholders in their relevant policy areas.

A National Voice would work with other Aboriginal and Torres Strait organisations and mechanisms as a source of views, leveraging their expertise and networks to help inform the advice the National Voice provides to both the Parliament and Australian Government.

Rationale

The key consideration in the relationship between the National Voice and other national Aboriginal and Torres Strait Islander organisations and consultative structures is to build on the strengths of what exists already, not disrupt effective existing arrangements.

A National Voice would have a critical role due to its authority from being selected by Aboriginal and Torres Strait Islander peoples, but it would not be the only conduit for advice at the national level, nor would it be a gatekeeper between the Parliament, Australian Government and other stakeholders. There was a view this was an overly limiting perspective and that as the National Voice was a reform measure, opportunity to reform current arrangements should be taken. While this attracted some attention, it was not the overwhelming view and most co-design members thought these relationships would evolve over time.

The National Co-design Group carefully considered how the National Voice would build on existing arrangements and structures, and engage with peak bodies and organisations to inform the work and decision making of the National Voice. The National Co-design Group has set out a position which recognises both the unique role of a National Voice, and the importance and successes of existing bodies and their continuing roles, which the National Voice would support in their continued successes in the future. The National Co-design Group has put forward a flexible approach for relationships which recognises this and can evolve over time.

More detail on this role of the National Voice and relationships with other stakeholders is set out in Chapter 5.

Parliament and the Australian Government

There is an expectation both the Parliament and Australian Government would consult and engage the National Voice at the earliest opportunity about developing proposed laws or policies which are expected to have a significant impact on Aboriginal and Torres Strait Islander peoples. Early engagement would provide the best opportunity to reflect the needs and aspirations of Aboriginal and Torres Strait Islander peoples in legislation and policy.

This responds to the many calls from Aboriginal and Torres Strait Islander peoples to have a greater say in the laws and policies which affect Aboriginal and Torres Strait Islander peoples.

In addition to this expectation, the National Co-design Group has proposed guidance on when both the Parliament and Australian Government should consult and engage, and what transparency mechanisms could be put in place. These two elements complement each other – guidance on when consultation and engagement is appropriate and transparency mechanisms to allow scrutiny of whether the Parliament and Australian Government have done this appropriately.

Requirement to consult and engage a National Voice

Requirements to consult and engage the National Voice would be non-justiciable – meaning a failure to consult and engage the National Voice would not be capable of being challenged in a court – and would not affect the validity of the relevant law or policy. The National Voice could not, for example, veto a proposed law. These elements were a strong feature of both the Referendum Council Report and the Joint Select Committee reports and submissions, and reflect the advisory role of the National Voice. It would be up to the Parliament to ensure requirements were complied with appropriately.

The National Co-design Group set out a three-tiered framework for the requirements on the Parliament and Australian Government to consult and engage a National Voice:

Obligation on the Parliament and Australian Government

- There would be an obligation to consult and engage within a narrow clearly defined scope. This would be limited to proposed laws which are exclusive to Aboriginal and Torres Strait Islander peoples. Examples are set out below.

Expectation on the Parliament and Australian Government

- There would be an expectation to consult and engage more broadly on particular issues and at multiple points of the legislation and policy processes on areas of significant impact on Aboriginal and Torres Strait Islander peoples.

Unencumbered

- There would be an ability to consult and engage on any matter which is critically important or which has a significant or particular impact on Aboriginal and Torres Strait Islander peoples. This would go both ways – the Parliament and Australian Government would be able to refer any issue to the National Voice, and the National Voice would be able to initiate advice on any issue under this scope.

Further work on the details of these requirements will occur through stage two in order to better define these parameters in the final report.

Defining the scope for 'obligation'

The obligation to consult should be clear and well defined to give certainty to the Parliament, Australian Government, and Aboriginal and Torres Strait Islander peoples. This would ensure there is no unreasonable impost on parliamentary and Australian Government processes.

The proposed triggers for the obligation to consult and engage could include:

- Laws proposed using section 51(xxvi) of the Constitution (commonly known as the **'race' power**).
  - This was proposed in discussion with the co-design groups. This was also proposed in the Referendum Council report and was a strong theme in submissions to the Joint Select Committee.
  - This section was amended in the 1967 referendum to allow the Commonwealth to make laws for Aboriginal and Torres Strait Islander peoples. Using this as a trigger would capture many critical pieces of legislation such as the *Native Title Act 1993*.
  - Using this head of power as an obligation trigger would pose challenges, as the question of whether a law is 'with respect to' a head of power is not determined definitively at the time of its passage. This would only occur if the law is brought to the High Court. It may be possible to design a new mechanism to ensure this obligation trigger is procedurally practical.
- Proposed laws which are special measures under, or which seek to suspend the ***Racial Discrimination Act 1975*** **(RDA)** where they specifically impact Aboriginal and Torres Strait Islander peoples.
  - 'Special measures' under the RDA allows laws which specifically target Aboriginal and Torres Strait Islander peoples for the sole purpose of being a positive act. Scrutiny and advice on the use of these provisions could be a critical aspect of the National Voice's role.
  - Use of the 'special measures' provisions under the RDA already has to be specifically addressed in the statement of compatibility which accompanies a bill under the *Human Rights (Parliamentary Scrutiny) Act 2011*. Including this parameter as an obligation trigger to consult and engage the National Voice is based in precedent.
  - In addition to special measures, a proposed law may seek to be excluded from the operation of the RDA or seek to suspend the RDA. This was seen in the *Northern Territory National Emergency Response Act 2007*. Therefore, any proposed law seeking an exemption of this type should trigger an obligation to consult and engage a National Voice.
- Laws proposed using section 122 of the Constitution (commonly known as the **'territories' power**).
  - Similar to use of the race power, the territories power was also proposed in the Referendum Council report and was a strong theme in submissions to the Joint Select Committee.
  - The territories power is relevant due to its historical use to enact laws specific to Aboriginal and Torres Strait Islander peoples in the Northern Territory and Jervis Bay Territory.

These triggers would apply to both the Parliament and Australian Government. If the Australian Government expects a bill would involve one of the triggers of the obligation to consult, they would conduct appropriate consultation and engagement principally in the early stages of development before introducing legislation (including legislative instruments) to Parliament. This would mean by the time a proposed law is introduced into Parliament, there would be an opportunity to consider the advice from the National Voice.

Defining the scope for 'expectation'

The expectation to consult and engage would comprise broad principles to guide the Parliament and Australian Government in their judgement of what issues it should refer to the National Voice. The principles would also guide Parliament in scrutinising those decisions (see transparency mechanisms below).

These would include both principles of process about when and how consultation and engagement would take place, and principles of substance about which issues require input from the National Voice. These principles will continue to be designed during stage two of the co-design process to gather feedback from Aboriginal and Torres Strait Islander peoples about their expectations of consultation and engagement.

Example of expectation to consult and engage principles

Many laws which have significant or particular impacts on Aboriginal and Torres Strait Islander peoples would not be covered by any of the triggers for an obligation to consult and engage. An example of a principle for the expectation to consult and engage could be:

- Proposed laws and policies of general application which particularly affect, or which have a disproportionate or substantial impact on Aboriginal and Torres Strait Islander peoples.

The Community Development Program is a good example, enacted under the *Social Security Act 1991*, it is not a special measure, and does not rely on section 51(xxvi), but the large majority of participants in the program are Aboriginal and Torres Strait Islander people. On this basis the Parliament and Australian Government would be expected to consult and engage the National Voice in the development and consideration of any significant proposed legislation or policy for this program.

The options for determining whether a proposed law or policy particularly affects Aboriginal and Torres Strait Islander peoples could be:

- where the subject matter has previously been raised with the National Voice
- determined by the Member of Parliament drafting the law or policy, or the Australian Government
- where the subject matter relates to issues brought forward by the National Voice
- agreed between the Parliament and the National Voice
- agreed between the Australian Government and the National Voice.

Rationale

A key factor in the effectiveness of the National Voice will be strong engagement from, and partnership with, the Parliament and Australian Government. This should be underpinned by a respectful and productive partnership between the National Voice and the Parliament and Australian Government. However, formalised rules and principles for how the National Voice is consulted and engaged play a role as well, providing greater standing and clarity for the role of the National Voice. This is underpinned by the transparency mechanisms as outlined below.

Transparency mechanisms

Three transparency mechanisms are proposed for consideration, which could provide clarity on when the Parliament and Australian Government have consulted and engaged the National Voice. These would be non-justiciable – meaning a failure to consult and engage the National Voice would not be capable of being challenged in a court – and compliance with them would not impact the validity of laws or decisions.

Statement on bills

On introduction to Parliament, relevant bills would be required to include an explanatory statement explaining whether consultation and engagement with the National Voice has occurred. This would include information about when the National Voice was consulted and engaged, and what advice, if any, was provided. In some cases, the statement would simply explain consultation and engagement was unnecessary, or the National Voice declined to provide advice.

This is based on the *Human Rights (Parliamentary Scrutiny) Act 2011*. This Act requires all bills to include 'statements of compatibility' with human rights.

Parliamentary committee

A parliamentary committee could scrutinise the 'statements on bills' (where this has been implemented) against the triggers for the obligation to consult and engage. If sufficient consultation and engagement with a National Voice has not taken place, the committee could facilitate additional consultation and engagement.

This is based on the *Human Rights (Parliamentary Scrutiny) Act 2011* which establishes a committee to examine statements of compatibility. Other existing committees such as the Senate Standing Committee for the Scrutiny of Bills have a similar function to examine bills and identify issues.

Tabling of advice

Where an issue has been referred to the National Voice by the Parliament, its advice would be tabled in Parliament, ensuring it forms part of the official record. The National Voice could also table an annual report to Parliament.

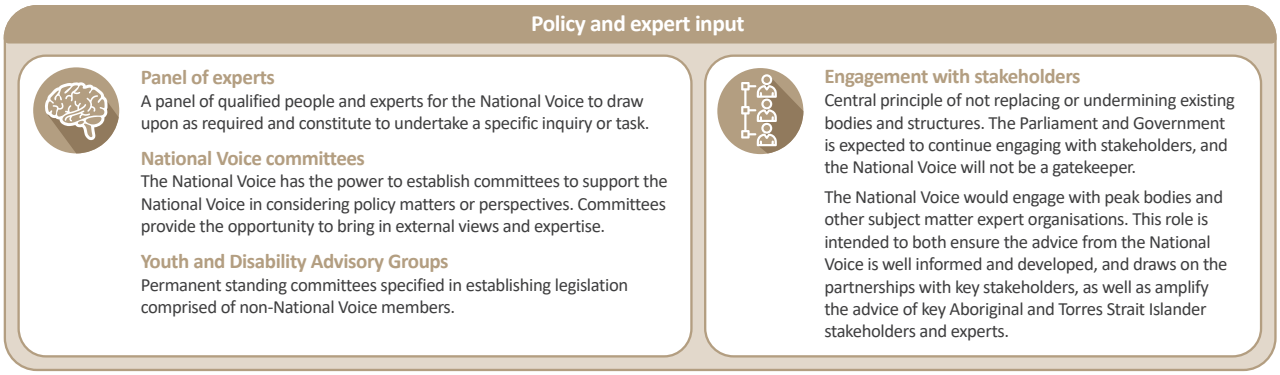
Rationale

The transparency mechanisms complement the requirements to consult by ensuring scrutiny of engagement with the National Voice. Where the proposed laws would significantly or particularly affect Aboriginal and/or Torres Strait Islander peoples, the transparency mechanisms could highlight if the National Voice had been requested to provide advice, and if so, table for the public record the advice from the National Voice. The National Co-design Group considered these mechanisms as a package to be put forward.

The design of these mechanisms strikes a careful balance, providing opportunities for consultation without creating an administrative burden. These requirements allow common sense and judgment, subject to clear visibility of the interactions with the Parliament. They are not prescriptive or burdensome and are based on systems which already exist.

In developing these mechanisms, the National Co-design Group considered a wide range of existing processes for scrutinising bills, including the general operations of parliamentary committees, the *Human Rights (Parliamentary Scrutiny) Act 2011* and the *Legislation Act (2003)*.

Policy and expert input



The National Voice will require expert policy input for its deliberations and development of advice to the Parliament and Australian Government. The National Co-design Group discussed options for ensuring the National Voice has access to this expertise while balancing the need to design an uncomplicated National Voice structure.

The National Co-design Group agreed to the specific structural features:

- permanent youth and people with disability advisory groups
- committees, as required
- panel of experts.

The National Co-design Group put forward a further option for consultation and engagement:

- Option 1: a complementary independent Indigenous policy body
- Option 2: no separate policy body required.

Youth and disability advisory groups

A National Voice would have two permanent standing committees specified in establishing legislation:

- Aboriginal and Torres Strait Islander Youth Advisory Group
- Aboriginal and Torres Strait Islander Peoples with Disability Advisory Group

The committees would be comprised of non-National Voice members and would be consulted and engaged by the National Voice. The design of these advisory groups, including selection of members, will be progressed during stage two of the co-design process and detailed in the final report.

Rationale

The National Co-design Group agreed it is difficult to achieve sufficient representation across all interest groups through elections or regional appointments. It was also noted the need for sensitivity in deciding which groups required specific provisions.

Structural inclusion of youth and disability representation in the National Voice has been a strong design consideration for the National Co-design Group. Aboriginal and Torres Strait Islander youth (under 25 years of age) make up more than half the Aboriginal and Torres Strait Islander population. 45% of Aboriginal and Torres Strait Islander people have a disability compared to 29% of the Australian population as a whole (National Aboriginal and Torres Strait Islander Health Survey 2018-19).

There is a clear need to ensure structural representation of youth and people with disability to ensure the National Voice receives ongoing and timely advice from these significant groups. This would enable greater ability to undertake well-informed policy development and representation on those matters as well as ensuring other law and policy matters are informed by the perspectives of these groups.

For people with disability, the structure would need to recognise the specific accommodations that may be needed to enable some Aboriginal and Torres Strait Islander peoples with disability to participate, including for example, Australian sign language interpreters, personal support people or scribes. For Aboriginal and Torres Strait Islander youth also, this would open up a tailored channel to generate more engagement and responsiveness than traditional mechanisms might otherwise achieve.

The National Co-design Group also considered the option of one or two dedicated positions on the National Voice membership for both youth and disability representation. The Senior Advisory Group majority view was that only one or two positions would not be representative of the diversity of each group. The National Co-design Group agreed with this reasoning and that a small number of dedicated positions would risk being seen as tokenistic. As a result this option of dedicated seats was not progressed and the National Co-design Group agreed unanimously to include the Youth and Disability Advisory Groups as a structural feature, regardless of the core model.

Committees

The National Voice would be able to establish committees, which would be flexibly set up to inform the National Voice's advice on particular issues as needed. These might include National Voice members, and external stakeholders such as academics, community representatives, peak bodies, community-controlled organisations, or other relevant organisations. For example, committees would be established to consider specific policy matters, or matters relevant to particular groups such as Stolen Generations, Traditional Owners, Elders and the LGBTQI+ community, among others.

Panel of experts

The National Voice would have the ability to draw on a panel of experts to ensure its advice is grounded in evidence and policy rigour. The panel members would be commissioned only as needed by the National Voice to undertake policy work on key matters, similar to a procurement panel. The panel would cover the range of policy areas relevant to the National Voice.

Rationale

The National Co-design Group strongly emphasised the need for a National Voice to access expertise informed by evidence and rigour that would be combined with knowledge from Aboriginal and Torres Strait Islander communities.

The National Co-design Group considered a range of different ways this could be achieved, including an expert panel and a complementary independent policy body. These two options were initially considered in tandem as contrasting structures to address the design concept of accessing expert views. The National Co-design Group concluded an expert panel would be delivered at a much lower cost, would be highly flexible and could more easily target current priorities, particularly where these emerge unexpectedly and require the National Voice to give its advice in a short timeframe. This will particularly suit the National Voice given its broad scope for advice, both in proactively giving advice to inform early policy development and responding to requests for advice from the Parliament and Australian Government.

Therefore, the National Co-design Group agreed an expert panel should be part of the National Voice design regardless.

Complementary independent Indigenous policy body

As an optional additional element for consideration, a separate independent policy body could be set up. The body would be an Australian Government agency, independent from the Parliament, the Executive Government and the National Voice. The Parliament, Australian Government and the National Voice would all refer matters to the body for advice and share a role in appointing the leadership of the body.

The National Co-design Group saw a range of opportunities and risks in setting up an independent policy body to perform this function. The strengths of an independent policy body would be that its independence would provide it with credibility as a source of impartial, evidence-based, expert views. The National Voice would be able to leverage this credibility to support its advisory function.

The challenge is that an independent policy body would substantially increase the cost and complexity of the National Voice proposal by adding another entity. The National Co-design Group also noted that functions such as the Indigenous Productivity Commissioner already exist.

The majority view of the National Co-design Group was the independent policy body was less preferable due to the other structural mechanisms for the National Voice to have access to expert opinions. However, the National Co-design Group agreed it should be included as an optional element to allow further consideration of the merits. This would retain the option of not including it in the final design. The Senior Advisory Group did not support this design element as an option. This is further outlined in Chapter 7.

Corporate form

Options for legal form

The National Voice would be a new, separate structure funded by the Australian Government. Two options have been put forward for the type of structure. There is significant variation within both, and there will continue to be refinement through stage two of the co-design process.

Option 1: Commonwealth body

A Commonwealth body could be established in legislation. The legislation would include strong provisions for independence, similar to existing bodies like the Torres Strait Regional Authority and the Australian Institute of Aboriginal and Torres Strait Islander Studies. The legislation would prohibit Ministerial direction regarding the performance of its functions or determination of membership. Ministerial powers would be limited to resourcing matters.

Option 2: Private body corporate with statutory functions

A corporation could be set up under either the *Corporations Act 2001* or the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*. If pursuing this option, the body would be 'recognised' under special legislation as the National Voice, giving the body a statutory function to give advice. This would be similar to the arrangements used for the First Peoples' Assembly of Victoria.

Rationale

The National Voice would have a unique governance structure based on its role representing Aboriginal and Torres Strait Islander peoples. It also requires a high degree of independence. For those reasons, the National Voice should be a fully separate structure, and not part of any existing body, nor should its administrative functions be provided by an existing entity.

There are a range of issues impacting on the most appropriate legal form. Both types of bodies would have structural independence from both the Parliament and Australian Government, but inevitably rely on ongoing Commonwealth funding. There are a range of views about how a Commonwealth body or private body corporate would be perceived. As a result, the National Co-design Group has agreed to progress both options to allow further consideration.

Evaluation

The National Voice would undergo an evaluation after an appropriate time to consider whether the structure, functions, and Terms of Reference are providing an effective National Voice for Aboriginal and Torres Strait Islander peoples. The timing, nature and scope of this evaluation process will be considered during stage two.

Corporate and supporting structure

This section sets out what the organisation of the National Voice would look like.

Members

The members of the National Voice would be the key decision making body of the National Voice organisation. Members of the National Voice would have a part time paid role. The role would include attending full meetings, doing committee work, engaging with communities and developing policy. Depending on the core model chosen, members may also hold roles on state, territory or regional representative structures.

Co-chairs

A National Voice would have two co-chairs of different gender who would form the leadership of the National Voice. The co-chairs would be selected by the members of the National Voice with each new intake of members every two or three years. These would be full time paid roles.

Employees

The membership of the National Voice would be supported by a small administrative arm led by a Chief Executive Officer. These would comprise the employees of a National Voice. The key functions of the administrative arm would be to:

- Provide secretariat and communications services
- Support policy development.

This will be further refined during stage two.

Advice on probity, ethics and governance

Like any organisation, the National Voice will require strong mechanisms to ensure strong and good governance. A key part of this is having a mechanism to consider issues and offer advice. The National Co-design Group identified two ways this could be done for the National Voice:

a) Option 1: Separate, independent ethics council

b) Option 2: Internal committee or committees composed of National Voice members

Under option 1, an ethics council could be set up fully independent of and separate to the National Voice membership. The ethics council, comprised only of Aboriginal and Torres Strait Islander people, could provide advice on ethics, probity and governance issues referred to it, and could perform the other functions such as considering matters of misconduct and eligibility of National Voice members. This option draws on the ethics council construct of the National Congress that advised on policies including the process for selecting leaders, and on member conduct issues referred to it.

Under option 2, a group of National Voice members could be selected to consider ethics and probity issues. This would retain ownership within the National Voice and not outsource difficult questions to a separate body. It prioritises self-determination in practice, even when questions deal with the nature of the governance and functioning of the National Voice.

These options will be further refined during stage two and detailed in the final report.

Conclusion

The National Co-design Group has signed off on this chapter, which reflects their consensus position on proposals for the design of the National Voice to be put to the Australian Government. During stage two of the co-design process, the National Co-design Group will prepare input to the final report by undertaking further design work and drawing on input from the Australian public through consultation and engagement.

References

Reports used to inform the co-design process

A key principle of the co-design process is to build on previous work. In addition to their own subject matter knowledge, the National Co-design Group has drawn from a number of reports in developing proposals, including:

- In the Hands of the Regions, Report of the Review of the Aboriginal and Torres Strait Islander Commission, 2003, Senator the Hon. Amanda Vanstone
- Building a Sustainable National Indigenous Representative Body, 2008, Aboriginal and Torres Strait Islander Social Justice Commissioner
- Our Future in Our Hands, 2009, Aboriginal and Torres Strait Islander Social Justice Commissioner
- Uluru Statement from the Heart, 2017
- Final Report, 2017, Referendum Council
- A First Nations Voice in the Constitution – Design Report, Report to the Referendum Council, 2017, Cape York Institute for Policy and Leadership
- Joint Select Committee on Constitutional Recognition relating to Aboriginal and Torres Strait Islander Peoples, 2018
  - Interim Report
  - Final Report
  - Submissions

CHAPTER 3

Local and Regional Voice Design

Introduction

Aboriginal and Torres Strait Islander peoples have long called for more control and a greater say in their own affairs. In recent years, governments at all levels have increasingly recognised the importance of working in partnership with communities for real and sustainable change to be realised.

The approach to Local and Regional Voices developed by the Local & Regional Co-design Group has the real potential to enhance local and regional decision making and transform the way Aboriginal and Torres Strait Islander peoples and governments work together on the ground. It is about locally led solutions and action, and community voices influencing decision making. It is about making a positive change in the daily lives of Aboriginal and Torres Strait Islander peoples and the families and communities that make them strong.

This is an empowerment approach. It builds on what is already working well in communities and strives for more. It is based on the recognition that better outcomes are achieved when decisions that affect the daily lives of Aboriginal and Torres Strait Islander peoples are made as close to the ground as possible and in partnership with those most affected. It also provides a clear pathway for community voices to be considered when decisions are made at the national level.

The proposed approach aligns with recommendations from the 2018 Joint Select Committee on Constitutional Recognition relating to Aboriginal and Torres Strait Islander Peoples (Joint Select Committee) that Indigenous Voice arrangements should have a principal focus on the local and regional bodies. It is also based on the Local & Regional Co-design Group's understanding that communities want to move beyond transactional engagement with governments. They are looking for genuine, constructive and long-term partnerships that don't just address current priorities and needs, but rise up to meet opportunities and aspirations for the future.

This approach draws on the strengths of Aboriginal and Torres Strait Islander people and their communities. It builds on and learns from both previous initiatives and existing efforts. Significant headway has been already made in some places, but there remains scope to make broader progress. A key feature is the expectation for all levels of government to work together better and in partnership with Aboriginal and Torres Strait Islander peoples. The aim is for communities to be supported in reaching their aspirations for better futures, through a greater level of ownership, agency, leadership, and capability.

Historical context

Aboriginal and Torres Strait Islander participation in local action at the community level has been identified as important to locally relevant positive change and more sustainable outcomes. Partnerships between communities and governments have been seen as a key ingredient in improving outcomes for Aboriginal and Torres Strait Islander peoples, with numerous initiatives over the recent decades.

The Aboriginal and Torres Strait Islander Commission (ATSIC) (1989 to 2004) included a structured regional governance framework, regional priority setting and decision making about appropriated funding at the local and regional level.

Most regional governance structures ceased following the dissolution of ATSIC, with a few exceptions such as the Murdi Paaki Regional Assembly. The Torres Strait Regional Authority, which operated alongside ATSIC from 1994, also continues to operate under federal legislation.

Initiatives such as the Council of Australian Governments (COAG) Trials (2002-04), Shared Responsibility Agreements (2003-07) and the National Partnership Agreement on Remote Service Delivery (2009-14) have all aimed to increase local input into government decisions, and improve the effectiveness of the way governments coordinate with each other to work with communities.

Current regional governance and decision making initiatives, supported by various levels of government across Australia, in many cases represent an evolution of these approaches. For example, the Murdi Paaki region, now involved in the New South Wales Local Decision Making initiative, and a number of Empowered Communities regions, were also ATSIC regions and COAG Trials sites, as well as Remote Service Delivery regions.

In recent years, the focus on getting decision making as close to the level of impact as possible and importance of partnerships has linked up with broader discussions about an Indigenous Voice. Alongside views on the role of a National Voice, submissions to the Joint Select Committee emphasised the need to support local and regional decision making and regional governance.

The recently concluded (July 2020) National Agreement on Closing the Gap is regarded as a landmark step toward genuine partnership with Aboriginal and Torres Strait Islander community controlled peak organisations. It includes commitments to co-designed priority reform areas, including Aboriginal and Torres Strait Islander peoples being empowered to share decision making authority with governments to accelerate policy and place-based progress on Closing the Gap through formal partnership arrangements. The National Agreement builds on other work and collaboration between governments and Aboriginal and Torres Strait Islander organisations, such as the Aboriginal and Torres Strait Islander Health Partnership Forums[8] and the 2008 'Close the Gap' Statement of Intent on health equality[9].

These developments follow the Australian Government's commitment to move away from 'top-down' approaches to Indigenous policy and service delivery to work with Aboriginal and Torres Strait Islander peoples in '*deciding together how future policies are developed – especially at a regional and local level*'[10].

This commitment has been reflected in the establishment and work of the Local & Regional Co-design Group as part of the broader Indigenous Voice co-design process. Proposals developed by the Local & Regional Co-design Group have included careful consideration of lessons learned over successive decades of experience with the approaches outlined above.

[8] For details of these regular collaborative forums between the Australian Government and state/territory governments and jurisdictional Indigenous Health peak bodies see: https://www1.health.gov.au/internet/main/publishing.nsf/Content/Indigenous-health-commonwealth-update

[9] https://humanrights.gov.au/our-work/close-gap-indigenous-health-equality-summit-statement-intent

[10] Liberal Party of Australia - Our Plan to Support Indigenous Australians, 15 May 2019 p3.

Rationale for principles-based framework

Consistent with its Terms of Reference, the Local & Regional Co-design Group considered a principles-based framework and agreed it represents the best approach to achieving improvements in local and regional decision making. Early on, the Local & Regional Co-design Group determined not to pursue alternatives to a principles-based framework. This was based on the Local & Regional Co-design Group's view that any approach applying a specific, uniform model across the country would undermine the flexibility needed to enable tailored, place-based approaches that accommodate the diverse cultures, needs and aspirations of Aboriginal and Torres Strait Islander communities across Australia. It would also undermine existing structures that work well and cut across legitimate state and territory jurisdiction.

A key expectation is that proposals developed by the Local & Regional Co-design Group will accommodate and enhance (not duplicate or undermine) existing initiatives. The proposals must also support the broad diversity of Aboriginal and Torres Strait Islander communities across Australia. At the same time, the Local & Regional Co-design Group agreed that to enhance and improve arrangements across the country overall, some adaptation and evolution will be needed. It is likely that all existing structures would need some form of adaptation.

The Local & Regional Co-design Group placed a high priority on ensuring this work builds on:

- Lessons learned, key themes and principles underpinning historical and existing place-based arrangements aimed at engaging Aboriginal and Torres Strait Islander peoples in decision making.
- Current landscape of other existing Indigenous bodies and structures (e.g. those with statutory and advisory functions).
- Submissions to, and reports of, the Joint Select Committee.

Papers providing background and synthesising key themes were considered by the Local & Regional Co-design Group in their first meeting and subsequent working groups. These papers provided an in-depth overview of relevant models, bodies and structures, both existing and historical, Australian and international, at both local and regional and national level. Of particular relevance to the work of the Local & Regional Co-design Group were local decision making approaches and various regional governance arrangements supported by different governments; land councils and land rights bodies; and other statutory and non-statutory bodies.

In designing the framework the Local & Regional Co-design Group considered common themes and features of a number of models and initiatives, including:

- Australian Capital Territory Aboriginal and Torres Strait Islander Elected Body
- Barkly Governance Table / Barkly Regional Deal / Tennant Creek Cultural Authority
- Dilak Council
- Empowered Communities model
- First Peoples' Assembly of Victoria (and Victorian Treaty Act Guiding Principles)
- Murdi Paaki Regional Assembly
- New South Wales Local Decision Making initiative
- Northern Territory Local Decision Making initiative
- Pama Futures model
- Pilbara Aboriginal Voice
- Queensland Local Thriving Communities design

- South Australia Aboriginal Regional Authority Policy (2016-18)
- Torres Strait Regional Authority
- Western Australia Aboriginal Empowerment Strategy
- Yarrabah Leaders' Forum

More detail on most of these models and initiatives is included in the Environmental Scan at Appendix D.

The Local & Regional Co-design Group was also informed by submissions to, and reports of, the Joint Select Committee. These emphasised the importance of practical action and arrangements at the local and regional level that shift towards Aboriginal and Torres Strait Islander communities working in genuine partnership with governments to enhance decision making at the local level.

The Local & Regional Co-design Group noted variations in the nature, purpose and scope of existing Aboriginal and Torres Strait Islander local and regional models and structures. For some models (e.g. New South Wales Local Decision Making initiative), local decision making is the primary purpose and function. However, for other bodies, shared decision making with governments may form part, but not the major component of, their work. Bodies such as land councils perform specific statutory functions, while others primarily focus on providing advice to governments or service delivery.

The Local & Regional Co-design Group's discussion of their own experiences and analysis of current and historical models highlighted the diversity of both existing arrangements and communities across the country. They noted that local and regional structures supporting Indigenous ownership of the strategies and action at the community level are vital to ensuring relevance, community buy-in, and effectiveness.

The Local & Regional Co-design Group focussed on ensuring the framework approach could be used to facilitate improved place-based and shared decision making between Aboriginal and Torres Strait Islander communities and governments. The framework is designed to achieve this by building on and extending the work of existing local and regional decision making arrangements (e.g. New South Wales Local Decision Making initiative and Empowered Communities model). It will also not displace, duplicate or undermine:

- bodies with existing statutory roles or cultural authorities (such as land councils, traditional owner groups, Torres Strait Regional Authority)
- bodies with a specific purpose (such as state and territory treaty entities).

Once a draft framework was developed, the Local & Regional Co-design Group considered the overall alignment between the proposed approach and a range of existing local and regional governance and decision making arrangements. The analysis showed the purpose, scope and principles aligned well, with some further guidance needed on the practical details of voice governance and partnership interface, which was progressed in the latter part of stage one. The Local & Regional Co-design Group agreed a principles-based framework approach was sufficiently flexible and allowed for community-led design of specific arrangements tailored to community context.

The Local & Regional Co-design Group also concluded a consistent principles-based framework for Local and Regional Voices across Australia would be the best way of improving local and regional decision making and Indigenous regional governance. This approach is considered by the Local & Regional Co-design Group to be broad enough to accommodate and build on the range of existing models and arrangements with purpose and functions similar to a Local and Regional Voice, while also providing consistent guidance for shared decision making with governments.

The proposed principles-based framework aims to provide the flexibility for communities to enhance their own existing governance arrangements or to design new ones. This will allow for governance structures to fit local cultures, needs and aspirations, consistent with the agreed purpose, scope and principles set out in the framework.

Local & Regional Co-design Group members acknowledged and paid respect to the broad range of traditional Aboriginal and Torres Strait Islander systems of law that have operated for many thousands of years. These systems continue to give unique shape to many aspects of communities' lives today, as well as their aspirations for the future. Across the country, the ways in which traditional law/lore, customs and decision making continue to apply and shape social, economic and cultural life differ across locations and cultures.

Local & Regional Co-design Group members agreed it is essential that Local and Regional Voice arrangements do not disrupt or encroach on the ongoing role of these systems based in traditional law/lore and custom. Rather, local and regional voice governance structures will need to draw on them as appropriate. The principles-based framework has been designed flexibly, to ensure these systems can be connected to or incorporated into local and regional voice structures in ways that are appropriate to each place and work effectively for the relevant communities.

Key features

The proposal for a Local and Regional Voice developed by the Local and Regional Co-design Group includes the following key features:

- The framework for a Local and Regional Indigenous Voice provides the overarching architecture for Aboriginal and Torres Strait Islander communities and all levels of government to work together towards a common purpose.
- The approach accommodates the diversity of communities and builds on arrangements already in place across Australia.
- Local and regional voice arrangements are to be designed and led by communities, according to local context, history and culture. Guidance material and scenarios outlining possible transition pathways will assist in this process.
- Communities will determine the implementation pace and preferred governance structures. Governments will support and enable this.
- A Local and Regional Voice[12] would undertake community engagement, provide advice to governments, undertake and facilitate shared decision making with governments and engage with the National Voice.
- Within this scope, the breadth of functions will be decided locally and is likely to evolve over time in line with community preferences and capacity.
- The local and regional voice structure will be at the regional level, with clear pathways and mechanisms for local communities and groups to participate in the work of the voice and enable local issues to be dealt with at the local level.
- Local and regional voice structures will not displace or undermine bodies with existing statutory roles or specific functions, but provide links for involvement.
- All local and regional voice arrangements must align with the guiding principles. In line with the *Inclusive Participation* principle all Aboriginal and Torres Strait Islander residents of a place (historical residents[13] and traditional owners alike) will have an opportunity to have their voice heard.
- The principle of *Cultural Leadership* connects Local and Regional Voice to those with responsibility for cultural law/lore and customs in each place, to ensure legitimacy and relevance.
- Communities in each region will be able to decide their membership and governance structure in whichever way best fits their context, consistent with the agreed principles.
- The starting point will be different for all. Some regions may need time to establish new or evolve existing arrangements.
- Transitional approaches will be supported to give everyone an avenue to participate in the Local and Regional Voice while longer-term arrangements are being developed.

[12] 'Local and regional voice' refers to an Indigenous governance structure at the regional level with clear pathways and mechanisms for local communities and groups to participate in the work of the voice and enable local issues to be dealt with at the local level.

[13] 'Historical residents' commonly refers to all residents who are not traditional owners of the given area, irrespective of when they moved to that community.

- There will be minimum expectations for both local and regional voice structures and governments, and a process for recognising local and regional voice structures so there is transparency for all.
- All levels of governments are envisioned in the approach. Buy-in from all tiers of government is viewed as critical and must include both targeted and mainstream policies, programs and services.
- Legislation and cross-jurisdictional agreements to enable local and regional voice arrangements will need to be progressed through intergovernmental engagement.
- Governments will need to enable capability building, and provide support and resourcing, both during the establishment/transitional period and for ongoing operations.

Detail of principles-based framework

The framework has been designed by the Local & Regional Co-design Group as an approach that builds on and learns from previous attempts and existing efforts, including the recommendations of the Joint Select Committee. It is flexible and accommodates both the diversity of Australia's Aboriginal and Torres Strait Islander communities and the range of arrangements already in place across Australia. A key feature is the expectation for all levels of government to work better together and in genuine partnership with Aboriginal and Torres Strait Islander communities.

The framework aims to provide consistent guidance for both advice to governments and for enhanced shared local decision making with governments across all Aboriginal and Torres Strait Islander communities. At the same time, it allows flexibility for Local and Regional Voices to be designed and operate in ways tailored to specific cultural contexts, geography, opportunities, priorities and aspirations.

The Local & Regional Co-design Group has agreed the framework should comprise three interconnected parts: purpose, scope and principles; governance structures; and processes.

Purpose, scope and principles

This includes overarching elements to guide design, implementation and ongoing operation of Local and Regional Voices.

Purpose

The Local & Regional Co-design Group has articulated the purpose of a Local and Regional Indigenous Voice as:

> *"to enable Aboriginal and Torres Strait Islander peoples 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."*

The statement of purpose draws on the Local & Regional Co-design Group's Terms of Reference (Appendix B), 'to articulate preferred approaches to improving local and regional decision making and Indigenous regional governance'. Its development included careful analysis of historical approaches, personal experience of Local & Regional Co-design Group members as well as what's already working well across key existing models (e.g. New South Wales Local Decision Making initiative and Empowered Communities arrangements).

Scope

A Local and Regional Voice would undertake community engagement, provide advice to governments and other stakeholders, undertake and facilitate shared decision making with governments and engage with the National Voice. The breadth of functions within this scope will be decided by each Local and Regional Voice, based on their preferences and capacity. Functions are expected to evolve over time along this spectrum.

- *Community engagement* would underpin all aspects of work undertaken by a Local and Regional Voice. The Local and Regional Voice would build broad local and regional ownership and buy-in, and provide clear, accessible ways for all community members who wish to get involved to participate in the work of the Local and Regional Voice.
- *Advice to governments* (and others) on local and regional aspirations, needs, priorities, opportunities and issues of concern. It can include advice about local application and impact of particular programs and policies, including recommendations for change or improvement. Advice would be provided to local, state, territory and federal governments on areas relevant to their responsibilities and aim to cover the interests of all resident Aboriginal and Torres Strait Islander people. There would also be engagement and advice provided to non-government sector, including philanthropic, business, corporate and academic sectors.
- *Shared decision making*: a Local and Regional Voice and all levels of government would work together to set the strategic direction and operational priorities to improve policy outcomes, services and investment decisions for communities in the region. It covers mainstream services, programs and funding, as well as those targeted to Aboriginal and Torres Strait Islander peoples.
  - The scope of shared decision making could vary between regions, according to capability, readiness and community preferences.
  - It is likely to be a gradual and iterative process, with each Local and Regional Voice shaping their own approach in partnership with governments.
  - It will build on the provision of advice about local aspirations and needs, and include:
    - agreements around priorities and long-term plans
    - co-designing strategies, services and how they should be delivered
    - agreements about how funding investment and other resources can be better aligned to priorities and strategies.
  - This work would be undertaken through a ‘partnership interface’ such as a ‘partnership table’, which would include Local and Regional Voice and government representatives jointly considering key matters such as how existing funding can be better targeted at local priorities and deliver better outcomes.
  - It could also include a joint approach to monitoring and evaluation with ongoing feedback through implementation to inform continuous improvement.
- *National engagement*: a Local and Regional Voice would provide views to the National Voice on systemic issues associated with national policies and programs and matters of national importance, to inform their work and advice to the Parliament and Australian Government. Local and regional issues that go to day-to-day operation of a Local and Regional Voice and the partnership interface would not be escalated to the national level.

- *Out of scope*: the Local & Regional Co-design Group agreed that administration of funds and programs are out of scope for local and regional voice functions (noting shared work with governments on priority setting, influencing funding decisions to better align investment to priorities, and procurement planning, are in scope).

Figure 2: Local and Regional Voice - Scope

While the key focus for the National Voice would be to provide advice to the Parliament and Australian Government, the range of functions in scope for a Local and Regional Voice goes beyond this, to also include shared decision making with governments.

This reflects the fact that enhanced local and regional decision making in partnership with governments is a core part of the Local & Regional Co-design Group's Terms of Reference. This is consistent with a range of government commitments, existing initiatives and policy directions, including the Priority Reforms in the recently concluded National Agreement on Closing the Gap[14]. For example, the proposed local and regional voice arrangements would be well placed to assist in implementing Priority Reform One – *Formal partnerships and shared decision making* on the ground. By creating mechanisms for cross-portfolio and cross-government partnerships with communities at the local and regional level these arrangements would also support progressing Priority Reform Three, which articulates actions to transform mainstream government systems and structures to improve accountability and better respond to the needs of Aboriginal and Torres Strait Islander peoples.

[14] https://www.closingthegap.gov.au/priority-reforms

In pulling together the proposed scope the Local & Regional Co-design Group drew on lessons learned from a range of existing arrangements that operate in this way, or are well along this path, as well as the experience of several members. The Local & Regional Co-design Group also took a view that the scope needs to be empowering for those regions where similar arrangements are not in place.

In considering the scope the Local & Regional Co-design Group drew on a range of existing models, as well as the ATSIC experience, where the process of 'regional planning' and setting local strategic priorities through community engagement was considered a key strength. Also in line with these learnings, the proposed scope of functions for Local and Regional Voices explicitly excludes administration of programs and funding, while providing for joint planning and informing government funding decisions based on community priorities.

Principles

Principles have been drafted to ensure consistency with the range of existing arrangements in states and territories, and to support a flexible, community-driven approach. The nine principles the Local & Regional Co-design Group developed will guide both the formation and operation of the Local and Regional Voices, and government arrangements for engaging with voices (the partnership interface).

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. 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.

To ensure communities and governments meet the minimum expectations for representation and collaboration, and that this is done transparently, all local and regional voice arrangements will need to align with the principles. Further guidance will be developed in stage two to support best practice implementation of the principles.

Figure 3: Scope and Principles

Local and Regional Voice Principles

An overview and detailed description of each of the nine key principles follows.

Empowerment

Aboriginal and Torres Strait Islander peoples have greater control and voice in their own affairs: a self-determination approach. Governments shift to an enabling role.

- *Empowerment* is the foundation for the framework and all local and regional voice arrangements.
- *Empowerment* recognises better public policy, program and service decisions are made when the people most affected have a say.
- *Empowerment* recognises the strengths and unique position of Aboriginal and Torres Strait Islander peoples to take control of their own futures, drive progress and sustain outcomes for their communities.

What will it look like?

- Aboriginal and Torres Strait Islander peoples are enabled to develop ways to meet their aspirations through solutions that work in their context.
- Aboriginal and Torres Strait Islander peoples have increased agency, autonomy and influence in public policy, program and service delivery decisions that affect their lives.
- Communities are supported to bring their aspirations, priorities and strategies to the 'partnership table' with governments and influence how funding and service delivery can respond to this.
- Aboriginal and Torres Strait Islander peoples have access to the tools and resources they need to have greater control over their futures and make better informed decisions for themselves and their communities.
- Partnership arrangements are built on mutual respect and are culturally safe for all participants.
- Governments' systems change to support community involvement in decision making; processes allow time for sharing information, genuine conversation and understanding.
- Aboriginal and Torres Strait Islander peoples are supported to forge partnerships that contribute to their wellbeing and prosperity, including with corporate and academic sectors, businesses, and other parties.

Inclusive Participation

All Aboriginal and Torres Strait Islander people have the opportunity to have a say. Local and regional voice arrangements are broad-based and support respectful engagement across a diversity of voices.

- *Inclusive Participation* provides opportunity for all people living in a community[15] to influence decisions that affect them and their families.
- *Inclusive Participation* recognises there are a range of views and perspectives in every community, and supports arrangements that reflect and embrace this diversity. As each community is unique, practical application will look different in each place.
- *Inclusive Participation* makes space for contributions of leaders from across the community who wish to work for public good.
- *Inclusive Participation* is to be considered alongside the principle of *Cultural Leadership*. The appropriate way of interaction between these two principles will be determined by each community.

What will it look like?

- Local and regional voice structures are broad based, equitable and inclusive, reflecting the diversity in each community.
- All community members and family groups – historical residents as well as traditional owners – can participate or see themselves represented.
- There are ways for all communities in a region to be involved at the regional level and to make or inform decisions on their local issues.
- There is balanced representation of men and women, youth and elders when addressing citizen-based matters (such as priority setting, programs and services). This does not encroach on cultural leadership, practices and protocols.
- All community members can see themselves in a voice and there are ways for all to be involved or represented, including people living with a disability or those identifying as LGBTQI+.
- Local and regional voice arrangements support respectful engagement and decision making across a diversity of views.
- There are fair and transparent ways (such as mediation) to resolve any internal disputes.

[15] Includes all individuals, families, groups, organisations and traditional owners with ties to the local area.

Cultural Leadership

Local and regional voice arrangements strongly connect to those with responsibility for upholding and maintaining cultural law/lore and customs, in a way that is appropriate for each community and region.

- *Cultural Leadership* is essential to ensure Local and Regional Voices have legitimacy.
- *Cultural Leadership* accommodates each community and region's unique system of cultural leadership.
- *Cultural Leadership* is to be considered alongside the principle of *Inclusive Participation*. The appropriate way of interaction between these two principles will be determined by each community.

What will it look like?

- Local and regional voice structures are endorsed by and/or connected with cultural leaders, in a way that respects how cultural leadership and authority operates in that region.
- Guidance from communities about how cultural leadership works in their location and how best to reflect it informs how the local and regional voice structure operates.
- Systems and structures based in traditional law/lore and custom are drawn on or incorporated in the local and regional voice arrangements, as appropriate to each region.
- There are clear pathways for cultural leaders and traditional owners to be involved in the work of their Local and Regional Voice.
- The voice arrangements do not encroach on the specific remit of cultural leaders over traditional law/lore, custom and cultural matters.
- Governments respect cultural leadership connected to Local and Regional Voices and their roles.

Community-led Design

Local and regional voice arrangements are determined by relevant communities, according to local context, history and culture. Communities determine implementation pace and governance structures. Governments support and enable this.

- *Community-led Design* is central to creating arrangements that meet local needs and aspirations.
- *Community-led Design* builds local ownership and gives authorisation and mandate to voice structures.
- *Community-led Design* will result in a diverse range of governance and operating arrangements for Local and Regional Voices.

What will it look like?

- Communities across each region decide how best to organise themselves as a Local and Regional Voice, including ways to connect local communities with voice structures at the regional level.
- Communities shape arrangements in line with their local context, history, culture and aspirations for the future. This includes adopting, building on or adapting existing arrangements, as appropriate.
- Communities, in consultation with governments, determine the detail of geographic areas to come together as regions (using the agreed parameters and processes).
- Priorities, agenda and pace of implementation is set by each Local and Regional Voice.
- Governments support and enable communities to establish their arrangements and progress their priorities and aspirations.

Non-duplication and Links with Existing Bodies

Local and regional voice structures build on and leverage existing approaches wherever possible, with some adaptation and evolution as needed to improve the arrangements. Local and Regional Voices link to other existing bodies, do not duplicate or undermine their roles.

- *Non-duplication and Links* recognises a broad range of existing arrangements, bodies and structures working to build positive futures for Aboriginal and Torres Strait Islander people and their communities.
- *Non-duplication and Links* represents the flexibility of the framework to accommodate, build on and enhance – rather than displace or duplicate – existing structures and work already underway.

What will it look like?

- Existing structures with similar purpose and functions are used as the basis for a Local and Regional Voice, evolving as needed to align with the principles.
- Local and Regional Voice brings together and enhances voices of a broad range of Aboriginal and Torres Strait Islander stakeholders, including Aboriginal community-controlled organisations, land councils and other bodies and groups.
- Local and Regional Voice does not encroach on, or undermine, the mandate of existing bodies with statutory roles or specific functions, but provides appropriate links for their involvement in the Voice.
- Existing local and regional decision making structures covering smaller geographical areas will need to 'feed in' to broader Local and Regional Voice structures.

Respectful Long-term Partnerships

Governments and Local and Regional Voices commit to mutually respectful and enduring partnerships, supported by structured interface. Governments are responsive and proactive. Governments support building capacity and expertise of voice structures and implement system changes.

- *Respectful Long-term Partnerships* recognises the need for clear commitments from governments and communities.
- *Respectful Long-term Partnerships* recognises the need for improved coordination between and within levels of government, including government system changes, to shift to partnership approach.
- *Respectful Long-term Partnerships* supports establishing interface arrangements in each region, tailored to specific community context in each place.
- *Respectful Long-term Partnerships* recognises that relationships and underpinning structures evolve and mature over time as the partnership strengthens.

What will it look like?

- Defined, structured mechanisms and processes are in place for partnership between each Local and Regional Voice and all levels of government (such as a 'partnership table').
- Roles, responsibilities and expectations for all partners are clear and documented.
- Relationships are based on mutual respect, good faith, trust and transparency.
- Communication and engagement between partners is responsive, regular and consistent.
- Governments work together across levels and across portfolios to engage proactively and responsively with the Voices.
- Governments support communities to build capacity and expertise and draw on community expertise to support 'two way learning'. Both sides share their different capabilities, skills and experiences to build and enhance effective partnership.
- Regular 'health checks' of the state of partnership assist to identify and address any issues or concerns in a proactive way.
- Mutually agreed mediation and dispute resolution processes assist partners to work through and resolve any disputes or conflicts.

Transparency and Accountability

Governments and local and regional voice structures adhere to clear protocols and share responsibility and accountability, including downwards to communities.

- *Transparency and Accountability* is critical to success of partnerships between Local and Regional Voices and governments.
- *Transparency and Accountability* recognises responsibility for partnership and associated outcomes is shared by all partners.

What will it look like?

- All parties agree and adhere to clear protocols to support transparency and accountability (e.g. public reporting, monitoring and evaluation).
- Local and Regional Voices are supported to implement best practice governance including: documented codes of conduct and protocols for managing conflicts of interest; 'fit and proper' persons checks, and mechanisms for removing members in the event of misconduct or loss of community confidence.
- Local and Regional Voices develop, agree, document and are transparent about decision making processes (e.g. consultations, consensus, majority etc.) and follow up actions.
- Activities of partnership interface are transparent, with timely information flows and follow up by all parties.
- Arrangements support shared accountability and responsibility between governments and Local and Regional Voices, including downward to the community level.
- Data and information sharing protocols are agreed by all parties.
- Administrative arrangements are regularly reviewed to ensure they are practical and proportionate.

Capability Driven

Local and regional voice arrangements match the unique capabilities and strengths of each community and region. Governments support leadership and capability building.

- *Capability Driven* acknowledges that communities will be at various stages of 'Voice readiness' and capability.
- *Capability Driven* recognises Local and Regional Voices will need capability support from governments.

What will it look like?

- Local and regional voice structures are fit for purpose and underpinned by practices that promote good governance.
- Local and regional voice structures evolve the scope of their functions and activities according to their strengths, capability and preferences.
- Communities have ongoing opportunities and support to develop and enhance local leadership and build their capability to engage in effective partnership.
- Governments develop their capability to engage in partnership arrangements and allow space and authority for communities to perform voice functions.
- Local and Regional Voices are supported to share good practice and relevant expertise with each other.

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.

- *Data and Evidence-based Decision Making* recognises effective decision making requires access to meaningful data and evidence.
- *Data and Evidence-based Decision Making* provides for local and regional decision making to be informed by relevant data, research and best practice evidence from Australia and internationally.

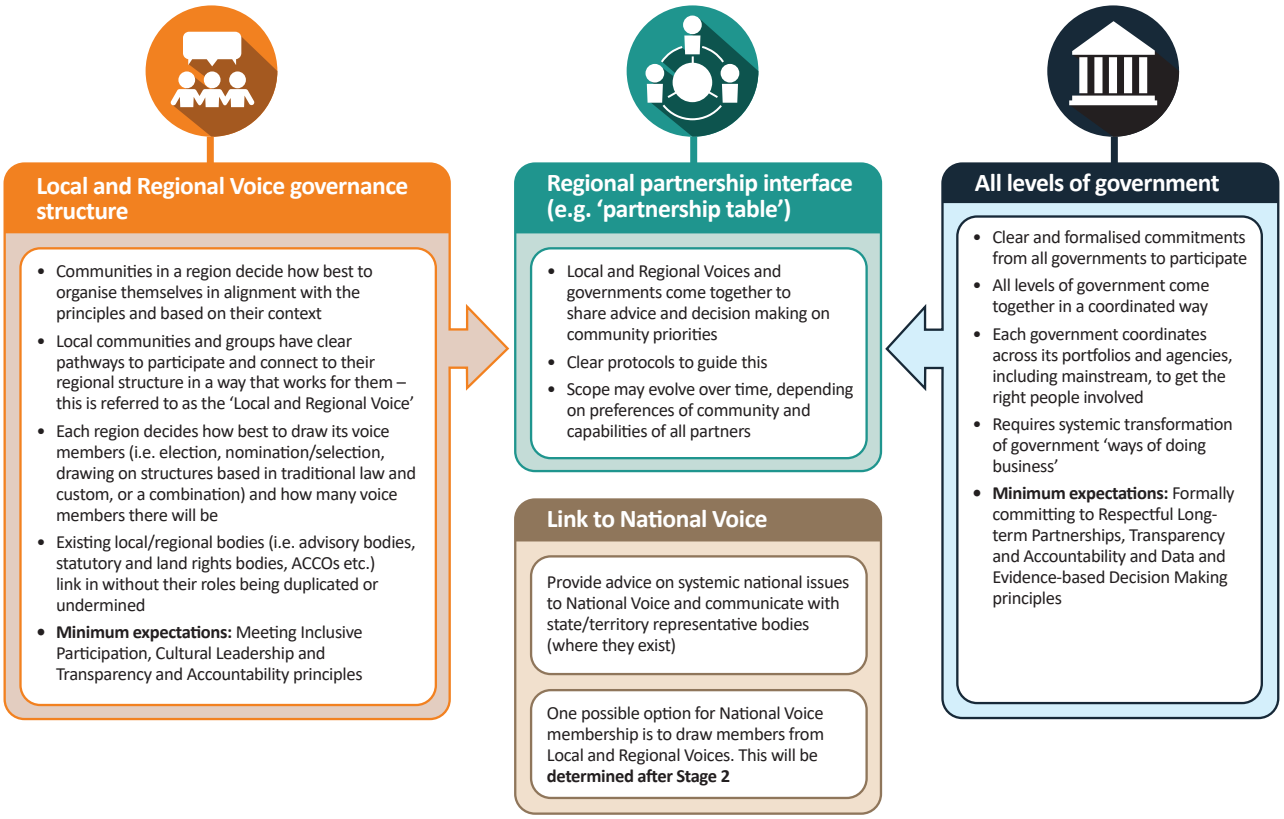
What will it look like?

- Local and Regional Voices have access to data evidence they need to provide informed advice and make informed decisions.
- Governments and communities collaborate and share data collection and analysis expertise. Communities are supported to build their data capability.
- Regional planning activities include robust data, monitoring and evaluation strategies co-designed by communities and governments.
- Government systems support data and information sharing with Local and Regional Voices.
- Government Aboriginal and Torres Strait Islander data collection activities are informed by local and regional priorities. Data is meaningful to communities and shared in user friendly, flexible formats.
- Local and regional voice structures are supported to undertake and manage their own data collection and analysis activities.
- Strategies to enable 'real time' learning and adaptation are built into Local and Regional Voice and partnership interface activities.

Governance structures

Governance structures include: Local and Regional Indigenous Voice structures; arrangements within and between governments; and partnership interface between voice and governments.

Each region will be able to design or enhance their own governance arrangements to fit local cultures, needs and aspirations, consistent with the agreed purpose, scope and principles set out in the framework.



Local and Regional Indigenous Voice governance structures

The framework allows for flexibility and tailored arrangements in each region. This aims to accommodate the diversity of Aboriginal and Torres Strait Islander communities and a range of existing governance arrangements.

Each region will be able to decide membership of their voice structure in whichever way best fits their context. This can be through members being elected (e.g. at public meetings); communities, groups and organisations nominating or selecting members; or by building on or incorporating into the voice structures traditional decision making and governance structures. There can also be various hybrid arrangements drawing on all of these elements.

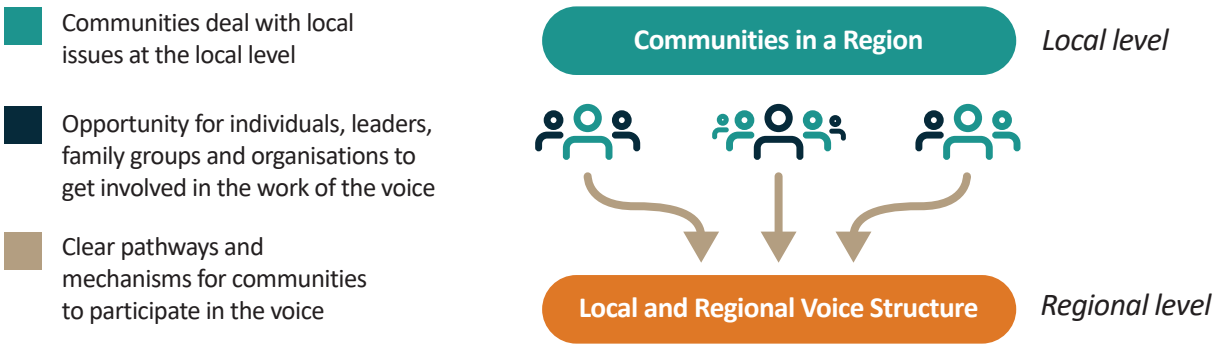
Communities within each region will also decide how many members their structure will have, as well as its composition. This means Local and Regional Voices will be set up in different ways and look different across the country, including vary in the number of members, make up and organisational detail, depending on what communities in a given region decide best suits their circumstances, histories and cultures. The only requirement will be for each Voice structure to meet minimum requirements for sufficient alignment with the principles (see minimum expectations and recognition mechanism section below for more detail).

Australian Government resourcing will be needed for local and regional voice structures at the regional level to undertake their functions. It is anticipated this will go towards covering costs of a small support/secretariat team in each region to support voice leaders and members.

'Local and Regional' Voice

The Local & Regional Co-design Group agreed that aggregation to a regional level will be important for sustainability and efficiency. At the same time, appropriate community level mechanisms will be essential to support effective local engagement in each region. These mechanisms will support clear pathways for local communities and groups to participate in the work of the Voice. This will be in line with the goal of making decisions closer to where they impact and ensure decisions about local issues involve relevant communities. The framework refers to a governance structure at the regional level with these local connection mechanisms as a 'Local and Regional Voice'.

Figure 4: Local and Regional Voice – Local to Regional Connections



*Balancing Principles of **Inclusive Participation** and **Cultural Leadership***

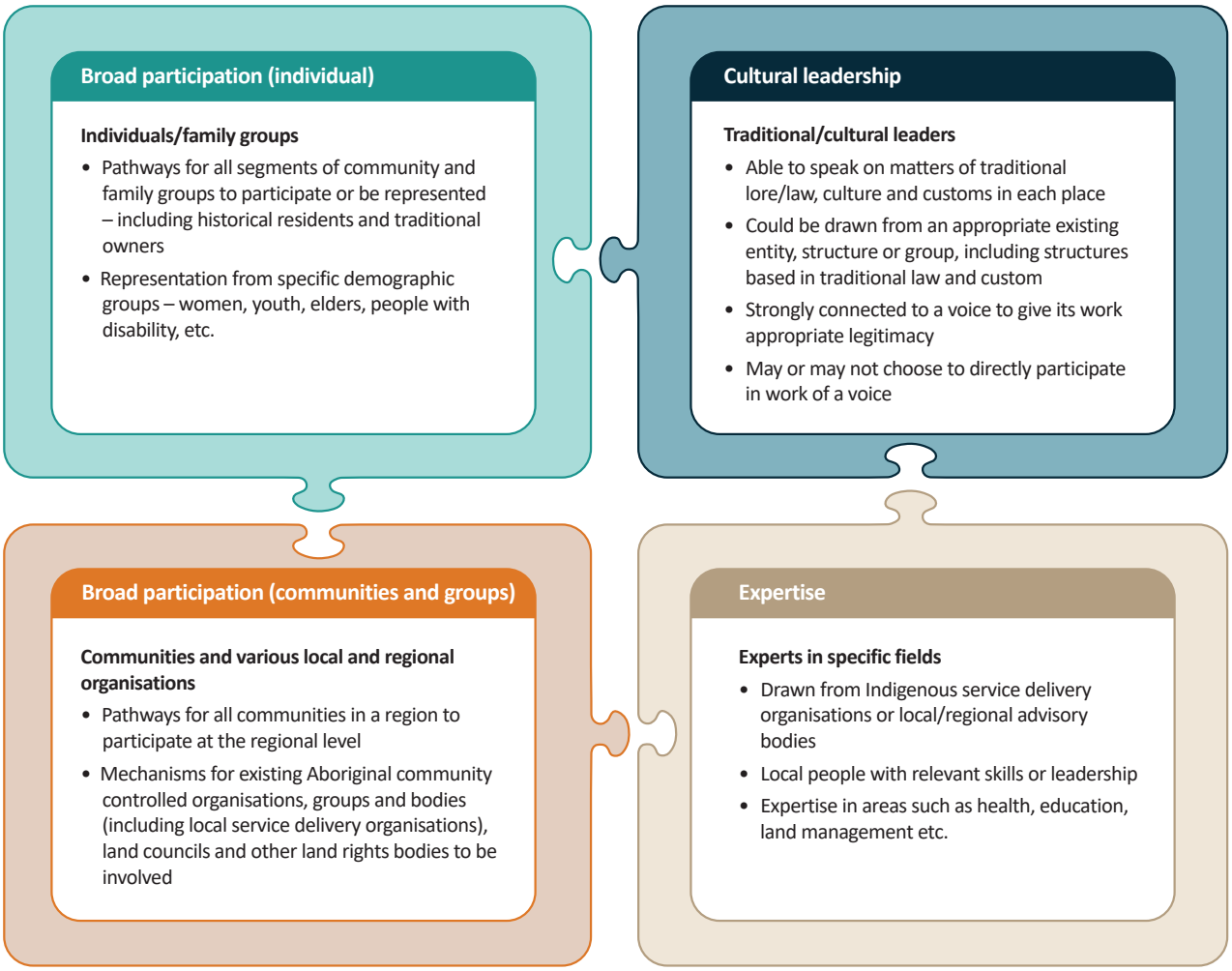
The Local & Regional Co-design Group highlighted inclusive participation by all Aboriginal and Torres Strait Islander people – traditional owners and historical residents alike – as a key principle to guide all local and regional voice governance arrangements. This is seen as essential given functions to be undertaken by a Local and Regional Voice (i.e. collaboration with governments on policy, programs and services, not cultural business), and the diverse responsibilities, connections and mobility of the Aboriginal and Torres Strait Islander population across Australia.

The Local & Regional Co-design Group also highlighted the need to consider factors such as age, gender, sexuality and disability, use strategies to promote broad accessibility and participation, and pay special attention to members of the community that might struggle to participate under ordinary circumstances.

At the same time, the Local & Regional Co-design Group agreed Local and Regional Voices need to be appropriately connected to those with responsibility for cultural law/lore and customs in each place. Connection to, or incorporation of, traditional culturally appropriate decision making systems in the voice structures is essential for decision making to be considered legitimate.

The Local & Regional Co-design Group also agreed the interaction between these two principles of *Inclusive Participation* and *Cultural Leadership* will look different in various communities and regions, reflecting the diverse cultures, histories and current circumstances of communities across the country.

Figure 5: Local and Regional Voice – composition



Partnership interface

The proposed partnership interface will require local and regional voice structures and all levels of government to establish (for matters that are in scope) mechanisms at the regional level that will also connect to communities.

This will bring the parties together to put a shared commitment to partnership into practical action. The Local & Regional Co-design Group agreed there should be flexibility for regions and governments to design interface arrangements that are effective in their specific context as long as they align with the principles.

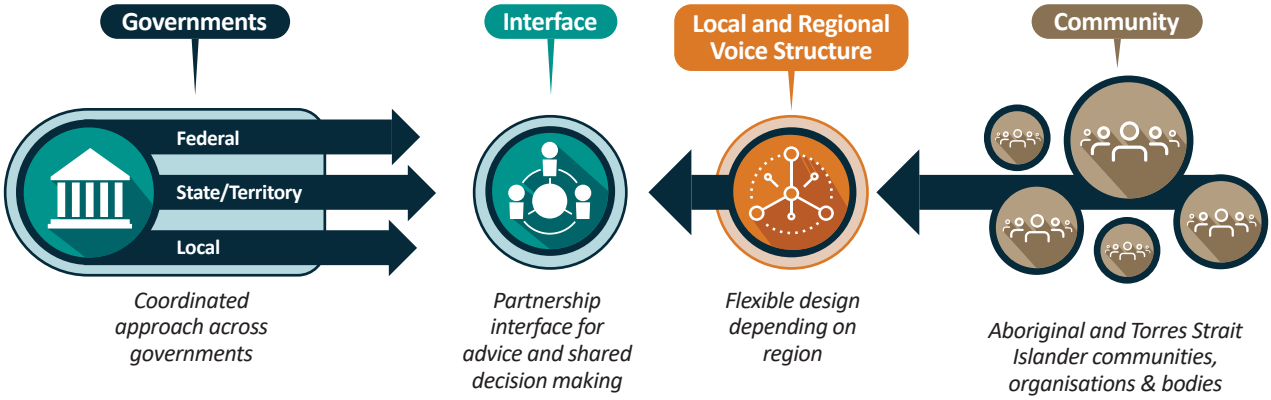
Some communities or regions with local and regional decision making arrangements already in place, such as 'partnership tables', will be well placed to commence shared, cross-government work in line with the framework relatively quickly. Others will require time to establish governance arrangements that work for them, noting within the framework there is also flexibility for the arrangements to evolve over time.

On the community side, the design of governance structures for a Local and Regional Voice will need to make space for a broad range of individuals, leaders and organisations to participate or be represented, including those who may have not been involved previously. This will require balancing more established, historically influential 'voices' and those new and emerging, to ensure all who wish to make a contribution can do so. It will be important that these arrangements do not create a closed system, but one that is sufficiently dynamic and open to involving all relevant stakeholders keen to have a say in the decisions that impact their community.

Australian, state and territory and local governments will need to work together to establish effective arrangements across portfolios and with each other. This will provide a coordinated point for place-based collaboration with Aboriginal and Torres Strait Islander communities.

The Local & Regional Co-design Group noted this will need to be progressed through intergovernmental discussions. The Local & Regional Co-design Group also noted that in many instances governments will need to undertake considerable systems reform to establish effective mechanisms to support this approach.

Figure 7: Partnership interface



Processes

This element of the framework includes: the approach to regions; transitional arrangements; minimum expectations and a recognition mechanism. Further processes and other details to assist best practice implementation of the framework will be developed during stage two (as outlined in the further work section below).

Regions

The Local & Regional Co-design Group agreed that local and regional voice structures should be established at the regional level in order to maximise efficiency and practicality. At the same time, each structure will need to have clear pathways for local communities and groups to participate, and local engagement mechanisms to ensure decisions about local issues involve local people and communities.

The Local & Regional Co-design Group developed the proposed approach to determining regions by drawing on lessons learned from previous and existing arrangements. The approach balances practical considerations (such as resourcing and long term sustainability), accommodates contextual factors across regions (such as cultural groupings, population number, geographic spread, historical and existing governance approaches), and is consistent with the framework principles.

Regions are determined

It is proposed there will be between 25-35 regions nationally. Once the number is **finalised after Stage 2**, a breakdown will be provided for each state and territory. Communities and governments in each state/territory then work together to determine the detail of regions in their jurisdiction, based on agreed parameters and guidance.

Overall number of regions

The Local & Regional Co-design Group has proposed a range of between 25 and 35 regions across Australia. This range takes into account the need for the number of regions to be sustainable as well as reflective of existing cultural identities and regional groupings. Based on the overall range, the following table provides three sets of potential numbers of regions per state/territory. These breakdowns take into account relative population numbers, geographic spread and historical approaches.

Jurisdiction	25 regions	30 regions	35 regions
ACT	1	1	1
NSW	5	6	7
NT	4	5	6
Qld (exc. TSI)	5	6	7
Torres Strait	1	1	1
SA	2	3	3
Tas	1	1	1
Vic	2	2	2
WA	4	5	7

The Local & Regional Co-design Group has proposed the exact number of regions and the breakdown by state and territory be finalised following stage two, drawing on feedback received through community consultations, and included in the final report for the Australian Government's decision.

Rationale

The Local & Regional Co-design Group agreed that putting forward a range for the number of regions for the consultation and engagement stage will be essential for upholding the principles of *Empowerment* and *Community-led Design* that underpin the proposed framework. Critically, this approach will allow communities to have a say during stage two, which will inform the specific number of regions to be proposed in the final report. It will also allow an early dialogue on this issue with states and territories who will be essential partners.

The Local & Regional Co-design Group also considered an alternative approach, suggested by the Senior Advisory Group, which would see a single number of regions proposed in this interim report to the Australian Government, noting this would provide early greater certainty around potential costs which will need to be considered as one of the key factors.

While the Local & Regional Co-design Group acknowledged the potential benefits of this certainty, it ultimately did not support the proposal. This was on the basis that making this key decision now would be premature and could undermine both the integrity of the co-design process and the proposed principles, without opportunities for communities to have a say to inform the final proposal to the Australian Government. The Local & Regional Co-design Group concluded these risks outweigh benefits that would be associated with setting a specific number of regions earlier in the process.

Determining regions

The Local & Regional Co-design Group has proposed that, within the final agreed number overall and for each state and territory, the detailed regional boundaries would be determined at the beginning of the implementation phase. Key Aboriginal and Torres Strait Islander community groups and stakeholders in each state and territory would come together with the Australian Government, the relevant state or territory government and the peak local government association to agree the proposed regional groupings for their state or territory at a broad level. While there will be a number of factors to consider, this will enable a coordinated approach across all tiers of government, and maximise opportunities for aligned arrangements supported by all governments.

The proposed regional groupings will be informed by feedback received in stage two, and will be based on the overall number of regions for that state or territory and the key parameters and guidance outlined in the table below.

Communities and stakeholders in each proposed region will then be consulted on the proposed groupings and boundaries. The initial group of government and key Aboriginal and Torres Strait Islander community stakeholders will draw on community feedback to finalise the details.

Foundations of approach

- Each region will have a **clearly defined boundary** which will not overlap with any other region (noting in some cases coordination arrangements across regions will be needed where there are strong cultural, historical, economic or service links that go outside the regional boundaries).
- Specific regional boundaries will be **determined by communities and governments** in line with the approach outlined in the framework, balancing the key considerations below in the context of each region to ensure arrangements are practical, sustainable and effective.
- Lessons learned from previous and existing arrangements will inform the approach.

Key parameters of approach	Guidance to inform approach
• Overall number of **25-35 regions** across Australia. • **Existing regions under relevant arrangements** will be a starting point and be built on, providing these are considered to work well. • **Cultural groupings** will be a key factor in designing each region. • Regions should generally align with **jurisdictional boundaries**, with limited exceptions possible if a strong case exists (to be considered on a case by case basis).	• Communities and governments will consider how to achieve **appropriate and effective composition** in the context of each region, taking into account aspects such as population number and geographic size. This includes considering how to ensure local communities within the region can be equitably represented at the regional level. • Communities should work with governments to consider whether and how best to align regional boundaries to relevant **government administrative arrangements** (e.g. Local Government Areas, service delivery regions).

The Local & Regional Co-design Group also considers it important for regional boundaries to be formally agreed and made publicly available, with periodic reviews to assess if any adjustments may be needed. These reviews would consider shifts in population size, economic activity or changes to the government administrative boundaries, which may impact the effectiveness or sustainability of the regional arrangements. Reviews would be undertaken in consultation with communities, local and regional voice structures and governments, with further operational details to be developed ahead of implementation.

Transitional arrangements

Once the key components of the proposed framework were settled, the Local & Regional Co-design Group turned its attention to practical aspects necessary to support implementation. The flexible nature of the framework means many different specific approaches are possible. This makes implementation guidance key in supporting communities to consider what arrangements would work best in their context and where to start.

The Local & Regional Co-design Group agreed the implementation of the framework will need to be supported by a range of scenarios to illustrate possible pathways for transitioning to local and regional voice arrangements. This will help Aboriginal and Torres Strait Islander peoples and communities around the country to see themselves in the framework. It will also help Aboriginal and Torres Strait Islander peoples understand what it could mean for them and their community, and how they can be involved.

Transition to voice structures

Transition pathways will look different in each community and region depending on the extent of any existing arrangements that can be built on. Where limited or no similar arrangements exist to build on, 'transitional groups' with a broad range of stakeholders can be established to design the voice arrangements. Further guidance materials will be **developed in Stage 2**.

The Local & Regional Co-design Group noted there will be a number of possible starting points and pathways for local and regional voice arrangements for communities around the country. This is because some regions already have structures in place for bringing people together to work towards a common agenda, while others do not, or have only limited or ad hoc mechanisms.

For example, New South Wales Local Decision Making and Empowered Communities regions are already working in a way similar to that envisaged for Local and Regional Voices and will be well positioned to transition to local and regional voice arrangements (noting they currently do not incorporate all tiers of government). However, this is not the case everywhere.

In this context, the Local & Regional Co-design Group agreed a default approach as a guide to illustrate how communities can be supported through the process of building Local and Regional Voices, where needed. This acknowledges that regions will require time to establish governance arrangements that work for them and this can evolve over time. It also recognises that it will be important for all Aboriginal and Torres Strait Islander people to see how the arrangements may apply in their community.

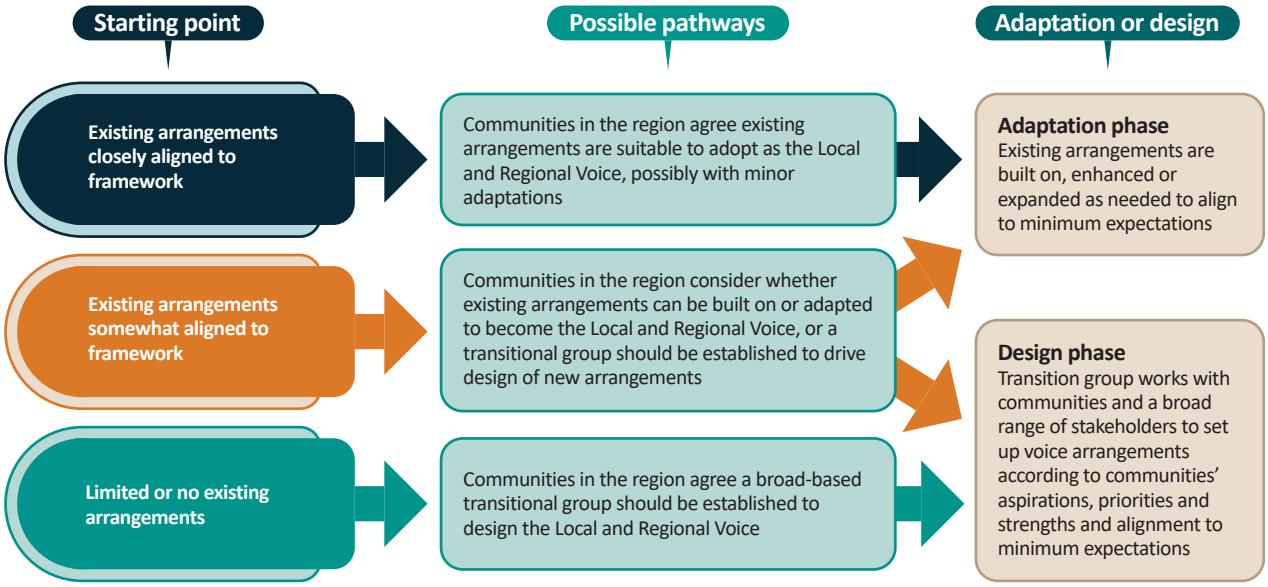
The Local & Regional Co-design Group proposed formation of 'transitional groups' with involvement of a broad range of Aboriginal and Torres Strait Islander stakeholders drawn from across a region as a default approach for use in places where there are limited or no existing governance platforms for bringing people together. The key role of such groups will be to work with communities to develop voice structures, and undertake some limited voice functions in the interim.

For places with some existing mechanisms, the pathways will involve building on existing governance arrangements, enhancing or expanding what is in place – again working with communities and a broad range of stakeholders.

One member expressed a concern the transitional arrangements would be too complex and proposed a direct election approach, which was not supported by the Local & Regional Co-design Group.

The Local & Regional Co-design Group also developed a flowchart and a range of scenarios to illustrate the different starting points, state and territory differences, various existing arrangements, as well as urban, regional and remote variations (see section implementation flowchart and scenarios below).

Figure 8: Transitional pathways



Where the 'transitional group' is agreed as a good way forward, it will be used to support community-led design of local and regional voice arrangements.

It is not intended as a prescribed model to be applied universally, but to provide a way for communities to have a Local and Regional Voice as soon as practicable, in line with their own priorities and aspirations. It will also help these communities to connect with the National Voice as needed.

Transitional groups could be established and supported to coordinate the Local and Regional Voice design across communities in a region. In locations where this is needed, such groups will facilitate a community-driven design process to develop governance arrangements for a Local and Regional Voice. It will be important that these groups do not become long-term and there is continual progress (driven by local people) towards a permanent structure. To this end, the Local & Regional Co-design Group noted it may be appropriate to propose a time limit for these arrangements. This will be considered further in stage two, informed by public consultation and engagement.

An important aspect of transition to local and regional voice arrangements will be to facilitate local and regional engagement with the National Voice as early as possible to ensure broad coverage of local perspectives on national policy issues. It will be important for the Australian Government and state and territory governments to work together to facilitate the establishment of Local and Regional Voices, including any transitional arrangements where required.

Key features of the proposed 'transitional group' approach agreed by the Local & Regional Co-design Group are set out in the table below.

Proposed transitional groups	
For communities/regions with limited or no existing arrangements, 'transitional groups' could be a starting point to progress the design and establishment of Local and Regional Voices.	
Functions	• Engage with local communities and governments to design local and regional voice arrangements according to the community's aspirations, priorities and strengths. • Undertake some limited local and regional voice advice functions in interim, until the ongoing voice arrangements are established: ◦ advising governments on relevant issues, policies, programs at the local/regional level ◦ regional input to the work of the National Voice as needed.
Composition	• Membership to be developed in consultation with a wide range of community members, family groups, leaders and existing Aboriginal and Torres Strait Islander groups, bodies and organisations in relevant locations (such as land councils, Aboriginal Community Controlled Organisations, other bodies and groups, etc.). • Membership to be inclusive, drawn from individual community members as well as the existing groups across the region, ensuring there are pathways for all who to want to have a say (e.g., through open meetings, or other mechanisms as appropriate). • Composition to be consistent with the framework principles, in particular the principle of *Inclusive Participation*, to ensure: ◦ representation of traditional owners and historical residents alike ◦ appropriate gender and age balance in each region, and broad inclusiveness ◦ appropriate geographic and cultural representation from across the region ◦ appropriate balance between existing (e.g. organisation based) voices, and those who are not involved in any existing groups but who wish to participate.
Support	• Some support and resourcing will be needed for transitional groups to carry out their work. Details will be developed further once the approach is agreed.

Minimum expectations and recognition mechanism

The Local & Regional Co-design Group agreed that is it important for all Local and Regional Voices to meet a set of minimum expectations. This will provide assurance to communities and governments that there is a consistent baseline standard applying to all Local and Regional Voices across the country. These minimum expectations should require structures to align with the key principles in the framework relating to good governance, as outlined below.

Proposed minimum expectations for Local and Regional Voices

- Minimum expectations for local and regional voice structures will be based on sufficient alignment with the framework principles related to key aspects of **good governance:** *Inclusive Participation, Cultural Leadership* (including the appropriate balance of these two principles according to context), and *Transparency and Accountability.*
- Both existing and newly-created Indigenous governance structures will be required to demonstrate how they meet these requirements.
- Minimum expectations will be **broad rather than prescriptive**, allowing for variation in how communities can meet them according to their context.

The Local & Regional Co-design Group also agreed there should be a mechanism to formally recognise structures as a Local and Regional Voice, using these minimum expectations as criteria. This can provide certainty and clarity for community members, governments and the structure itself. One member did not agree that minimum expectations should be subject to external scrutiny believing that standards should be set and upheld internally by the membership; this view was not supported.

The Local & Regional Co-design Group identified two options as possible mechanisms for recognition of local and regional voice structures, outlined below.

Irrespective of the option adopted, the Local & Regional Co-design Group agreed the process for recognition should be included in legislation, to support transparency. The Local & Regional Co-design Group also noted the need for a simple and streamlined process.

	Option 1: Formal recognition by an independent body	Option 2: Joint assessment
Description	• Existing or newly created structures seek to be **formally recognised/registered with an independent body** (this may be a different body in each state/territory). • The independent body assesses the eligibility for becoming a voice structure, using the **minimum expectations** as criteria. • Community members/groups and governments can make submissions as part of that process.	• Existing or newly created structures work with governments to **jointly assess** their eligibility to become voice structures, using the **minimum expectations** as criteria (Australian Government and state/territory governments are involved in each jurisdiction, as well as the relevant local and regional governance structure). • Community members/groups can provide input as part of this process. • Relevant state, territory and government ministers endorse structures, with decisions made public.
Common features	• The criteria and process will be outlined in legislation. • The minimum expectations will be used as criteria. • Community members/groups can provide their views and input to the recognition process. • The key details of recognised structures (e.g. the name, the region of operation) are made publicly available.	

Based on feedback through stage two consultation and engagement, the Local & Regional Co-design Group will refine and finalise a proposal for inclusion in the final report to the Australian Government. Further detail on the content of minimum expectations will also be developed during stage two.

As arrangements mature, Local and Regional Voices will be expected to develop beyond minimum expectations, to embody best practice approaches across all principles. Guidance on pathways to achieving best practice application of all principles will be developed in preparation for implementation.

The Local & Regional Co-design Group also emphasised that it is essential for the effectiveness and sustainability of the local and regional voice approach that governments commit to meeting minimum expectations for their participation in regional partnership arrangements.

Minimum expectations for governments would relate to the key framework principles relevant to their role and involvement in the local and regional voice arrangements. Depending on the mechanism used to formally authorise the approach across governments, this commitment may be achieved through legislation that articulates the commitment to the framework, or through intergovernmental agreements.

Proposed minimum expectations for governments

- Governments will be expected to **commit to meeting minimum expectations** as part of their formal commitment to implementing the framework.
- Minimum expectations for governments will relate to the key framework principles *Respectful Long-term Partnerships* and *Transparency and Accountability*, along with *Data and Evidence-based Decision Making*, noting some systemic changes may be required to achieve this.
- The way in which governments' commitment to meeting the minimum expectations is formalised depends on the authorising environment (i.e. it could be through legislation or intergovernmental agreements).

Whole of government approach

A genuine partnership between communities and government was a core consideration for the Local & Regional Co-design Group in developing the approach for a Local and Regional Voice. The Local & Regional Co-design Group noted several key aspects to the role of governments that will be essential for the effective operation of a Local and Regional Voice:

- Many policies, programs and service systems Aboriginal and Torres Strait Islander peoples seek to influence fall within the remit of states and territories. Decisions at the local and regional level also concern local governments. While the co-design process itself has been driven at the Australian Government level, to be effective, all local and regional voice arrangements will require buy-in from across all tiers of government.
- Governments are at their best when coordinating across different portfolios, and with each other. Working to enhance this would improve collaboration, reduce duplication and place communities in an empowered position to build local solutions to local issues and to chart their own prosperous futures.
- The type of partnership the framework calls for will require a fundamental, systemic change to the way governments and communities engage with each other. This cannot be restricted to Aboriginal and Torres Strait Islander specific portfolios, policies and programs, but must also include mainstream services and funding, where the majority of government expenditure and service delivery occurs.

The Local & Regional Co-design Group designed the framework, including the principles, with the aim to be compatible with existing policy directions across all states and territories, to maximise the potential for cross government agreement.

The Local & Regional Co-design Group noted this is being discussed at the Senior Officials Group which was convened at the start of the co-design process with representatives from the National Indigenous Australians Agency, all states and territories and from the Australian Local Government Association, to provide input and be informed about key issues in the local and regional co-design.

The Senior Officials Group is chaired by the National Indigenous Australians Agency. It met several times during stage one, both as a whole and in bilateral meetings with National Indigenous Australians Agency officials. Members shared their perspectives on existing and emerging arrangements for providing advice, local and regional decision making and/or Aboriginal and Torres Strait Islander regional governance supported by state and territory governments.

These discussions indicated general support for the principles-based framework approach for Local and Regional Voices, given its flexibility and alignment with a range of existing initiatives. Members also noted that to be effective, local and regional voice arrangements will require a place-based partnership model that involves a coordinated set of arrangements for collaboration and shared decision making between all levels of government and Aboriginal and Torres Strait Islander communities (such as 'partnership tables').

Given the importance of support from all levels of government for Local and Regional Voices, the Local & Regional Co-design Group indicated it will be important for the Australian Government to formally engage with the other levels of government on these matters as early as possible.

Discussion regarding options for formal authorisation of the framework, such as through legislation – in a way that ensures adequate traction across all portfolios and levels of government – will need to be an important part of these conversations.

Linkages

National Voice

Two proposals have been put forward for composition of the National Voice (see Chapter 2). One proposal proposes a structural membership link, and the other is a direct election model. Regardless of which model is pursued, the Local & Regional Co-design Group agreed the advice flow and two way communication between the local and regional, and national levels of the voice will be essential. Links between the two levels should function in a way that enhances the effectiveness of the overall voice arrangements but not impinge on functions of each of the respective levels as they both fulfil their distinct but complementary roles.

The Local & Regional Co-design Group agreed that advice from the local and regional to national level of a voice should be focused on:

- Systemic issues associated with national policies and programs. For example, matters associated with local and regional impact of broad-based, national schemes (e.g. employment programs), if it's not possible for them to be resolved locally.
- Local and regional input on the development of national policies and programs, to help ground advice from National Voice to the Parliament and Australian Government in local and regional expertise and lend weight to the legitimacy of the National Voice.
- Matters of national importance including matters that impact Aboriginal and Torres Strait Islander communities to a significant degree, and would benefit from a national, coordinated response (e.g. COVID-19 response).

The Local & Regional Co-design Group agreed that focusing advice from Local and Regional Voices to the National Voice on systemic issues is important to ensure the National Voice does not become an escalation point for local issues which should be addressed at the local level. This is in line with the core premise of local and regional decision making. Equally, this will be important to ensure the National Voice can remain focused on national level issues.

State and territory governments' representative and advisory bodies

Several states and territories have their own Indigenous representative or advisory bodies in place which are set up in different ways. Some already comprise or are in the process of moving toward more representative structures. The Local & Regional Co-design Group agreed that where these exist, it will be important for Local and Regional Voices to link with these state and territory level bodies, including to provide advice on issues relevant to that level of government.

This advice would focus on systemic issues and state- or territory-wide policies and programs that fall within state or territory responsibility, in the same way as articulated above for advice on national issues to the National Voice.

It will be important for Local and Regional Voices to have two way communication and information flow with any such state or territory level bodies, irrespective of whether there is a structural membership link between them, as suggested under one option for membership of the National Voice.

The Local & Regional Co-design Group noted that where such bodies do not exist, it will be appropriate for advice on systemic, state- or territory-wide issues to be provided directly to the relevant state or territory government.

Given the nuances of state and territory responsibilities under the Australian Constitution the Local & Regional Co-design Group also noted in some instances on some issues it will be appropriate for the Local and Regional Voice to provide advice to both the state or territory body (or government), and to the National Voice. For example, in areas such as health, where both the Australian Government and states and territories are active, it would be appropriate for advice to flow to both tiers of government.

Further work

The Local & Regional Co-design Group agreed there are a several pieces of work that will need to be further developed during stage two, and then ahead of implementation.

As outlined above, the National Indigenous Australians Agency is continuing to work with states and territories through the Senior Officials Group, to share emerging considerations of the process and to discuss opportunities for aligning possible future local and regional voice arrangements with their existing and emerging models and policy directions.

This includes appropriate authorisation of the framework, such as via legislation and cross-jurisdiction agreements, which the Local & Regional Co-design Group notes will need to be progressed through intergovernmental engagement.

Further work will also be needed on transitional guidance, minimum expectations and a recognition mechanism, as outlined in the earlier sections. This may include proposing time limits for the transitional arrangements to ensure interim structures do not become the norm.

In addition, two of the principles – *Inclusive Participation* and *Long-term Partnerships* – call for the establishment of dispute resolution mechanisms (such as mediation), for both disputes internal to communities, and between community and government partners. The development of options for such mechanisms will be progressed during stage two.

Work during stage two will also be needed on other guidance and operational detail to support best practice implementation of the local and regional voice arrangements – such as guidance on eligibility and nomination processes for members of local and regional voice structures (e.g. 'fit and proper' persons checks, mechanisms for removing members in the event of misconduct or loss of community confidence, codes of conduct, processes for managing conflict of interest, number of members, etc).

Further guidance may also be needed about other aspects of *Transparency and Accountability* principle, such as local and regional voice decision making processes (consensus/majority) and measures such as public reporting, monitoring and evaluation.

References

A key principle of the co-design process is to build on previous work. In addition to their own subject matter knowledge, development of a framework by the Local & Regional Co-design Group was informed by a number of reports, papers and models including:

- The Torres Strait Treaty
- ATSIC Review Report, 2003
- Evaluation of the Murdi Paaki COAG Trial, 2006
- Synopsis Review of the COAG Trial Evaluation, 2006
- Implementation Review of Shared Responsibility Agreements: Don't let's lose another good idea, 2007
- Victorian Aboriginal Justice Agreement Outcomes, 2012
- National Partnership Agreement on Remote Service Delivery Evaluation, 2013
- Kanyirninpa Jukurrpa Social Return on Investment Report, 2014
- Empowered People: Empowered Peoples Design Report, 2015
- Development of principles and indicators for successful cross-cultural partnership and collaboration for Aboriginal Affairs, 2016
- Tasmanian Government and Tasmanian Regional Aboriginal Communities Alliance (TRACA) Statement of Intent, 2017
- Literature Review: Principles of Good Governance, 2017
- Local Decision Making – OCHRE Good Governance Guidelines, 2017
- Service Delivery in Queensland's remote and discrete Indigenous Communities, 2017
- Joint Select Committee on Constitutional Recognition relating to Aboriginal and Torres Strait Islander Peoples, 2018
  - Interim Report
  - Final Report
  - Submissions
- South Australia Aboriginal Affairs Action Plan 2019-20
- Aboriginal Advisory Council of WA Charter (refreshed 2019)
- OCHRE Review Report, 2019
- Expenditure on Children in the Northern Territory: Productivity Commission Study Report, 2020
- Indigenous Self Government in Canada
- Canada Assembly of First Nations
- Department of Health Aboriginal and Torres Strait Islander Health Partnership Forums.

Joint Select Committee Design Principles

The final report of the Joint Select Committee contains a list of principles for the design of a voice (as specified in Box 2.1 in the Joint Select Committee report). These principles informed the work of the Local & Regional Co-design Group in designing a framework for a Local and Regional Voice.

Principles for the design of the voice as stated in the Joint Select Committee report:

- Most significant is the strong support for local and regional structures.
- The members of the voice should be chosen by Aboriginal and Torres Strait Islander peoples, rather than appointed by the Government.
- The design of the local voices should reflect the varying practices of different Aboriginal and Torres Strait Islander communities—a Canberra designed one size fits all model would not be supported.
- There should be equal gender representation.
- The voice at the local, regional, and national level should:
  - be used by state, territory and local governments as well as the federal government
  - provide oversight, advice and plans but not necessarily administer programs or money
  - provide a forum for people to bring ideas or problems to government and government should be able to use the voices to road test and evaluate policy. This process should work as a dialogue where the appropriateness of policy and its possible need for change should be negotiable.
- Consideration must be given to the interplay of any voice body with existing Aboriginal and Torres Strait Islander organisations at both local and national level (in areas such as health, education, and law) and how such organisations might work together.
- Cross-border communities should be treated as being in the same region where appropriate.
- Advice should be sought at the earliest available opportunity.

Implementation flowchart and scenarios

Determining Regions

STEP 1
Number of regions nationally and by state/territory is finalised following stage two of co-design

STEP 2
Key Indigenous stakeholders in each state/territory, together with the Commonwealth, relevant state/territory government and local government association, propose regional boundaries

STEP 3
Communities provide feedback on the proposal

STEP 4
The group involved in Step 2 agree final detail of regions

Transitional Pathways

Each region's pathway to setting up their Local and Regional Voice will be different depending on what governance arrangements already exist for bringing people together. Below are some possible ways this might work:

1 Existing arrangements closely aligned to framework

Community considers whether existing arrangements are suitable to become the Local and Regional Voice

Existing arrangements are **adopted** as the voice structure – minor adaptations may be needed

2 Existing arrangements somewhat aligned to framework

Community considers whether existing arrangements can be built on to form the Local and Regional Voice

Existing arrangements are **built on or adapted** to become the voice structure

3 Limited or no existing arrangements

Community agrees a transitional group should be established to design the Local and Regional Voice

A range of individuals, groups and organisations from across communities in the region come together to form a **transitional group** to design voice arrangements

Adaptation phase

Build on, enhance or expand existing arrangements as needed

Key elements to be addressed:

- Alignment with minimum expectation principles
- Stakeholder connections
- Local ↔ regional relationship

Work with governments to adapt existing partnership interface arrangements or create new arrangements as required

Existing arrangements and functions continue as usual during this phase

Design phase

Work with communities and a broad range of stakeholders to set up voice arrangements according to communities' aspirations, priorities and strengths

Ensure **key elements** to be addressed

Work with governments to create partnership interface arrangements with the new voice structure

Undertake limited voice functions during this phase

Voice structure seeks **formal recognition**, demonstrating alignment with **minimum expectations**

Voice structure undertakes voice **functions** (within the **scope**, as decided based on its preferences and capacity), including engaging with governments through the **partnership interface**

As voice arrangements mature, ongoing **evolution** beyond minimum expectations in line with best practice application of all framework principles

Scenario 1 – Urban area in New South Wales (NSW) with mature existing arrangements

- This is a primarily urban area in NSW with almost 6 million residents, of which approximately 1.5% or close to 90,000 people are Aboriginal and Torres Strait Islander people.
- There are multiple traditional owner groups within the region, and it is home to a large number of non-traditional owner residents with longstanding ties to communities within the region.
- Though there are no overarching Indigenous governance structures covering the entire region, there are structures and partnership arrangements specific to two NSW Local Decision Making sites and one Empowered Communities site covering some communities within the region. These arrangements involve shared decision making and priority setting with either the NSW Government (in the Local Decision Making sites) or the Australian Government (in the Empowered Communities site).
- There are also hundreds of Aboriginal and Torres Strait Islander community groups and organisations across the region, including land councils, service delivery organisations and advisory bodies across a range of sectors.

Establishing a region

- Representatives from key existing state-level Aboriginal and Torres Strait Islander bodies, including the NSW Coalition of Aboriginal Regional Alliances (NCARA), the Coalition of Aboriginal Peak Organisations (CAPO) and other bodies from across NSW as appropriate, will be involved in discussions to design NSW's regional groupings. They will join in discussions with the NSW and Australian governments, and possibly Local Government NSW (the NSW peak local government association).
- A broad proposal for regional groupings will be developed based on the overall number of regions for NSW and the key parameters and guidance in the framework.
- This area is likely to form a stand-alone region for voice purposes given its high population density, distinct cultural and community groupings and alignment with administrative boundaries.
- The representatives from this area will facilitate conversation on the proposal with their communities using existing local engagement mechanisms where possible. This may involve a round of community forums or targeted discussions with a broad range of key groups.
- The representatives will then take community feedback back to the discussion with governments and Aboriginal and Torres Strait Islander representatives from other areas to inform the final details.

Default starting point and transition approach

- The Aboriginal and Torres Strait Islander governance structures that are operating in some parts of this region under NSW Local Decision Making and Empowered Communities initiatives are strongly aligned to the proposed framework.
- These structures are at varying stages of maturity. Some have strongly articulated priorities, are engaging in long-term joint planning with governments and have clear links connecting local communities to a 'regional' level established (noting existing 'regions' are smaller than this region will be). Others are developing their approach.
- The region can draw on the experience of these existing arrangements in considering a broader, region-wide approach (starting point 1).
- The existing structures can lead broad engagement across all communities in the region, alongside leaders and community representatives from other parts of the region, to identify how these structures should be adapted to design a regional-level approach. This would include considering how to enable all relevant communities, including those not covered by an existing arrangement, to participate equitably in a regional structure, as well as any other shifts required to create an approach that meets the aspirations of the broader region.
- Resourcing would be required from governments to support this engagement and design. This could include funding a coordinator (embedded in a non-government host organisation) to convene community meetings and facilitate discussion to develop the approach.

Key elements of local and regional voice design, evolution and adaptation

Alignment with the principles

- The existing structures and the communities in this region will consider the shifts needed to become 'fit for purpose' as a broader Local and Regional Voice. This includes considering how alignment with the framework principles can be maintained and strengthened.
- As the existing structures currently align well with the framework's principles, this will focus on maintaining alignment as arrangements expand across the whole region and addressing identified gaps or areas for improvement under any of the principles.

Connections to other stakeholder groups

- The communities and existing arrangements will need to consider how best to link all key stakeholder groups across the region to its regional voice arrangements. This would include Aboriginal Community Controlled Organisations and other service providers, advisory bodies across various sectors, local land councils and traditional owner groups.
- Some of the existing Indigenous governance structures currently enable local Indigenous organisations, leaders, elders and individual community members in each participating community to be involved in their work. This occurs both through formal means (such as ensuring representation from specific groups in the structure) and less formal arrangements (such as encouraging community leaders and members to participate in a panel to undertake shared decision making with government).

- The learnings from these processes and suitability of similar arrangements for other communities in the region will be tested with community and key stakeholder groups. This will include considering how well these arrangements are currently operating, how best each group should link in depending on their priorities and functions, and how to involve organisations and community groups from across the region, both those operating locally and those with a regional focus.
- In this process it will be useful to draw on the expertise of organisations and community groups with experience in successfully bringing stakeholder groups together within the region.

Relationship between local communities and their Local and Regional Voice

- The existing governance arrangements operating in some parts of this region allow for the priorities identified by local communities to be captured in regional planning, while enabling local communities to engage directly with government on issues specific to the local area.
- It will be important to include this approach in the design of the broader regional structure to ensure it continues – though existing arrangements covering smaller areas will feed up to the broader regional level, they will not be dissolved or displaced by the regional structure.
- Consultation with communities can determine how best to ensure engagement between local communities and the voice structure at the regional level, including any potential adaptations of the current approaches to tailor to the needs of particular communities.

Partnership interface arrangements

- The negotiation tables and partnership arrangements that exist in some communities in this region would likely provide a starting point for an interface with all levels of government for voice purposes.
- Some adaptation of these arrangements will be necessary, given the existing structures currently engage primarily with either the NSW or the Australian Government, and only cover some specific communities within the broader region.
- This will require governments to work together with the existing Indigenous governance structures and other communities in the region to coordinate arrangements and find an approach to partnership that can work effectively for all.
- Aligning this region with existing local government boundaries will assist in facilitating the involvement of relevant local government representatives.

Existing functions

- While the broader regional governance structure is being designed, the existing arrangements can continue their functions and work in partnership with governments as usual.

Minimum expectations and recognition of local and regional voice structure

- Once designed, the new regional structure will need to demonstrate its ability to meet the minimum expectations in a way that is appropriate to its context and to be recognised as a Local and Regional Voice.
- Given the array of bodies and organisations in the region and the variety of demographics within it, a particular focus will be ensuring there are opportunities for inclusive participation across all of these groups. This includes cultural leaders and those not currently involved with any Aboriginal and Torres Strait Islander organisation.
- Depending on which option becomes the formal process for recognition, following community consultation the structure will either apply to an independent panel, or engage in a joint assessment process with the NSW and Australian governments to be recognised as a Local and Regional Voice.
- Once formally recognised, the local and regional voice structure can begin engaging in functions within the scope outlined in the framework, as appropriate to community preferences and capability. In this region, given there is substantial experience across many communities with similar approaches, it may be able to engage in shared decision making with governments from the outset as well as providing advisory functions. Embedding community engagement mechanisms may take time in the communities without existing approaches for bringing various community stakeholders together.

Scenario 2 – Remote area in the Northern Territory (NT) with some existing arrangements

- This is a large remote area in the NT with a population of around 8000 people, of which a significant majority, approximately 72%, are Aboriginal and Torres Strait Islander people.
- A formal partnership arrangement is in place between Aboriginal and Torres Strait Islander and non-Indigenous community members in this area and the relevant local government, the NT Government and Australian Government to oversee a mainstream joint investment plan that aims to improve economic development and social outcomes.
- An Indigenous governance group is a key community partner in the arrangement, comprising of traditional owners and representatives of the main local language groups.

Establishing a region

- This area is likely to form a stand-alone region for local and regional voice purposes, given its geographical size, population composition and history.
- The existing Indigenous governance group will be drawn on to provide representatives from this area to be involved in discussions to design NT's regional groupings, alongside representatives of other communities/regions, the NT and Australian governments and possibly the Local Government Association of NT.
- This group of key stakeholders will develop a broad proposal for the NT's regional groupings, based on the overall number of regions for the NT and the key parameters and guidance in the framework.
- The representatives from this area will then use existing community engagement mechanisms to facilitate consultation on this proposal, possibly through a round of community forums that enable broad participation across demographic and language groups.
- The representatives then take the community's feedback back to the discussion with governments to inform the final details.

Default starting point and transition approach

- The existing Indigenous governance group could provide a starting point to be built on to create a Local and Regional Voice structure, with some adaptations required to make it 'fit for purpose' (starting point 2).
- As a first step, the existing Indigenous governance group will consult broadly across communities in the region, including with individuals, cultural leaders, groups and organisations, to determine whether the governance group can be used as a starting point for a Local and Regional Voice. If so, this consultation process can identify the adaptations that may be needed to bring it in line with community aspirations for how their voice should operate.
- If community considers substantial adjustments to the governance group or an entirely new structure are required, community members can set up a 'transitional group' to lead the design of a voice for the region.

- Resourcing would be required from governments to support this engagement and design. This could include funding a coordinator (embedded in a non-government host organisation) to convene community meetings and facilitate discussion to develop the approach. Once the initial consultations have indicated a way forward, further support can be considered – additional resourcing will likely be required if the region decides a 'transitional group' should be set up to design new arrangements.

Key elements of local and regional voice design, evolution and adaptation

Alignment with the principles

- As the community and the existing governance structure consider the shifts needed to adapt the structure to make it 'fit for purpose' as a Local and Regional Voice, they will need to ensure its alignment with the framework principles is maintained and strengthened.
- A key focus for this region will be achieving the appropriate balance between the *Inclusive Participation* and *Cultural Leadership* principles, as the membership of the current governance group is based on traditional owner groups. It will also be important to ensure there are mechanisms in place for displaying transparency and accountability to community and that appropriate links are developed with other existing bodies in the region.

Connections to other stakeholder groups

- The existing governance group will need to work with the range of Indigenous stakeholder groups in this area to consider how to appropriately connect them to the local and regional voice structure. This includes local and regional service providers, Aboriginal Community Controlled Organisations (ACCOs) across sectors, local authorities, the relevant land council, Prescribed Bodies Corporate (PBCs) and advisory bodies.

Relationship between local communities and their Local and Regional Voice

- The existing governance group includes representatives from each of the main language groups in the region, which ensures it is informed by local perspectives.
- Consultation with community is needed to determine whether this arrangement sufficiently balances *Inclusive Participation* and *Cultural Leadership* principles and provides all local people across the region with a connection to the existing structure. This includes considering whether there are opportunities for people living in all of the communities in the region and individual community members who are not part of the main language groups to be involved, as well as traditional owners and cultural leaders.
- Additional mechanisms may be needed to create clear pathways for local people and communities to directly engage with governments on local issues.

Partnership interface arrangements

- The existing partnership structure is likely to provide a starting point for a partnership interface with governments under the voice arrangements.
- The existing governance group will collaborate with the local, NT and Australian governments and other local stakeholders to consider how best to leverage the strengths of the existing partnership arrangements and what adaptation is needed to make these 'fit for purpose'.
- Some adaptation of these arrangements is likely to be necessary, given the shift in scope (i.e. it currently relates only to a specific set of initiatives for which investment is already allocated, and it is not an Indigenous-specific arrangement).

Existing functions

- While the local and regional voice arrangements are being designed, the existing governance group can continue its functions and work in partnership with governments as usual.

Minimum expectations and recognition of local and regional voice structure

- Once the design is adapted, the governance group will need to demonstrate its ability to meet the minimum expectations in a way that is appropriate to its context to be recognised as a Local and Regional Voice.
- A particular focus will be ensuring the proposed local and regional voice structure meets and effectively balances the principles of *Inclusive Participation* and *Cultural Leadership* in a way that is appropriate to this region's context, as the governance group's current membership is based on traditional owners/language groups.
- Depending on which option becomes the formal process for recognition, the governance group will either apply to the independent panel for recognition as a voice, or engage in a joint assessment process with the NT and Australian governments.
- Once formally recognised, the Local and Regional Voice can begin engaging in functions within the scope outlined in the framework, as appropriate to community preferences and capability. In this region, given there is substantial recent experience in working in partnership with all levels of government, it may be able to engage in shared decision making with governments from the outset as well as providing advisory functions. Community engagement mechanisms, particularly with individuals, communities and groups not closely linked to the governance group to date, may take time to develop and be embedded.

Scenario 3 – Urban and regional area in Western Australia (WA) with limited or no existing arrangements

- This large urban and regional area in WA has over 50,000 Aboriginal and Torres Strait Islander residents, who comprise approximately 2.5% of the overall population of around 2 million.
- The area does not have an existing governance platform or mechanisms for partnership with governments that can be directly built on or adapted to form a Local and Regional Voice.
- There has been a recent comprehensive land settlement that will involve governance arrangements, which are currently emerging. Ensuring an appropriate connection and a complementary approach between these arrangements and a voice structure will be a key consideration in the design of a Local and Regional Voice for this area.

Establishing a region

- WA's state-level Aboriginal Advisory Council (AAC) is likely to be the key Aboriginal group involved in initial discussions with the WA Government and the Australian Government to broadly design the regional groupings for WA, based on the agreed number of regions for WA. The AAC includes representatives from across different geographic areas of WA, including this area. The WA Local Government Association may also be involved in these discussions.
- The AAC and governments would then consult with communities and stakeholders in each region on the broad proposal.
- The community feedback will inform further discussions between AAC and governments to confirm the final regions and boundaries.
- Given the geographical size, population composition and history of this area, it is likely to form a stand-alone region for voice purposes (or a substantial part of a larger region). A key consideration will be whether it is most appropriate to align the voice regional grouping to the area of the recent land settlement.

Default starting point and transition approach

- As there is no existing governance arrangement in this area, the communities in the region will need to establish a 'transitional group' as a starting point for designing a Local and Regional Voice (starting point 3).
- Governments will need to play an enabling role to support this process to begin. For example, government will provide resourcing for a coordinator (hosted within a non-government organisation in the region) to convene the community forums/public meetings required to draw a range of community members and relevant organisations together and seek nominations to form the transitional group.

- The transitional group will need to involve members from across the wide range of existing Indigenous groups and organisations in the area, including service providers/Aboriginal Community Controlled Organisations (ACCOs), and native title settlement groups, local/regional advisory bodies in various sectors and the local emerging leadership group. Other local leaders and individual community members not aligned to any existing group/organisation will also need to be included.
- In line with the principles, the transitional group will be inclusive, reflecting a balance of gender, age, geographic and cultural leadership among its membership. This is particularly important for regions like this, where there are no existing arrangements to build on, as the transitional group may perform interim voice functions for some time before a local and regional voice structure is set up.
- Once it is set up, the transitional group then begins designing the local and regional voice structure (key elements for consideration in the design are outlined below).
- It is likely this design process will take considerable time (longer than regions where existing arrangements can be built on or adapted). The transitional group can be formally in place for up to a year to undertake the design (with a review at this point and extension if needed), with Australian Government support and resourcing provided to assist.
- The transitional group will need to demonstrate progress over this time, for example indicating the steps it has taken to progress the design at six-monthly intervals until the voice structure is established.

Key elements of local and regional voice design, evolution and adaptation

- To design a local and regional voice structure for its region, the transitional group will draw on the perspectives and experience of existing bodies and organisations as well as community members, consider how best to leverage the strengths of the region and its cultural and historical approaches and ensure new arrangements are fit for purpose and align with the framework.

Alignment with the principles

- As it builds up the new structure, the transitional group will consider how to embed alignment with the principles in its design. It will focus particularly on the *Inclusive Participation*, *Cultural Leadership* and *Transparency and Accountability* principles, which form the basis for the minimum expectations required for recognition as a Local and Regional Voice.

Connections to other stakeholder groups

- The transitional group will consider how best to link the range of key stakeholders across the region to the new structure, including ACCOs, other service providers, the local land council and native title settlement groups, advisory bodies and the local emerging leadership group. The way each of these bodies links to the structure will depend on their roles, expertise and priorities.
- For this region, it is particularly important to engage with the groups involved in the recent comprehensive land settlements in the area to ensure the governance arrangements emerging from these are effectively connected to the voice structure and that these arrangements are developed to complement each other.

Relationship between local communities and local and regional voice structure

- The transitional group will consider how to ensure local perspectives are included at the regional level, by creating pathways for local people and communities to drive engagement and decisions on local issues.
- There may be relevant localised mechanisms for governance or partnership with governments already in place that can support the development of the regional approach.

Leveraging relevant emerging policy directions

- Emerging policy directions at the state level may provide opportunities for the transitional group to leverage in designing the voice arrangements. In particular, the reform of the AAC to develop a more representative structure for regional engagement and decision making and the development of an Aboriginal Empowerment Strategy.

Partnership interface arrangements

- While designing and building up the new voice structure, the transitional group will also work with governments to start developing partnership interface arrangements. Once the local and regional voice structure is established, it will continue and finalise this work.
- Given the concurrent reforms to the AAC have a focus on regional engagement and decision making, the transitional group and then the local and regional voice structure will likely also be involved in some state-wide engagement related to developing the interface for this region.
- There may be existing government-community engagement mechanisms in some parts of the region that can be used to facilitate these discussions, or provide a model that can be adapted to suit the voice context.

Interim voice functions

- During the design phase, the transitional group can undertake limited voice functions for this area until the local and regional voice structure is established within the initial 2-3 years of implementation.
- This would include providing advice to governments and links to the National Voice (at minimum, this will include a flow of advice, and possibly also participating in the selection of WA members to the National Voice if a direct structural membership link is agreed as part of the final design of the National Voice).

Minimum expectations and recognition of local and regional voice structure

- The transitional group tests the final design of the local and regional voice structure with all communities and relevant stakeholders in the region to seek their endorsement.
- Once the communities in the region have agreed to a design, the voice structure can be established. It can then seek formal recognition as the Local and Regional Voice for this region.

- Depending on which option becomes the formal process for recognition, the voice structure will either apply to an independent panel for recognition as a voice, or engage in a joint assessment process with the WA and Australian governments.
- Both processes would involve the proposed voice structure demonstrating how it meets the minimum expectations in a way that is appropriate to this context. Appropriately balancing *Inclusive Participation* with *Cultural Leadership* will likely be a key focus, including in relation to how it links with the structures emerging from the land settlements in this area (noting it will not encroach on their functions and responsibilities).
- Once formally recognised, the local and regional voice structure can begin engaging in functions within the scope outlined in the framework, as appropriate to community preferences and capability. In this region, the new voice structure may choose to focus initially on building up community engagement mechanisms to begin considering the region's strategic priorities and providing advisory functions to government while it embeds its operations, before moving to shared decision making with governments as the structure matures.

CHAPTER 4

Overview of Previous Key National Arrangements

Introduction

Throughout the Indigenous Voice co-design process, members of all co-design groups considered and sought to build on the work and lessons of what has come before. This included both government-created and community-led representative bodies, including those with advisory, advocacy and service delivery functions.

Many bodies have existed since the 1950s to effect change for Aboriginal and Torres Strait Islander peoples nationally. These bodies were generally created in response to specific issues at the time. Each body experienced unique challenges, and each successive body learned and adapted based on the experiences of its predecessor.

Consideration of these historical bodies provides significant policy and implementation insights. This helps strengthen the design for the Indigenous Voice by considering how they addressed challenges faced and how lessons can inform the design.

The consideration of these previous bodies during the co-design process was not in itself a separate and comprehensive evaluation of these past arrangements. Rather, it drew on and reflected the considerable analysis of these bodies that has already been undertaken in a number of previous reports.

In particular it references the Building a Sustainable National Indigenous Representative Body (2008) report by the then Aboriginal and Torres Strait Islander Social Justice Commissioner. This chapter is also informed by the insights from Senior Advisory Group members and National Co-design Group members, who have considerable knowledge of and experience with these bodies, in particular the Aboriginal and Torres Strait Islander Commission (ATSIC) and the National Congress of Australia's First Peoples (Congress).

This chapter focuses primarily on arrangements at the national level, while touching on some local and regional aspects. For further information about historical local and regional arrangements, see the Local and Regional Voice Design, Chapter 3.

Lessons learned

The experiences from previous bodies are complex, influenced by a range of internal and external factors, as well as the political and social environment of the day. However, these bodies had some common features. Reflecting on these helped the National Co-design Group identify some of the key drivers for success, which have informed the development of the design proposals presented for the National Voice in this report.

Clarity of relationships, roles and responsibilities

The experience from previous bodies demonstrates that a clear, well-defined purpose and scope, as well as clearly articulated roles and responsibilities, are essential for long-term success. The history of several previous national-level bodies discussed below highlights the potentially negative impact of poorly defined operational boundaries.

In some cases, bodies were not able to clarify their role in relation to their stakeholders, governments and regional structures. This included inconsistencies between national-level discussions and priorities at the local level.

It has also become clear that to be effective, bodies must align their functions to the priorities and aspirations of Aboriginal and Torres Strait Islander peoples.[17] Not having this clarity has resulted in confused organisational structures unable to meet the objectives of the bodies; uncertainty both within the bodies and externally on the bodies' roles and functions; and conflicting and unrealistic expectations on the results that could be achieved by the bodies.[18]

It has also been observed that to ensure clarity of purpose, and to avoid conflicting prioritisation of responsibilities, it is critical not to confer too many different functions on a single representative body. These functions could include advocacy and policy development in addition to program delivery and evaluation. Lessons learned from previous bodies suggests a more defined, targeted mandate reduces the risk of confused priorities and an inability to effectively deliver on its mandate.

Participation and representativeness

The experience of previous bodies indicates it is important that all Aboriginal and Torres Strait Islander people feel there is an opportunity to represent their views and interests and influence the priorities and operations of the body. This includes a strong focus on ensuring that urban, regional and remote voices are heard – avoiding a perception that people living in a particular area are prioritised over other areas.

Balancing representation of the great diversity of experiences, views and knowledge across Aboriginal and Torres Strait Islander communities is an ongoing and critical consideration that the National Voice will have to consider. More recent bodies have sought to ensure women and young people are appropriately represented, with the aim of ensuring all voices can be heard.

[17] Coombs HC, and Robinson CJ 1996 'Remembering the Roots: Lessons for ATSIC', *Shooting the Banker: Essays on ATSIC and Self-Determination,* (ed. Sullivan, P).

[18] *Sustainable National Indigenous Representative Body* (2008), p. 24.

A particular challenge for a national representative body has been how to ensure a clear line of sight between the advice and leadership the body provides and the views and priorities of the people in the communities the body represents. Having a structural connection between Local and Regional Voices and the National Voice is one way of facilitating this.

The experiences of previous bodies also indicate that without appropriate accountability mechanisms, such as a structural connection between national and local and regional levels, there is a risk that the national body is perceived to be mostly representing the interests of an influential 'elite'. An example of a mechanism being considered in the development of the National Voice is an 'ethics council' to make determinations in relation to the application of selection criteria for membership to the National Voice.

Questions of eligibility to vote and eligibility to stand for election have also been fraught in past arrangements, and these will need to be addressed for any future representative body should it opt for an electoral process to determine its members. While the role of the National Voice must be focussed on national-level issues, every previous representative body has had to defend the relevance of its work to the priorities and concerns of local communities.

To have legitimacy and be effective, the National Voice would need to be able to have a clear and transparent position that satisfies both Aboriginal and Torres Strait Islander peoples and the broader community.

Independence from the Australian Government

A recurring issue with which all historical bodies have had to confront, is the extent of their independence from government to represent Aboriginal and Torres Strait Islander peoples in the first instance. The 2008 report of the Aboriginal and Torres Strait Islander Social Justice Commissioner found that most previous bodies have to varying degrees, and for various reasons, tended to prioritise the objectives of the Australian Government of the day first, and those of Aboriginal and Torres Strait Islander peoples second.[19] This assertion has been made by others over the years.[20] Some of the bodies considered below were structurally bound to this order of priority by default of their having been set up by governments through a 'top down'[21] approach.

The experiences of these historical bodies emphasises the need for the National Voice to fulfil the clearly expressed wishes of Aboriginal and Torres Strait Islander peoples, and its membership to be determined accordingly.

[19] *Ibid*, p. 24.
[20] For example, see Coombs, HC 1994 *Aboriginal Autonomy: Issues and Strategies*, Cambridge University Press, p. 44.
[21] *Sustainable National Indigenous Representative Body* (2008), p. 82.

Reflections on international arrangements

While considering the lessons learned of previous key national arrangements, the National Co-design Group also considered international arrangements where mechanisms exist for voices of indigenous people to be heard by parliaments and governments. These included:

- Canada's Assembly of First Nations which is a national advocacy organisation that represents Canada's First Nations peoples.
- The USA's National Congress of American Indians which is a representative congress of American Indians and Alaska Natives that serves to develop consensus on national priority issues that impact tribal sovereignty.
- New Zealand's Maori Council which is a statutory body designed to lead policy development at the national level and community development at the local level.
- Scandinavia's Sámi Parliaments which provide advice about issues impacting Sámi people, their culture, language and way of life.

These existing models were all considered in the development of the proposals for the National Voice and the Local and Regional Voice. In addition to reflecting on these international examples, there was consideration of the stability of these arrangements in Canada in particular. It was noted that reference to the arrangements in Canada's constitution was one factor involved in its stability. The full environmental scan is at Appendix D.

Timeline of the establishment of historical national-level bodies

1957 Federal Council for the Advancement of Aborigines & Torres Strait Islanders (wound up in 1978).

1972 National Aboriginal Consultative Committee (abolished in 1977).

1977 National Aboriginal Conference (abolished in 1985).

1989 Aboriginal and Torres Strait Islander Commission (abolished in 2005).

2004 National Indigenous Council (abolished in 2007).

2010 National Congress of Australia's First Peoples (liquidated in 2019).

2013 Prime Minister's Indigenous Advisory Council (under review).

Federal Council for the Advancement of Aborigines and Torres Strait Islanders

The Federal Council for the Advancement of Aborigines and Torres Strait Islanders (Federal Council) was founded in 1957 as an alliance of Aboriginal and Torres Strait Islander and non-Indigenous organisations. Its main purpose was to call for civil and political rights, citizenship rights, equal pay and conditions, universal education and keeping existing reserve lands in the hands of Aboriginal and Torres Strait Islander peoples. It leveraged widespread community support following the 1967 referendum to create a broad rise in acceptance of the argument for Aboriginal and Torres Strait Islander land rights.

Its membership base was comprised of organisations rather than individuals. Voting for the executive committee was limited to the Aboriginal and Torres Strait Islander delegates of member organisations, but nomination and election to the executive committee was also open to non-Indigenous delegates. This led to a majority non-Indigenous executive.

Debate over the principle of Aboriginal control of the executive split the Federal Council at its 1970 Annual General Meeting (AGM). Debate continued at least until the 1977 AGM, when a revision to its constitution was proposed. By this time, however, its representative functions had been taken over by the National Aboriginal Consultative Committee (the Consultative Committee). In 1978 the Federal Council was wound up.

Many of the principles of both equality and the particular Aboriginal and Torres Strait Islander rights that the Federal Council fought for have since been widely recognised, with attention now turning to effective implementation.

Since the Federal Council ceased, the principle of self-determination has supported national bodies being comprised exclusively of Aboriginal and Torres Strait Islander members.

National Aboriginal Consultative Committee

The Consultative Committee was established in 1972 and was the first national organisation to represent both the views of, and be led by, Aboriginal and Torres Strait Islander people. Along with its successor, the National Aboriginal Conference, an 'early experiment… in the creation of government-sponsored Aboriginal representative structures'.[22]

The Consultative Committee was an advisory body made up of 41 nationally-elected Aboriginal and Torres Strait Islander peoples who advised the Minister for Aboriginal Affairs on policy affecting Aboriginal and Torres Strait Islander peoples. It was envisaged that the Consultative Committee's structure would be detailed by its first elected representatives. There appears to have been little structural development of the Consultative Committee before it first met.

The former Department of Aboriginal Affairs (DAA), under the leadership of Dr Charles Nelson Perrurle Perkins AO, held 16 regional consultations to promote the idea of the Consultative Committee and to mobilise Aboriginal and Torres Strait Islander peoples to vote in the subsequent Consultative Committee elections. The constitution developed by the Consultative Committee gave it executive, policymaking, and administrative powers, contrary to the then Australian Government's desire that it remain simply advisory. Throughout its life, the Consultative Committee was considered to be 'organisationally underdeveloped'.[23]

[22] Sanders, W 1994 'Reconciling Public Accountability and Aboriginal Self-Determination/Self-Management: Is ATSIC Succeeding?', *Australian Journal of Public Administration*, vol. 53, no. 4, p. 487.
[23] *Sustainable National Indigenous Representative Body* (2008), p. 15.

Following the election of the Fraser Government in 1975, the then Minister for Aboriginal Affairs, the Hon Ian Viner AO, established an inquiry into the role of the Consultative Committee. Reporting in 1976, the inquiry found the Consultative Committee was restricted in its role due to the lack of clarity given by the previous Australian Government about its aims and functions and the desire of the Consultative Committee to be more than purely a consultative body. Following this inquiry the Consultative Committee was abolished.

External vulnerabilities

From the start the Consultative Committee experienced major tensions with the DAA and the then Minister Gordon Bryant who was observed to give preference to advice of the Consultative Committee over that of the DAA. This led to hostility between the DAA and the Consultative Committee. This situation reversed when Minister Bryant was replaced by Senator the Hon Jim Cavanagh. However, the relationship between all the stakeholders was never made entirely clear.[24]

Adding to the tension and lack of clarity, the Consultative Committee wanted to be more independent of the Australian Government and not simply an advisory body. Without the support of the Australian Government in this aim for autonomy, there did not appear to be public appetite for such a move.[25]

Internal vulnerabilities

The Consultative Committee was unable to develop a clear organisational structure that could deliver for Aboriginal and Torres Strait Islander peoples. There were views that this was at least partly due to the under-resourcing of the Consultative Committee by the Australian Government.[26] However, the limited capacity of the Consultative Committee was also due, in part, to the lack of clarity members had about their roles, the relative inexperience of the secretariat and a lack of focus by the members on the Consultative Committee's internal structures.

The Consultative Committee also appeared to struggle with clarity of internal relationships, and priorities. It was also seen to have lacked unity as an organisation, with the elected members often failing to agree among themselves on issues of importance. There was a constant tension in ensuring the body was properly representative, which resulted in a disconnection between the interests of Aboriginal and Torres Strait Islander peoples living in more rural and remote 'traditional' lifestyles and urban Aboriginal and Torres Strait Islander peoples. This tension was fuelled by the opinions of non-Indigenous advisors to the Australian Government at the time.[27]

The Consultative Committee was noteworthy as the first government-established advisory body that was designed to both directly represent, and be led by Aboriginal and Torres Strait Islander peoples. However it was unable to develop into an independent, agenda-setting policy organisation due to a lack of government support for such a function and the Consultative Committee's lack of a clear policy position about its own functions and structure.[28]

[24] *Ibid*, p. 15.
[25] *Ibid*, p. 15.
[26] *Ibid*, p. 15.
[27] Weaver, SM 1983, '*Australian Aboriginal Policy: Aboriginal Pressure Groups or Government Advisory Bodies Part I*', *Oceania*, vol. 54, no. 1, p. 7.
[28] *Sustainable National Indigenous Representative Body* (2008), p. 16.

National Aboriginal Conference

The National Aboriginal Conference was created in 1977. It was created as a government consultative body with 35 full-time salaried members. The National Aboriginal Conference had state and territory branches and a national executive of 10 members. The executive represented these branches. Executive members were chosen by branch representatives rather than a broader national membership. An annual meeting of interested Aboriginal and Torres Strait Islander peoples was held to ensure elected members were accountable to the peoples they represented.

None of the tiers of governance in the National Aboriginal Conference were bound by any decisions of the others. Previous reports have highlighted that, like the Consultative Committee, the National Aboriginal Conference was unable to consistently develop clear national policy positions on matters of national importance to Aboriginal and Torres Strait Islander peoples. Successful positioning on issues was often due to the efforts of particular executive members, a state or territory branch or other Aboriginal and Torres Strait Islander organisations that were members of the National Aboriginal Conference.[29]

The National Aboriginal Conference's structure as created by the Australian Government also led to what has been characterised as an inherently cautious organisation.[30] This was partly based on what was seen by the Aboriginal and Torres Strait Islander Social Justice Commissioner as the Australian Government's intention that the organisation not be controlled or heavily influenced by urban activists, which succeeded in limiting the voice of these people in the National Aboriginal Conference.[31] Tensions between the National Aboriginal Conference and the bureaucracy remained as a legacy of the DAA's tense relationship with the National Aboriginal Consultative Committee, contributing to the destabilisation of the organisation.[32]

The National Aboriginal Conference experienced a further entrenchment of the Australian Government's view that a national representative body should be consultative in nature, without executive authority or guaranteed ministerial access.[33]

Two reports into a replacement structure for the National Aboriginal Conference were commissioned following the election of the Hawke Government in 1983. The 1993 O'Donoghue Report concluded that the National Aboriginal Conference produced 'politicians' rather than advisors, and had not adequately represented the diversity of Aboriginal and Torres Strait Islander peoples' interests and had not realised clear policy positions. Further, the body was unable to work with other Aboriginal and Torres Strait Islander organisations or government departments.[34] The report recommended that a more regionalised organisation be created to give a broader voice for Aboriginal and Torres Strait Islander peoples.

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[29] *Ibid*, p. 16.

[30] Weaver SM 1983, 'Australian Aboriginal Policy: Aboriginal Pressure Groups or Government Advisory Bodies Part II', *Oceania*, vol. 54, no. 2, p. 104.

[31] *Sustainable National Indigenous Representative Body* (2008), p. 17.

[32] *Ibid*, p. 17.

[33] *Ibid*, p. 16.

[34] O'Donoghue, L 1986, *An Aboriginal and Islander Consultative Organisation*, Australian Government Publishing Service, Canberra, p. 27.

The 1984 Coombs Report further suggested that a new organisation be established, based on regional representative structures with provisions for representation of existing Aboriginal and Torres Strait Islander organisations. The Coombs Report suggested that a new body should have significant responsibility for expenditure for Aboriginal and Torres Strait Islander peoples.[35]

ATSIC was established following the publication of the O'Donoghue and Coombs reports, on the principle that the new organisation should be built around regional mechanisms.

Aboriginal and Torres Strait Islander Commission

ATSIC was established by the *Aboriginal and Torres Strait Islander Commission Act 1989*, with a significant regionalised structure. The Act set out three functions for the body:

- advise governments at all levels on Indigenous issues
- advocate the recognition of the rights of Aboriginal and Torres Strait Islander peoples regionally, nationally and internationally
- deliver and monitor some of the Australian Government's programs and services for Aboriginal and Torres Strait Islander peoples.

This meant the body combined both a representative role for Aboriginal and Torres Strait Islander peoples and an executive role administering programs. In 2003, this structure was significantly altered by the creation of Aboriginal and Torres Strait Islander Services (ATSIS), which took the program administration functions, leaving ATSIC to focus on the representative function. This was referred to as the 'separation of powers'.

ATSIC's representative structure was based on 35 regional councils, elected every three years. In later years, these were grouped into 16 'zones' which each elected one full-time Commissioner, with another Commissioner elected from the Torres Strait. There was also an administrative arm comprising several hundred public servants. The Minister for Aboriginal Affairs was at the top of the organisational structure, and retained significant power over decisions made by the Commissioners.

Several members of the Senior Advisory Group had firsthand experience of ATSIC and ATSIS, and informed the following analysis.

Strengths

ATSIC was able to work as an effective facilitator of different Aboriginal and Torres Strait Islander voices, bringing the relevant Aboriginal and Torres Strait Islander stakeholders to the table so they could provide their perspectives to the Australian Government.

This was evidenced in the negotiations over the *Native Title Act 1993.* ATSIC facilitated two distinct teams, one to negotiate with the Keating Government and the other the Senate crossbench. During the co-design process, Senior Advisory Group members recalled this approach brought a diversity of Aboriginal and Torres Strait Islander voices into the conversation, and was successful in reaching a consensus position that led to the Act.

[35] Coombs, HC 1984, *The Role of National Aboriginal Conference*, Australian Government Publishing Service, Canberra, p. 9.

Further, as its representative structure centred on regional councils, the process of 'regional planning' became a key strength of ATSIC, particularly towards the end of its existence. Regional councils identified community priorities through a process of local-level consultations, and played an important role in delivering a number of ATSIC's programs.

However, this latter function required significant focus on administration, which limited ATSIC's capacity to focus on setting strategic priorities. This was improved by the 2003 'separation of powers' reforms, which made regional planning more effective by allowing ATSIC to focus on priorities rather than administering programs. It also helped in limiting conflicts of interest.

Regional plans were able to extend beyond the scope of ATSIC's program responsibilities and stop bureaucratic duplication. This allowed better place-based monitoring of service delivery, and provided a platform for working with state and territory governments.

While the regional structure had significant strengths, it took time for these structures to mature and for accountabilities to communities to develop.

Regional boundaries were also subject to disagreement at times. Eventually, however, communities became largely comfortable with regional boundaries and there was a degree of stability.

Weaknesses

From the outset, there was tension between ATSIC's responsibilities to the Minister and government, and its duties to Aboriginal and Torres Strait Islander peoples, and there was a tension between its functions.

There was also a lack of separation between ATSIC's representative and policy development role, and its program administration role, leading to confusion about ATSIC's mandate. This was a particular issue for the national level of ATSIC and led to a disproportionate focus on program delivery. The 'separation of powers' in 2003 addressed this. By removing disagreements over allocation of funding, it allowed ATSIC to refocus on its strategic objectives.

Senior Advisory Group members observed that opportunities for ATSIC to engage states and territories were also not fully utilised. While providing advice to all levels of government was a federally legislated function, there was no consistent connection between states and territories and ATSIC's structure in practice. The 2008 report of the Aboriginal and Torres Strait Islander Social Justice Commissioner noted ATSIC had no formal state and territory level representation.[36]

This was a shortcoming given the significant responsibilities of states and territories for policies and programs that impact on Aboriginal and Torres Strait Islander communities. There were significant benefits wherever this lack of clarity could be overcome, particularly through engagement by state and territory governments in the regional planning process. This was achieved in some cases, but on an ad hoc basis only. These experiences have informed the deliberations of the Local & Regional Co-design Group with a core part of the proposal for the Local and Regional Voice including a partnership 'interface' between each local and regional voice structure and all levels of government to support regional planning and priority setting (for detail see Chapter 3).

[36] *Sustainable National Indigenous Representative Body* (2008), p. 85.

There was also often a gap between the conversation occurring at the national level of ATSIC and the priorities of communities at the local level. A key driver of this gap identified by Senior Advisory Group members was the 'zone' system. Members noted that the zones had no other function other than to elect Commissioners. This limited the possibility for sustained accountability between the Commissioners and the regional councils.

ATSIC elections were also problematic, as they were sometimes fraught by questions of peoples' eligibility to vote. In some cases, major Aboriginal and Torres Strait Islander stakeholders did not participate in ATSIC processes. For example, individuals with cultural authority in North East Arnhem Land made the decision to not participate; and in 2002, the Tasmanian Aboriginal Centre called for a boycott of the ATSIC election following a dispute over eligibility to vote.

Finally, ATSIC was held accountable for a wide range of issues outside the scope of responsibility, which damaged its reputation. For example, while ATSIC was not the primary service provider for health and education, it often received the blame for failures in these areas. ATSIC released a publication attempting to clarify the misperceptions – the then CEO of ATSIC, Professor Peter Shergold AC, stressed that ATSIC 'cannot be the provider of all the housing, the infrastructure and the health services that are required by Australia's most disadvantaged group.'[37]

Some Senior Advisory Group members reflected that towards the end of ATSIC's existence there were discussions proposing that a smaller number of Commissioners could be more workable.

National Indigenous Council

In 2004, the Australian Government appointed the National Indigenous Council (NIC) to advise the former Ministerial Taskforce on policy program and service delivery issues. This was a council of Aboriginal and Torres Strait Islander experts, who were selected by the Australian Government. The NIC did not have authority to independently consult with Aboriginal and Torres Strait Islander peoples.

These features of the NIC meant it had very little credibility with Aboriginal and Torres Strait Islander peoples. Its mandate expired in December 2007, when the new Australian Government decided to discontinue it.

The legitimacy of the Indigenous Voice will depend on whether it is seen as independent and robust in its advice delivered as a result of consultation and analysis. This was one of the most critical failures of the NIC – it was seen to deal with an agenda set entirely by the Australian Government.[38]

National Congress of Australia's First Peoples

Congress was the peak national representative body for Aboriginal and Torres Strait Islander people from 2010 to 2019. It was established as an entity under the *Corporations Act 2001*, and was owned and controlled by its members and directors. Its membership comprised over 180 organisations and over 9000 individuals, across three chambers:

- one comprising Aboriginal and Torres Strait Islander peoples
- one comprising organisations
- one comprising national and peak representative bodies.

[37] ATSIC 1998, *As a Matter of Fact*, ATSIC Office of Public Affairs, p. 25.
[38] *Sustainable National Indigenous Representative Body* (2008), p. 64.

Congress was set up to receive an initial allocation of public funding, with the Australian Government expecting it to develop self-sufficiency through private and philanthropic funding. The mechanism to allow this to occur was not followed through by the Australian Government. In later years the Australian Government discontinued recurrent funding and only provided funding on a 'fee-for-service' basis.

The membership of each chamber elected 40 delegates (for a combined total of 120 delegates) to represent them at a national Annual General Meeting, and two directors to participate in a national board (for a total of six). The combined membership of all three chambers also elected an additional male and female co-chair to lead the national board. All elected representatives served for two years. Member participation in elections was voluntary.

Congress' design included features that were intended to help it avoid some of the challenges ATSIC had faced. These included gender balance, no program administration role, and an ethics council as part of its governance arrangements.

Several members of the Senior Advisory Group had firsthand experience of Congress, and informed the following analysis.

Strengths

Congress had broad reach into sectors and communities as a member-based organisation, and represented a significant cross-section of the diversity of Aboriginal and Torres Strait Islander groups.

Another strength of Congress was the presence of the independent ethics council. The role of the ethics council included:

- running a merit-based process to shortlist candidates for leadership positions
- ensuring the ethical conduct of representatives of the organisation
- resolving disputes.

The ethics council based its work on the 'Nolan principles', which were developed by the United Kingdom Government, and which set standards for ethical behaviour in public life. The ethics council was able to provide independent advice that improved the ethical standards of Congress, and informed its policy agenda.

Finally, Congress was not hampered by program delivery in the same way as ATSIC, and had some successes in engaging with the Australian Government. In 2012 Congress and the then Australian Government agreed to an 'engagement framework' setting out principles for the relationship between the two. These principles were intended to support genuine partnership, and included giving early notice, sharing information and engaging at a sufficient level of authority.

Weaknesses

While Congress had some success engaging with the Australian Government, this was not sustained. The original vision for Congress that emerged from its establishment process was that it would be fully independent of the Australian Government, but also highly engaged with it. Congress' leadership adopted a strategy that emphasised independence, with a strong desire to avoid any kind of dependent relationship on the Australian Government. This reduced the strength of engagement with politicians and the bureaucracy, and limited Congress' effectiveness.

Further, arguments were made by some that Congress was not representative of the whole of Aboriginal and Torres Strait Islander communities. This was based on the idea that Congress was only representative of its membership, and not the rest of the Aboriginal and Torres Strait Islander communities.

Also, securing sustainable funding was a long-term challenge for Congress. The challenges in the relationship between the Australian Government and Congress reduced corporate confidence, and philanthropic funding was not achieved to the degree envisaged that would have resulted in full financial independence.

While Congress received some Australian Government funding, including $29.2 million to support its establishment in 2009 and a further $15 million allocated in 2013, this was rescinded following the change of government. From 2016, Congress had a $3 million fee-for-service agreement with the Australian Government to facilitate engagement between the Australian Government and Aboriginal and Torres Strait Islander peak organisations.

In 2019, Congress planned to host the World Indigenous Housing Conference, and made the decision to underwrite the debts of the event. The event was postponed due to concerns about costs, and significant debts were incurred. In August 2019, the Minister for Indigenous Australians, the Hon Ken Wyatt AM, MP informed Congress that the Australian Government would not be providing financial support to relieve these debts. This decision was made in the context of the financial difficulties outlined above. In 2019, Congress went into voluntary administration and in September 2019 creditors voted to liquidate the company.

Finally, despite its strengths, the ethics council was not always provided with full information, and its advice was not always acted upon. It could not always act proactively to address issues before they arose.

Indigenous Advisory Council

The Prime Minister's Indigenous Advisory Council was established in 2013 by then Prime Minister, the Hon Tony Abbott AC. The Australian Government is currently reviewing the Indigenous Advisory Council's terms of reference and membership, and so this chapter does not include an assessment of this body.

The Indigenous Advisory Council was initially comprised of a Chair, Deputy Chair and up to 12 members, and later restructured to have Co-chairs of different genders, and seven members. Members were determined by private appointment by the Prime Minister, in consultation with the then Minister for Indigenous Affairs, for three-year terms. To some, this process of government appointment may have undermined the Indigenous Advisory Council's legitimacy as a representative body.[39]

The Indigenous Advisory Council provided high-level advice to the Prime Minister on the Australian Government's priorities and national service delivery issues that impacted Aboriginal and Torres Strait Islander peoples. Members comprised a range of Aboriginal and Torres Strait Islander leaders with a breadth of experience across many fields. The Indigenous Advisory Council's agenda was negotiated between the Department of the Prime Minister and Cabinet and the Indigenous Advisory Council's Chairs. The Indigenous Advisory Council was involved in the early stages of policy development. A process was established for the Indigenous Advisory Council to provide advice on all upcoming submissions to the former Indigenous Policy Committee of Cabinet.

[39] Joint Select Committee on Constitutional Recognition relating to Aboriginal and Torres Strait Islander Peoples, *Interim Report* 2018, paragraph 4.70.

The Indigenous Advisory Council's advice on policy was provided to government agencies developing the policy, and directly to the Prime Minister and Minister for Indigenous Australians.[40] The Co-Chairs were also invited to address the Indigenous Policy Committee of Cabinet.

Due to its membership not being determined by Aboriginal and Torres Strait Islander peoples, the National Co-design Group was strongly of the view the Indigenous Advisory Council, or similar bodies with members chosen by the Australian Government, could not be the National Voice, nor form the basis for the formation of the National Voice.

Reflections

The National Co-design Group paid close attention to the creation and performance of these historical bodies, to make sure in developing the Indigenous Voice that it improves upon past experiences and builds on the strengths of these previous bodies.

- The Indigenous Voice should be independent of governments so that the advice it provides is not based on or influenced by governments.
- The Indigenous Voice should not duplicate existing advisory work, but rather complement, support and enrich this.
- The Indigenous Voice should find ways to include youth, people with disability, and ensure a gender balance.
- The Indigenous Voice should be broadly representative of the diversity of Aboriginal and Torres Strait Islander communities.
- The Indigenous Voice should not have a program delivery function.
- The structure of the Indigenous Voice should support engagement with state and territory governments.
- The linkages between the national and local and regional levels of the Indigenous Voice are critical to its design.
- There should be consideration of the best way to ensure sound, ethical conduct.

References

- Building a Sustainable National Indigenous Representative Body, 2008, Aboriginal and Torres Strait Islander Social Justice Commissioner
- Our Future in Our Hands, 2009, Aboriginal and Torres Strait Islander Social Justice Commissioner
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- A First Nations Voice in the Constitution – Design Report, Report to the Referendum
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[40] Prior to 29 May 2019 this was the Minister for Indigenous Affairs.

CHAPTER 5

Intersections

Introduction

Many Aboriginal and Torres Strait Islander peak bodies and organisations engage and speak to governments at all levels. In some cases, formal agreements and structures are in place between governments and these organisations. For example, the recently concluded National Agreement on Closing the Gap was signed by the Coalition of Peaks and all levels of government. The proposals for the Indigenous Voice remain consistent with the National Agreement, recognising that partnership between Aboriginal and Torres Strait Islander peoples and governments is essential to achieving better outcomes for Aboriginal and Torres Strait Islander peoples.

This chapter explores the intersections that existing peak bodies and organisations would have with the National Voice and the Local and Regional Voice. While some of these issues are explored in the respective chapters, this chapter aims to highlight how these relationships may work in practice.

This chapter also explores the alignment between existing and emerging initiatives and policy directions at the state and territory level with the proposals in this report. It outlines the local and regional decision making approaches in place across various states and territories that have informed the development of the principles-based framework for the Local and Regional Voice, which is intended to build on this existing work. It also discussed how state- and territory-level arrangements may interact and connect with both the National Voice and the Local and Regional Voice.

National Voice engagement with other Aboriginal and Torres Strait Islander organisations and stakeholders

An important issue in the Indigenous Voice co-design process is considering how Aboriginal and Torres Strait Islander peak bodies and organisations would interact and inform the work and decision making of the National Voice, in particular. The Senior Advisory Group and the National Co-design Group considered this matter and noted the significant strengths present in many existing arrangements, such as the recently concluded National Agreement on Closing the Gap and the Northern Australia Indigenous Development Accord.

It was seen as crucial by the Senior Advisory Group and the National Co-design Group that the National Voice be able to engage with these peak bodies and organisations when developing advice to the Parliament and Australian Government.

The landscape of existing Aboriginal and Torres Strait Islander peak bodies and organisations was considered. It was acknowledged that existing relationships with the Australian Government already existed in a number of areas, most notably with the Coalition of Peaks through the National Agreement on Closing the Gap, and through the partnership developed between Australian governments and the Indigenous Reference Group through the Northern Australia Indigenous Development Accord. It was also noted that current and future relationships are dynamic and should not be prescribed prior to the establishment of the National Voice. The National Voice would need to be flexible, adaptable and approachable in order to work with current, existing, new, developing, future and reformed Aboriginal and Torres Strait Islander peak bodies and organisations to enable the National Voice to give informed and holistic advice, complementing the functions of other organisations.

Principles for stakeholder engagement

Two principles would guide the interactions of the National Voice with existing Aboriginal and Torres Strait Islander structures, mechanisms, organisations, and subject matter experts:

1. The National Voice would not replace or undermine existing bodies, structures and mechanisms. The Australian Government would be expected to continue engaging and working in partnership with all relevant stakeholders through their normal channels and agreements, and the National Voice would not be a gatekeeper to this engagement.

2. The National Voice would engage with peak bodies and other sector organisations as well as any key stakeholders as required. This would ensure the advice from the National Voice is well informed and developed, drawing on the partnerships with key stakeholders, and to support the message that these key Aboriginal and Torres Strait Islander stakeholders and experts wish to give to the Parliament and Australian Government.

Engaging with existing organisations

Generally speaking, existing Aboriginal and Torres Strait Islander peak bodies represent the different sectoral interests of Aboriginal and Torres Strait Islander service delivery organisations. They deal with a particular professional area or service delivery role. This differentiates the role of these peak bodies from those of the National Voice. The National Voice would need to consider all different perspectives in developing a clear vision of how to advance the overall wellbeing and priorities for Aboriginal and Torres Strait Islander peoples at a national level. All members of the National Voice would be members chosen by Aboriginal and Torres Strait Islander peoples and could not be representative via proxy by employees.

Aboriginal and Torres Strait Islander peak bodies and other organisations offer significant expertise and experience that will be a key source of expert perspectives to be drawn on by National Voice. The National Voice would engage with Aboriginal and Torres Strait Islander organisations and could form partnerships. This engagement should be regular, reflecting the need for the National Voice to inform itself. In some cases, the National Voice might use the formal mechanism of establishing committees for this purpose, outlined in Chapter 2. The National Voice may also draw on views from other organisations in setting its priorities and work plan. This engagement provides the opportunity for the National Voice to amplify the messages and advice that other organisations wish to provide to the Parliament and Australian Government.

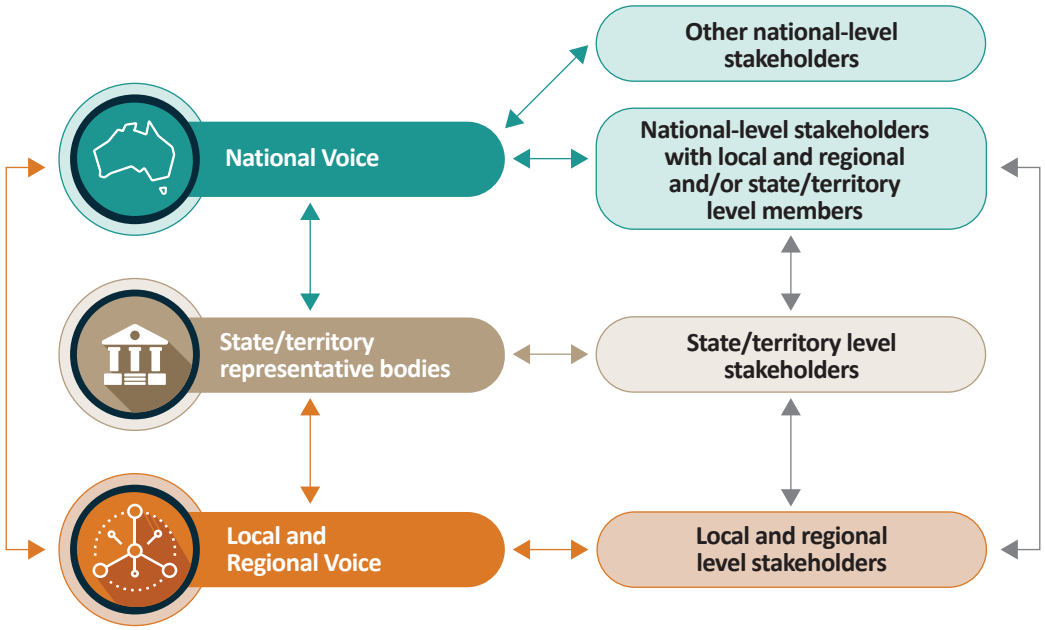
There are some vital sectors where Aboriginal and Torres Strait Islander interest groups have not come together in the form of a peak body and where it is more difficult to get a sector-wide perspective. Ensuring these groups and interests are considered and represented will be important.

Engagement between the National Voice or Local and Regional Voices and key stakeholders could be initiated by either party. Stakeholders could engage with the National Voice or Local and Regional Voices to raise issues they feel would benefit from involvement or representation at that level.

The National Voice may in some cases play a convening role that brings together Aboriginal and Torres Strait Islander stakeholders with differing views, or discipline expertise, to work together on a particular issue. This would ensure its advice has a strong evidence base and provides the best possible rationale.

In some cases, it may be beneficial to establish formal agreements between the National Voice and other Aboriginal and Torres Strait Islander stakeholder organisations and individuals. These could, for example, set out roles and responsibilities, information sharing, or a work plan. These agreements would be a matter for the National Voice and the relevant stakeholders to consider.

Figure 9 – National Voice stakeholder interactions



Supporting existing arrangements

The aim of the National Voice is to increase and amplify the voice that Aboriginal and Torres Strait Islander peoples have to the Parliament and Australian Government, not diminish it.

The establishment of the National Voice would not diminish the expectation on the Australian Government to engage in its own consultation processes with relevant Aboriginal and Torres Strait Islander organisations. Existing organisations will continue to have a role and a right to engage with governments, including through formal arrangements, where established.

Several entities have a statutory function such as Land Councils, Prescribed Bodies Corporate and the Aboriginal and Torres Strait Islander Social Justice Commissioner. The scope of the National Voice would not, and in fact cannot, impact on those statutory functions in any way.

Complementary role of the Coalition of Peaks

The recently concluded National Agreement on Closing the Gap (July 2020) provided an important example of a genuine partnership approach between Australian governments and Aboriginal and Torres Strait Islander peak organisations. The Agreement is a landmark 10 year agreement with a very clear focus on structural reform and service delivery in relation to the Closing the Gap agenda.

The Coalition of Peaks comprises around 50 of the nation's Aboriginal and Torres Strait Islander community-controlled peak bodies and certain independent statutory authorities, including:

- health and allied health organisations
- legal and justice organisations
- land councils
- representative organisations, such as the ACT Aboriginal and Torres Strait Islander Elected Body
- children, youth, elders, education, disability, housing related organisations.

Many Aboriginal and Torres Strait Islander peoples are not represented by the Coalition of Peaks or other Aboriginal and Torres Strait Islander organisations.

The Coalition of Peaks retains its role on the Joint Council on Closing the Gap, as set out in the National Agreement and remains focused on the agreed implementation plans of all parties. However, the Parliament and Australian Government are likely, and would be expected, to seek a view from the National Voice on national policy-level issues, which may touch on broader aspects of the Closing the Gap agenda. Similarly, there are many other issues on which Aboriginal and Torres Strait Islander peoples wish to engage the Parliament and Australian Government outside of those covered by the Closing the Gap agenda. The National Voice presents an opportunity for them to do so, while being consistent with the Priority Reforms outlined in the recently concluded National Agreement on Closing the Gap, such as Priority Reform One – *Formal partnerships and shared decision-making*.

The National Voice may pursue the option of setting up formal arrangements to define its relationship with the Coalition of Peaks and its constituent organisations.

Northern Australia Indigenous Development Accord

In December 2019, the Northern Australia Indigenous Development Accord (the Accord) came into effect. This intergovernmental agreement between the Australian Government and the governments of Western Australia, Queensland and the Northern Territory focuses on progressing Indigenous economic development in northern Australia.

Just as the actions undertaken by the Accord complement Closing the Gap commitments, so too will the advice of the National Voice aim to complement the actions undertaken by the Accord.

The parties to the Accord will retain their roles as set out in the Accord. However, as the Accord is limited to northern Australia, and focused on economic development, it is likely the Parliament and Australian Government will seek a view from the National Voice on national policy-level issues which touch on broader aspects of the Accord.

Co-design deliberations

All co-design groups were highly aware of the many roles of existing Aboriginal and Torres Strait Islander organisations and bodies. Many members of the co-design groups are leaders from those organisations, and held a deep appreciation for the wide variety of existing arrangements and their strengths. There was a clear view the National Voice should enhance these and not displace them.

At the same time, the National Co-design Group was conscious that the National Voice represents an opportunity for reform. In particular, the National Voice would be uniquely broad based and representative.

The Indigenous business sector is a significant example recognised by the co-design groups as a sector that could have their views amplified by the Indigenous Voice. For example, Indigenous businesses with involvement in the mining sector (such as Gumatj Corporation and Carey Mining) would be able to have their voices heard in relation to policies, programs and laws that have implications for the mining industry.

There are over 2500 businesses that are members of Supply Nation, the directory of Aboriginal and Torres Strait Islander owned businesses, which could benefit from having a greater voice to the Parliament and Australian Government.

The National Co-design Group considered whether to address this issue by narrowing the scope of the National Voice's advice function to avoid overlapping with existing Aboriginal and Torres Strait Islander organisations. This is detailed more in Chapter 2. Ultimately, the National Co-design Group agreed this was not necessary.

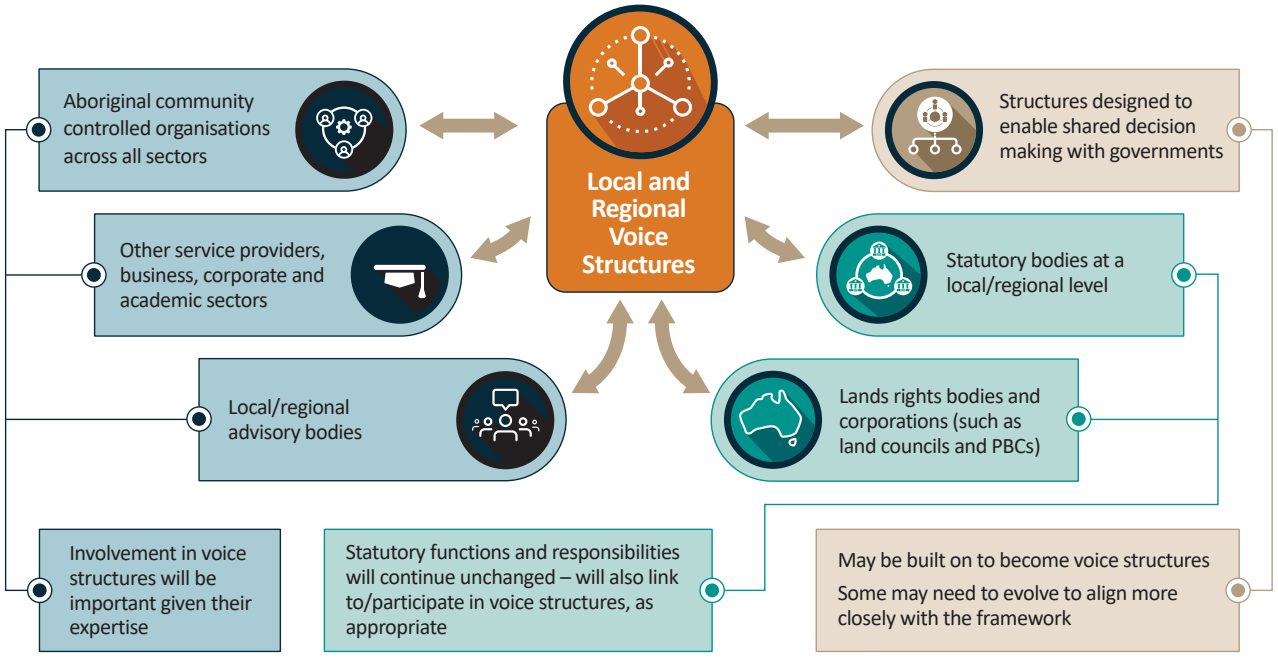
The National Co-design Group agreed the National Voice could operate within its unrestricted scope in a way that took advantage of opportunities to seek advice from and amplify the perspectives of other Aboriginal and Torres Strait Islander organisations. It was seen that this approach would only strengthen any advice given by the National Voice on policies and programs.

Local and Regional Voice engagement with Aboriginal and Torres Strait Islander organisations and stakeholders

As set out in Chapter 3, local and regional stakeholders would be involved in local and regional voice arrangements. In line with the principles-based framework, specific mechanisms for this would be determined by communities in each region when designing their voice governance structures. However, in order to align with the principles for the Local and Regional Voice, arrangements in all regions should bring together a broad range of stakeholders. This includes community-controlled service delivery organisations bringing in expertise from their respective fields, as well as perspectives of their community members. These organisations would also continue connecting with their peak bodies at the state, territory and national levels, and interact with a National Voice (and any state- or territory-level bodies) as part of that. Figure 10 below demonstrates how this engagement would work.

It is proposed that each Local and Regional Voice will work in partnership with all levels of government. Local and Regional Voices will provide advice and engage in planning and shared decision making in line with community aspirations and priorities. In developing this scope the Local & Regional Co-design Group considered experiences from models such as New South Wales Local Decision Making and Empowered Communities initiatives. These lessons point to the importance of community driven priorities and solutions to delivering the Closing the Gap agenda on the ground. Given the intent for all relevant stakeholders to be at the local and regional voice 'partnership table', it is expected Local and Regional Voices will be well placed to contribute to closing the gap in their communities and regions.

Figure 10 – Local and Regional Voice stakeholder interactions



Interaction with state and territory initiatives

A key focus early in the co-design process was to examine the existing initiatives and policies across states and territories that aim to provide avenues for Aboriginal and Torres Strait Islander peoples to have input into policies and programs, either through advisory or shared decision making mechanisms.

This aimed to ensure that the co-design drew on the experiences and lessons learnt from these initiatives and developed proposals that would not duplicate or displace approaches that are working well, but enhance the effectiveness of future voice arrangements.

As discussed in Chapter 3, several state and territory governments are pursuing initiatives that broadly align with the proposed approach for Local and Regional Voices. This includes local decision making and regional Indigenous governance arrangements, and well as state- or territory-wide advisory and representative bodies.

A key consideration in the co-design was to develop proposals that could align and connect with these existing and emerging arrangements across the country.

Co-design deliberations

All three co-design groups highlighted the importance of state and territory governments' support for the effective operation of Indigenous Voice arrangements.

The Local & Regional Co-design Group and the Senior Advisory Group identified the participation of state, territory and local governments in future local and regional voice arrangements as essential for their effectiveness. This is because many, and often most, of the policies, programs and services Aboriginal and Torres Strait Islander communities and regions seek to influence are within the remit of state and territory governments. Their participation will be key to effective partnership arrangements, enhanced shared decision making and achieving improved and sustained outcomes for communities.

All three groups also noted it will be important for both the Local and Regional Voices and the National Voice to have an effective connection with state and territory Aboriginal and Torres Strait Islander representative bodies where these exist. This would help create cohesive arrangements supporting an effective Indigenous Voice overall.

As outlined in Chapter 3, the Senior Officials Group was established to give state and territory governments and the Australian Local Government Association opportunities to engage with and provide input to inform the co-design process. This aims to ensure the proposals developed through the co-design process are workable across the country, and laid the groundwork to maximise potential for subsequently securing formal agreement from all governments to the final agreed approach.

Local and regional models and policies

Some state and territory governments have been progressing local decision making and regional governance initiatives for considerable time. These are part of a broader move towards policies that promote empowerment, self-determination and partnership between communities and governments.

The local and regional co-design has deliberately set out to develop an approach that accommodates and builds on this existing work and draws lessons from these experiences. The Local & Regional Co-design Group drew on existing approaches in place across states and territories to develop the purpose, principles and scope of the proposed framework. This will enable models that are working well to be included in, and enhanced by, the Indigenous Voice approach rather than be displaced.

Discussions through the Senior Officials Group were seeking to enable the development of complementary approaches that can facilitate coordinated government involvement under the proposed principles-based framework for Local and Regional Voices.

These discussions have noted the alignment between the proposed principles-based approach for Local and Regional Voices and existing and emerging initiatives and policy directions in states and territories, including the importance of:

- grounding the approach in empowerment, self-determination and inclusive participation
- building on and enhancing existing arrangements that are working well
- providing flexibility to allow place-specific arrangements that reflect the diversity of communities and a range of existing approaches.

Existing local and regional decision making models and policies supported by state and territory governments include Local Decision Making in New South Wales and the Northern Territory, and Local Thriving Communities in Queensland.

- In New South Wales, Local Decision Making is implemented at the regional level, where governance structures called Aboriginal Regional Alliances engage with the New South Wales Government to negotiate formal Accords that commit the parties to jointly address agreed priorities for the region.
- In the Northern Territory, Local Decision Making takes a more localised approach, with formal arrangements entered into between community groups or organisations, the Northern Territory Government and in some instances the Australian Government and/or relevant local government to focus on an identified sector or service-specific issue.
- In Queensland, Local Thriving Communities policy is in the early stages of implementation and will operate at the local level, initially across the State's 19 discrete communities.

Each of these models aims to shift the way governments work with communities, towards a partnership approach and shared decision making that promotes empowerment by ensuring communities have a genuine say on local priorities, programs and service delivery.

Several other states and territories are also currently considering and working through the development of local and/or regional governance approaches. A number of Senior Officials Group members noted the value of bringing together Aboriginal and Torres Strait Islander peoples residing in an area together with key community organisations and sector experts to set priorities, plan and make decisions with governments on local and regional issues through a coordinated interface.

Some states and territories are exploring the establishment of regional governance arrangements as part of the design of Aboriginal and Torres Strait Islander representative structures at the state or territory level, aiming to create a clear connection from local communities and regions to the representative bodies and ensure local perspectives inform state- or territory-level representation.

State- and territory-level representative bodies

Several states and territories already have, or are moving towards establishing, Aboriginal and Torres Strait Islander representative bodies, including progressing reforms to their existing advisory bodies. Some are considering representative models that will have connections to governance structures at local and regional levels.

The Australian Capital Territory (ACT) and Victoria have elected representative bodies in place. These vary in nature, as well as in their role, functions and scope.

The ACT's Aboriginal and Torres Strait Islander Elected Body (ATSIEB) is a broad representative body of seven members elected to represent the interests of the local Aboriginal and Torres Strait Islander community of the ACT. It has a legislated role in providing advice to ACT Government Ministers and acting as an advocate on systemic or whole-of-government issues. The ATSIEB also has a formalised partnership agreement with the ACT Government outlining core areas for focus under action plans by ACT Government agencies.

The First Peoples' Assembly of Victoria has a specific statutory role to develop the treaty elements in partnership with the State of Victoria to support the negotiation of a treaty or treaties. Assembly members must be Victorian traditional owners. In response to community interest and expectations, it is possible that the Assembly's current statutory role may evolve to become a broader representative body, but this is yet to be determined.

Western Australia and South Australia currently both have appointed state-level Indigenous advisory bodies in place, but are considering reforms to these bodies to make them more representative. Membership of the Aboriginal Advisory Council of Western Australia was refreshed through a peer-nomination process in March 2019 and it is now working with government to drive the design of a more representative structure for regional engagement and decision making. South Australia has committed to reforming its Aboriginal Advisory Council to become an 'Aboriginal Engagement Body' through its *Aboriginal Affairs Action Plan 2019-2020*.

Some other states and territories are in the early stages of considering potential similar arrangements.

Summary

All three co-design groups emphasised the benefits of establishing clear and strong connections and communication between state- or territory-level representative bodies (where they exist or are established in future), and both levels of the Indigenous Voice.

As set out in Chapter 3, these connections will be important irrespective of any structural link that may be also be put in place (as proposed under one option for membership of the National Voice).

Where state or territory representative bodies are in place, Local and Regional Voices would provide advice to them on any state- or territory-wide systemic issues related to state or territory policies and programs. Where state- or territory-level representative bodies do not exist, it will be appropriate for Local and Regional Voices to provide advice directly to the state or territory government on these issues.

Equally, communication between the National Voice and existing state and territory level representative bodies will be important, even if there is no membership connection between them. Further, as outlined in Chapter 2, one option for the membership of the National Voice involves a direct structural link where national members representing each state and territory are drawn from Local and Regional Voices and/or state and territory representative bodies (where they exist and where the Aboriginal and Torres Strait Islander population in that jurisdiction supports the approach).

As noted in Chapter 3, further work to explore opportunities for policy alignment and involvement of state and territories in the Indigenous Voice arrangements will be an important part of consultation and engagement in stage two. This will need to include formal engagement between the Australian Government and state and territory governments on these matters.

CHAPTER 6

Stage Two Consultation and Engagement

Stage two consultation and engagement

Stage two consultation and engagement

Purpose

1. To seek feedback about how the Indigenous voice proposals would work in practice for Aboriginal and Torres Strait Islander communities, organisations and individuals.
2. To increase understanding of the importance and concept of an Indigenous voice with all Australians.

Principles

Authenticity

Building trust, being transparent, harnessing stories to create meaning, providing a feedback loop.

Inclusivity

Being culturally appropriate, empowering Australians to participate in the process, maximising reach and access to individuals and communities and keeping our communication clear and simple.

Focussed

Being driven by data, fulfilling the dual purpose to seek feedback and build understanding, being responsive and adapting to the environment.

How are we going to consult and engage?

Submission

Provided online via form or post, guided by discussion paper

Survey

Accessible online, available in print by exception

Stakeholder meetings

Undertaken face-to-face, virtually or in person, where possible

Facilitated discussions

Undertaken face-to-face, virtually or in person, where possible, including in regional and remote areas

Freestyle

Song and creative submissions via social media or file upload

How will information be fed back to the co-design groups and others?

- Submissions published on website
- Regular analysis of consultation feedback provided to co-design groups
- Detailed analysis provided at the end of stage two

- Real-time feedback and discussion with participants
- Summary fed back to co-design groups

- Real-time publication on social media

What products will support consultation and engagement?

Discussion paper

Explain the proposals and guide feedback

Survey

Explain the voice options and seek direct feedback

Infographics

Explain the proposals and how they came about

Audio/visual

Explain the proposals and how they came about

Online and print material

Encourage participation in the consultation process

Facilitator pack

To support discussions

Consultation preparation

1 November — NAIDOC week

Government decision

- Finalise communication products
- Prepare for facilitated discussions
- Commence awareness through networks
- Commence media and social media engagement

2 December — School holidays and Christmas

Following Government consideration, stage two commences

- Consultation launch
- Survey and submissions open
- Release consultation and communication products
- Undertake planned media and social media activities
- Undertake small number of stakeholder meetings and facilitated discussions by end of 2020

3 January — School holidays

- Survey and submissions open
- Undertake stakeholder meetings and facilitated discussions
- Undertake webinars with businesses, industry and specific stakeholder groups
- Ongoing media and social media activities
- Co-design groups consider feedback
- Ongoing co-design work to consider residual policy issues as required

4 February

5 March

- Stakeholder meetings and facilitated community discussions continue – big push on activity this month
- Co-design groups meet to discuss option refinement and content of report
- Final push on media and social media activities
- Final engagement activities

6 April — School holidays and Easter

Stage two concludes - final report to Government

- Co-design groups finalise recommendations to Government

Stage one of the co-design process has seen the development of proposals for the Indigenous Voice. Stage two is a very important opportunity for the Australian public to be part of co-designing the Indigenous Voice. Consultation and engagement with all Australians, in particular Aboriginal and Torres Strait Islander peoples, elders, communities and organisations needs to genuinely inform how the proposals are refined by the co-design groups and, importantly, influence the final report for the Australian Government's consideration.

Under its Terms of Reference (at Appendix B), the Senior Advisory Group was asked to provide advice to the Minister for Indigenous Australians on how to approach broad consultation and engagement during stage two. This chapter outlines Senior Advisory Group advice on how consultation and engagement should be undertaken noting that current circumstances require flexible and innovative approaches. Advice includes options on how to consult and engage with Aboriginal and Torres Strait Islander peoples and the broader Australian public on the Indigenous Voice proposals.

Background

The Senior Advisory Group discussed consultation and engagement throughout its meetings, with dedicated discussions occurring on 23 July 2020 and 29 September 2020. Additional sessions focused on engaging youth and non-Indigenous Australians took place in support of these formal meetings. Early discussions focussed on strategies and key approaches for engaging different target audiences, which fed into the development of the overarching strategy.

Consistent with the policy development process, the Senior Advisory Group considered past consultation processes and lessons from co-design group members to guide consideration of the stage two consultation and engagement approach. The ongoing restrictions arising from COVID-19 was identified early as a significant factor impacting consultation including the need for creative digital solutions – particularly to support face-to-face engagement – in working within the changing restrictions across the country.

Purpose

The Senior Advisory Group agreed the purpose of stage two consultation is to:

- build an understanding of the co-design process and the concept of an Indigenous Voice with all Australians
- seek feedback on how proposals would work in practice for Aboriginal and Torres Strait Islander communities, organisations and individuals, including how non-Indigenous Australians see themselves interacting with the Indigenous Voice proposals.

Consultation and engagement principles

A set of consultation and engagement principles was developed by the Senior Advisory Group to support the consultation approach.

Authenticity: Building trust, being transparent, harnessing stories to create meaning, providing a feedback loop.

Inclusivity: Being culturally appropriate, empowering Australians to participate in the process, maximising reach and access to individuals and communities and keeping our communication clear and simple.

Focussed: Being driven by data, fulfilling the dual purpose to seek feedback and build understanding, being responsive and adapting to the environment.

Audiences

All Australians will have the opportunity to participate and will be encouraged to do so. Noting this, the Senior Advisory Group agreed the need to identify specific target audiences.

Aboriginal and Torres Strait Islander peoples are the key audience because the Indigenous Voice – both at the national and local and regional level – will have direct impact. It is important that Aboriginal and Torres Strait Islander peoples know about the Indigenous Voice proposals and have an opportunity to provide detailed feedback throughout consultation and engagement.

All Australians are a key audience because the Indigenous Voice is a reform to governance arrangements in Australia and marks another step in Australia's reconciliation journey. It's important that the general population is aware of the proposals for the Indigenous Voice and why it's being proposed. This includes a particular focus on consultation and engagement with non-Indigenous Australians on how they see themselves interacting with the Indigenous Voice and to ensure they understand the proposals. The consultation and engagement process is an opportunity to generate awareness and understanding among the wider non-Indigenous population, as well as for broad feedback to be provided, if desired.

The Senior Advisory Group noted the great diversity within both Aboriginal and Torres Strait Islander communities and the broader Australian population, and that cohorts within each target audience may require further focus. For example Aboriginal and Torres Strait Islander youth and Aboriginal and Torres Strait Islander peoples across a breadth of locations across Australia, including urban, regional and remote areas.

Timing

The consultation and engagement period is expected to commence in early December 2020 and finish in late March 2021. This will allow the co-design groups to finalise their advice to the Australian Government during April 2021, marking the conclusion of stage two.

COVID-19 is a significant consideration. While the restrictions arising from COVID-19 continue, online methods will feature predominately where in-person face-to-face discussions are not safe or appropriate. Online webinars, stakeholder meetings and facilitated discussions along with the survey and submission processes will be key ways to provide feedback. Where possible and safe to do so, in-person discussion will be preferred, in particular in regional and remote communities.

The wet, bushfire and holiday seasons fall within the stage two consultation and engagement period. During this time people will be less accessible. This presents a challenge to the consultation and engagement process. There will be a push in early December for feedback ahead of Christmas and then again over February/March 2021 after the holiday period. Submission and survey responses will remain open over the entire consultation and engagement period. February and March are proposed to be the most intensive consultation and engagement months, with both online and face-to-face discussions occurring with stakeholders and in communities where appropriate, led by co-design members.

Other Aboriginal and Torres Strait Islander consultation and engagement processes are taking place around the country and will continue during the consultation period. The Senior Advisory Group highlighted the importance of engaging and coordinating, where possible, with state and territory governments. Through discussion with representatives nominated by the Senior Officials Group, insight was provided into the processes and events across states and territories which has informed the proposed consultation and engagement approach.

Co-design groups will be continuing work on policy development concurrent to the consultation and engagement process. A regular feedback loop to co-design groups will enable policy work to be informed by consultation and engagement feedback.

Consultation and engagement questions

Consultation and engagement is proposed to seek qualitative data, with quantitative demographic data used to identify trends across the consultation and engagement feedback. Noting the broad audience, the three areas for feedback during consultation and engagement include:

1. **Community sentiment and understanding:** Questions about what people think about the Indigenous Voice and its impact on the lives of Australians. This will help to gather Aboriginal and Torres Strait Islander and non-Indigenous perspectives on the Indigenous Voice.
2. **National proposal:** Questions seeking feedback on how Australians – particularly Aboriginal and Torres Strait Islander peoples, organisations and communities – will engage with the different proposals for the National Voice as outlined in this interim report.
3. **Local and regional proposal:** Questions seeking feedback on how Australians – particularly Aboriginal and Torres Strait Islander peoples, organisations and communities – see the Local and Regional Voice working in their communities.

Consultation and engagement mechanisms

A variety of mechanisms will be used for consultation and engagement to reach audiences, including:

- **Submission:** Individuals, groups and organisations will be able to submit formal submissions based on information provided in a publicly available discussion paper. Submissions will be made through the consultation and engagement platform website.
- **Survey:** A predominately online survey will be open for all Australians to provide feedback on the proposals. There will also be mechanisms for individuals to send in answers to survey questions if they do not have internet access.
- **Webinars:** Webinars will provide an outline of the proposals and, where appropriate, opportunity for the audience to engage in online discussion.
- **Facilitated discussions:** Face to face facilitated discussions will be aimed at drawing out key feedback on the proposals and will provide a culturally safe space for individuals to provide feedback in a group setting. Discussions will be formally documented to help revise proposals and participants will be encouraged to also complete the survey. Sessions will include a mix of 'in person' and virtual sessions.
- **Stakeholder meetings:** Online or in person sessions, where appropriate, will provide for both broad and targeted discussion on the proposals, tailored to the stakeholder. Meetings will be formally documented to help revise proposals and participants will be encouraged to also complete the survey.
- **Freestyle:** Encourage storytelling and creative input, in particular from youth, about what's important in the Indigenous Voice and what impact the Indigenous Voice might have. These would be submitted directly online as creative submissions or be part of online social media conversation.

Products to support the consultation and engagement process will be utilised across all consultation, for example the discussion paper supported by visual infographic representations, audio and video messages and explainers by co-design members.

The Senior Advisory Group agreed a lead role for members of the Senior Advisory Group and the National and Local & Regional Co-design groups in stage two consultation and engagement. Having co-design group members involved in consultation and engagement during stage two provides an opportunity for members to engage their established stakeholder networks, including communities, directly in discussion, hear feedback and unpack various perspectives. Co-design member participation also provides credible voices to building understanding and support for the Indigenous Voice outside of the Australian Government. Co-design group members can:

- Undertake consultation and engagement through their networks
- Facilitate or participate in stakeholder meetings and facilitated discussions in partnership with the Australian Government.

The design of the Indigenous Voice consultation process continues to be led by the co-design members in partnership with the Australian Government. This ensures greater transparency and openness throughout the consultation and engagement process.

Supporting communications

Communications activities in support of consultation and engagement will support awareness and engagement. Communications aim to ensure:

- All Australians, in particular Aboriginal and Torres Strait Islander peoples, understand the Indigenous Voice proposals.
- All Australians, in particular Aboriginal and Torres Strait Islander peoples, are aware of and can participate in the consultation and engagement process.
- Co-design group members, the Australian Government and other identified facilitators have what they need, including resources and knowledge, to deliver the consultation and engagement process, with support of the National Indigenous Australians Agency.
- Co-design group members, key stakeholders and communities receive accurate and timely information about the consultation and engagement process.

Reaching audiences

Communications will be designed to encourage all Australians to participate.

Aboriginal and Torres Strait Islander people, their communities and organisations across urban, regional and remote Australia will be encouraged to participate through submissions, survey, stakeholder meetings, facilitated discussions and online or social media. Communications will be targeted, in particular, at Aboriginal and Torres Strait Islander youth.

Along with the methods available to provide feedback, Aboriginal and Torres Strait Islander youth will be encouraged to engage via social media, including to share what impact an Indigenous Voice will have.

All Australians will be able to participate through submission, survey, online and at stakeholder meetings both in person and virtually, where appropriate. Communications will support high level awareness of the Indigenous Voice process and participation in consultation and engagement, if desired.

The Senior Advisory Group noted that there will be varying levels of engagement amongst the broader Australian community, including people who are:

- engaged, informed and open to the concept of an Indigenous Voice
- not engaged or informed, but possibly open to the concept of an Indigenous Voice with understanding
- people who are against the concept of an Indigenous Voice regardless of their level of engagement or understanding.

Consultation and engagement will be led by co-design members and the Australian Government, supported by structured and organic conversations. Public relations outreach to Indigenous and mainstream media and social media by co-design members and the Australian Government, where appropriate, will also support awareness and participation. Engagement with radio media, particularly to access remote communities, will be an important public relations activity to ensure community members can access information, including in language where needed. Public notice advertising will be placed, as appropriate, to inform the public of consultation dates and times.

The Senior Advisory Group noted the importance of feedback loops and ensuring transparency around the feedback received from consultation and engagement.

Key messages

The Senior Advisory Group discussed the importance of ensuring communication is clear. Four key message themes were identified to support appropriate messaging amongst targeted audiences.

Process: to describe the co-design process to ensure practical details of the consultation and engagement process are clear and understood, providing transparency on the process and how each co-design group reached their recommendations. This message theme ensures brief explanations of the proposals and the 'who, what, where, when and why' are clear during consultation and engagement.

Effectiveness: to describe the benefits for policy and service delivery to be informed by those impacted directly. This theme works to allay any concerns from the public on the introduction of the Indigenous Voice and highlights how the Indigenous Voice will create more efficient and effective processes and better outcomes for Aboriginal and Torres Strait Islander peoples.

Empowerment: to describe the benefits of the Indigenous Voice for Aboriginal and Torres Strait Islander peoples, communities and organisations. This theme encourages buy in and participation from Aboriginal and Torres Strait Islander peoples, communities and organisations.

Reconciliation: to highlight the benefits for Australia's future and work towards reconciliation. This theme aims to build support for the Indigenous Voice with the Australian public.

Concluding Statement

The innovative and multi-layered approach detailed in this chapter, will enable co-design members and the Australian Government to be flexible to respond to changing circumstances as required. The approach utilises inclusive products to increase understanding of the importance and concept of an Indigenous Voice and promote feedback on how proposals will work in practice.

CHAPTER 7

Senior Advisory Group Reflections and Recommendations

Introduction

The Senior Advisory Group provided a 'peer review' role to the co-design groups throughout the process, and has reviewed the proposals put forward by the co-design groups. 17 of the 18 members of the Senior Advisory Group support the proposals developed to be taken forward for consultation and engagement with all Australians, following the Australian Government's consideration.

This chapter sets out reflections from the Senior Advisory Group and sets out the recommendations to the Australian Government.

Context

The co-design process has not argued the case for an Indigenous Voice. This has been done numerous times in the past and referred to throughout this interim report. In setting up this process, the Australian Government accepted the recommendations of the 2018 Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples which proposed an Indigenous Voice not only to Parliament but also to the Australian Government, and not only to the Australian Government but also to state and territory governments. Some Senior Advisory Group members were wary about expanding the scope of the Indigenous Voice to encompass both the Parliament and the Australian Government. However, the majority of members agreed the Indigenous Voice should be able to provide advice to both the Parliament and the Australian Government.

The need for an Indigenous Voice has only been further emphasised over this period. The response to the COVID-19 pandemic and the very low numbers of cases in the Aboriginal and Torres Strait Islander populations highlight what can be achieved when the Australian Government listens to, and works with, Aboriginal and Torres Strait Islander peoples to ensure that Aboriginal and Torres Strait Islander peoples have a say in the laws and policies that affect them. Conversely, the destruction of sacred sites at Juukan Gorge is just one example that has occurred during the co-design process, which shows the negative impact when Aboriginal and Torres Strait Islander voices are not heard.

While the COVID-19 response has been a positive story of partnership with the Australian Government, we need to work together to go further than just isolated examples. A mechanism to ensure Aboriginal and Torres Strait Islander peoples have a voice is required. This co-design process has been working on just this, designing the proposals in partnership with the Australian Government, to then test as we move to consultation and engagement across the country. A representative voice is a practical step for Australia that builds on the Australian Government's commitment to work in partnership with Aboriginal and Torres Strait Islander peoples.

Key considerations

Important considerations in the development of the Indigenous Voice are outlined below.

Role of the Indigenous Voice

The primary focus of the National Voice must be to provide advice to the Parliament. At the same time, it was recognised by the Senior Advisory Group that early engagement provides the best opportunity to reflect the needs and aspirations of Aboriginal and Torres Strait Islander peoples in the development of legislation. This partnership would in turn also require the National Voice to engage with the Australian Government, preferably at the early stages of policy development. In fact, it would be inconceivable if it did not engage with the Australian Government. One member of the Senior Advisory Group emphasised the importance that Aboriginal and Torres Strait Islander people are involved in shared decision making at all levels. However, the overwhelming majority of the Senior Advisory Group members supported shared decision making at the local and regional level only, with an advisor role to Parliament and the Australian Government for the National Voice.

Local and Regional Voices would provide advice to all levels of governments, sit at a 'partnership table' as part of shared decision making at the local and regional level, and provide advice to the National Voice on significant national issues. To effect real change, governments must work collaboratively and in partnership with Aboriginal and Torres Strait Islander peoples. This is a core component of the recently concluded National Agreement on Closing the Gap, with Priority Reform One focused on formal partnerships and shared decision making. Local and Regional Voices are an opportunity to contribute to taking this reform forward, creating a mechanism to empower communities and individuals to be part of decisions that directly impact them.

There is a great diversity of Aboriginal and Torres Strait Islander cultures and contexts across the nation and all too often non-Indigenous Australia does not understand this crucial characteristic. This means a 'one-size fits all' approach will not work, and that is why the Local & Regional Co-design Group has developed a flexible and principles-based framework that can adapt to the unique requirements of each region. The selection process for National Voice representation is similarly flexible across different states and territories.

Engagement with key stakeholders

The National Voice would complement existing national Aboriginal and Torres Strait Islander organisations and structures and not replace them. There is an ongoing need for their voices and messages to the Australian Government to continue to be heard. The strengths and contributions of the many existing arrangements are recognised. The recently concluded National Agreement on Closing the Gap is an example of genuine partnership between governments across Australia and Aboriginal and Torres Strait Islander peak organisations. The Coalition of Peaks has a very clear focus on structural reform and service delivery in relation to the Closing the Gap agenda. As highlighted throughout this interim report, the National Voice would establish a relationship with the Coalition of Peaks and its member organisations, along with organisations beyond the Coalition of Peaks, particularly in sectors without national level peak bodies.

The impact of the Indigenous Voice would be greatest by leveraging the expertise, knowledge, networks and experience of existing organisations and structures and should complement these existing arrangements, not compete with, diminish or replace them. The National Voice would also engage with Aboriginal and Torres Strait Islander peoples who are not members of an organisation.

Focus on unheard voices

'giving those a voice who haven't had a voice in the past'

Throughout deliberations, there was a focus on the youth perspective and the unheard voices. This term was regularly used to describe the many Aboriginal and Torres Strait Islander peoples who may not traditionally have access to a platform to express their point of view or raise topics of concern at a local, regional or national level. The formation of permanent youth and people with a disability advisory groups would ensure structural representation from voices that should be heard, on issues that affect a significant proportion of the Aboriginal and Torres Strait Islander population. Mentoring emerging leaders to participate in National Voice mechanisms would ensure the diversity of representation required on the Indigenous Voice and strengthen the Indigenous Voice into the future.

Innovative and inclusive

Engagement with the Indigenous Voice must be done in a culturally appropriate manner. It is imperative that the many existing customary, traditional and community structures are accommodated and mechanisms are put into place in the Indigenous Voice arrangements to support this. The Indigenous Voice must draw on 'active citizenship' and use technology to invigorate a conversation from individuals rather than just from community organisations. Thinking creatively about how people provide their voice to issues happening in their community will be drawn out through stage two consultations. The findings will be critical considerations for implementation.

Support for the Indigenous Voice

Not only must the foundations be right, **there also must be appropriate support for the Indigenous Voice to respond.**

The **budgetary implications** for establishing and operating the Indigenous Voice in the current fiscal environment are a challenge. The co-design groups have considered this in the design of proposals to ensure they are workable and sustainable. As discussed in Chapter 4, funding has been a reoccurring issue for historical representative bodies. The expectation of appropriate funding from the Australian Government will be a particularly important and sensitive consideration in establishing the Indigenous Voice.

The co-design process has paid close attention to the creation and performance of previous models coupled with the views of members in considering what should be the legal form for the National Voice. One ongoing concern, particularly for members who have lived through this before, is the risk that Indigenous Voice arrangements could have the potential to be abolished in future. Legislation is one mechanism that would be required to support any model.

Whether the National Voice is a Commonwealth body or a private body corporate it will be dependent on ongoing government funding. Combining with the need to adequately resource the Indigenous Voice to perform its role (at both the national and local and regional levels), is the issue of funding to provide independence, which could be achieved through a long-term funding commitment[41].

A firm guarantee from the Australian Government that goes further than the co-design process and to commit to implementing an Indigenous Voice, following consultation and engagement would increase the authority of the process and level of trust from people across the country.

There is an absolute necessity for **state and territory governments to fully support and sign up to the framework for the Local and Regional Voice**. The effectiveness of the Indigenous Voice would only be as good as its relationship at the local and regional level. The functions of Local and Regional Voices should include advice to state and territory governments, in respect of their laws and service delivery, as well as connect with the state- or territory-level representatives bodies where they exist.

All governments need to ensure that they take a whole of government approach to partnership arrangements at the regional level, including mainstream programs and agencies whose activities affect outcomes for Aboriginal and Torres Strait Islander peoples. Early engagement with state and territory governments to achieve this objective is imperative.

The National and Local and Regional Voices should have access to the **policy resources needed to help formulate advice**, including expertise from the business, science, technology, social enterprise and arts sectors. The process must be agile and responsive, with stakeholders coming together to discuss the design of public policy and legislation, rather than ratifying legislation that someone else has designed.

The National Voice should be free to access specialist opinions as needed, for example through an expert panel recommended in Chapter 2, National Voice Design. The option for a complementary independent policy body, however, may create perceived duplication with existing bodies. Instead, the structural elements designed by the National Co-design Group – the expert panel, youth and disability advisory groups, and other stakeholders invited to provide input – create the right framework to formulate robust advice.

Eligibility, integrity and support for Indigenous Voice members will be fundamental to the success of the Indigenous Voice.

Eligibility issues needs to be a focus for the establishment of the National Voice to ensure the highest level of integrity, which will in turn uphold confidence and promote longevity. True representation promotes varying levels of experience and perspectives. However, to learn from the past, National Voice members must operate on a level playing field.

[41] An example of this is the 20 year funding agreement for the Atlantic Fellows program at the University of Melbourne: https://pursuit.unimelb.edu.au/articles/investment-to-build-new-generation-of-leaders

National Voice members should be supported with a robust framework focusing on immediate induction requirements, long-term professional development opportunities, mentoring opportunities, links to technology and innovative opportunities to engage and formulate advice. A member charter would articulate expectations and guiding principles. These principles should inspire Indigenous Voice members in both their day-to-day and future thinking. An optional ethics council could also be set up to provide advice on ethics, probity and governance issues and could consider matters of misconduct and eligibility of National Voice members.

Similarly, it is critical that Aboriginal and Torres Strait Islander people participating in Local and Regional Voices are positioned to do so effectively, to ensure genuine partnership with governments is possible. The proposed framework for the Local and Regional Voice emphasises that arrangements must be capability driven. This includes acknowledging varying priorities and stages of readiness across communities and allowing regions to move at their own pace. It also means ensuring they are enabled with access to expertise and data, as well as ongoing opportunities to develop and enhance local leadership and other capability support.

Consultation and engagement messaging

Broad engagement, including with existing organisations and structures, will form a key part of stage two consultation and engagement. This will help illustrate how the Indigenous Voice could engage with existing bodies, structures or mechanisms to work in partnership and not replace or undermine them.

Consultation will need to contextualise some broader policy issues that are likely to arise from this process, including:

- The importance of engagement mechanisms to streamline how the National Voice would intersect with partnerships, peaks and organisations. Strong engagement and support from key stakeholders will also be required.
- A need to separate out constitutional recognition from the discussion. While the Australian Government has publicly stated its commitment to hold a referendum to recognise Aboriginal and Torres Strait Islander people in the Constitution should consensus on a question be found, this Indigenous Voice consultation process needs to focus on the detail of the Indigenous Voice and not focus on Constitutional amendments.
- Framing messaging will be important to explain the relationship with and differences between the co-design process and the Uluru Statement from the Heart.

Recommendations from the majority of the Senior Advisory Group

- **Consider the proposals detailed in the report**
  The proposals developed by the National Co-design Group and the Local & Regional Co-design Group detailed in this interim report are robust and well considered. The deliberations of the co-design groups and rationale for inclusion are clearly articulated. Pros and cons are set out for the different proposals based on the considerations of the co-design groups. Minority views are reflected as appropriate. These proposals will continue to be refined, including through, and as a result of, community feedback during the stage two consultation and engagement process.

- **Release this interim report to the public**
  Given the commitment to build trust in the co-design process, and encourage the unheard voices to participate now and into the future, it is recommended that the interim report be made available to the general public. The principles of transparency and accountability should commence in the design stage. A discussion paper will be developed that is fit for purpose for the public consultation and engagement process on the proposals for the Indigenous Voice. However, this does not negate the need for the broader transparency and the confidence that releasing the interim report to the general public would provide.

- **Implement stage two consultation and engagement**
  Recommendations for stage two consultation and engagement are detailed in Chapter 6. Getting this process right is just as important as the development of the Indigenous Voice proposals. People will need to understand how it will work in practice and how it is in the national interest. For Aboriginal and Torres Strait Islander peoples specifically, they will need to be able to see how they would interact with the Indigenous Voice and appreciate the difference it can make in their lives at a practical level. The process is crucial for non-Indigenous Australians as well to raise awareness and understanding.

- **Confirm the Australian Government's commitment to implementing the Indigenous Voice after consultation**
  This will provide stakeholders with confidence in the process and longevity of the establishment, in whatever form it may take.

Concluding remarks

All Australians are encouraged to embrace the concept of an Indigenous Voice. This is an initiative that will significantly advance our journey towards reconciliation. An Indigenous Voice is an important part of the tapestry that allows for Aboriginal and Torres Strait Islander peoples to be a true partner with governments.

At the local and regional level, by simply being at the partnership table, Aboriginal and Torres Strait Islander peoples would have the opportunity to share their experiences, ideas and aspirations, so this can inform appropriate laws, policies, and programs. It would provide the platform to interact and work alongside non-Indigenous Australians to achieve the best possible outcomes. It will have impact where it matters most to most people – locally.

The lesson of the last decade is that Closing the Gap can only be achieved through Aboriginal and Torres Strait Islander agency and empowerment. An Indigenous Voice that speaks for Aboriginal and Torres Strait Islander peoples at both the national level where national policy and laws are determined, and the local and regional level where practical change can be achieved, will be a major step towards meeting this national priority.

There is still much work to do. Co-design members will continue to consider how these proposals can be refined and what is needed to ensure the implementation of the Indigenous Voice will be a success. However, it is also time for all Australians to share their feedback on this work to inform the final recommendations to the Australian Government, in the next stage of this co-design process.

Appendices

Appendix A – Membership

Senior Advisory Group member biographies[42]

Professor Dr Marcia Langton AO
Co-chair

Professor Dr Marcia Langton AO is a descendant of the Iman people and was born and raised in Queensland. She is an anthropologist, geographer and public intellectual. She was awarded the Doctor of Philosophy for her thesis on Aboriginal land tenure in eastern Cape York at Macquarie University in 2005 and a BA (Honours) in 1983 at the Australian National University. She was awarded the Honorary Doctor of Letters by the Australian National University in 2019 for her contribution to Indigenous Studies. Her work as an anthropologist, geographer and public intellectual spans almost five decades in the fields of political and legal anthropology, Indigenous agreements, engagement with the minerals industry, and Indigenous culture, filmmaking and art.

Since 2000, Professor Langton has held the Foundation Chair of Australian Indigenous Studies at the University of Melbourne. Professor Langton is a Fellow of the Academy of Social Sciences in Australia, a Fellow of Trinity College in Melbourne and an Honorary Fellow of Emmanuel College at The University of Queensland. She was appointed the first Associate Provost at the University of Melbourne in 2017 and was the first woman to hold the position of Chair of the AIATSIS Council (1992 – 1998). In 1993 Professor Langton was awarded a Member of the Order of Australia for her service as an anthropologist and advocate of Aboriginal Issues. In addition to her academic work, her most popular books are *Well, I Heard it on the radio* (Short title), *The Quiet Revolution, Welcome to Country*. *A Travel Guide to Indigenous Australia*, and *Welcome to Country. An Introduction to our First Peoples for Young Australians*.

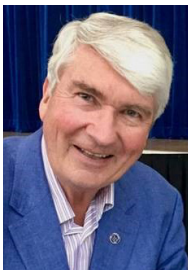
Professor Tom Calma AO
Co-chair

Professor Tom Calma AO is of Kungarakan and Iwaidja heritage from the Darwin region. Currently the Chancellor of the University of Canberra, a Professor at the University of Sydney and the National Coordinator for Tackling Indigenous Smoking he has served as Race Discrimination Commissioner (2004-2009) and Aboriginal and Torres Strait Islander Social Justice Commissioner (2004-2010). He was a senior diplomat (1995-2002) and senior advisor to the Minister of Immigration, Multicultural and Indigenous Affairs and awarded an Order of Australia in 2012 in recognition of his advocacy, work in human rights and social justice and distinguished service to the Indigenous community.

[42] As published on voice.niaa.gov.au as of 15 October 2020

Ms Geraldine Atkinson

Ms Geraldine Atkinson is a Bangerang/Wiradjuri woman who has devoted her career to expanding the possibilities available to Koorie people through education. Beginning as a Teacher's Aide in 1976, Ms Atkinson has been President of the Victorian Aboriginal Education Association Incorporated since 1999.



Professor Fr Frank Brennan SJ AO

Professor Fr Frank Brennan SJ AO is a fellow of the PM Glynn Institute at the Australian Catholic University and Research Professor at the Australian Centre for Christianity and Culture. He is the Rector of Newman College, University of Melbourne and has written books on Aboriginal issues. He chaired the 2009 National Human Rights Consultation and was a member of the 2018 Religious Freedom Review and in 1995 was awarded an Officer of the Order of Australia for services to Aboriginal Australians.

Ms Marcia Ella-Duncan OAM

Ms Marcia Ella-Duncan OAM is a descendant of the Walbunja people of the far south coast of New South Wales and also has kinship connection with the Bidgigal people of Botany Bay. Ms Ella-Duncan has held senior state government and ATSIC positions, was Chair of La Perouse Local Aboriginal Land Council from 2009-2017 and participated in various high-level review committees. The first Indigenous woman to hold a scholarship at the Australian Institute of Sport in Canberra and to represent Australia in netball, Ms Ella-Duncan was awarded the Order of Australia Medal in 1988 for her services to netball.

Ms Joanne Farrell

Ms Joanne Farrell has recently retired from Rio Tinto after 32 years. She has worked with BHP and the Western Australian Government. Director of the Western Australian Museum, the Australia China Business Council and Royal Flying Doctor Service (Western Australia operations), a member of the University of Western Australia's Senate and member of Chief Executive Women, Ms Farrell has led partnerships with Indigenous communities on skills development, employment, economic capacity building and agreement making.

Mr Mick Gooda

Mr Mick Gooda a descendent of the Gangulu people of Central Queensland, he has advocated and represented on behalf of Aboriginal people for the past 25 years. Mr Gooda was the former Aboriginal and Torres Strait Islander Social Justice Commissioner. Immediately prior to taking up the position of Social Justice Commissioner, Mr Gooda was CEO of the Cooperative Research Centre for Aboriginal Health for over five years and was appointed to the Eminent Panel for the Queensland Pathway to Treaty discussions in 2019.

Mr Chris Kenny

Mr Chris Kenny hosts The Kenny Report on Sky News and is an Associate Editor at The Australian. He holds a BA (Journalism) from the University of South Australia. His journalism career began at The Murray Pioneer in Renmark, South Australia. He has worked for The News in Adelaide, ABC's 7.30 Report, the Ten Network and Channel Nine Adelaide. In 2002 he became media advisor for then foreign minister Alexander Downer, before being promoted to chief of staff, a position he held until 2007

Cr Vonda Malone

Cr Vonda Malone is the first female Mayor of the Torres Shire Council. In 2018 Cr Malone was awarded the McKinnon Prize for Emerging Political Leader of the Year, recognising her progressive leadership in the Torres Strait. Chair of the Torres and Cape Indigenous Councils Alliance, founding Chair of Torres Health Indigenous Corporation, and a member of the Indigenous Reference Group for the Developing Northern Australia Initiative, Cr Malone has 22 years' experience working with the Australian Government.

Ms Alison Page

Ms Alison Page is a descendant of the Walbanga and Wadi Wadi people of the Yuin nation. One of three associates of Merrima Design, she was inducted into the Design Institute of Australia's Hall of Fame in 2015. Chair of the National Centre of Indigenous Excellence, Director of Ninti One Ltd and Australian National Maritime Museum Councillor, she was founding CEO of the Saltwater Freshwater Arts Alliance, Director of the annual Saltwater Freshwater festival, founder of the National Aboriginal Design Agency, and member of the Expert Panel on Constitutional Recognition of Indigenous Australians.

Mr Noel Pearson

Mr Noel Pearson is a lawyer, land rights activist and Director of the Cape York Institute for Policy and Leadership, an organisation promoting the economic and social development of Cape York in far north Queensland. Mr Pearson played a pivotal role in the establishment of the Cape York Land Council in 1990, has led a number of major reforms for Cape communities and has served as a member of the Expert Panel on Constitutional Recognition of Indigenous Australians and the Referendum Council.

Professor Daryle Rigney

Professor Daryle Rigney is a Ngarrindjeri Nation citizen and currently serves as the Director of Indigenous Nations and Collaborative Futures Research, Jumbunna Institute for Indigenous Education & Research at the University of Technology Sydney. For many years he has worked on nation-building with Indigenous leaders locally, nationally and internationally, the Ngarrindjeri Regional Authority (and as spokesperson on treaty negotiations in 2018) and Australian private and public sector entities. He is a Director of the Australian Indigenous Governance Institute, Senior Fellow Atlantic Fellows for Social Equity, a member of the University of Arizona's Native Nations Institute Indigenous Advisory Council and previously served as a director of The Australian Centre for Social Innovation. In 2013 Professor Rigney was acknowledged as NAIDOC South Australian Aboriginal person of the year.

Mr Benson Saulo

Mr Benson Saulo was the first Indigenous Australian to be appointed the Australian Youth Representative to the United Nations, and was the lead negotiator for the resolution on Impacts of the Global Financial Crisis on Young People in 2011. Mr Saulo was appointed Director of the National Indigenous Youth Leadership Academy in 2012. Former Head of Partnerships – Investments at Australian Unity, and Group sponsor of their Reconciliation Action Plan and former Youth Representative to the National Commission for UNESCO, Mr Saulo received the NAIDOC Youth of the Year award in 2014.

Ms Pat Turner AM

Ms Pat Turner AM is the daughter of an Arrernte man and a Gurdanji woman. As CEO of National Aboriginal Community Controlled Health Organisation, she is at the forefront of community efforts to Close the Gap in health outcomes for Aboriginal and Torres Strait Islander people. With more than 40 years' experience in senior leadership positions in government, business and academia including being the only Aboriginal woman and longest serving CEO of the Aboriginal and Torres Strait Islanders Commission, she was inaugural CEO of NITV and is the Coalition of Peaks Convenor and Co-Chair of the Joint Council on Closing the Gap. Ms Turner received a Member of the Order of Australia in 1990 for public service.

Professor Maggie Walter (PhD; FASSA) (palawa)

Professor Maggie Walter (PhD; FASSA) (palawa) is a Professor of Sociology at the University of Tasmania and teaches and publishes in the fields of race relations, inequality and research methods and methodologies. Professor Walter is a founding member of the Miaim nayri Wingara Australian Indigenous Data Sovereignty Collective and the Global Indigenous Data Alliance.

Mr Tony Wurramarrba

Mr Tony Wurramarrba is a Warnindilyakwa man from Groote Eylandt. Chair of the Anindilyakwa Land Council, Tony successfully negotiated a comprehensive mining agreement with BHP Billiton on behalf of traditional owners. He took the lead in negotiations to partner with the Commonwealth and Northern Territory governments to deliver major investment in the region, and is a member of the Aboriginals Benefit Account Advisory Committee, advising the Minister for Indigenous Australians on funding initiatives of benefit to Aboriginal people in the Northern Territory.

Mr Peter Yu

Mr Peter Yu is a Yawuru Man from Broome in the Kimberley region with 35 years' experience in Indigenous development and advocacy at the state, national and international level. Mr Yu was the Executive Director of the Kimberley Land Council during the 1990s, a key negotiator in the landmark Yawuru native title agreement, former Deputy Chair of the Indigenous Land Corporation, Chair of the Western Australia Aboriginal Housing Board and is a Board Member of the North Australian Indigenous Land and Sea Management Alliance Ltd, Deputy Chair of the AFL Aboriginal Advisory Committee, Deputy Chair of Broome Future Alliance Ltd and ANU Council Member.

Dr Galarrwuy Yunupingu AM

Dr Galarrwuy Yunupingu AM is a prominent leader in the Australian Indigenous community, and has been involved in the fight for land rights throughout his career. Dr Yunupingu is the Chair of the Yothu Yindi Foundation and Gumatj Corporation. He chaired the Northern Land Council for 25 years from 1977 and was made a Member of the Order of Australia for his services to the Aboriginal community in 1985. In 2015, he was honoured by the University of Melbourne with an Honorary Doctor of Laws.

National Co-design Group member biographies[43]

Dr Donna Odegaard AM
Co-chair

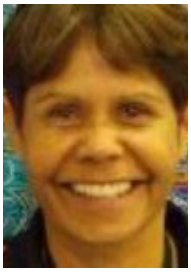
Dr Donna Odegaard AM is a Larrakia woman. She is CEO of First Nations Broadcasting, Australia's largest fully Indigenous-owned radio, television and production network. Dr Odegaard was awarded an Order of Australia for her input into the protection and preservation of Indigenous cultural heritage, Indigenous broadcasting and media and reconciliation in 2016 and was the first Aboriginal and Torres Strait Islander woman to receive the Institute of Managers and Leaders Sir John Storey Lifetime Award for Leadership.

Mr Ray Griggs AO CSC
National Indigenous Australians Agency co-chair

Mr Ray Griggs AO CSC was appointed the first CEO of the National Indigenous Australians Agency on 1 July 2019 and is responsible for leading policy, program and delivery reform in line with the Government's commitment to improving the lives of Aboriginal and Torres Strait Islander Australians. Before the establishment of the National Indigenous Australians Agency, Mr Griggs was Associate Secretary of the Indigenous Affairs Group in the Department of the Prime Minister and Cabinet. He spent four decades in the Royal Australian Navy, in a range of command and operational roles and is an Officer in the Order of Australia.

The Hon Fred Chaney AO

The Hon Fred Chaney AO was one of the founding Co-Chairs of Reconciliation Australia and an early advocate for Aboriginal voting rights. Mr Chaney was part of establishing the Aboriginal Legal Service of Western Australia and was the federal Minister for Aboriginal Affairs between 1978 and 1980. Also Deputy President of the National Native Title Tribunal and Chair of Desert Knowledge Australia, Mr Chaney was instrumental in establishing the Graham (Polly) Farmer Foundation, which supports Indigenous young people to reach their potential. In 1997 Mr Chaney became an Officer of the Order of Australia in recognition of service to the Parliament of Australia and to the Aboriginal community.



Ms Zell Dodd

Ms Zell Dodd is a proud descendant of the Ngarrindjeri, Kaurna & Nurrunga people. Ms Dodd was born and went to school in Naracoorte in the south east of South Australia and is the current CEO of the Ceduna Koonibba Aboriginal Health Service. Ms Dodd has more than 25 years' experience working for and with Aboriginal and Torres Strait Islander Australians shaping mainstream health services, systems and structures and extensive experience in government and non-government sectors.

[43] As published on voice.niaa.gov.au as of 15 October 2020

Ms Katrina Fanning PSM

Ms Katrina Fanning PSM is a Wiradjuri woman and Chair of the Australian Capital Territory Aboriginal and Torres Strait Islander Elected Body and the Australian Rugby League Indigenous Council and is a Board Member with Winnunga Nimmityjah Aboriginal Health and Community Services, the Fred Hollows Foundation, the Women's Legal Centre in the Australian Capital Territory and the Canberra Raiders. Owner and Managing Director of Coolamon Advisors, an Indigenous consulting firm based in Canberra, she has previously held Senior Executive roles in government and received a Public Service Medal in 2015 for outstanding public service in Indigenous affairs.

Mr Damian Griffis

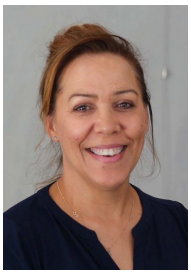
Mr Damian Griffis is a descendant of the Worimi people and CEO of the First People's Disability Network Australia. A leading advocate for the human rights of Aboriginal and Torres Strait Islander Australians with a disability, Mr Griffis played an integral part in establishing the Aboriginal Disability Network in New South Wales and the national representative organisation the First Peoples Disability Network. Mr Griffis was awarded the Australian Human Rights Tony Fitzgerald (Community Individual) Memorial Award in 2014.

Mr Steven Wanta Patrick Jampijinpa

Mr Steven Wanta Patrick Jampijinpa currently sits on the Warlpiri Youth Development Aboriginal Corporation board as Senior Cultural Advisor for his community, Lajamanu, in the Northern Territory. Mr Patrick was a contributing author for 'Ngurra-kurlu: A way of working with Warlpiri people' – a report which outlines key elements of Warlpiri culture being land, law, language, ceremony and skin. Mr Patrick, along with other Warlpiri elders, developed an app to tackle Indigenous youth suicide in 2017 and he has worked as a Community Liaison Officer and Teacher's Assistant at the Lajamanu Community Education Centre.

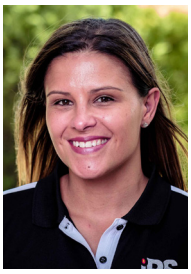
The Hon Jeff Kennett AC

The Hon Jeff Kennett AC was an Officer in the Royal Australian Regiment, serving at home and overseas. Premier of Victoria from 1992 to 1999, a Member of the Victorian Parliament for 23 years, and Leader of the Opposition from 1982 to 1989 and 1991 to 1992, Mr Kennett is Chair of EQT Holdings, Open Windows Australia Pty Ltd, CT Management Group Pty Ltd, Director of Amtek Corporation Pty Ltd., and is the founder and former Chair of Beyond Blue. Mr Kennett is also Chair of The Torch - a program assisting incarcerated Indigenous men and women and post their release, and President of the Hawthorn Football Club. He received a Companion of the Order of Australia in 2005 for service to the Victorian Parliament and the introduction of initiatives for economic and social benefit, to business and commerce, and to the community in the development of the arts, sport and mental health awareness strategies.



Professor Cheryl Kickett-Tucker AM

Professor Cheryl Kickett-Tucker AM is a Wadjuk Noongar Traditional Owner, academic community development practitioner, children's fiction author and emerging photographer. Professor Kickett-Tucker has worked with Aboriginal people all her life in the fields of education, sport and health. Executive Director of Pindi Pindi Ltd, Centre for Research Excellence in Aboriginal Wellbeing, Director of Research and Community Development at Koya Aboriginal Corporation and Research Fellow at Curtin University, Professor Kickett-Tucker is passionate about using her research to make a real difference to the lives of Aboriginal children and their families.



Ms Kristal Kinsela-Christie

Ms Kristal Kinsela-Christie is Managing Director of IPS Management Consultants, a majority Indigenous-owned management consulting company and winner of the 2018 and 2019 Supply Nation Certified Supplier of the Year. A skilled facilitator, expert in stakeholder engagement and project management, Ms Kinsela-Christie is Director of the National Aboriginal Sporting Chance Academy, Worthwhile Ventures - a social venture capital not-for-profit organization and Jaramer Legal – an Indigenous joint-venture commercial law firm.

Dr Emma Lee

Dr Emma Lee is an Aboriginal and Torres Strait Research Fellow at Centre for Social Impact, Swinburne University of Technology. Her research fields over the last 25 years have focused on Indigenous affairs, land and sea management, policy and governance of Australian regulatory environments. Dr Lee has published in diverse journals ranging from Biological Reviews to Annals of Tourism Research. She is a key architect of the Tasmanian Government's 'Reset the Relationship' whole-of-government strategy, contributing to shaping of the first joint management plan of a protected area in Tasmania, constitutional reform and establishing a market for cultural fisheries in Tasmania. Dr Lee has received a number of awards for this work.

Mr Jamie Lowe

Mr Jamie Lowe is a Gunditjmara Djabwurrung man and CEO of the National Native Title Council, a national peak body set up to maximise the contribution of native title to achieving and improving the economic, social and cultural participation of Indigenous Australians. Recently elected to the executive of First Peoples' Assembly of Victoria, as Victorian Aboriginal Peoples move towards treaty, Mr Lowe has a background in both government and non-government sectors and has expertise and skills in governance, management, strategic planning and economic development.

Ms Fiona McLeod AO SC

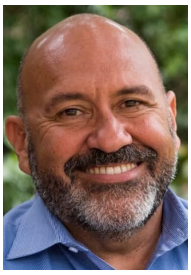
Ms Fiona McLeod AO SC is a Senior Counsel at the Victorian Bar and former President of the Law Council Australia and the Australian Bar Association. Ms McLeod led the class action into the Murrindindi Black Saturday bushfires and the Commonwealth legal team in the Victorian Bushfires Royal Commission, the Queensland Floods Commission and Royal Commission into Institutional Child Sex Abuse representing the whole of government in each matter. Ms McLeod received an Officer of the Order of Australia in 2000 for her distinguished service to the law and the legal profession, at the national and international level.

Professor Gracelyn Smallwood AM

Professor Gracelyn Smallwood AM has been an advocate for the rights of Aboriginal and Torres Strait Islander Australians since 1968. Awarded the Queensland Aboriginal of the Year in 1986, the Henry Kemp Memorial Award at the International Society for Prevention of Child Abuse and Neglect in 1994, the Deadly Award for Outstanding Lifetime Achievement in Indigenous Health in 2007, and NAIDOC Person of the Year in 2014, Professor Smallwood is a registered nurse, midwife and trained in mental health, with experience both in Australia and internationally. Professor Smallwood became a Member of the Order of Australia in 1992 for her service to Aboriginal Health and Welfare and to Public Health particularly in relation to HIV/AIDS.

Mr Marcus Stewart

Mr Marcus Stewart is a Nira illim bulluk man and a Taungurung traditional owner from central Victoria. Mr Stewart was the CEO of the Federation of Victorian Traditional Owner Corporation and has over 15 years' experience in Indigenous affairs. He was elected the Co-Chair of the First People's Assembly of Victoria in 2019 and has extensive experience strategic policy direction and design implementation through his senior roles in the Victorian State Government.



Mr Richard Weston

Mr Richard Weston was recently appointed CEO for Secretariat of National Aboriginal and Islander Child Care, the national peak body for Aboriginal and Torres Strait Islander children, and Co-Chair for Family Matters. A descendant of the Meriam people of the Torres Strait, Mr Weston has worked in Aboriginal and Torres Strait Islander affairs for more than 20 years. For nine years, he was CEO of The Healing Foundation and previously led Indigenous-controlled health services in far west New South Wales and Queensland.

Dr Joseph Elu AO

Dr Joseph Elu AO was initially a member of the National Co-design Group until September 2020.

Dr Joseph Elu AO is a Director of the Torres Strait Regional Authority Board, for his community Seisia. He is also the Divisional Councillor for Seisia on the Northern Peninsula Area Regional Council, Chairperson of Seisia Enterprises Pty Ltd and Seisia Community Torres Strait Islander Corporation. In 2017 Dr Elu was appointed the Deputy Chairperson of the Indigenous Land Council. He was Chairperson for Indigenous Business Australia for 12 years. In 2008 he was awarded an Officer of the Order of Australia as well as the NAIDOC Lifetime Achievement Award. In 2001 and in 2002 he was awarded the Centenary medal. During his career, Dr Elu has been an influential leader in Torres Strait Islander and Aboriginal affairs and Indigenous economic development.

Local & Regional Co-design Group member biographies[44]

Professor Peter Buckskin PSM FACE
Co-chair

Professor Peter Buckskin PSM FACE is a Narungga man from the Yorke Peninsula in South Australia. He is a member of the Lowitja Institute Board of Directors and former Dean of Aboriginal Engagement and Strategic Projects at the University of South Australia. Co-Convenor of the State's Advisory Committee on the recognition of Aboriginal people in the South Australian Constitution Act 1934, he has more than 30 years' experience as an educator and public servant and received a Commonwealth Public Service Medal (PSM) for outstanding public service in the provision of educational equality for Australia's Indigenous peoples in 2001.

Ms Letitia Hope
National Indigenous Australians Agency co-chair

Ms Letitia Hope is the Deputy CEO for Operations and Delivery at the National Indigenous Australians Agency. A proud Aboriginal and Torres Strait Islander with kin ties to the Torres Strait Island of Mer (Murray Island) and Bundjalung country (northern coast New South Wales), Ms Hope has had a varied career working across Commonwealth and state governments in both mainstream and specialised social policy development, human service delivery and health and community services program development.

Ms Isabelle Adams

Ms Isabelle Adams is Gurindji (Northern Territory) and Wuthuti (Cape York, Qld) and lives in Western Australia. Ms Adams is the joint-coordinator for the Kulunga Aboriginal Research Development Unit (KARDU) in the Telethon Kids institute. Ms Adams has more than 20 years' experience in the education and training industry and 15 years in the business sector as a consultant, researcher and trainer in a range of areas in Indigenous Affairs. She was awarded a Rotary International Paul Harris Fellow for Services to the Community and has held membership on a number of State and National bodies.

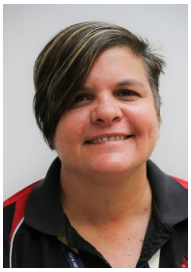
Cr Ross Andrews

Cr Ross Andrews is a Yarrabah man with cultural ties to both Djungan and Yalanji nations in Far North Queensland. The current Mayor of Yarrabah Aboriginal Shire Council sits on the Far North Queensland Regional Organisations of Council, is a Commissioner for Declarations; director of the Wugu Nyambil Board; member of Advance Queensland Aboriginal & Torres Strait Islander Business Innovation Reference Group and Chair of the Yarrabah Leaders Forum.

[44] As published on voice.niaa.gov.au as of 15 October 2020

Ms Ruth Davys

Ms Ruth Davys is Chair of the Riverina Murray Regional Alliance (RMRA). RMRA aims to ensure each local Aboriginal community has a genuine voice in determining how and what services are delivered in their communities and increase the capacity of each community to make decisions about their future. Ms Davys is the Co-founder and CEO, Marketing and Product Developer of Giilangyaldhaanygalang, an entirely Aboriginal-owned business partnership specialising in Wiradjuri language education services.

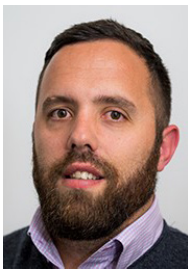


Ms Triscilla Holborow

Ms Triscilla Holborow is a Traditional Owner from the Yaburara and Yindjibarndi tribes. Ms Holborow is passionate about helping Aboriginal people obtain meaningful and long-term employment, engaging and upskilling communities for a better future, she co-founded Real Employment for Aboriginal People in 2010 and has won several awards relating to Aboriginal employment. Ms Holborow has more than 25 years' experience working in the mining and oil and gas sectors.

Mr Paul House

Mr Paul House is a Ngambri-Ngunnawal custodian with multiple local Aboriginal ancestries from the Canberra region, however identifies as a descendant of Ngambri – Walgulu man Henry 'Black Harry' Williams and Ngunnawal – Wallaballoa man 'Murjinille' aka William Lane ('Billy the Bull'), including Wiradjuri ancestries. Mr House began his public service career in the Commonwealth Department of Aboriginal Affairs, and has since occupied various positions across both New South Wales and Commonwealth public sector agencies.



Mr Chris Ingrey

Mr Chris Ingrey is of Dhungutti and Dharawal descent and is from the La Perouse Aboriginal community in Sydney. He is currently the CEO of the La Perouse Local Aboriginal Land Council, a Director of the Inner Sydney Empowered Communities and Eastern Zone Gujaga Aboriginal Corporation and was a previous Director of the La Perouse Local Aboriginal Land Council and has led significant reforms to the governance and economic development of the La Perouse Aboriginal community.

Ms Fiona Jose

Ms Fiona Jose is the CEO of Cape York Partnership, an Indigenous organisation driving a comprehensive reform agenda improving the lives of Indigenous families in the Cape York region. She joined Cape York Partnership in 2010 where she held senior management positions following more than 15 years of experience in management, business development, and government relations in aviation and education. She is one of eight First Nations leaders driving structural change through the national Empowered Communities initiative.

Cr Getano Lui Jr AM

Cr Getano Lui Jr AM is a serving Councillor on the Torres Strait Islands Regional Council (TSIRC) (State) and Deputy Chair and Member for Iama (Yam Island) on the Board of the Torres Strait Regional Authority (TRSA). He has been Chair of the Yam Island Community Council, Islanders Board of Industry and Service, Island Coordination Council and inaugural Chair of TSRA. He has been a Member in the General Division of the Order of Australia (AM) since 1994, for his service to the Torres Strait Region.

Mr Albert McNamara

Mr Albert McNamara is an Aboriginal elder with family connections to Yamatji, Martu and Noongar Country. A qualified wood machinist, it is the work that Mr McNamara did in state education in Western Australia, working in policy for more than a decade, which he is most known. Mr McNamara is on the Aboriginal Elder Advisory Group of Richmond Wellbeing and provides advice to City of Armadale, City of Perth, and City of Fremantle. He is involved with the Looking Forward project with Dr Michael Wright and was awarded the 2008 NAIDOC Aboriginal Male Elder.

Mr Wayne Miller

Mr Wayne Miller of the Wirangu people is the CEO of the Ceduna Aboriginal Corporation. Passionate about employment, education and economic development for Aboriginal people, he is a Member of the Housing South Australia Aboriginal Advisory Council and former member of the South Australian Aboriginal Advisory Council and South Australian Corrections 10 by 20 Strategy Aboriginal Advisory Committee.

Ms Karen Milward

Ms Karen Milward is a Yorta Yorta woman who was born and raised in Melbourne and is a strong advocate for developing culturally appropriate solutions to the issues confronting Indigenous people, which empower individuals and communities so they can confidently and effectively move forward. Karen owns and operates Karen Milward Consulting Services since 2004. Chairperson of Community First Development, Mullum Mullum Indigenous Gathering Place, Kinaway Chamber of Commerce Victoria Ltd and Director, Yarra Valley Water. Karen has extensive experience in delivering tailored training programs, leadership development, evaluations and social research, project management, feasibility studies and community development.

Ms Lavene Ngatokorua

Ms Lavene Ngatokorua is a Wankangurru/Adnyamathanha woman and mother to Dre. Lavene is a courageous leader who is recognised for her lifelong advocacy on behalf of community. As an artist and curator Lavene has established a contemporary practice focused on exploring and expressing her cultural connections and strong humanitarian beliefs.

Ms Vicki O'Donnell

Ms Vicki O'Donnell is a Nyikina Mangala Aboriginal woman from Derby and Chair for the Aboriginal Health Council of Western Australia. She was appointed to the Western Australian Aboriginal Advisory Council tasked with playing a key role in state priorities including the development of an Aboriginal empowerment strategy, Closing the Gap, Aboriginal youth suicide and reduced incarceration of Aboriginal people in custody.

Dr Aden Ridgeway

Dr Aden Ridgeway was the Deputy Leader of the Australian Democrats and served as a Senator for New South Wales from 1999 to 2005. Dr Ridgeway is a Gumbayynggir man and was the Regional Councillor for the Aboriginal and Torres Strait Islander Commission's Sydney region and Executive Director of the New South Wales Aboriginal Land Council before he was elected to the Australian Senate.

Ms Marion Scrymgour

Ms Marion Scrymgour is the CEO of the Northern Land Council, the first woman to hold the CEO position at any Northern Territory land council. A former CEO of the Tiwi Islands Regional Council, the Wurli-Wurlinjang Aboriginal Health Service and Katherine West Aboriginal Health Board, she became the first Aboriginal woman to be elected to the Northern Territory Legislative Assembly in 2001, representing the electorate of Arafura until 2012.

Ms Kerry Sculthorpe

Ms Kerry Sculthorpe has tertiary qualifications in social work and public policy and expertise in research ethics. She is a former chair of the AIATSIS Research Ethics Committee and was a manager of ATSIC in Tasmania from 1990. From 1996 until 2002 she was a member of the Senior Executive Service of the Australian Public Service. Kerry has participated in national fora on Indigenous education, health, land rights and legislation, and published a number of reports on Aboriginal issues. This includes her involvement in the Strategic Plan of Aboriginal Engagement Steering Committee at the University of Tasmania.

Appendix B – Terms of References

Terms of Reference
Senior Advisory Group

Context

1. The Government is committed to a process of co-design to determine options to improve local and regional decision-making and a national voice.
2. This approach reflects the Government's commitment to working in partnership with Indigenous Australians, and their longstanding desire to have a greater involvement in the issues that affect them.
3. The co-design process to determine options for a voice will have two separate co-design groups, one to focus on local and regional decision-making (Local & Regional Group) and the other to look at options for a national voice (National Group).
4. A Senior Advisory Group will provide advice and support across the co-design process for a voice and act as a forum for the Minister for Indigenous Australians (the Minister) to test ideas and build consensus.

Purpose

5. The Senior Advisory Group is commissioned to work with the Minister to provide overarching guidance and advice to the co-design groups on local and regional decision-making and for a national voice.
6. The Senior Advisory Group will support the Minister and Australian Government, and the co-design groups as needed. The Senior Advisory Group will continue to meet throughout both the design and consultation stages of the co-design process.

Scope

7. The Senior Advisory Group will:
   a) Provide a forum to work in partnership with the Minister, including overseeing the direction of the co-design process.
   b) Advise the Minister on the process for co-design of local, regional and national elements of a voice, including on membership for the respective co-design groups.
   c) Provide input and advice at key points to support the National and Local & Regional Groups develop options, as well as guide the overall process throughout.
   d) Review options developed by the National and Local & Regional Co-Design Groups and provide advice, recommendations and support to the Minister.

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e) In line with the media protocol and code of conduct, support the Minister in public messaging and engagement with other key stakeholders on the co-design process.

8. The Minister will be responsible for leading ongoing engagement with state and territory governments, as well as cross-party Parliamentarians groups and Government colleagues as required. Senior Advisory Group members may be asked to assist these discussions as required.

Activities

9. The Senior Advisory Group will:

   a) Help guide the co-design groups throughout the process, as needed and provide advice as options are considered and developed.

   b) Review options put forward by the co-design groups throughout the development stage and provide advice and support to the Minister in the consideration of what should proceed to broader consultation.

   c) Provide advice to the Minister and National and Local & Regional Co-Design Groups on how to approach engagement in the consultation stage.

   d) Consider feedback received throughout the consultation stage, as well as ongoing feedback and submissions received throughout the co-design process ahead of finalising recommendations to the Minister.

   e) Following the finalisation of the consultation stage, provide advice to the Minister on the outcome and potential next steps.

   f) Provide an interim report to the Minister at the end of the development stage with advice to the Minister about what options should proceed to consultation, and a final report following the refinement of options by the co-design groups after consultation.

   g) In line with the media protocol and code of conduct, support the Government on public messaging to update the broader community on the co-design process.

   h) Meet with the co-design groups and the Minister at key points throughout the process.

Timeframes

10. November 2019 – support commencement of co-design process, and provide advice to and help guide co-design groups as needed throughout both processes (ongoing).

11. By November 2020 – review local and regional decision-making/national voices options put forward for testing, and provide advice and support to the Minister, ahead of Government's consideration.

12. From late 2020 – help guide the consultation and engagement process to test options for local and regional decision-making and a national voice.

13. Following consultation – review the final report with options and models refined following consultation and engagement, and provide advice to the Minister.

Membership

14. The Minister will invite individuals to participate in the Senior Advisory Group. The Senior Advisory Group is responsible for determining how they conduct discussions. The Senior Advisory Group will include two co-chairs, Professor Tom Calma AO and Professor Dr Marcia Langton AO. The co-chairs will chair meetings and ensure work progresses out of session as required. They will also lead engagement with the Minister. The co-chairs will also brief the Government or their representatives at key points throughout the co-design process, as required.
15. The Senior Advisory Group will have a majority of Indigenous Australians who have a spread of skills and experience, and those with extensive experience and ability to work strategically across the co-design process. Consideration will also be given to achieving a balance of: gender; representation across jurisdictions; and the urban, regional and remote spectrum, as much as possible.
16. The Senior Advisory Group will comprise around 20 members as determined by the Minister.
17. Deliberations of the Senior Advisory Group, discussions with the Minister, any sub-groups and external experts will be confidential. Liaising outside the group to discuss potential options should have prior agreement from the Senior Advisory Group co-chairs. Public comment about the group's deliberations and discussions will be subject to a media protocol and code of conduct.

Secretariat

18. All secretariat, logistical and administrative support will be provided by the National Indigenous Australians Agency. This will include planning, logistics, travel arrangements and meeting support.
19. Deliberations of the Senior Advisory Group, including discussions with the Minister, any sub-groups, and external experts, will be confidential, and subject to the co-chairs' code-of-conduct confidentiality arrangements.

Out of scope

20. The following matters are out of scope for the Senior Advisory Group:
    a) Final decision on which options progress to testing.
    b) Making recommendations as a Group through this co-design process on constitutional recognition, including determining the referendum question or when a referendum should be held.
    c) Making recommendations as a Group through this co-design process on the establishment of a Makarrata Commission (as called for by the Uluru Statement from the Heart), agreement making, treaty and truth-telling.
    d) Overall budget, deliverables and associated timing and the overarching timeframe for the co-design process.

Australian Government
National Indigenous Australians Agency

NIAA

National Co-Design Group

Terms of Reference
National Co-Design Group

Context

1. The Government is committed to a process of co-design to determine options to improve local and regional decision making and a national voice.

2. This approach reflects the Government's commitment to working in partnership with Indigenous Australians, and their longstanding desire to have a greater involvement in the issues that affect them.

3. The co-design process to determine options for a voice will have two separate co-design groups, one to focus on local and regional decision-making (Local & Regional Group) and the other to look at options for a national voice (National Group).

4. A Senior Advisory Group will provide advice and support across the co-design process for a voice and act as a forum for the Minister for Indigenous Australians (the Minister) to test ideas and build consensus.

Purpose

5. The National Co-Design Group (National Group) is commissioned to consider proposed models for a national voice, and provide advice on preferred options.

Scope

6. The principal focus of the National Group is to develop options and models for a national voice, including articulating relevant detail (such as the structure, membership, functions and operation of a voice), and how to give a national voice legal form, excluding drafting of the establishing legislation.

7. Proposed options must not create barriers to the operation of existing Commonwealth Government Parliamentary processes.

8. The National Group will undertake this process in two stages:
   a) Stage one - develop possible approaches, models and options, and engaging with key stakeholders as needed.
   b) Stage two - support consultation and engage with Indigenous leaders, communities and stakeholders across the country; and refine recommendations for national options prior to providing them to Government for consideration.

9. The Minister will be responsible for leading ongoing engagement with state and territory governments, as well as the cross-party Parliamentarians group and Government colleagues to build consensus around possible options. National Group members may be asked to provide advice or assist in these discussions, as required.

Activities

10. The National Group will:
    a) Develop a work plan for the Group, which includes links with the broader co-design process, and consultation and engagement with Indigenous communities, Indigenous leaders, experts and other key stakeholders in stage two. This will be done in consultation with the Senior Advisory Group and Local & Regional Group.
        i. The development of options and models will draw on existing work done to date where appropriate.
        ii. The options should enable the Government to consider how a voice could be given legal effect.
    b) Work in partnership with the Local & Regional and the Senior Advisory Groups at key points, to ensure options for a national voice can be informed by, and connect with local and regional elements of a voice.
    c) Consider the impact of existing mechanisms for agreement making with Aboriginal and Torres Strait Islander Australians on options for a voice.
    d) Develop options and models, including drawing on previous work, to put forward to the Minister for consultation and engagement, following consultation with the Local & Regional Group and Senior Advisory Group.
    e) Support consultation and engagement with Indigenous communities, leaders and other stakeholders across the country.
    f) Support and advise the Government on public messaging to update the broader community on the co-design process.
    g) Refine options and models based on feedback from consultations and engagement.
    h) Provide a final report for the Minister after consultation and refinement have been completed, with preferred options and models. The Senior Advisory Group will review these options and models and provide advice alongside the National Group's report to the Minister.
    i) Seek advice from the Senior Advisory Group and the Local & Regional Group throughout the process, as appropriate.
    j) Provide regular updates to the Minister and Senior Advisory Group on progress and key issues as they emerge.
    k) The National Group may request technical expertise if needed, through the National Indigenous Australians Agency (NIAA).

Timeframes

11. The process will be undertaken in two stages:
    a. Stage one – early to late 2020
        i. At the conclusion of stage one, options and models will be provided in an interim report (by late 2020). This report will be provided to the Minister alongside the advice of the Senior Advisory Group for decision by Government, ahead of the consultation and engagement stage.
    b. Stage two – commencing late 2020
        i. At the conclusion of stage two, a final report with options and models refined following consultation and engagement will be provided to the Minister, alongside advice from the Senior Advisory Group.

Membership

12. The Minister will invite individuals to participate in the National Group, following consultation with the Senior Advisory Group, and appoint a co-chair from among the Indigenous non-government members. The second co-chair will be a senior official from the NIAA.

13. The National Group is responsible for determining how they conduct discussions. The two co-chairs will chair meetings and ensure work progresses out of session.

14. The two co-chairs will also be key contacts and representatives for the National Group. They will lead engagement with the Senior Advisory Group and Local & Regional Group, Minister and the Government at key points, as required.

15. The non-government members of the National Group will comprise a majority of Indigenous Australians. Consideration will also be given to achieving a balance of: gender; representation across jurisdictions, and the urban, regional and remote spectrum, as much as possible.

16. The National Group will comprise up to 20 members, (inclusive of one government co-chair and one Indigenous non-government co-chair) as determined by the Minister.

17. Deliberations of the National Group, discussions with the Minister, any sub-groups and external experts will be confidential. Liaising outside the group to discuss potential options should have prior agreement from the National Group co-chairs. Public comment about the Group's deliberations and formal discussions will be subject to a media protocol and code of conduct.

Secretariat

18. All secretariat, logistical and administrative support will be provided by NIAA. This will include planning, logistics, travel arrangements and meeting support.

Out of scope

19. The following matters are out of scope for the National Group:
    a) Drafting of legislation to establish a national voice.
    b) Design of options and models for local and regional elements of a voice, other than considering linkages with local and regional elements of a voice, in order not to duplicate work across the two co-design groups.
    c) Final decision on which options and models progress to consultation and engagement in stage two.
    d) Making recommendations as a Group through this co-design process on constitutional recognition, including determining the referendum question or when a referendum should be held.
    e) Making recommendations as a Group through this co-design process on the establishment of a Makarrata Commission (as called for by the Uluru Statement from the Heart), agreement making, treaty and truth-telling.
    f) Overall budget, deliverables and associated timing and the overarching timeframe for the co-design process.

Australian Government
National Indigenous Australians Agency

NIAA

Local and Regional Co-Design Group

Terms of Reference
Local & Regional Co-Design Group

Context

1. The Government is committed to a process of co-design to determine options to improve local and regional decision-making and a national voice.

2. This approach reflects the Government's commitment to working in partnership with Indigenous Australians, and their longstanding desire to have a greater involvement in the issues that affect them.

3. The co-design process to determine options for a voice will have two separate co-design groups, one to focus on local and regional decision-making (Local & Regional Group) and the other to look at options for a national voice (National Group).

4. A Senior Advisory Group will provide advice and support across the co-design process for a voice and act as forum for the Minister for Indigenous Australians (the Minister) to test ideas and build consensus.

Purpose

5. The Local & Regional Co-design Group (Local & Regional Group) is commissioned to articulate preferred approaches to improved local and regional decision-making and Indigenous regional governance and provide advice on preferred options.

Scope

6. The principal focus of the Local & Regional Group is to articulate effective regional mechanisms for improved local and regional decision-making by Indigenous Australians in partnership with governments, including their purpose and scope. The Local & Regional Group will consider how existing regional mechanisms and Indigenous regional governance structures can give effect to the notion of a local and regional voice.

7. The Local & Regional Group will undertake this process in two stages:
   a. Stage one – developing possible approaches (e.g. principles-based), models and options for broader conversations and engaging key stakeholders as needed.
   b. Stage two – support conversations and engage with Indigenous leaders, communities and stakeholders across the country, and refine options and models, prior to providing them to the Government for consideration.

8. The Minister will be responsible for leading ongoing engagement with state and territory governments, as well as the cross-party Parliamentarians group and Government colleagues to build consensus around possible options. Local & Regional Group members may be asked to provide advice or assist in these discussions, as required.

9. There will also be engagement, as required, between the Local & Regional Group and the Senior Officials Group (representing local, state and Commonwealth). The extent and details of links between the officials' group and the broader co-design process will be determined by co-chairs of the co-design groups, in consultation with the officials' group.

Activities

10. The Local & Regional Group will:
    a. Develop a work plan for the Group, which includes links with the broader co-design process, and conversations and engagement with Indigenous communities, Indigenous leaders, experts and other key stakeholders in stage two. This will be done in consultation with the Senior Advisory Group and the National Group.
    b. Articulate how current regional and local arrangements and mechanisms can give effect to local and regional voices.
    c. Identify options, such as principles and a framework for local and regional decision-making and Indigenous regional governance, which could underpin implementation across the country (regardless of existing mechanisms).
    d. Draw on the existing local and regional decision-making and Indigenous regional governance models, as well as the principles and design questions identified by the Joint Select Committee 2018, as a starting point for the development of possible future arrangements.
    e. Consider the impact of the possible future arrangements on the existing regional models, and how these could be encompassed within the improved approach.
    f. Provide input to inform discussions between levels of government on how to align and improve various existing regional governance and decision-making models, as appropriate. These discussions will be led by the Minister.
    g. Work in partnership with the National and the Senior Advisory Groups at key points, to ensure local and regional elements of a voice can be considered as part of a national model.
    h. Support and advise the Government on public messaging to update the broader community on the co-design process.
    i. Develop options and models to put forward to the Minister for broader conversation and engagement, following consultation with the National Group and Senior Advisory Group.
    j. Support conversations and engagement with Indigenous leaders, communities and stakeholders across the country.
    k. Refine options and models based on feedback from conversations and engagement.
    l. Provide a final report for the Minister after conversations and refinement have been completed, with preferred options and models. The Senior Advisory Group will review these options and models and provide advice alongside the Local & Regional Group's report to the Minister.
    m. Seek advice from the Senior Advisory Group and the National Group throughout the process, as appropriate.
    n. Provide regular updates to the Minister and the Senior Advisory Group on progress and key issues as they emerge.
    o. The Local & Regional Group may request technical expertise if needed, through the National Indigenous Australians Agency (NIAA).

Timeframes

11. The process will be undertaken in two stages:
    a. Stage one – early to late 2020
        i. At the conclusion of stage one, options and models will be provided in an interim report (by late 2020). This report will be provided to the Minister alongside the advice of the Senior Advisory Group for decision by Government, ahead of the conversation and engagement stage.

b. Stage two – commencing late 2020
   i. At the conclusion of stage two, a final report with options and models refined following conversation and engagement will be provided to the Minister, alongside advice from the Senior Advisory Group.

Membership

12. The Minister will invite individuals to participate in the Local & Regional Group, following consultation with the Senior Advisory Group, and appoint a co-chair from among Indigenous non-government members. The second co-chair will be a senior official from the NIAA.

13. The Local & Regional Group will be responsible for determining how they conduct discussions. The two co-chairs will chair meetings and ensure work progresses out of session.

14. The two co-chairs will also be key contacts and representatives for the Local & Regional Group. They will lead engagement with the Senior Advisory Group and the National Group, Minister and the Government at key points, as required.

15. The non-government members of the Local & Regional Group will comprise a majority of Indigenous regional leaders and others with expertise relevant to Indigenous regional governance and decision-making. Consideration will also be given to achieving a balance of gender, representation across jurisdictions, and the urban, regional, and remote spectrum, as much as possible.

16. The Regional Group will comprise up to 20 members, (inclusive of one government co-chair and one Indigenous non-government co-chair) as determined by the Minister.

17. Deliberations of the Local & Regional Group, discussions with the Minister, any sub-groups and external experts will be confidential. Liaising outside the group to discuss potential options should have prior agreement from the Local & Regional Group co-chairs. Public comment about the Group's deliberations and discussions will be subject to a media protocol and code of conduct.

Secretariat

18. All secretariat, logistical and administrative support will be provided by NIAA. This will include planning, logistics, travel arrangements and meeting support.

Out of Scope

19. The following matters are out of scope for the Local & Regional Group:
    a. Design of options for a national voice, other than considering linkages of local and regional elements and a national voice, in order not to duplicate work across the two co-design groups.
    b. Final decision on which options progress to conversations and engagement in stage two.
    c. Making recommendations as a Group through this co-design process on constitutional recognition, including the referendum question or when a referendum should be held.
    d. Making recommendations as a Group through this co-design process on the establishment of a Makarrata Commission (as called for by the Uluru Statement from the Heart), agreement making, treaty and truth-telling.
    e. Overall budget, deliverables and associated timing and the overarching timeframe for the co-design process.

Appendix C – Summary of Meeting Dates

As of 15 October 2020, there have been more than 70 meetings of co-design groups, working groups, member briefings and design discussions.

- The co-design groups have met over 40 times, with all but three meetings taking place virtually.
- There has been over 30 member briefings and design discussions.

In addition:

- Meetings of all co-chairs, and regular discussion between co-chairs and the National Indigenous Australians Agency.
- The three groups met with the Minister for Indigenous Australians on 21 April 2020 (virtual).
- There were meetings of the Senior Officials Group, comprising state and territory officials and the Australian Local Government Association.

Co-design meetings and working group meetings

Senior Advisory Group

Date	Meeting
14 October 2020	Senior Advisory Group meeting
29 September 2020	Senior Advisory Group meeting (local and regional and engagement focus)
21 September 2020	Senior Advisory Group meeting (national focus)
31 August 2020	Senior Advisory Group Engagement working group
27 August 2020	Senior Advisory Group meeting (local and regional focus)
25 August 2020	Senior Advisory Group meeting (national focus)
23 July 2020	Senior Advisory Group meeting (engagement focus)
08 July 2020	Senior Advisory Group meeting (consolidating feedback)
30 June 2020	Senior Advisory Group meeting (local and regional focus)
23 June 2020	Senior Advisory Group meeting (national focus)
17 February 2020	Senior Advisory Group meeting
13 November 2019	Senior Advisory Group meeting

National Co-design Group

Date	Meeting
06 October 2020	National Co-design Group meeting
08 September 2020	National Co-design Group meeting
18 August 2020	National Co-design Group meeting
10 August 2020	National Options working group
06 August 2020	National Functions working group
06 August 2020	National Structure and Membership working group
21 July 2020	National Co-design Group meeting (presentation of Senior Advisory Group feedback)
14 July 2020	National Establishment working group
12 May 2020	National Co-design Group meeting
26 March 2020	National Structure and Membership working group
24 March 2020	National Functions working group
25 and 26 Feb 2020	National Co-design Group meeting

Local & Regional Co-design Group

Date	Meeting
07 October 2020	Local & Regional Co-design Group meeting
14 September 2020	Local & Regional Co-design Group meeting
21 August 2020	Local & Regional Co-design Group meeting
13 August 2020	Local & Regional supplementary session
29 July 2020	Local & Regional Co-design Group meeting (presentation of Senior Advisory Group feedback)
28 July 2020	Local & Regional Linkages and Impact working groups (follow up)
24 July 2020	Local & Regional Impact working group
01 July 2020	Local & Regional supplementary session
19 June 2020	Local & Regional Regions working group
16 June 2020	Local & Regional supplementary session
26 May 2020	Local & Regional Co-design Group meeting
16 April 2020	Local & Regional Structures and Interface working group
08 April 2020	Local & Regional Framework working group
12 March 2020	Local & Regional supplementary session
10 and 11 March 2020	Local & Regional Co-design Group meeting

Linkages Working Group – representatives from all three co-design groups

Date	Meeting
17 August 2020	Linkages working group
20 July 2020	Linkages working group

All co-chair meetings

Date	Meeting
08 October 2020	All co-chair meeting
01 October 2020	All co-chair meeting
17 September 2020	All co-chair meeting
25 August 2020	All co-chair meeting
17 June 2020	All co-chair meeting
18 May 2020	All co-chair briefing on the Coalition of Peaks
22 April 2020	All co-chair meeting

Member briefings and design discussions

Senior Advisory Group[45]

Date	Meeting
14 October 2020	Member session
12 October 2020	Member session
30 September 2020	Member session
18 September 2020	Member session
17 September 2020	Member session
15 September 2020	Member session
13 August 2020	Senior Advisory Group Youth engagement discussion
05 August 2020	Member session
22 July 2020	Member session
17 July 2020	Member session
06 July 2020	Member session
06 July 2020	Member session
29 June 2020	Member session
29 June 2020	Member session
26 June 2020	Member session
26 June 2020	Member session
22 June 2020	Member session
19 June 2020	Senior Advisory Group Youth engagement discussion
25 May 2020	Senior Advisory Group Non-Indigenous engagement discussion
20 May 2020	Member session
17 April 2020	Senior Advisory Group Youth engagement discussion
02 April 2020	Senior Advisory Group Youth engagement discussion
26 and 27 February 2020	Senior Advisory Group Youth engagement discussion

[45] Includes but not limited to

National Co-design Group[46]

Date	Meeting
14 October 2020	Disability advisory group design discussion
02 October 2020	Stage two engagement briefing session
02 October 2020	Member session
30 September 2020	Member session
28 September 2020	Youth advisory group design discussion
24 September 2020	Member session
22 September 2020	Member session
15 September 2020	Youth advisory group design discussion
11 September 2020	National Co-design Group briefing session: local and regional information
09 September 2020	Member session
02 September 2020	Disability advisory group design discussion
02 September 2020	Member session
27 August 2020	Member session
13 August 2020	Member session
31 July 2020	Member session
29 July 2020	Member session
27 July 2020	Member session
16 July 2020	Member session
28 May 2020	Member session

Local & Regional Co-design Group[47]

Date	Meeting
02 October 2020	Stage two engagement briefing session
28 September 2020	Local & Regional Co-design Group briefing session: national information

[46] Includes but not limited to
[47] Includes but not limited to

Senior Officials Group[48]

Date	Meeting
09 October 2020	Bilateral meeting with South Australia (emerging policy and engagement design)
07 October 2020	Bilateral meeting with Tasmania (emerging policy)
02 October 2020	Bilateral meeting with Western Australia (engagement design)
28 September 2020	Bilateral meeting with Victoria (engagement design)
23 September 2020	Bilateral meeting with New South Wales (emerging policy)
23 September 2020	Bilateral meeting with New South Wales (engagement design)
22 September 2020	Bilateral meeting with Northern Territory (emerging policy and engagement design)
15 September 2020	Bilateral meeting with Tasmania (engagement design)
20 August 2020	Senior Officials Group meeting
13 July 2020	Bilateral meeting with the Australian Local Government Association
07 July 2020	Bilateral meeting with Australian Capital Territory
24 June 2020	Bilateral meeting with Western Australia
18 June 2020	Bilateral meeting with Queensland
28 May 2020	Bilateral meeting with South Australia
27 May 2020	Bilateral meeting with New South Wales
20 May 2020	Bilateral meeting with Northern Territory
15 May 2020	Bilateral meeting with Victoria
07 May 2020	Bilateral meeting with Tasmania
07 April 2020	Senior Officials Group meeting
25 February 2020	Senior Officials Group meeting
19 and 20 February 2020	Senior Officials Group meeting (20 February teleconference, some members briefed separately on 19 February)

[48] Includes but not limited to

Appendix D – Environmental scan

Environmental scan: key Indigenous local, regional and national models and structures

Please note: This document has been developed based on analysis of publicly available information to facilitate the work of the Indigenous Voice co-design process and does not necessarily represent the policy position of the Australian Government.

Context

The Senior Advisory Group (SAG) requested an environmental scan of Indigenous decision-making or advisory models to support the co-design groups to develop options for an Indigenous Voice and improved local and regional decision-making. This document provides an initial scan of relevant current, historical and international models and structures, and identifies their key features including purpose, key functions, design principles, legislative basis (where relevant), structure and operation.[49]

What's included?

- Local and regional bodies
- National bodies
- Annex 1: Historical Australian models
- Annex 2: International models
- Annex 3: Table of local & regional models by jurisdiction

Within each part, the models/structures are grouped based on their purpose, operation and basis for establishment.

[49] Note: the information contained in this environmental scan reflects a 'point in time' overview. It was prepared at the beginning of the co-design process as context to provide a starting point for co-design groups' deliberations. It is not an exhaustive list of all the models, structures and bodies considered by the co-design groups and does not evaluate the models. Further detail - including clarifications on the models that are included and information on additional models that may be relevant - has since informed the co-design work. This was provided variously by co-design group members, state and territory officials through the Senior Officials Group, as well as resulted from further research by secretariat. This further detail has not been incorporated into this appendix, except where footnotes correct factual inaccuracies or new developments since 2019.

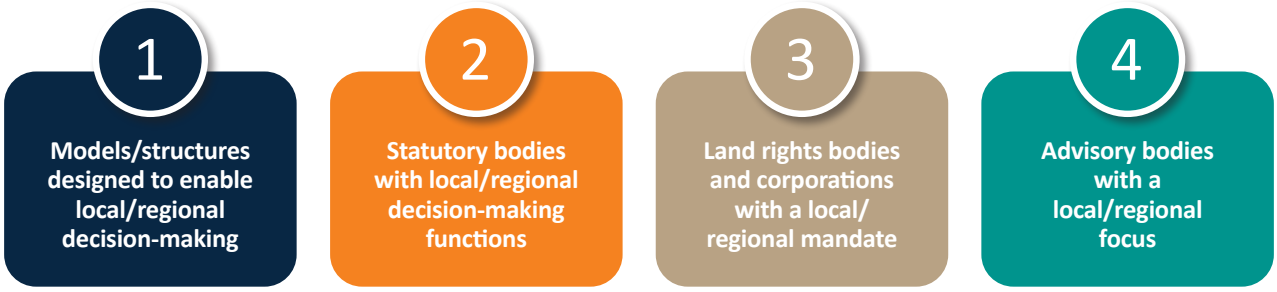
Indigenous local and regional decision-making models and structures

Context

A key criterion for inclusion in this environmental scan of local and regional arrangements was for each model to involve some form of locally-led decision-making by Indigenous Australians, noting however these vary in their form, purpose, functions, participation, governance and scope.

The clear starting point are those models and structures specifically designed to enable local/regional decision-making in partnership between Indigenous people and governments. These generally provide flexibility for communities to decide how they organise based on their own circumstances and existing structures. Likewise, the various tiers of government may arrange themselves differently, but with a uniform interface through which the two sides come together to engage and 'do business.'

Aside from the arrangements specifically designed to support local/regional decision-making, this paper also includes a range of other relevant approaches including: statutory bodies whose functions involve some form of local or regional decision-making; land rights bodies and corporations with a local/regional mandate; and advisory bodies with a local and/or regional focus.



1. Models/structures designed to enable local and/or regional decision-making

The models and structures outlined below are specifically designed to increase opportunities for Indigenous communities, leaders and organisations to drive decision-making locally, including setting regional priorities to achieve the long-term vision and aspirations of communities. They are established through policy or agreements, aim to build genuine, long-term partnership between governments and communities, enhance Indigenous community empowerment and align government investment to agreed local and regional priorities to enable place-based, targeted solutions.

While the models differ in their function and scope, there are similarities across key features. They all involve:

- a form of local participation that allows communities to contribute to setting regional strategic direction and priorities,
- efforts towards greater transparency between governments and community and mutual accountability to the community level,
- consideration of readiness and support for capability building,
- a commitment to a degree of regional autonomy, and
- place-based flexibility.

Some models were designed autonomously by Indigenous leaders and communities, while others were co-designed with government, or involved government implementing formal frameworks to support existing or emerging arrangements in collaboration with Indigenous Australians.

NSW Regional Alliances under Local Decision Making (LDM) framework | 2013-present		Jurisdiction: NSW
Overview	Purpose and key functions	Participation and governance
NSW LDM is part of the broader OCHRE initiative by NSW Government. It involves the staged devolution of decision-making and accountability from government to Regional Alliances comprised of community-based Indigenous organisations or representatives, once capacity is demonstrated. It is in various stages of implementation across eight[50] regions. To date, three of the Regional Alliances have reached the implementation stage and signed Accords with the NSW Government. The NSW Government provides financial and in-kind support to Regional Alliances to build capacity, leadership and governance. The NSW Government has indicated it will consider a statutory framework once remaining Accords are finalised. The NSW Ombudsman released the OCHRE Review Report[51] in 2019, which included a review of LDM implementation to date.	NSW LDM aims to empower Aboriginal regional governance bodies (known as 'Regional Alliances') to make informed decisions about government funding and service delivery in their local communities and regions; decrease duplication of services and increase their effectiveness in meeting local needs; and increase the capacity of Aboriginal governance bodies. NSW LDM is based on design principles of: • empowerment and wellbeing • self-governance and determination • information sharing to inform decision-making • staged devolution of decision-making according to capacity via a structured framework • fostering more effective engagement between government and community through a clearly structured framework • co-design, consumer driven and place-based approach • ensuring Aboriginal communities have a genuine voice in determining what and how services are delivered and are more satisfied with government services	This model is flexible, so each region can tailor their Regional Alliance structure and governance arrangements to their local context (i.e. some Regional Alliances are comprised of a coalition of organisations and individual members, others are based on community representation at the regional level). NSW Government selected Regional Alliances against criteria related to representativeness, geographic scope and the strength of their local partnership. Regional Alliances are progressively delegated greater powers as capacity is demonstrated. This occurs in three stages: advisory, planning and implementation. The NSW Government partners with Regional Alliances to negotiate arrangements and formalise shared priorities via Accords. Regional Alliances are required to have "good governance" according to the Good Governance Guidelines before Accord negotiations begin.

[50] Update: there are now ten NSW LDM sites, as Western Sydney joined in late 2019 and La Perouse in 2020.
[51] Updated link: https://www.ombo.nsw.gov.au/news-and-publications/publications/reports/state-and-local-government/ochre-review-report-28-october-2019

Murdi Paaki Regional Assembly (MPRA) | 1993[52]-present		Jurisdiction: NSW
Overview	Purpose and key functions	Participation and governance
MPRA is a peak Indigenous representative structure covering 16 communities in Western NSW, which evolved from the former Murdi Paaki ATSIC Regional Council. The MPRA model significantly informed and influenced the development of the NSW LDM framework (see above). It is now a Regional Alliance under the framework. MPRA advocates for Indigenous local and regional self-determination and autonomy. MPRA receives support from the NSW and Australian governments. The Australian Government engages with MPRA on service delivery as a key stakeholder in the region. No recent evaluations have been conducted. The Murdi Paaki COAG trial was evaluated in 2006, and contains references to MPRA.	MPRA aims to ensure Aboriginal Australians participate in all decision-making that affects their lives, by seeking to influence policies and service delivery to ensure they are implemented in alignment with the priorities of local Aboriginal Australians. MPRA undertakes regional planning to identify objectives and actions, and engages strategically with governments and service providers to implement the plan. MPRA is based on principles of: • Self-determination • Enhanced regional autonomy • Equal partnership with governments • Collective voice, with community perspectives informing regional planning and direction • Continuous evolution of rigorous and culturally relevant governance and leadership structures • Intergenerational skills transfer and youth leadership	Indigenous Australians living in the region can attend meetings of their local Community Working Party, become members, and elect their Chairperson. Community Working Parties in each of the 16 communities in the region set priorities and provide advice to MPRA based on local interests to inform the development of the Regional Plan. MPRA's Board is comprised of a Chair, one representative (usually the Chairperson) of each local Community Working Party, four young emerging leaders and representatives from the local land councils.[53] MPRA aligns actions and advocacy according to its Regional Plan.

[52] Clarification: this is the formation date of the Murdi Paaki Regional Council, from which MPRA emerged after the conclusion of ATSIC.
[53] Clarification: MPRA Board has a representative from each of the three NSW Aboriginal Land Council (NSWALC) regions within the MPRA area.

NT Local Decision Making (LDM) | 2017-present		Jurisdiction: NT
Overview	Purpose and key functions	Participation and governance
NT LDM is a flexible ten-year plan for partnership between the NT Government and Indigenous communities. Community representatives negotiate with the NT Government to jointly agree local priorities and actions through a formalised partnership. Any community entity (i.e. an organisation, a coalition of organisations, or a collective of individuals) can seek to establish a LDM project site. Implementation is to progress according to the priorities of individual communities/regions. NT Government provides funding and capacity building support for participants and is supported by Aboriginal Peak Organisations NT (APO NT) in implementation. The Australian Government is a signatory to some localised arrangements, such as the Yolgnu Region LDM Partnership. No evaluations have yet been conducted.	NT LDM aims to promote Indigenous self-determination and local governance by transitioning control of government services and programs to communities through a phased approach. NT LDM is underpinned by principles of: • Self-determination • Partnership between government and communities • Transitioning government services to community control • Local community aspirations drive arrangements • Developing the capacity of both governments and community governance structures to participate in LDM informs the progress and extent of the model in each community/region	There is no standard structure for LDM involvement, agreements, governance or implementation. Community representatives self-nominate their community to be involved in LDM, and may engage through a local governance structure of their choice (i.e. single agency 'backbone' model, multi-agency partnership, etc.), provided they are able to represent community views and can work in partnership across the community. Communities and the NT Government engage in LDM with shared authority under a formal agreement, with the goal of ultimately achieving community control of services. Regionalised approaches may be applied where there are common priorities in several communities across a region. In these instances, the NT Government may drive implementation of LDM through a Regional Coordination Group.

Barkly Governance Table/Barkly Regional Deal | 2019-2029		Jurisdiction: NT
Overview	Purpose and key functions	Participation and governance
The Barkly Governance Table was established to oversee the implementation of the Barkly Regional Deal, which is a joint investment plan by three levels of government to develop the region and collaboratively respond to community-identified priorities. It is comprised of community and government representatives.	The Barkly Governance Table guides implementation of the Barkly Regional Deal, which aims to improve the productivity and liveability of the Barkly region by stimulating economic growth, improving social outcomes and reinforcing strong local Aboriginal culture and history. It also aims to oversee other economic and social development priorities in the region over the next ten years.	The Barkly Governance Table brings together community representatives, including Traditional Owners, Aboriginal organisations, business leaders, youth, the non-government sector, and the three levels of government.

Dilak Council/ Dilak Authority | 2015-present (emerging)[54]		Jurisdiction: NT
Overview	Purpose and key functions	Participation and governance
The Dilak Council is a leadership body for the 13 Yolngu clans of the Yirrkala, Gunyangara and the Gove Peninsula area,[55] drawing on structures of cultural authority. The Australian Government has provided support to the Dilak Council as part of the development of the EC initiative in North East Arnhem Land.	The Dilak Council aims to harness the knowledge, power and authority of senior male and female ceremonial leaders to provide collective leadership to guide the development of a regional agenda. The Dilak Council is envisaged as playing a key role in governance and the implementation of EC in this region.	The Dilak Council is a collective of senior leaders from 13 Yolngu clans. It is intended that young leaders will also be involved.

[54] Clarification: this timeframe refers to the development of Empowered Communities arrangements in the region, noting the Dilak Council model itself is based on longstanding traditional cultural decision making practices.

[55] Clarification: i.e. the Miwatj region.

Tennant Creek Cultural Authority | 2018-present		Jurisdiction: NT
Overview	Purpose and key functions	Participation and governance
This group was convened in response to social problems in Tennant Creek and is a key stakeholder in the Barkly Regional Deal (detailed above). The Australian and NT Governments provide funding support.	The Tennant Creek Cultural Authority aims to give local people a genuine voice in helping governments address local social problems, hold governments accountable for service delivery, and advise on government investment priorities to drive future growth and prosperity in the region.	The group comprises Warumungu Traditional Owners and representatives of the main local Indigenous language groups. It was involved in setting priorities and actions under the Barkly Regional Deal and remains a key stakeholder in its Governance Table.

Pama Futures | 2018-present		Jurisdiction: QLD
Overview	Purpose and key functions	Participation and governance
The Empowered Communities (EC) initiative in the Cape York region became Pama Futures in 2018, when community leaders presented a set of complementary regional reform proposals to government. It is in an early implementation stage. No formal evaluation has been conducted to date. A regional Monitoring, Evaluation and Adaption (MEA) framework is being implemented.	Pama Futures aims to pursue an agenda of land rights, empowerment and economic development through community-led processes. Pama Futures builds on EC, sharing its aims, key functions and principles.	Residents of sub-regions can participate in community planning forums to define their community governance structure, then nominate individuals to negotiate with government and represent the community at the regional level. The sub-regional governance structures will inform the development of structures at the regional level and establishment of a Regional Partnership Authority. Sub-regions that have opted-in participate in joint decision-making processes in relation to IAS grants.

QLD Local Thriving Communities (LTC) | Under development (announced 2018)[56]		Jurisdiction: QLD
Overview	Purpose and key functions	Participation and governance
LTC is a long-term reform agenda by the Queensland Government, seeking to embed a different way of working with its 19 discrete Indigenous communities. This reform is a response to the Queensland Productivity Commission's 2017 inquiry into service delivery in remote and discrete Indigenous communities, which recommended greater local authority in decision-making.	LTC aims to give communities a representative voice in engaging with the Queensland Government, to make decisions about their own future, build on community strengths and strengthen communities through targeted investment. It is expected the community decision-making bodies will have a key role in decision-making relating to Queensland Government service delivery and investment in the local areas, though this has not yet commenced. LTC is underpinned by principles of: • self-determination and self-government • empowerment • decision-making and participation • prior and informed consent at every implementation step • equality • culture • mutual respect and high expectations relationships between communities and government • collaborative approach • building on community knowledge and lessons learned[57]	Queensland Government is currently co-designing the decision-making bodies with communities, and indicates they will not replace existing local arrangements. The design and implementation of the reform at the state level is being overseen by a Joint Coordinating Committee comprised of Australian, Queensland and Indigenous local Government officials and community leaders.

[56] Clarification: Implementation is underway.

[57] These principles were drawn from content on the Queensland Department of Aboriginal and Torres Strait Islander Partnerships website in 2019. For updated content please see www.datsip.qld.gov.au/programs-initiatives/tracks-treaty/local-thriving-communities.

Yarrabah Leaders Forum | 2013-present		Jurisdiction: QLD
Overview	Purpose and key functions	Participation and governance
Yarrabah Leaders Forum is a collective of representatives from key local community organisations established to drive collaborative leadership and planning for Yarrabah. The Australian and Queensland Governments provide funding support.	Yarrabah Leaders Forum aims to strengthen local leadership, cohesion and governance by developing a shared vision and common agenda to drive collaboration across key local organisations. It involves addressing local issues through a cultural/community framework, data sharing and open communication. The agenda is underpinned by a focus on developing cultural, community and spiritual values for the community.	Yarrabah Leaders Forum is comprised of the Chairs and CEOs of key local organisations, including the Local Council. Local organisations maintain their autonomy but work collaboratively. Yarrabah Elders Group is part of the Yarrabah Leaders Forum, and provides strategic oversight to drive the key objective of maintaining Aboriginal culture in Yarrabah.

Governance structures under Torres Strait Treaty | 1978-present		Jurisdictions: QLD & Torres Strait
Overview	Purpose and key functions	Participation and governance
The Torres Strait Treaty was signed in December 1978 and entered into force in February 1985. It defines the border between Australia and Papua New Guinea (PNG) and provides a framework for the management of the common border area. Governance structures to ensure traditional inhabitants views are respected, particularly in relation to commercial and cultural activities sit underneath the Treaty. A special provision allows free movement between Australia and PNG for traditional activities. Traditional inhabitants from the Torres Strait and PNG, in consultation with their governments, agreed on 13 PNG villages to have free movement privileges under the Treaty, which came into effect in 2000. Torres Strait Islander people can make traditional visits to the PNG Treaty Villages and travel north as far as the 9 degrees South latitude. Another part of the Treaty deals with commercial fisheries, including arrangements to ensure that commercial fishing in the Protected Zone is in harmony with traditional fishing and allows both countries to work together in licensing and policing as well as in the preservation, protection and management of fisheries.	Governance structures under the Torres Strait Treaty have been designed to protect the ways of life of traditional inhabitants, particularly in the shared Torres Strait Protected Zone. Both Australia and Papua New Guinea have liaison officers, based respectively at Thursday Island and Daru, who consult regularly on the implementation of the Treaty at the local level. Australian Government administration of the treaty falls under the portfolio responsibilities of the Department of Foreign Affairs and Trade. Further information is available at: https://dfat.gov.au/geo/torres-strait/Pages/the-torres-strait-treaty.aspx	The governance structures under the Torres Strait Treaty involve Torres Strait Islanders and coastal people from PNG who live in and keep the traditions of the region. A Joint Advisory Committee (JAC) operates under the Treaty as an advisory body of Australian and PNG officials, together with traditional inhabitant representatives. The JAC is required to ensure that the traditional inhabitants are consulted and are able to comment on matters of concern to them, and that their views are conveyed in the Council's reports and recommendations. The JAC is required to transmit its report and recommendations to the Foreign Ministers of Australia and PNG. As part of the Torres Strait Treaty liaison arrangements, a Traditional Inhabitants Meeting (TIM) was formed. This is a forum for traditional inhabitants of both countries to discuss issues and activity in the region, and report concerns to government through their Treaty Liaison Officer.

Far West Aboriginal Community Leaders Group | 2013-present		Jurisdiction: SA
Overview	Purpose and key functions	Participation and governance
Leaders in Ceduna, SA region initially developed a collective leadership structure to work with the Australian Government on the local implementation of the Cashless Debit Card Trial. The group has continued to refine and develop its governance structure to operate similar to the EC model.[58] The Australian Government provides funding support.	The group aims to provide strategic and cohesive leadership for communities across the region, strengthen community cohesion and ensure all community members are engaged and contributing to social reform.	The group includes representatives from Indigenous organisations across five Indigenous communities in the region.

[58] Update: the Far West Coast became an Empowered Communities region in May 2020.

Kanyirninpa Jukurrpa (KJ) | 2005-present		Jurisdiction: WA
Overview	Purpose and key functions	Participation and governance
KJ is a Martu organisation that operates on a model of comprehensive community input to program design and delivery to build strong, sustainable communities across the Martu Lands. The Australian and Western Australian governments support KJ's programs. An analysis of KJ's Social Return on Investment was completed in 2014.	KJ aims to support Martu to look after culture and country, build a viable economy in Martu communities, and build pathways for young Martu to a healthy future. KJ delivers cultural, country and social programs. KJ is based on principles of: • community building and future-focus • building a culture of community participation, by promoting ongoing community input to program design and development • reflection, embodied in the action research model of community development (i.e. continuous planning, action and review) • realism about timeframes and political context • honesty • respect and partnership with non-Martu, to leverage complementary skills and knowledge • responsiveness to community needs	Feedback meetings are held each year for KJ members and Martu to provide input into program design and development. Martu staff also report on their teams' or program's activities at each annual general meeting. The KJ Board comprises 12 Martu (two from each of the five communities and two from the diaspora) and three non-voting advisory/expert Directors. KJ also has a cultural advisor working across the organisation. A summary of the Board's deliberations are circulated to the Directors in each community in simple visual format for community engagement.

Aṉangu Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Women's Council | 1980-present		Jurisdictions: NT, SA, WA
Overview	Purpose and key functions	Participation and governance
NPY Women's Council (NPYC) was formed in 1980 as an advocacy body based on the need for Aṉangu women to have a voice and representation in conversations on land rights, policy and cultural affairs. In 1993, the work of NPYWC expanded to include service delivery, with a strong focus on women and children.	The overarching purpose of NPYWC is to support all Aṉangu, especially women and children, to have a good life, guided by culture and sound governance, through the collective agency of women. Current areas of NPYWC advocacy focus include: alcohol and other substance abuse, cross-border justice issues and end stage renal disease. NPYWC also delivers a range of regional youth, child, family, cultural and wellbeing services.	Aṉangu led, NPYWC is governed and directed by Aboriginal women across 26 desert communities in the cross-border regions of WA, SA and the NT – an area covering 350,000 sq km. NPY Women's Council's board of directors is made up of 12 members, 4 from each of the three jurisdictions. They are voted in for two-year terms. Most years, all Aṉangu and Yarnangu women are eligible to attend an annual Law and Culture camp, or meeting, organised by NPYWC, at various remote locations in the region. These events provide a forum for women from the NPY region to come together to celebrate and consolidate their traditional cultural practices and identity.

Empowered Communities (EC) | 2015-present		Jurisdictions: WA, NT, SA, VIC, NSW, QLD
Overview	Purpose and key functions	Participation and governance
EC was designed by Indigenous leaders from eight regions in 2014-15 as a long-term development, empowerment and productivity reform agenda. There are eight[59] regions participating across Australia, in various stages of implementation. The Australian Government supports implementation by funding 'backbone' organisations in each region, providing data access and engaging in joint decision-making processes. Most jurisdictions engage in some EC projects on a case by case basis. No formal evaluation has been conducted to date. An MEA framework has been jointly developed between EC leaders and the Australian Government at the national level, with regions in the process of implementing region-specific frameworks aligned with this.	EC aims to create genuine long-term government-community partnership in setting local and regional priorities and developing regional development and investment plans, aligning government investment with these priorities and co-designing solutions. The Empowered Communities: Empowered Peoples Design Report by Indigenous leaders sets out EC's design, which is underpinned by principles of: • empowerment • development (economic, social and cultural) • productivity • devolved decision-making as close to community as possible and at the region's own pace • place-based focus • an adaptive learning/developmental evaluation approach. EC enables joint decision-making (JDM), where leaders and community panels make recommendations to government on Indigenous Advancement Strategy (IAS) investment in EC regions, with a view to expand this approach to other discretionary government investment over time. EC leaders' recommendations are given significant weight in IAS funding decisions. Development of regional plans involves identifying long-term priorities and a development agenda for the Indigenous communities in the region.	The EC regional leadership groups drive local and regional planning and provide recommendations to government about aligning funding with community priorities. Leadership groups are self-selected and determine their own structure. Indigenous community organisations can opt-in to participate in EC regional governance structures. There are also mechanisms for local Indigenous community members to participate. Non-Indigenous organisations operating in the region can opt-in to the EC principles to work in partnership with the EC regional structure. 'Backbone' organisations support leaders in driving and/or guiding implementation of regional priorities, engagement with communities and government. The national EC leadership group provides strategic direction across the regions, supports sharing best practice and lessons learnt and engages with government at the strategic level.

[59] Update: there are now nine Empowered Communities regions, following the addition of the Far West Coast SA region in 2020.

2. Statutory Indigenous bodies with some local and/or regional decision-making functions

Some statutory Indigenous bodies have a role in local or regional decision-making, planning and governance as outlined in their legislated responsibilities. Each of the statutory bodies outlined below involves leadership by elected representatives and the opportunity for local participation to some extent, which contributes to setting priorities at the regional level.

ACT Aboriginal and Torres Strait Islander Elected Body (ATSIEB) | 2015-present		Jurisdiction: ACT
Overview	Purpose and key functions	Participation and governance
ATSIEB was established under the ACT *Aboriginal and Torres Strait Islander Elected Body Act 2008* to represent the interests and aspirations of local Indigenous Australians.	ATSIEB aims to ensure that all Indigenous Australians living in the ACT are fully engaged in shaping and creating their future wellbeing.[60] ATSIEB provides advice and recommendations to the ACT Minister for Aboriginal Affairs to support local and regional policy development and service delivery to meet the needs of the ACT Indigenous community.[61]	ATSIEB has seven members, elected by the ACT Indigenous community for three-year terms. The Chair and Deputy Chair are elected by majority vote of the members. The enabling legislation requires ATSIEB to conduct community consultations and represent community-level views.

[60] Clarification: ATSIEB also seeks to maximise the opportunity for the voice of Indigenous ACT residents to reach decision makers in government and the participation of the Indigenous community in developing and implementing government policies affecting them to further economic, social and cultural development.

[61] Clarification: ATSIEB also negotiated and entered into the Aboriginal and Torres Strait Islander Agreement 2019-2028 outlining key priorities and actions with the ACT Government and has a role in monitoring the effectiveness and accessibility of government programs and services for Indigenous people in the ACT.

Torres Strait Regional Authority (TSRA) | 1994-present		Jurisdictions: QLD, Torres Strait
Overview	Purpose and key functions	Participation and governance
TSRA is an Australian Government statutory authority under the Aboriginal and Torres Strait Islander Act 2005 providing regional governance in the Torres Strait Islands. Funding is appropriated directly from the Commonwealth Budget.	TSRA aims to improve the lifestyle and wellbeing of Indigenous Australians in the Torres Strait, by supporting sustainable economic development, protecting cultural heritage, achieving better health and community services and protecting the environment. Under legislation, TSRA is responsible for designing and delivering programs for Indigenous Australians in the Torres Strait, monitoring the effectiveness of service delivery and providing advice to the Minister for Indigenous Australians on policy and service delivery in the region. In addition, TSRA serves as the native title representative body for the region.	The TSRA is governed by a Board of representatives elected by their communities. The 20 Board members are each elected to represent a ward (i.e. an island or discrete community). Any Torres Strait Islander or Aboriginal person enrolled on the Commonwealth Electoral Roll as a resident of the ward can vote in elections for the relevant ward's representative. Board members represent the interests of their communities in setting priorities and strategies at the regional level. Its functions are administered by Australian Government staff, led by a Chief Executive Officer appointed by the Minister for Indigenous Australians with the agreement of the TSRA Board.

First Peoples' Assembly of Victoria | 2019-present		Jurisdiction: VIC
Overview	Purpose and key functions	Participation and governance
The First Peoples' Assembly of Victoria was established under Victoria's *Advancing the Treaty Process with Aboriginal Victorians Act 2018*, to enable Indigenous Victorians to have a voice in a future treaty process between Indigenous clans/nations and the Victorian Government.	The Assembly aims to create a Treaty Authority to independently oversee treaty negotiations, determine the scope for treaty negotiations, and establish a fund to support Aboriginal clans in Victoria to engage in negotiations.	The Assembly is comprised of 32 members, including 21 elected members across five regions and one representative from each of the 11 Traditional Owner groups. All Indigenous residents of Victoria over 16 years of age eligible to vote to elect members.

2a. Indigenous local government structures

There are some Indigenous-specific structures within local government. These differ in an authorising environment, structure and scope but broadly aim to promote the interests of Indigenous Australians within local government functions.

Aboriginal and Torres Strait Islander Shire Councils | 1966-present		Jurisdictions: QLD, Torres Strait
Overview	Purpose and key functions	Participation and governance
Aboriginal and Torres Strait Islander Shire Councils are local government entities in discrete Indigenous communities, most of which are former missions or reserves. There are 16 Indigenous Councils across Queensland, mostly in Cape York and the Torres Strait. These Shire Councils are supported by the Queensland Government and Local Government Association of Queensland as part of the broader local government structure.	Indigenous Shire Councils were established to give Indigenous communities self-government powers at the local level. As local government bodies, they have statutory responsibilities for local service delivery and planning, particularly local infrastructure. They combine these responsibilities with a specific focus on advancing the priorities of the local Indigenous community, and advocating to state and federal governments to this end. Beyond statutory local government functions, they often undertake a range of service delivery activities as sought by communities and/or governments.	Local councillors are democratically elected. The Mayors of the Indigenous Councils convene an Indigenous Leaders Forum twice annually to identify common priorities and develop shared strategies. Through the Torres Cape Indigenous Council Alliance, the Mayors of the 14 Indigenous Councils in this region partner to progress regional priorities, particularly economic and social reform, and work in partnership with the Queensland and Australian Governments.

Local authorities | 2013-present		Jurisdiction: NT
Overview	Purpose and key functions	Participation and governance
There are 63 local authorities within NT's nine Regional Council areas, representing the interests of remote communities to their respective Regional Council. The role of local authorities is legislated in the *Local Government Act 2019* (NT).	The local authorities system aims to integrate and involve communities in their local government. Local authorities aim to reflect community interests to the Council and work with the community and the council to resolve local issues. Their statutory functions include giving communities a voice in policies and planning by the Regional Council. Local authorities provide advice on community needs, provide feedback on local service delivery and identify community priority projects. Under the Act, Regional Councils must take the projects and priorities of their local authorities into consideration when developing Council plans and budgets.	Individuals can be involved in their local authority, or provide their views/raise issues to members of their local authority. Individuals elected to the Regional Council who represent a ward within the area of the local authority may also participate.

3. Land rights-based local and/or regional structures

Land rights-based entities aim to drive the development and preservation of land rights for traditional owners of a specific place, and give Indigenous Australians in this place a voice on issues affecting their lands, seas and communities. The scope of their role often extends to considerations closely related to land use and management, particularly economic development and the preservation and enhancement of cultural identity specific to the local area or region. These entities, including land councils, are established under a range of legislative frameworks across Australian jurisdictions, so they have differing purposes, functions, structures and decision-making scope.

The table below outlines a selection of land rights-based entities across Australia to highlight some of the similarities and differences across models.

NSW Aboriginal Land Council (NSWALC) and Local Aboriginal Land Councils (LALCs) | 1983-present		Jurisdiction: NSW
Overview	Purpose and key functions	Participation and governance
The 120 LALCs in NSW are constituted as statutory bodies under *NSW's Aboriginal Land Rights Act (1983)* to fulfil objectives and functions relating to land acquisition, land use and management and cultural and heritage protection for a specific area. Their boundaries may not align with cultural or traditional associations with Country. NSWALC is also constituted as a statutory body under the *NSW Aboriginal Land Rights Act (1983)*. It is the peak representative body for NSW LALCs.	Each LALC aims to protect the interests of Aboriginal people within the LALC's area, or who are members of the LALC, by pursuing land acquisition, managing land use and protecting and enhancing culture and heritage. LALCs claim and manage land in the best interests of Aboriginal people in the area and support Aboriginal communities' social and economic development. LALCs are required to develop and implement Community Land and Business Plans to provide transparent oversight of their strategy, objectives and actions for developing and managing local land, economy and culture. NSWALC aims to develop land rights for Aboriginal people in NSW, primarily through governance of the LALC network. It also advocates on behalf of members and the broader NSW Aboriginal community and advises governments on land rights.	An individual can be a member of a LALC if they are an Indigenous person residing in the area or have a connection to the area and are accepted as a member by the LALC. LALCs are governed by elected Boards. LALC members elect a Councillor to represent their region on the NSWALC Board, which is made up of nine councillors representing nine regions. NSWALC oversees the LALC network through compliance regulation and financial stewardship. This includes approving and monitoring LALCs' Community Land and Business Plans, approving LALCs' land dealings, receiving annual reports and managing a Statutory Investment Fund for community benefits or economic development initiatives.

NT Land Councils and Land Trusts | 1976[62]-present		Jurisdiction: NT
Overview	Purpose and key functions	Participation and governance
The four NT Land Councils are statutory bodies established under the Commonwealth's *Aboriginal Land Rights (Northern Territory) Act 1976* to represent traditional owners within a specific area in relation to proposals for land use. [Note: some NT Land Councils are also Native Title Representative Bodies (NTRBs), and perform functions relevant to that role in addition to their specific statutory role as a Land Council. This role is covered separately in the NTRB section below.] Land Trusts are also statutory bodies under the same Act and hold the title for traditional owners (i.e. the entity is the legal owner of the land). Land Trusts may exercise certain functions in relation to the land, including granting interests over the land, but only when directed by the relevant Land Council.	NT Land Councils aim to assist Aboriginal people to manage their traditional lands and seas. Land Councils' functions are outlined at Section 23 of Part 3 of the Act, and include: consulting with traditional owners and representing their interests in land management, assisting in the protection of sacred sites on the land, negotiating with those seeking to use the land, entering into agreements with those seeking to access or use the land, assisting Aboriginal people to carry out commercial activities on the land and supervising Land Trusts in the area. Land Trusts hold Aboriginal land on behalf of traditional owners, and traditional owners provide consent and advice to the Land Council regarding their wishes for the use and management of the land.	NT Land Councils can establish their own governance structures within the parameters in the Act. These typically include Regional Committees comprised of traditional owners of lands in the region, which elect a Chair to represent the region at the Executive Committee. The Full Council, comprising all members of the Regional Committees, is the key decision-making body providing leadership and policy direction and ratifying land use agreements. Land Trusts are comprised of a Chair and a minimum of three other members, all of whom are traditional owners. The members are appointed by the Minister, on receipt of nominations from the Land Council.

[62] All four Land Councils are constituted under the 1976 legislation, though Tiwi Land Council was established in 1978 and Anindilyakwa Land Council was established in 1991.

Native Title Representative Bodies and service providers (NTRB/SPs) | 1993-present		Jurisdiction: National
Overview	Purpose and key functions	Participation and governance
NTRB/SPs are the 15 organisations funded across Australia under the *Commonwealth Native Title Act 1993* to assist Indigenous Australians in a particular region with all aspects of their native title. [Note: NTRB functions across QLD and WA are performed by some corporations that are called land councils, though they are not established under a statutory framework such as the Land Councils existing in NSW and NT.]	NTRB/SPs support and represent traditional owners and Indigenous communities in relation to native title claims and negotiations about the use of their land. NTRB/SPs also establish and support the development of local land holding corporations known as PBCs (see below).	The NTRB/SPs in the Northern Territory and Torres Strait are statutory entities (*Land Councils under the Aboriginal Land Rights (NT) Act 1976* and the TSRA). Six NTRBs in the north west of Australia are corporations under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (the CATSI Act). These are governed by a representative boards, which include representation of each community in the NTRB/SP's region, as well as individual members. Newer NTSPs in the south east of Australia are corporations limited by guarantee with expert boards, but retain strong links into communities given the nature of their work.

Native title corporations (Prescribed Bodies Corporate, or PBCs) | 1993-present		Jurisdiction: National
Overview	Purpose and key functions	Participation and governance
PBCs are local land-holding corporations representing traditional owners/first peoples in perpetuity. [Note: native title holders must establish a PBC, either by creating a new corporation or nominating an existing one, to manage their native title interests once a determination is made.] The Australian Government provides grant funding to assist PBCs to maximise the social, cultural and economic potential of native title.	PBCs have statutory duties to the traditional owner group, not only their membership. PBCs are the interface between traditional laws and Australian laws relating to land. They hold in trust, manage and protect native title rights and interests on behalf of native title holders, in line with their aspirations. PBCs manage and protect land and may conduct related economic, cultural and development activities on the land on behalf of traditional owners and communities. PBCs negotiate on behalf of traditional owners with third parties seeking to engage in activities on the land.	PBC membership is typically open to all traditional owners. PBCs are incorporated under the CATSI Act. The organisational structure of a PBC is influenced by the needs and cultural considerations of the native title holders.

Governance structures under the South West Native Title Settlement (or Noongar Settlement)[63] | 2016-present		Jurisdiction: WA
Overview	Purpose and key functions	Participation and governance
The settlement is the most comprehensive settlement of native title negotiated in Australia, made up of six agreements – one with each of the Noongar traditional owner groups. There will be six corporations (under the CATSI Act) established under the Noongar Settlement – one with each of the traditional owner groups. There will also be a central corporation established as a service provider to the local corporations.	The Noongar Settlement provides pathways for Noongar people to work in partnership with the WA Government to improve economic, social and cultural outcomes, and provides for greater Noongar control over a broad range of activities on Noongar lands. The package includes land return and management, culture and heritage activities, housing, and economic and community development activities.	The Noongar governance structure was designed to deliver the various outcomes and benefits of the settlement with a high level of accountability and transparency. It comprises three major components: • Noongar Boodja Trust, which will hold the funds and land received from the WA Government. • Noongar Corporations, which represent each of the six traditional owner groups and will drive decision-making. • Committees to provide support and direction on the management of the trust.

[63] Update: a similar settlement was reached in March 2020 with the Yamatji Nation, which may likewise give rise to the establishment of governance structures. Further details can be found at: www.wa.gov.au/government/document-collections/yamatji-nation-indigenous-land-use-agreement-documents

Aṉangu Pitjantjatjara Yankunytjatjara (APY) Executive Board | 1983-present		Jurisdiction: SA
Overview	Purpose and key functions	Participation and governance
The APY Executive Board is the governing body of the APY, incorporated under the *APY Land Rights Act (1981)*, which gave Aboriginal people the title to land in far northwest SA. It oversees land management, use and control on behalf of traditional owners, including negotiation with those seeking to use or access the APY lands.	The APY Executive Board provides advice to government to shape policies regarding economic and social development in the region.	The APY Executive Board comprises 14 elected members, with one male and one female member from each of the seven electorates across the APY Lands.

United Ngunnawal Elders Council | 2003-present		Jurisdiction: ACT
Overview	Purpose and key functions	Participation and governance
The United Ngunnawal Elders Council represents the interests of local elders and community relating to land and culture.	The United Ngunnawal Elders Council provides advice to the ACT Government and ATSIEB. Under the Aboriginal and Torres Strait Islander Elected Body (ATSIEB) Act 2008 (ACT), ATSIEB must consult this Council on matters relating to heritage and connection to land.	The United Ngunnawal Elders Council is comprised of representatives nominated by each of the Ngunnawal family groups.

4. Indigenous advisory bodies with a local/regional focus

The following bodies have been established to provide advice to government on matters related to service delivery within a specific sector that affect Indigenous Australians in a local area or region. They are often comprised of individuals with expertise or experience in the particular field on which they are advising. They do not have decision-making authority, though they may provide advice to inform government decisions. The below table outlines some of the most prominent or longstanding Indigenous advisory models, but this is not an exhaustive list.

Aboriginal Education Consultative Group (AECG) | 1999-present		Jurisdiction: NSW
Overview	Purpose and key functions	Participation and governance
AECG is a non-profit Aboriginal organisation with a governance structure spanning local, regional and state levels. A Partnership Agreement includes a statement of intent of how AECG and the NSW Department of Education and Training will work together, which includes agreed priorities and focus areas.	AECG aims to provide advice representing the Aboriginal community viewpoint on education and training matters. It seeks to work in partnership with government and promote active participation of Aboriginal Australians in consultative and decision-making processes.	Community members can become members of their local AECG. Elections are held for leadership positions in local AECGs, and 3-4 elected members of each local AECG make up each regional AECG. The state committee is made up of one representative from each region, with elections held for leadership positions.

Aboriginal Advisory Council[64] | 2018-present		Jurisdiction: SA
Overview	Purpose and key functions	Participation and governance
The Aboriginal Advisory Council is the peak advisory body to the SA Government on Aboriginal Affairs.	This body aims to provide confidential advice to the SA Government on existing, new and future programs and policies as they affect Aboriginal Australians; identify and inform the government of relevant emerging issues; and provide advice on appropriate consultation processes with Aboriginal communities.	Members are appointed by Premier for two year terms. Membership is determined through public nomination process open to all Indigenous residents of SA.

[64] Update: the SA Government is currently reforming this body to become an Aboriginal Engagement Body, see its Aboriginal Affairs Action Plan 2019-2020 for further detail (available at www.dpc.sa.gov.au/responsibilities/aboriginal-affairs-and-reconciliation/aboriginal-affairs-action-plan-2019-2020).

Governance structures for the Aboriginal Justice Agreement (AJA) | 2000-present		Jurisdiction: VIC
Overview	Purpose and key functions	Participation and governance
The AJA was established following the Royal Commission into Indigenous deaths in custody to drive partnership between Aboriginal communities and the Victorian Government on improving Indigenous justice outcomes. AJA is led jointly by the Aboriginal Justice Caucus, a self-determining body comprised of Aboriginal community members, Indigenous peak bodies and community organisations, in partnership with the Victorian Government's Department of Justice and Community Safety. Nine Regional Aboriginal Justice Advisory Committees (RAJACs) guide AJA's regional implementation. Local Aboriginal Justice Action Committees (LAJACs) support this by developing relationships with Indigenous communities experiencing particularly poor justice outcomes.	The Aboriginal Justice Caucus aims to work in partnership with the Victorian Government to set priorities and goals for improving justice outcomes for Aboriginal Victorians. Partnership principles guide engagement, and include driving increasing self-determination of Aboriginal Victorians within the justice system. At the regional level, RAJACs and LAJACs aim to develop and implement Regional Justice Action Plans to address Aboriginal over-representation in the justice system and support linkages between community and government to achieve goals in partnership. AJA outcomes have been assessed, including several evaluations – though these tend to focus on measuring justice outcomes, rather than assessing the governance structure itself.	RAJACs provide regional/local context to inform AJA considerations. Each RAJAC is chaired by a Caucus member and involves representatives from community, the Department of Justice and Community Safety in each region. LAJACs assist RAJACs with implementation and engagement in specific communities.

Northern Australia Indigenous Reference Group | 2017-present		Jurisdictions: WA, NT, QLD
Overview	Purpose and key functions	Participation and governance
The Northern Australia Indigenous Reference Group advises governments about northern Australia matters.	The group aims to help shape implementation of the northern Australia agenda to ensure it benefits local Indigenous land owners, communities and businesses. It also supports and advises the Ministerial Forum on Northern Development.	The group comprises senior Indigenous leaders from the three northern jurisdictions. Members have been selected for their high-level of expertise and experience across a range of industries, sectors and regions. They do not represent specific organisations or communities.

Aboriginal Health Partnership Forums | Present		Jurisdiction: National
Overview	Purpose and key functions	Participation and governance
The Partnership Forums are convened in each state/territory by the Australian Government Department of Health 3-4 times a year. They provide a mechanism for engagement, collaboration, planning and data information sharing between members to achieve improved health outcomes for Aboriginal and Torres Strait Islander Australians.	The Partnership Forums aim to enhance collaboration, consultation and information sharing between governments and community representatives on policies and programs seeking to address the health and wellbeing of Aboriginal Australians. They facilitate local networking and advice on local rollout of projects.	Members are signatories to each jurisdictional Partnership Framework Agreement (i.e. Commonwealth Department of Health, the relevant jurisdiction's Department of Health, and the Aboriginal health peak body for the jurisdiction). Other relevant representatives may also participate by arrangement.

Indigenous national models and structures

Context

Indigenous decision-making and advice can be facilitated through national-level or whole-of-government structures. At the national level, advisory bodies have been established either by the Commonwealth Government, or through the initiative of Aboriginal and Torres Strait Islander communities and organisations who have, by their own initiative, established independent bodies, to represent their interests nationally.

Models in this section include those that have been established independently of the Commonwealth Government, and those that are Government-appointed advisory bodies.

1. Independently established bodies

The below structures were established by Aboriginal and Torres Strait Islander Australians as independent representative bodies with assistance from the Commonwealth Government. Governance arrangements are determined by the body and utilise a membership structure, with varying input from the Commonwealth Government. These arrangements sit at the national level, enabling Aboriginal and Torres Strait Islander Australians to lead and influence decision-making across Commonwealth, state and territory governments.

Coalition of Aboriginal and Torres Strait Islander Peak Organisations ('Coalition of Peaks') | 2015-present		Jurisdiction: National
Overview	Purpose and key functions	Participation and governance
The Coalition of Peaks is a representative body currently comprised of 47[65] Aboriginal and Torres Strait Islander peak organisations. Formation of the Coalition of Peaks was initiated by Aboriginal and Torres Strait Islander organisations, and interacts with governments primarily through their partnership with the Council of Australian Governments (COAG)[66]. It is comprised of national, state and territory non-government bodies, as well as certain independent statutory authorities.[67]	The Coalition of Peaks was formed as a collective voice on issues that affect Aboriginal and Torres Strait Islander Australians. The Coalition of Peaks entered into a Joint Partnership with COAG in early 2019 to collaborate on the Closing the Gap Refresh process. The Coalition of Peaks supports the vision for a genuine partnership between Aboriginal and Torres Strait Islander Australians and COAG to develop and implement the next phase of Closing the Gap.	The Coalition of Peaks existed as an informal arrangement until the inception of the Joint Partnership with COAG. The group is now comprised of 47[68] organisations. Membership is determined by application and is subject to set criteria and processes. There are three tiers of governance in the partnership between the Coalition of Peaks and governments. The first is the Joint Council on Closing the Gap, which comprises representatives from 12 Peaks elected by the Coalition members, who represent the Coalition in meetings with COAG. It is a consensus-based model, with decisions required unanimity. The Partnership Working Group is comprised of senior officials and representatives from the Peaks. The Group agrees agendas and papers to go to the 12 elected Peaks and the Joint Council. The Drafting Group is comprised of NIAA staff, Peaks secretariat and representatives from the jurisdictions. This Group prepares the agenda and papers for consideration and agreement by the Partnership Working Group.

[65] Update: there are now over 50 peak organisations involved.
[66] Update: the partnership continues with all Australian Governments following the reform/dissolution of the COAG structure.
[67] Update: the Coalition of Peaks and all Australian Governments signed a new National Agreement on Closing the Gap in July 2020.
[68] See footnote 65.

National Aboriginal Community Controlled Health Organisation (NACCHO) | 1974-present		Jurisdiction: National
Overview	Purpose and key functions	Participation and governance
NACCHO is the national peak body representing 143 Aboriginal Community Controlled Health Services (ACCHSs) across Australia on Aboriginal health and wellbeing issues. NACCHO has been included in this scan recognising that it is one of several Indigenous peak organisations working with the Commonwealth Government in various capacities. The Australian Government provides support to the NACCHO Secretariat.	NACCHO's purpose is to: • promote, develop and expand the provision of health and wellbeing services through local ACCHSs • liaise with organisations and government within both the Aboriginal and non-Aboriginal community on health and wellbeing policy and planning issues • represent and advocate for health service delivery, health information, research, public health, health financing and health programs • foster cooperative partnerships and working relationships with agencies that respect Aboriginal community control and holistic concepts of health and wellbeing.	NACCHO is a public company limited by guarantee. NACCHO membership is open to members organisations of state or territory peak ACCHSs. ACCHSs must meet membership criteria. NACCHO has a 16 member board elected by the ACCHSs that are NACCHO members. It is comprised of one delegate each from the ACT and Tasmania, two delegates from the remaining six jurisdictions, and a Chairperson and Deputy Chairperson.

National Congress of Australia's First Peoples (Congress) | 2010-present (in liquidation)[69]		Jurisdiction: National
Overview	Purpose and key functions	Participation and governance
Congress is an independent representative body for Aboriginal and Torres Strait Islander Peoples in Australia, providing advocacy, advice and expertise for all Australians. Congress received approximately $32.3 million in funding from the Australian Government for a range of activities from its incorporation in 2010. It has not received Australian Government funding since 2013. Congress was incorporated in 2010 as a company limited by guarantee. As a company, it is owned and controlled by its membership. On 11 September 2019 creditors voted to wind up Congress and appoint a liquidator.	Congress makes decisions on policies and issues affecting its members through its annual forum, and advises the National Executive on its future direction and priorities. Its objectives include: • promoting the United Nations Declaration on the Rights of Indigenous Peoples • increasing collaboration between the Commonwealth Government and Aboriginal and Torres Strait Islander communities and organisations • implementation of a voice to Parliament for First Peoples, the negotiation of treaties, and the provision of culturally appropriate and community-based services Congress is based on foundational principles of: rights; land and culture; leadership; unity; empowerment; inclusiveness; knowledge; innovation; partnerships and sustainability.	Congress membership includes over 180 organisations and almost 9,000 individuals. Congress holds an annual forum of delegates consisting of 120 delegates organised into three chambers (regional, state and national organisations and peak bodies, other organisations, individuals). Congress is headed by co-chairs and a National Executive elected by representatives from key Aboriginal organisations, individuals and community representatives, with a guaranteed equal share of men and women for both office holders and delegates.

[69] Update: Congress is now considered to have ceased operation as of late 2019. Although it was in liquidation at the time this environmental scan was developed, its future was not yet certain and so it was treated as a 'current' model (see also Chapter 4 – Overview of Previous Key National Arrangements).

2. Government-appointed advisory bodies

There have been several iterations of government-appointed advisory bodies to provide expert policy advice to the Commonwealth and Annex 1 details all former historical models at the national level. These bodies are usually comprised of members with expertise in a particular field. The role of these bodies is limited to the provision of advice. Historically, they have not had decision-making authority or responsibility for service delivery. Currently, the Indigenous Advisory Council is the only existing government-appointed body providing advice across the entire Commonwealth Government.

Indigenous Advisory Council (IAC) | 2013-present (briefly dissolved between January and February 2017) Jurisdiction: Commonwealth

Overview	Purpose and key functions	Participation and governance
The IAC was established to advise the Prime Minister on Indigenous policy and programmes. The IAC have received $1.7 million of Commonwealth funding over three years from the 2017-18 financial year.	The IAC provides policy advice to the Commonwealth Government on priority policy areas in Indigenous Affairs, informing policy design, implementation and practice. The IAC advises on practical changes to improve the lives of Indigenous Australians. The IAC performs a key role in: • the Closing the Gap initiative • developing a greater focus on evidence in Indigenous Affairs policy, measuring impact and external oversight • increased accountability of Government and communities to effect positive change in the lives of Aboriginal and Torres Strait Islander Australians and strengthening of community-level action, including through COAG.	The IAC has up to 12 members, including a Chair and Deputy Chair. Members are both Indigenous and non-Indigenous. Members have been appointed to the IAC for the depth of their experience in their respective fields and bring a strong focus to policy design, implementation and practice. The Prime Minister appoints new members following consultation with the Minister for Indigenous Australians. The IAC is comprised of a number of working groups to provide policy advice and formulate recommendations. The IAC determines the number and focus of working groups. Each working group is convened by a Council member. Membership of a working group may include representatives of relevant advisory bodies and/or representatives with expertise and relevant skills.

Annex 1: Historical Australian models and structures

National Aboriginal Consultative Committee (NACC) | 1972-1977		
Overview	Purpose and key functions	Participation and governance
The NACC was the first national body elected by Indigenous Australians. A 1975 review found NACC was not an effective mechanism for providing advice to the Minister, or for consulting with Indigenous Australians. It was disbanded in 1977 and replaced by the National Aboriginal Conference (NAC).	The purpose of the NACC was to advise the Minister for Aboriginal Affairs on Aboriginal policy. NACC did not control its own budget or manage programmes.	NACC was made up of 41 nationally elected Indigenous Australians.

National Aboriginal Conference (NAC) | 1977-1985		
Overview	Purpose and key functions	Participation and governance
NAC was an elected body acting as a channel of communication between Indigenous Australians and Government. A review found the NAC was not a significant instrument of Aboriginal political influence and power and it was disbanded in 1985 following a financial administration audit.	The NAC was a consultative and advocacy body, representing the interests of its constituents to the Australian Government. It did not hold executive powers or manage programme budgets.	NAC comprised 35 elected and full- time salaried members. The NAC had state and territory branches, which elected a national executive of 10 members. Any Indigenous Australians were able to attend an annual general meeting, held to ensure accountability to constituents.

Aboriginal Development Commission (ADC) | 1980-1990		
Overview	Purpose and key functions	Participation and governance
The ADC was established in 1980 as a statutory authority. It was dissolved after establishment of ATSIC.	Managed a limited range of development-oriented Indigenous programs, including loans and grants for Indigenous housing and business enterprises.	The ADO was run by a board of ten part-time government appointed, Indigenous commissioners.

Aboriginal and Torres Strait Islander Commission (ATSIC) | 1990-2004
60 regions and 17 zones covering all Australia, reduced to 35 and 16 respectively from 1994

Overview	Purpose and key functions	Participation and governance
ATSIC was established by the *ATSIC Act 1989* and provided for three levels of Indigenous governance: local governance through regional councils, a local-to-national interface through zone elections to the ATSIC Board, and national governance through ATSIC. ATSIC worked with the Australian Government, and a number of state and territory governments entered into partnership agreements with ATSIC structures in their jurisdiction. The ATSIC review was completed in 2003.	ATSIC aimed to ensure Indigenous Australians participated in decision-making processes at all levels of government on matters that affect them; to further the economic, social and cultural development of Indigenous Australians; and to ensure coordination in policy formulation by governments affecting Indigenous Australians. ATSIC had statutory functions including to formulate and implement programs for Indigenous Australians, monitor the effectiveness of programs for Indigenous Australians, develop policy proposals to meet Indigenous needs, assist, advise and cooperate with Indigenous communities, organisations and individuals, advise the Minister. The ATSIC Board managed the allocation of Commonwealth funding to Regional Councils. Regional Councils had statutory functions, including: to formulate regional plans for improving the economic, social and cultural status of Indigenous residents in their region; to assist and advise ATSIC and other government bodies in implementing the regional plan, make funding proposals for ATSIC spending in the region; and represent the views of Indigenous Australians to ATSIC and governments.	Indigenous residents could nominate for candidacy in their region and could vote to elect regional council members (number determined per capita). The ballots were conducted by the Australian Electoral Commission on a secret, non-compulsory basis. Members of regional councils from each zone voted in 'zone elections' to select a candidate to represent them at the national level on the ATSIC Board. The ATSIC Board governed ATSIC overall, and was comprised of the 17 zone representatives and three Ministerial appointments. A Chief Executive Officer, appointed by the Minister, managed ATSIC's daily operations.

Council of Australian Governments (COAG) Trials | 2002-2004		Eight regions
Overview	Purpose and key functions	Participation and governance
Governments agreed to trial a set of coordinated Indigenous Affairs arrangements, to learn lessons to apply more broadly to achieve better outcomes long-term. The COAG Trials were evaluated.	The COAG Trials aimed to explore new ways of working together across governments and with Indigenous communities to address the needs of local people.	All levels of government and Indigenous Australians in the trial regions participated.

Shared Responsibility Agreements (SRAs) | 2003-2004		
Overview	Purpose and key functions	Participation and governance
SRAs were established as part of the COAG Trials with support from all levels of government. 30 new whole-of-government Indigenous Coordination Centres (ICCs) were established to facilitate implementation. An implementation review of SRAs was conducted.	SRAs aimed to facilitate all levels of government working with Indigenous communities to identify and address community priorities, reduce fragmentation, and increase coordination in government programmes. ICCs were designed to be government 'one-stop shops' for Indigenous Australians, focused on program administration and acting as 'solution brokers' to connect programs to community needs. SRAs were based on principles of mutual responsibility, jointly agreed outcomes, and a whole- of-governments approach.	SRAs involved community representatives and all levels of government.

Regional Partnership Agreements (RPAs) | 2004-2012		
Overview	Purpose and key functions	Participation and governance
RPAs also originated through the COAG Trials and built on SRAs.	Through RPAs, governments formally partnered with Indigenous regional governance bodies aiming to progress longer term plans to improve social and economic outcomes across the region.	RPAs involved community representatives and all levels of government.

Community Councils | 1978-2008		NT
Overview	Purpose and key functions	Participation and governance
There were 58 Community Councils governing Indigenous-majority areas across regional/remote NT. These were amalgamated into eight regional shire councils during reforms.	Community Councils had local government responsibilities and functions. They could make decisions on service delivery for their community, managed funding allocations and were the conduit for other levels of government and non-government actors to implement initiatives locally. They were informed by principles of local self-determination, devolved authority.	Community members elected representatives to their local Community Council.

Remote Service Delivery (RSD) | 2008-2014		29 remote communities
Overview	Purpose and key functions	Participation and governance
RSD was implemented through a National Partnership Agreement between the Australian, NSW, NT, QLD, SA and WA governments. It aimed to draw on lessons learned through previous approaches such as the COAG Trials. This partnership was evaluated in 2013.	RSD aimed to improve access, range and coordination of services, improved governance and leadership, and economic and social participation in remote communities. RSD was underpinned by a commitment to placed-based action and evidence-based planning through Local Implementation Plans.	RSD was centred on a single government interface in each community, with Indigenous Engagement Officers to drive community engagement. High-level reporting was required and there was limited devolution of decision-making functions.

Aboriginal Regional Authorities (ARAs) | 2016-2018		Three[70] regions across SA
Overview	Purpose and key functions	Participation and governance
ARAs were established as a way of negotiating a new relationship between Aboriginal groups and the SA Government. The SA Government provided support formalised through a public policy document, including financial (regional governance capability funding) and in-kind support.	ARAs aimed to represent the interests of Indigenous communities in the region by undertaking regional planning and providing advice to the SA Government, including on regional investment priorities.	

[70] Clarification: there were three regions involved in this model initially, but a further three joined in 2017 for six regions in total.

Annex 2: International models and structures

Aboriginal Self-Government Agreements		Canada (national)
Overview	Purpose and key functions	Participation and governance
There are 25 self-government agreements across Canada involving 43 Indigenous communities. There are a further 50 self-government negotiation tables at various stages of the negotiation process, and in many cases are being negotiated in conjunction with modern treaties. Under self-government, Indigenous laws operate in harmony with federal and provincial laws. Indigenous laws protecting culture and language generally take priority if there is a conflict among laws. The Canadian Charter of Rights and Freedoms, the Canadian Human Rights Act and other general laws such as the Criminal Code continue to apply.	This model aims to enable Indigenous citizens to move beyond the limitations of the Indian Act (in place for some 140 years) and 'chart their own course' for the future. While the Indian Act enables some elements of self- governance, it is not sufficiently flexible to allow for the different circumstances and priorities of First Nations people across Canada. Self-Government Agreements formalise statutory local-level decision-making. Agreements can set out law-making authority in many areas, including governance, social and economic development, education, health, lands and more. This varies from group to group, depending on their unique needs and priorities and their vision of self- determination.	Self-Government Agreements are negotiated between the Canadian Government and individual Aboriginal communities. The agreement must be approved by the local Indigenous people through a community vote. It is expected that community members and non-member residents on Indigenous lands will have input into decisions that directly affect them. Self-Government Agreements are negotiated within the Canadian constitutional framework and federal legislation is passed for the agreement to take effect. Self-Government Agreements articulate specific frameworks for intergovernmental relationships between the Aboriginal, federal and, where applicable, provincial governments, including the relationship of laws between jurisdictions.

Assembly of First Nations (AFN)		Canada (national)
Overview	Purpose and key functions	Participation and governance
The AFN is a national advocacy organisation that represents Canada's First Nation peoples. It is modelled on the United Nations General Assembly.	The AFN advocates on behalf of First Nations. This includes facilitation and coordination of national and regional discussions and dialogue, advocacy efforts and campaigns, legal and policy analysis, communicating with governments, including facilitating relationship building between First Nations and the Crown as well as public and private sectors and general public.	Regional Chiefs are elected every three years by their respective communities. The Regional Chiefs form the AFN Executive Committee, with a National Chief they elect. A 'tri-council' structure supports and advises the Executive Committee: Elders Council, Womens' Council and Youth Council. AFN's National Executive is made up of the National Chief, 10 Regional Chiefs and the chairs of the Elders, Women's and Youth councils.

Tribal Nations		United States of America (regional)
Overview	Purpose and key functions	Participation and governance
The US Constitution recognizes that tribal nations are sovereign governments. Tribal nations ceded millions of acres of land that made the United States what it is today and, in return, received the guarantee of ongoing self- government on their own lands. The treaties and laws create what is known as the federal "trust responsibility," to protect both tribal lands and tribal self-government, and to provide for federal assistance to ensure the success of tribal communities.	Tribal governments maintain the power to determine their own governance structures, pass laws, and enforce laws through police departments and tribal courts. Tribal governments provide multiple programs and services, including, but not limited to, social programs, first-responder services, education, workforce development, and energy and land management. They also build and maintain a variety of infrastructure, including roads, bridges, and public buildings.	Currently, 573 sovereign tribal nations (variously called tribes, nations, bands, pueblos, communities, and Native villages) have a formal nation-to-nation relationship with the US government. Two-hundred-and-twenty-nine of these tribal nations are located in Alaska; the remaining tribes are located in 35 other states.

National Congress of American Indians (NCAI)		United States of America (national)
Overview	Purpose and key functions	Participation and governance
NCAI was founded in 1944 and is organized as a representative congress of American Indians and Alaska Natives that serves to develop consensus on national priority issues that impact tribal sovereignty. It is a member-driven non-profit organisation.	NCAI aims to protect and advance tribal governance and treaty rights; promote the economic development and health and welfare in Indian and Alaska Native communities; and educate the public toward a better understanding of Indian and Alaska Native tribes. An NCAI Policy Research Centre supports and informs policy development efforts.	NCAI includes a General Assembly, Executive Council and seven committees. NCAI members elect the Executive Committee. 12 Regional Vice Presidents are elected by their respective regions. American Indian and Alaska Native governments pass resolutions to become members of NCAI, selecting official delegates to the NCAI Executive Council, Mid-Year Conference, and Annual Convention. Delegates attending the Mid-year conference and Annual Convention consider issues of pressing concern in accordance with their governments' policies, goals, and needs. NCAI members vote on and pass resolutions to determine NCAI's position on a broad range of issues. Individual and Tribal members pay an annual fee.

New Zealand Maori Council		New Zealand
Overview	Purpose and key functions	Participation and governance
The Council is a statutory body designed to lead policy development at the national level and community development at the local level. Much of the Council's work relates to the Treaty of Waitangi. Its functions are set out in the Māori Community Development Act 1962, which is administered by the New Zealand Minister of Māori Affairs.	Under the legislation, Māori District Committees are given authority to exercise Māori customary law by way of bylaws in Māori communities. It negotiate with the NZ Government on behalf of Māori people.	Each district has its own elected representatives. The Council is comprised of a collective of Māori Committees within a district. It is headed by an Executive with elected representatives from each Maori district.

Māori Parliamentary Seats		New Zealand
Overview	Purpose and key functions	Participation and governance
In 1867, New Zealand Parliament passed the *Māori Representation Act*, which created special electorates for Māori. There are currently seven Māori electorates – every area in New Zealand is covered by both a general and a Māori electorate.	Māori seats were created to provide Māori a more direct say in parliament.	Shortly after each census, all registered Māori voters have the opportunity to choose whether they are included on the Māori or General electorate rolls. Candidates for Māori seats must demonstrate required skills to engage with their constituencies and ensure a clear line of accountability to representing the 'Māori voice'. This includes proficiency in the Māori language as well as knowledge of Māori cultural, kinship and sacred customs and lore.

Sámi Parliament		Scandinavia
Overview	Purpose and key functions	Participation and governance
Sámi Parliaments operate in Norway, Sweden and Finland. These parliaments come together through the cross-border Sami Parliamentary Conference which meets every four years. The Sámi Parliaments were established by specific legislation in Norway in 1987, in Sweden in 1993, and in Finland in 1995.	Each of the Sámi Parliaments have been established differently. However, all provide advice about issues impacting Sámi people and their culture, language and way of life. This includes acting as a consultative body for government authorities, and administering some funding. They do not make laws. In Sweden, the Sámi Parliament operates as both a political organisation and a government agency with delegation to administer specific grant funding related to Sámi culture through the Sámi Foundation. Likewise in Norway, aside from providing advice on issues impact Sámi culture, the Sámi Parliament is responsible for a range of funding matters including the management of the Sámi Development Fund, which is used for grants to Sámi organizations and the allocation of funds to Sámi language municipalities and counties. In Finland, the Sámi Parliament operates three expert committees in the areas of language, livelihoods and legal and Social Affairs and Health, which prepare advice to government. The Finnish Sámi Parliament also decides on the distribution of the funds it receives that are earmarked for use by the Sámi.	The Sámi Parliaments include 20–40 representatives who are elected every four years by Sámi people. Sweden: The tasks of the Sámi Parliament are regulated by the Swedish Sámi Parliament Act. It is democratically elected: Sámi inhabitants in Sweden have a vote, in addition to the regular elections in Sweden, to elect representatives to the Sámi Parliament. Norway: The Sámi Act stipulates the responsibilities and powers of the Norwegian Sámi Parliament. Anyone included in the Sámi census/ electoral roll is eligible to vote or be elected. Indigenous-specific and mainstream political parties have representation. Finland: The Sámi Parliament is intended to realise the purpose of self-government laid down in the constitution. It functions under the administrative sector of the Ministry of Justice. All Sámi are entitled to vote and are also eligible to stand as candidates in the elections.

Annex 3: Local and regional models and structures by jurisdiction

Jurisdiction	Models/structures design to enable local/regional decision-making	Statutory bodies with local/regional decision-making functions	Land rights bodies and corporations with a local/regional mandate	Advisory bodies with a local/regional focus
ACT	N/A	• Aboriginal and Torres Strait Islander Elected Body (ATSIEB)	• United Ngunnawal Elders Council • Native Title Representative Body and/or service provider (NTRB/SP)	• Aboriginal Health Partnership Forums
NSW	• Local Decision Making Regional Alliances • Murdi Paaki Regional Assembly (also an LDM Regional Alliance) • Empowered Communities	N/A	• NSW Aboriginal Land Council • Local Aboriginal Land Councils • NTRB/SP • Prescribed Bodies Corporate (PBCs)	• Aboriginal Education Consultative Group • Aboriginal Health Partnership Forums
NT	• Local Decision Making • Barkly Governance Table • Tennant Creek Cultural Authority • Dilak Council / Dilak Authority • NPY Women's Council • Empowered Communities	N/A	• NT Land Councils (two of these are also NTRB/SPs) • Land Trusts • PBCs	• Northern Australia Indigenous Reference Group (across NT, Qld, WA) • Aboriginal Health Partnership Forums
QLD / Torres Strait	• Pama Futures – Cape York • Local Thriving Communities • Yarrabah Leaders Forum • Governance structures under Torres Strait Treaty	• Torres Strait Regional Authority (also the NTRB/SP) • Aboriginal and Torres Strait Islander Shire Councils	• PBCs	• Northern Australia Indigenous Reference Group (across NT, Qld, WA) • Aboriginal Health Partnership Forums
SA	• Far West Aboriginal Community Leaders Group • NPY Women's Council • Empowered Communities	N/A	• APY Executive Board • NTRB/SP • PBCs	• Aboriginal Advisory Council • Aboriginal Health Partnership Forums
TAS	N/A	N/A	N/A	• Aboriginal Health Partnership Forums
VIC	• Empowered Communities	• First Peoples' Assembly of Victoria	• NTRB/SP • PBCs	• Governance structures for the Aboriginal Justice Agreement • Aboriginal Health Partnership Forums
WA	• Kanyirninpa Jukurrpa • NPY Women's Council • Empowered Communities	N/A	• Governance structures under South West Native Title Settlement (or Noongar Settlement) • NTRB/SPs	• Northern Australia Indigenous Reference Group Aboriginal Health Partnership Forums

Glossary

The following glossary terms are explained in the context used in this report:

Aboriginal and Torres Strait Islander Commission (ATSIC) (1989 to 2004)

ATSIC was an Australian Government statutory body established under the ATSIC Act 1989 and dissolved in 2004, with a range of functions including formulating and implementing programs for Indigenous Australians, supporting policy coordination, advising the Minister, and managing the allocation of funding to Regional Councils.

Aboriginal and Torres Strait Islander people

A term used to refer to a singular Aboriginal and/or Torres Strait Islander nation or individual within Australia.

Aboriginal and Torres Strait Islander peoples

A term used to refer to many Aboriginal and/or Torres Strait Islander nations within Australia.

Aboriginal Community Controlled Organisation/s (ACCO)

Not for profit organisation/s governed by an Aboriginal Board elected by members of the local Aboriginal community or communities where it is based and delivering services to this community/ties.

Act of Parliament

A bill (see below for definition of 'bill') that becomes a law after it has been passed through the Australian Parliament and approved by the Governor-General.

ACT Aboriginal and Torres Strait Islander Elected Body (ATSIEB)

ATSIEB is a body established under the ACT Aboriginal and Torres Strait Islander Elected Body Act 2008 to represent the interests and aspirations of Aboriginal and Torres Strait Islander Australians in the ACT.
https://atsieb.com.au

Barkly Governance Table

The Barkly Governance Table is a mechanism comprising community and government representatives established to oversee the implementation of the Barkly Regional Deal (a joint investment plan by three levels of government to develop the region and collaboratively respond to community identified priorities).
www.barkly.nt.gov.au/communities

Bill

A proposal for a new law or a change to an existing one.

***Capability Driven* principle**

This principle means voice arrangements match the unique capabilities and strengths of each community and region.

This principle is detailed in the Principles table in Chapter 3.

COAG Trials (2002-04)

COAG Trials involved a whole-of-government collaborative approach in eight regions to improve the way governments and communities worked together to deliver more effective responses to the needs of Aboriginal and Torres Strait Islander people.

Community

Includes all individuals, families, groups, organisations and traditional owners with ties to the local area.

***Community-led Design* principle**

This principle means voice arrangements are determined by relevant communities according to local context, history and culture.

This principle is detailed in the Principles table in Chapter 3.

Cultural leaders

Aboriginal and Torres Strait Islander people with knowledge of, and responsibility for, upholding and maintaining cultural law/lore in their community or region.

***Cultural Leadership* principle**

This principle means voice arrangements strongly connect to cultural leaders in a way that is appropriate for each community and region.

This principle is detailed in the Principles table in Chapter 3.

***Data and Evidence-based Decision Making* principle**

This principle means data is shared between governments and communities to enable evidence based advice and shared decision making.

This principle is detailed in the Principles table in Chapter 3.

Dilak Council

The Dilak Council is a leadership body for the 13 Yolngu clans of the Miwatj region, based on traditional law and custom structures of cultural authority.
https://empoweredcommunities.org.au/our-regions/north-east-arnhem-land

Elders

Leaders or senior figures in Aboriginal or Torres Strait Islander communities.

Empowered Communities

A shared decision making model where Aboriginal and Torres Strait Islander leaders from nine regions across Australia are working together with the Commonwealth Government and corporate Australia to reform how Indigenous policies and programs are designed and delivered.
https://empoweredcommunities.org.au

***Empowerment* principle**

This principle means Aboriginal and Torres Strait Islander Australians have greater control and voice in their own affairs and governments shift to an enabling role.

This principle is detailed in the Principles table in Chapter 3.

First Peoples' Assembly of Victoria

An elected body established under Victoria's *Advancing the Treaty Process with Aboriginal Victorians Act 2018* to enable Aboriginal Victorians to have a voice in a future treaty process between Aboriginal clans/nations and the Victorian Government.
www.firstpeoplesvic.org

Freestyle

A consultation and engagement mechanism that would encourage storytelling and creative submissions regarding the models and features for stage two consultation and engagement.

Historical residents

Commonly refers to all residents who are not traditional owners of the given area, irrespective of when they moved to that community.

***Inclusive Participation* principle**

This principle means all members of a community have the opportunity to have a say, including traditional owners and historical residents.

This principle is detailed in the Principles table in Chapter 3.

Indigenous Voice

Refers to two levels of a Voice, a National Voice and a Local and Regional Voice.

International fora

Gatherings (such as meetings, conferences, expos and other similar public events) of peoples and organisations from different countries. This includes, for example, meetings of the United Nations (such as the United Nations Permanent Forum on Indigenous Issues), the Organisation for Economic Co-operation and Development, and the G20.

Legislation

Acts of Parliament (see above for the definition of 'Acts of Parliament'), bills (see above for the definition of 'bills') and instruments made by the Australian Government, including regulations.

LGBTQI+

People who identify as lesbian, gay, bisexual, transgender, queer or intersex or otherwise of diverse gender or sexuality.

Local and Regional Voice

Local and Regional Voice refers to a governance structure at the regional level with clear pathways and mechanisms for local communities and groups to participate in the work of the voice and enable local issues to be dealt with at the local level.

Local Decision Making (NSW)

Local Decision Making is an initiative of the NSW Government which supports Aboriginal regional governance bodies to have a greater say in service design, planning and delivery in their regions. The long term aim is to progressively delegate a greater level of decision making, including some budgetary control and service delivery responsibility, as capacity is demonstrated[71]
www.aboriginalaffairs.nsw.gov.au/working-differently/local-decision-making/about-local-decision-making

Local Decision Making (NT)

Local Decision Making is an initiative of the Northern Territory Government seeking to give communities more control over service delivery to meet their aspirations and needs. The long term aim is to transition government services and programs to community control.[72]

Murdi Paaki Regional Assembly (MPRA)

MPRA is a peak Aboriginal and Torres Strait Islander representative structure covering 16 communities in Western NSW, which evolved from the former Murdi Paaki ATSIC Regional Council.
www.mpra.com.au

National Agreement on Closing the Gap

The National Agreement developed in partnership between Australian governments and the Coalition of Aboriginal and Torres Strait Islander Peak Organisations to overcome inequality and achieve life outcomes equal to all Australians and signed in July 2020

National Voice

An Indigenous voice that operates at a national level to engage with federal Parliament, Government and Local and Regional Voices.

Non-duplication and Links with Existing Bodies principle

This principle means voice structures build on and leverage existing approaches wherever possible, with some adaptation and evolution as needed to improve the arrangements, without duplicating or undermining the roles of existing bodies.

This principle is detailed in the Principles table in Chapter 3.

Pama Futures model

Pama Futures is a reform agenda incorporating Land Rights, Empowerment and Economic Development for the people of Cape York.
http://pamafutures.org.au

[71] OCHRE Review Report, 28 October 2019
www.ombo.nsw.gov.au/__data/assets/pdf_file/0005/74183/OCHRE-Report_October-2019.pdf
[72] https://ldm.nt.gov.au/about-ldm

Parliamentary committee

Committees established by the Parliament of Australia (by the House of Representatives, the Senate, or as a joint committee as agreed by both the House of Representatives and the Senate) to investigate specific matters of policy or government administration or performance. Parliamentary committees provide an opportunity for organisations and individuals to participate in policymaking and to have their views placed on the public record and considered as part of the decision-making process of the Parliament. The Joint Select Committee on Constitutional Recognition relating to Aboriginal and Torres Strait Islander Peoples is an example of a joint committee.

Partnership Agreement on Closing the Gap

The formal Partnership Agreement established in March 2019 between the Commonwealth Government, state and territory governments, the Coalition of Aboriginal and Torres Strait Islander Peak Organisations and the Australian Local Government Association to develop and support the Closing the Gap Agreement.

Partnership interface

A mechanism for local and regional voice structures and all levels of government to work together on matters in scope for a local and regional voice (for example, a 'partnership table').

Pilbara Aboriginal Voice

Pilbara Aboriginal Voice (PAV) is a regional reference group established by Pilbara Traditional Owners to interface will all levels of government. PAV comprises a union of language groups that come together in a regional structure.
www.pilbaraaboriginalvoice.com

Place-based

An approach that allows tailoring programs and service delivery to the specific circumstances of a place and engages local people as active participants in development and implementation.

Principles

A set of guiding statements to underpin the formation and operations of local and regional voices, and government arrangements for engaging with voices.

The nine principles are detailed in the Principles table in Chapter 3.

Qld Local Thriving Communities (LTC)

LTC is a long-term reform agenda by the Queensland Government seeking to establish greater community decision-making on service delivery and economic development.
www.datsip.qld.gov.au/programs-initiatives/tracks-treaty/local-thriving-communities

Reconciliation

A key message theme for stage two consultation and engagement used to highlight the benefits of working towards reconciliation in Australia.

Region/s

A clearly defined geographic area/s that encompasses several local communities.

Remote Service Delivery initiative (2009-14)

Remote Service Delivery initiative was implemented through a National Partnership Agreement between the Australian, NSW, NT, QLD, SA and WA governments, drawing on lessons learned through previous approaches such as the COAG trials.

***Respectful Long-term Partnerships* principle**

This principle means governments and voices commit to mutually respectful and enduring partnership, supported by structured interface.

This principle is detailed in the Principles table in Chapter 3.

SA Aboriginal Regional Authorities (2016-18)

Aboriginal Regional Authorities were established to undertake regional planning and provide advice to the SA Government, and were in place until 2018 when the underpinning policy changed.

Self-determination

The ongoing process of Aboriginal and Torres Strait Islander communities deciding their social, cultural and economic priorities and how to meet them.

Senior Officials Group

A group of senior officials from each of the state, territory, and Australian government, and the Australian Local Government Association, established at the beginning of the co-design to provide input and engage with the process.

Shared Responsibility Agreements (2003-07)

Agreements established as part of the COAG Trials, to facilitate all levels of government working with Indigenous communities to identify and address community priorities and increase government coordination.

Spiritual

The connection Aboriginal and Torres Strait Islander people have with their traditional lands and waters.

Stage two

Public consultation and engagement phase of the Indigenous Voice co-design process.

Statutory

Related to or set by laws. For example, a statutory authority is a government body created through legislation (see above for the definition of 'legislation') for a public purpose.

Systemic

Relating to a system. It is used especially to refer to the entire system of a thing.

Tabling

The act of publishing a document in the Australian Parliament. The term 'tabled' literally means that a document has been laid on the Table in either or both of the House of Representatives and the Senate.

Torres Strait Regional Authority (TSRA)

TSRA is an Australian Government statutory authority under the *Aboriginal and Torres Strait Islander Act 2005* providing regional governance in the Torres Strait Islands.
http://www.tsra.gov.au/

Traditional owners

Members of Aboriginal and Torres Strait Islander groups who have traditional rights and responsibilities in relation to an area of land or sea.

***Transparency and Accountability* principle**

This principle means governments and voice structures adhere to clear protocols and share responsibility and accountability, including downward to communities.

This principle is detailed in the Principles table in Chapter 3.

Veto

An official power or right to refuse something.

WA Aboriginal Empowerment Strategy

A strategy being developed by the Western Australian Government that will guide how it works with Aboriginal people towards better social, economic, health and cultural outcomes.
www.wa.gov.au/organisation/department-of-the-premier-and-cabinet/developing-aboriginal-empowerment-strategy

Yarrabah Leaders' Forum

Yarrabah Leaders' Forum is a collective of representatives from key local community organisations established to drive collaborative leadership and planning for Yarrabah.