

Queensland Government response - Indigenous Voice Co-design process Interim Report

STATEMENT OF COMMITMENT

TO REFRAME THE RELATIONSHIP BETWEEN ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES AND THE QUEENSLAND GOVERNMENT

Aboriginal and Torres Strait Islander peoples and the Queensland Government are building a reframed relationship that acknowledges, embraces and celebrates the humanity of Indigenous Australians. We are proud that Aboriginal and Torres Strait Islander peoples have continuing rights and responsibilities as the first peoples of Queensland, including traditional ownership and connection to land and waters.

In the spirit of healing, we recognise the past acts of dispossession, settlement and discriminatory policies, and the cumulative acts of colonial and state governments since the commencement of colonisation which have left an enduring legacy of economic and social disadvantage that many Aboriginal and Torres Strait Islander peoples have experienced and continue to experience.

It is time to nurture hope and optimism. It is time to focus on strengths and not deficits and to move from surviving to thriving. This can only be done by the Queensland Government doing things with Aboriginal and Torres Strait Islander peoples, and not 'to them'.

We will move forward together with mutual respect, recognition and a willingness to speak the truth about our shared history. Through our continued shared commitment to reconciliation, all Queenslanders will be part of this journey.

Background

In 2017, First Nations Australians came together and created the Uluru Statement from the Heart, which led to the establishment of the 2018 Joint Select Committee on constitutional recognition relating to Aboriginal and Torres Strait Islander Peoples (the Committee). The Committee recommended in its Final Report a process for co-design between government and Aboriginal and Torres Strait Islander peoples to determine the detail of a First Nations Voice. The Australian Government Indigenous Voice Co-design process is in response to this recommendation.

On 9 January 2021, the Australian Government released the Indigenous Voice Co-Design Interim Report (the Interim Report), which provides proposed models for a National Voice and a Local and Regional Voice. The proposals have been co-designed with Aboriginal and Torres Strait Islander peoples and were developed by a Senior Advisory Group alongside the National and Local & Regional Co-design Groups. Public consultation on the proposals is occurring with a Final Report expected by mid-2021.

Queensland was represented on the Co-Design Groups and on the Senior Advisory Group which oversaw the work of the Groups. The Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships (DSDSATSIP), is also a member on the Senior Officials Group to ensure that the co-design process continues to advance with consideration of Queensland Government reforms.

Executive Summary

The Queensland Government strongly supports proposals for an Indigenous Voice that ensure Aboriginal and Torres Strait Islander peoples have a greater say on laws, policies and services that impact them and their lives. An Indigenous Voice provides the opportunity for Queensland First Nations peoples to be heard on issues that affect them.

The Queensland Government's response to the Indigenous Voice models in the Interim Report aligns with the Statement of Commitment to reframe the relationship between the Queensland Government and First Nations Queenslanders and notes that feedback from communities will be crucial in refining Indigenous Voice models. The Queensland Government will continue to collaborate with Queensland First Nations peoples and the Australian Government to develop authentic and appropriate models for Queensland.

The key points of the Queensland Government's response to the Interim Report are summarised below:

- the Queensland Government is currently investigating Indigenous Voice options including establishing a state-wide representative body through a co-design process with First Nations peoples in Queensland. Options will consider how the proposed state-wide body could link to the National and Local and Regional Voice models
- the Queensland Government supports the need to build on existing and emerging structures in each jurisdiction, while also not encroaching or undermining the mandates of existing bodies.

The Queensland Government recommends that the Australian Government take into consideration the co-design work underway in Queensland to ensure that future Indigenous Voice models are reflective of Aboriginal and Torres Strait Islander Queenslanders views and Queensland's current policy settings.

It is also intended that the Minister for Seniors and Disability Services and Minister for Aboriginal and Torres Strait Islander Partnerships continues to advance Queensland's position with relevant Commonwealth, State and Territory Indigenous Ministers to inform Indigenous Voice developments through 2021.

The Queensland Government position

The Queensland Government response to the Interim Report's Indigenous Voice proposals has been informed by the need to consider the range of existing whole-of-government Queensland reforms that are contributing to an Indigenous Voice, such as the Path to Treaty and Local Thriving Communities reforms. Given the extensive reform landscape in Queensland, and the importance of First Nations Queenslanders having a say on what their preferred Indigenous Voice models are, the response to the Interim Report notes that further co-design work is required to inform the Queensland Government's preferred Indigenous Voice model.

Co-design will focus on developing a Queensland Indigenous Voice model including investigating options for the establishment of a state-wide representative body, and how this could link with local and regional voices provided through existing reform agendas so that communities needs and priorities are met. Importantly, this will build on the Australian Government's co-design processes and result in a Voice model that reflects First Nations views and Queensland's reform context.

The National Voice proposal

The Interim Report proposal for a National Voice encompasses a national body made up of Aboriginal and Torres Strait Islander people that:

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

The proposal includes two ways members could be selected to the National Voice: (1) drawn from a state-wide body where it exists or Local and Regional Voice structures (LRVs) in each state, territory or Torres Strait Islands (a hybrid arrangement of these options can also be selected); or (2) direct election through an elected state-wide body or election process held in each state, territory and Torres Strait Islands.

Informed by co-design with Queensland's First Nations peoples, options to establish a state-wide representative body is being investigated by the Queensland Government. Options will consider how the proposed body might link to local and regional governance arrangements to contribute to the National Voice, including membership arrangements.

The Queensland Government is supportive of representation on the National Voice that maximises both Aboriginal peoples and Torres Strait Islander peoples. Aboriginal and Torres Strait Islander Elders, young people, people with disability and LGBTIQ+ should also be considered in the National Voice to ensure a diversity of views is heard. It is noted that representation will, importantly, be informed through ongoing consultation with Queensland First Nations peoples.

Local and Regional Voice proposal

In the Interim report, the intent of the LRV proposal is to:

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

The Interim Report proposes between six to eight regions for Queensland (including the Torres Strait Islands). Each region would ensure clear pathways for communities and groups to participate and be involved in the decision-making process by enabling smaller geographical areas to 'feed into' broader local and regional voice structures. There would be no set structure; different regions will have different structures, based on what works for their communities. A principles-based framework would guide and support each LRV structure.

The Queensland Government's Voice arrangements

Queensland is investigating options to establish a state-wide representative structure to guide decision-making on how local voices and structures will be brought together through regional representation, and link to the National Voice. This will inform Queensland voice arrangements in partnership with Aboriginal and Torres Strait Islander Queenslanders.

It is noted that the Interim Report's LRV proposal allows for individual regional structures to be established in jurisdictions, informed by local and regional voice arrangements. In investigating the establishment of a state-wide representative structure, Queensland will consider the LRV proposal to ensure that structures support and complement each other.

Principles-based framework

The Queensland Government is supportive of the proposed LRV principles and note that they share commonalities with the principles of current reforms in Queensland. Close alignment exists with the principles of accountability and respectful long-term relationships, and several principles hold similar intentions, such as empowerment and community led design. It is noted that these alignments provide for a level of consistency to guide Queensland's decisions and investigations for the state-level representative body proposal.

The Queensland Government supports the key principle that LRV's need to build on existing and emerging structures in each jurisdiction, while also not encroaching or undermining the mandates of existing bodies. These principles will be important to inform deliberations around Queensland's Indigenous Voice model and the establishment of the state-wide representative body.

Queensland Government expectations and accountability

The Queensland Government notes the Interim Report advocates for matching legislation to be developed to establish and formally commit to LRV structures. It is noted that options to establish a state-wide representative body in Queensland could include consideration of a statutory body model to give it authority and embed the approach; similar to the LRV proposal. However the Queensland Government will not be committing to any future legislation at this interim stage, given it has not yet determined what the options could be for Queensland's final Indigenous Voice model. Importantly, co-design work and consultation will be conducted with First Nations Queenslanders to understand what these options might entail.

The Queensland Government notes the proposal for accountability mechanisms for the National Voice such as an Ethics Council. It is anticipated that the development of Queensland's Indigenous Voice model will consider the need for accountability mechanisms that complement existing Queensland Parliamentary Committee processes.

The Interim Report also outlines and proposes minimum expectations for the establishment of LRVs. Minimum expectations include formally committing to respectful long-term partnerships, transparency and accountability and data and evidence-based decision-making. The Queensland Government acknowledges the value of these expectations and note that these align with our *Tracks to Treaty – Reframing the relationship with Aboriginal and Torres Strait Islander Queenslanders* initiative and other key commitments currently enabling this reframed relationships (see below for a summary of links to existing reforms and Appendix 1 for more detail on the Queensland reform context). Accordingly, the investigation of Indigenous Voice model options for Queensland including the establishment of a state-wide representative body will further consider these expectations.

Links to Existing Queensland Government reforms

The Queensland Government is committed to working with Aboriginal and Torres Strait Islander communities across Queensland and is actively engaging with a broad range of stakeholders (including communities, elected leaders and peak bodies) to jointly design, implement and evaluate reforms that deliver on community needs and priorities.

Current whole-of-government reform agendas have therefore informed the Queensland Government's preliminary position on the Interim Report's 'Voice' proposals, including:

- Path to treaty
- Local Thriving Communities
- Closing the Gap.

Through the co-design processes which have underpinned these reforms, Queensland communities have said that they want authentic and inclusive representations of Queensland First Nations peoples, that are culturally informed, and community led.

Path to Treaty

An Eminent Panel of high profile Aboriginal, Torres Strait Islander and non-Indigenous Queenslanders, supported by a Treaty Working Group, was appointed in 2019 to guide conversations between all Queenslanders about what a treaty might mean to them and to provide recommendations to the Queensland Government on next steps towards a Path to Treaty.

The Eminent Panel made eight recommendations and the Queensland Government either accepted these in full or in-principle and committed to establishing a Treaty Advancement Committee to provide options on how these recommendations could be implemented. The Treaty Advancement Committee was announced in February 2021 and will provide a report to the State Government in 2021 on the next steps to implement the recommendations.

Voice reform considerations

The key recommendation of the Eminent Panel was to establish a First Nations Treaty Institute to oversee the actions required to progress the Path to Treaty including the establishment of potential representative mechanisms and structures which will be informed by consultation with First Nations peoples. Following further advice from the Treaty Advancement Committee, the Queensland Government will consider how representation might be considered as part of the treaty process. Key considerations of relevance to considering representation include:

- Everyone needs to be represented in the treaty process, particularly specific groups such as Elders and youth
- Authentic representation that can speak for First Nations peoples and Country (cultural authority)
- Community led approaches supported by First Nations Queenslanders
- Capacity-building to assist First Nations peoples to become treaty-ready.

These findings will inform Queensland's deliberations on options to be investigated for the establishment of a state-wide representative body, including its design and contribution to Indigenous Voice arrangements. It is noted that the establishment of future representative structures as part of the Path to Treaty process will need to be taken into consideration as the Indigenous Voice to Government progresses.

Local Thriving Communities (LTC)

Under LTC, the Queensland Government has undertaken significant engagement at the local level on shared decision-making, service design and delivery. The LTC initiative will establish Local Decision Making Bodies (LDMBs) in remote and discrete communities, which are local community-led representative structures that engage directly with the Queensland Government. Through this approach, local voices will provide the platform for enhanced, effective and sustainable engagement between communities and the Queensland Government at a grass roots level, particularly around how services and investment are designed and delivered.

Voice reform considerations

Noting that the Interim Report proposes that LRVs not to encroach on, or undermine, the mandate of existing and emerging structures, options for Queensland's Indigenous Voice model including investigating the establishment of a state-wide representative body will

consider how local structures such as LDDBs are appropriately and authentically represented in Queensland voice arrangements. Key issues that will therefore be investigated as part of Queensland's co-design process include:

- Local community concerns around organisations and regional bodies speaking on their behalf but not having the authority to represent their interests
- Issues of national importance being supported by representative engagement mechanisms at the local level.

Queensland's co-design process will address these concerns, as well as ensuring LDDBs functions, such as providing local leadership to inform how Queensland Government services and investment are designed and delivered, are respected and recognised.

Closing the Gap

The Queensland Government, as part of the new National Closing the Gap Agreement (the Agreement), is currently co-designing an implementation plan for the Agreement. The Agreement commits governments to building the capability and capacity of the community-controlled sector, recognising that this is critical to improving life outcomes for Aboriginal and Torres Strait Islander people. Queensland has committed \$9.3 million over four years from 2021-22 to build the capability and capacity of the community-controlled sector, as part of a national funding effort with other jurisdictions.

Queensland's peak Aboriginal and Torres Strait Islander organisations are looking to establish the Queensland Aboriginal and Torres Strait Islander Coalition to provide a coordinated peak structure on Closing the Gap that will co-design the Agreement's implementation plan with the Queensland Government. The soon to be established Aboriginal and Torres Strait Islander housing body, an action under the Aboriginal and Torres Strait Islander Housing Action Plan, is also likely to join QATSIC.

Voice reform considerations

Queensland's Indigenous Voice, including deliberations focussed on options to establish a state-wide representative body, will consider emerging partnership arrangements established under Closing the Gap including the QATSIC and Closing the Gap co-design processes.

Appendix 1: Queensland Reform Context

The Queensland Government is committed to working with Aboriginal and Torres Strait Islander communities across Queensland and is actively engaging with a broad range of stakeholders (including communities, elected leaders and peak bodies) to jointly design, implement and evaluate reforms that deliver on community needs and priorities.

In May 2016, the Queensland Government accepted recommendation seven of the Reparations Taskforce Report, which called for the negotiation of a document that reframes the relationship between Aboriginal and Torres Strait Islander peoples and the Government.

In July 2019, the Queensland Government announced its commitment to implement the Path to Treaty and Local Thriving Communities (LTC) reforms as part of the *Tracks to Treaty – Reframing the relationship with Aboriginal and Torres Strait Islander Queenslanders* initiative and co-signed a Statement of Commitment with the former Chair of the Reparations Taskforce, Mr Mick Gooda. The Statement of Commitment is underpinned and informed by the following principles, which Queensland would seek to see reflected in the Indigenous Voice co-design:

- Recognition of Aboriginal and Torres Strait Islander peoples as the First Peoples of Queensland;
- Self-determination;
- Respect for Aboriginal and Torres Strait Islander cultures;
- Locally led decision-making;
- Shared commitment, shared responsibility and shared accountability;
- Empowerment;
- Free, prior and informed consent; and
- A strengths-based approach to working with Aboriginal and Torres Strait Islander peoples to support thriving communities.

There are many Queensland Government actions that are facilitating a reframed relationship with Aboriginal and Torres Strait Islander peoples including:

- the addition to the preamble to the Queensland Constitution in 2010 to honour Aboriginal and Torres Strait Islander peoples as the First Australians;
- the implementation of the Queensland Government *Reconciliation Action Plan 2018-2021*;
- the commencement of the *Human Rights Act 2019* (Qld) which in its preamble acknowledges the right to self-determination for Aboriginal and Torres Strait Islander peoples;
- the passage of the *Meriba Omasker Kaziw Kazipa (Torres Strait Islander Traditional Child Rearing Practice) Act 2020* which provides for the legal recognition of traditional Torres Strait Islander child rearing practices;
- the establishment of the Queensland First Children and Families Board;
- the implementation of *Our Way: A generational strategy for Aboriginal and Torres Strait Islander children and families, 2017-2037*;
- the appointment of the First Nations Advisor for Housing, the Chief Aboriginal and Torres Strait Islander Health Officer and the Deputy Director-General of the Aboriginal and Torres Strait Islander Health Division;
- the commencement of the *Health and other Legislation Amendment Act 2019* which aims to strengthen the commitment to health equity for Aboriginal and Torres Strait Islander peoples;
- the implementation of the Department of Environment and Science's *Gurra Gurra Framework 2020-2026*;

- the implementation of the Department of Communities, Housing and Digital Economy's *Aboriginal and Torres Strait Islander Advancement Framework*;
- the co-design of Local Housing Plans with remote and discrete Aboriginal and Torres Strait Islander communities and the establishment of an Aboriginal and Torres Strait Islander peak housing body through the implementation of the *Aboriginal and Torres Strait Islander Housing Action Plan 2019-2023*;
- the establishment of the First Nations Art and Cultures Panel through the implementation of the whole-of-government *Creative Together 2020-2030: A 10-Year Roadmap for arts, culture and creativity in Queensland*;
- the implementation of the *Third Action Plan of the Domestic and Family Violence Prevention Strategy 2019-20 and 2021-22*;
- the implementation of *Queensland's Framework for Action: Reshaping our Approach to Aboriginal and Torres Strait Islander Domestic and Family Violence*; and
- the implementation of the *2020 Framework for Stronger Community Justice Groups*.