

Indigenous Voice Community Consultation

Consultation session details

Ngunnawal and Ngambri country

Canberra, 30 March 2021, 6.00pm-8.30pm, Session 3

Number of participants: 11

Key points raised

Please note, this is a summary of the discussion and the views and opinions expressed by participants in consultations sessions. It is not intended to be an exhaustive summary of all points raised, but draws out the key points.


The session was attended by 11 participants who were welcomed to country by Paul House and Tom Calma AO gave an acknowledgement of country. Key points discussed are summarised below.

Overarching points

- Two participants commented that the Indigenous Voice could be abolished by the government of the day and queried how it could be safeguarded and protected. It was noted that while constitutional enshrinement would add some protection, even a constitutionally enshrined body could be effectively disempowered e.g. through reduced funding.
- The same participants suggested incorporating the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) into Australian law could provide additional protection and influence for the Indigenous Voice.

Local & Regional Voice

- There was a general consensus that the ACT should be its own region rather than incorporated into NSW. It was agreed that people who use ACT services should have a voice in the ACT, even if they don't live here.
- There was some discussion about the ACT Aboriginal and Torres Strait Islander Elected Body (ATSIEB), with one participant expressing regret that it is an advisory body with 'no teeth' rather than one formalised in legislation with the ability to make informed decisions.
- One participant asked how ATSIEB and the ACT community would be supported to move forward in implementing a Local & Regional Voice, particularly in relation to resourcing. Another participant noted Local & Regional Voices would be resourced differently to the governments they engage with and queried how this power imbalance would be mitigated. It was confirmed that there would be funding allocated to Local & Regional Voices and that there would be a further consultation process with both governments and communities on these matters if the Indigenous Voice is agreed to by the Australian Government.
- One participant commented that the Local & Regional Voice framework and principles could potentially cause lateral violence or disruption between communities, similar to the Native Title framework, or that smaller groups' voices would not be heard in some communities with larger representation from certain family groups. It was agreed that communities need to be having conversations around what kind of Local & Regional Voice would fit them and that the principle of inclusive participation is important.

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- One participant expressed scepticism about the principle of empowerment, noting that Aboriginal people have not had control over their own affairs since the abolition of the Aboriginal and Torres Strait Islander Commission (ATSIC), and about the principle of cultural leadership, stating that there needs to be more respect for cultural leaders within communities.

National Voice

- There was a general consensus among participants that the ACT should have two National Voice members. It was noted that all National Voice members would be participating as representatives of a collective of nations rather than representing their own people, region or state/territory.
- Participants discussed how the ACT's National Voice members should be selected. One participant commented that this would depend on how an election would be run, noting it would not be workable if only a small percentage of eligible people voted. Another participant expressed a preference for Core Model 2 (direct elections) over Core Model 1 (members chosen through Local & Regional Voices), acknowledging low turnout at ATSIEB elections and stating their hope that a different approach to an ACT National Voice election would be taken for it to be more inclusive, allowing the most vulnerable to have a voice in the process. Several participants supported this sentiment.
 - One participant spoke about the need to be able to “hire and fire” representatives who are not performing their duties effectively.
- One participant queried how the National Voice would bring cultural identity, governance systems and law together with government legislation. It was suggested that the National Voice could establish a cultural advisory group similar to the Youth and Disability Advisory Groups, or could establish committees of particular cultural groups to address matters that require a cultural lens.
- The same participant expressed a view that the National Voice needs to be strong, participatory and have decision-making authority. It was confirmed that the National Voice would be an influencing rather than decision-making body.
- Two participants queried the purpose of the Ethics Council option, commenting that it could be read as an extra measure required because of the National Voice's Indigenous focus and that the false narrative of Aboriginal organisations having bad governance could be misappropriated and used against the National Voice. The participants noted the logic of the Ethics Council playing an *amicus curiae*¹ role and agreed it adds rigour to the National Voice model but considered it important to be clear about why the Ethics Council is included in the model to counter the above risks.

¹ *Amicus curiae* means ‘friend of the court’ – in a law court, this is someone who is not a party in a case and who helps the court by giving information or expertise that helps the court on something that might otherwise be overlooked in the case.