



Our Ref: GEN033 - Submissions
Your Ref: NA
Office: Perth
Date: 27 April 2021

To: National Indigenous Australians Agency
PO Box 2191
Canberra ACT 2600

ATTN: 'Indigenous Voice' Co-Design Groups

To Whom It May Concern,

REF: 'INDIGENOUS VOICE' PROPOSALS – REQUEST FOR FEEDBACK

Yamatji Marlpa Aboriginal Corporation (YMAC) is the Native Title Representative Body (NTRB) delivering native title and other services across the Pilbara, Mid West, Murchison and Gascoyne regions of Western Australia. YMAC is run by an Aboriginal Board of Directors, representing several native title groups, each of whom have their own language, culture, traditions, and protocols. YMAC services include native title claim and future act representation, heritage services, executive office support, community and economic development assistance, and natural resource management support. YMAC takes a holistic approach focusing on Country, culture and corporate development. Understanding that each group we work with is unique, so too is our approach to working with them. By acknowledging and respecting that Aboriginal organisations want greater opportunities to develop their services, and control their business into the future, we work to strengthen the support provided to Traditional Owners by listening to their changing and growing needs.

YMAC welcomes the opportunity to provide the following general feedback in hopes it is of value to the relevant 'Indigenous Voice' Co-Design Groups and their efforts towards developing further proposals and suitable models for local/regional and national "voices".

The involvement of Aboriginal people in decision-making that affects them is fundamental, as is the recognition of the diversity that exists across local and regional areas within Australia. Generally speaking, the current proposals appear to recognise these facts and aim to address the necessity for suitable, formal structures to be established that allow Aboriginal people appropriate access to government to ensure their concerns and ideas for solutions are heard. However, consideration as to how the proposed models might operate in each of YMAC's representative regions must be given; so too must similar attempts of the recent past be learned from and not repeated.

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To inform this response, YMAC has drawn from relevant, prior submissions on similar subjects, as well as consulted with its Board of Directors for input on the proposals.

Regarding the establishment of Local/Regional Voices:

What features of the Local and Regional proposal are most important and why?

The local/regional governance structures must be community-designed and community-led. Recognition of the unique needs facing different parts of Australia is an important departure from previous “one-size-fits-all” approaches imposed by government: local people know local issues and are best-placed to offer appropriate local solutions. Affording recognised, place-based advisory groups who have been entrusted by their communities with the authority to provide advice, collaborate and co-develop solutions to local, priority issues with relevant government partners is highly encouraging.

How would the proposed Local and Regional Voice work for you, your community or your organisation?

YMAC’s representative area is equivalent to approximately one-third of the size of Western Australia, so, understandably, we anticipate working with multiple local/regional voices once they are established. From previous experience working with regionally representative groups, e.g. the ‘Pilbara Aboriginal Voice (*Kakurra Muri*)’ (PAV), and more recently RECOV19ER and the COVID-19 Yamatji Regional Emergency Response Group, it is felt two regional bodies – one for the Pilbara region, and one for the Mid West and Gascoyne regions – would be required. Despite there being much diversity across each of these areas, feedback suggests this arrangement would be workable. However, ensuring adequate representation is achieved across a range of factors, including (but not limited to) age¹, gender, cultural authority, residence/location, skills, knowledge and experience, will be critical to achieving buy-in from the broader communities these groups will speak for, as well as their ultimate success.

What would be the benefits or challenges of a proposed Local and Regional Voice for you?

Traditional Owners who YMAC works with have long been calling for appropriate, localised representative structures that can work towards finding solutions to the myriad challenges, adversity and disadvantage they experience. Having such groups that are suitably recognised by government, and that act to interface with other existing, specialised groups (e.g. specific health, education, justice, etc., and/or discrete place-based, advisory groups) are viewed as critical to ensuring more holistic approaches are implemented and duplications of efforts are avoided. Where others may be operating in isolation, it is anticipated local/regional voices would be ideal conduits to oversee and connect related objectives and efforts, i.e., within their area, as well as with other voices and advisory bodies/groups. However, previous experience informs some reservations about how local/regional voices will be accepted and respected by the government agencies they will need to work with, and that without adequate resourcing they may be set-up to fail. For example, Pilbara Traditional Owners established the PAV, which has been operating without any substantial government funding since the end of 2019 (despite a previous lapse in funding the year before, and ongoing commitments made by the State Government to not have

¹ In particular, the involvement of youth is strongly supported; whether this be them as members of the overarching local/regional voices, or set-up as separate but aligned “youth voices”.

this occur again back in September 2019; with all attempts by PAV to follow this up since being hand-balled or completely ignored). However, PAV is still continually approached by various agencies – even those knowing their funding situation – for their advice on and endorsement of policies, proposals, etc. This kind of devaluing and undermining by government of genuine attempts by Traditional Owners wanting to be accountable to and proactive on behalf of their communities is disheartening and contributes to their historical distrust of and disappointment in government.

Though perhaps outside the scope of this consultation, similar concerns regarding what guarantees have been made in terms of different levels of governments' commitments – in particular State Government and the various advisory bodies currently engaged across their portfolios/departments – to work with local/regional voices, and who/how will they be funded and assisted, have been raised. It cannot be emphasised enough how these groups *must* be properly resourced and supported to ensure their members are valued and supported, and do not experience burnout, and that they have the means and capacity to be able to effectively consult with the communities they are charged with representing and work with other local- and state-level advisory groups to ensure their efforts are aligned (especially on shared concerns and/or priorities, regardless of the responsible jurisdiction, to effect more holistic responses/solutions).

Do the Local and Regional Voice principles seem right to you?

Yes. In particular, that the proposed models and partnership interface arrangements are expected to be culturally-safe and empowering, and that there is a focus on capacity building and shared accountability between governments and local/regional voices alike. The promotion of genuine partnerships and equity in both decision-making and responsibility to community is most welcomed.

How could the framework improve local partnerships and relationships between communities and governments?

By allowing for the tailored establishment of local/regional voices, informed by what they deem as best-suited to their composition and needs, these bodies should be viewed as credible and legitimate, and, in turn, will attract the necessary buy-in and support from the communities they act on behalf of, and will foster trust that they will work with government in their interests and to their benefit. Creating formal, recognised structures, such as what is being proposed, and requiring *all* levels of government to commit to respectful, long-term partnerships, should assist in forcing meaningful conversations and obliging government to listen to and incorporate invaluable local input (currently seen in practice by many as simply symbolic and/or tokenistic gestures, or more commonly “rubber stamp” processes). Further, it would be hoped that these structures would help to facilitate a flow on effect in terms of related reforms required – both across various agencies/departments *and* across all levels of government.

Should the number of Local and Regional Voices across Australia be a greater number of smaller regions, or fewer larger regions (within the proposed 25 to 35 range)?

To adequately accommodate the diverse and unique needs facing different parts of Australia, it is anticipated that a greater number of smaller areas/regions would need to be afforded their own representation in the proposed structure. Regarding the regions within which YMAC operates,

feedback suggests two regional bodies/voices – one for the Pilbara region, and one for the Mid West and Gascoyne regions combined – would suffice; this arrangement respects the different experiences of each of these areas, while also recognising the strength derived from aligning those sharing similar contexts.

What support do you think would be needed to establish or transition to a Local and Regional Voice?

Within each determined local/regional voice's representative area, it will be highly important that communities are made aware of this process and what it means for them. In the regions that YMAC operates, acknowledging the vast distances covered, this could be achieved by holding multiple "town hall meetings" in these jurisdictions to inform people of the intent to establish/confirm an advisory body for their area, and seek their input regarding its make-up, functions, potential partners, etc. Following these information sharing sessions, an open, regional community meeting should be held for people to attend and, based on what might have been shared at the town halls, decide on the composition of the voice, i.e. how members are to be chosen, how many members there should be, a basic terms of reference, identifying priorities, and so on. (Noting, this format of consultation – i.e. holding regular, localised town halls as well as annual/biannual regional community meetings – should be maintained beyond the establishment of the local/regional voices to afford adequate, ongoing engagement between communities and their representatives.)

Again, using YMAC's experiences with its representative regions as an example, ample consideration must be given to resourcing the ongoing coordination (e.g., the provision of secretariat and administrative support) and attendance of meetings of local/regional voice representatives once selected. For some people to participate they may have to travel very long distances (driving several hours within their region in some instances) and make accommodation arrangements, and many also have to take leave/time off work and/or manage other commitments to be able to attend, often all at their own expense. It seems these kinds of logistical concerns are overlooked by those unfamiliar with them but whom make decisions about where such meetings should be held, what costs are reasonable, etc. We therefore urge due consideration in the next phases of planning and implementation, as well as in relation to future budget allocations.

Regarding the establishment of a National Voice:

What features are most important in the proposal for a National Voice and why?

Having a National Voice to Commonwealth Parliament is welcomed as it will provide Aboriginal and Torres Strait Islander people a much-needed recognised right to be heard and consulted on issues that affect them, including matters critical to their social, spiritual and economic wellbeing and prosperity. It is important to provide such a platform, which will enable the flow of information and feedback both up to the national-level and back down to local communities. However, in expecting this, it is imperative that safeguards be put in place to avoid any dilution of local

perspectives/needs at the national-level; i.e. federal responses must be careful not to adopt any approaches that either directly or indirectly attempt to undermine or are in conflict with whatever is shared by specific communities via their local/regional voices.

How would the proposed National Voice work for you, your community or your organisation?

Providing that local/regional voices are adequately resourced and supported enough to be active in their communities, anticipating their advice will be escalated to the national-level is encouraging. Further, it is hoped that sharing local perspectives on a national platform will assist in building positive understanding and relationships, not only between different Aboriginal and Torres Strait Islander communities, but also with the broader non-Aboriginal and Torres Strait Islander population nationwide.

How do you think the proposed National Voice could support you, your organisation or your community to have your voice heard on issues of national importance?

The National Voice should act to empower individuals, as well as other organisations that represent them (e.g. Prescribed Bodies Corporate (PBCs) and Aboriginal Community Controlled Organisations (ACCOs)), including advocating for and effecting legislative reforms and the allocation and/or redirection of funding/resourcing needed to support such changes. It is also hoped it will place long-standing issues on a national platform, spotlighting enduring concerns and disadvantage faced, forcing actions to be taken where previous efforts have not been able to attract such attention/responses.

Do you think the scope of the proposed National Voice would empower Aboriginal and Torres Strait Islander people at a national level?

Wanting to take an optimistic view of the current proposed models and their functions, the concepts are generally supported, as change is certainly needed, and placing Aboriginal and Torres Strait Islander peoples at the core of such structures and having these legislated (at both the federal *and* state-/territory-levels) is positive and long overdue.

However, and as much as it is appreciated this may be beyond the current scope of these consultations, YMAC's position is that Constitutional recognition *must* be sought alongside the practical establishment and legislating of a National Voice; as, without this, it is feared past failed attempts of creating similar advisory bodies will be repeated. YMAC is a strong supporter of the 'Uluru Statement from the Heart' and has joined and is committed to the "call for the establishment of a First Nations Voice enshrined in the Constitution"².

What are the benefits or challenges for drawing National Voice members directly from Local and Regional Voices?

The "Structural Membership Link" is preferred of the two options described, i.e. with the National Voice membership drawn from candidates comprising the local/regional voices. It is felt that by having local/regional representatives empowered to speak on behalf of the communities they

² 'Uluru Statement from the Heart' (<https://ulurustatement.org/the-statement>), retrieved 23 March 2021.

have been nominated to represent at the national-level will build and promote strength and confidence, both in individuals and the communities they advocate for. However, some concerns regarding the representativeness and independence of the National Voice membership have been raised. To address such concerns, it is suggested that the members must commit to operating free from self-interest and influence derived from their affiliations/associations external to the National Voice mechanisms and processes, e.g. they must not base advice/decisions purely on their individual/personal views, nor on their employment or membership to other bodies/groups, etc., nor without proper consultation with the local/regional voices affected by the advice being provided. Instead, they must act to convey the collective requests made by the communities/regions they are charged with representing (especially where such advice may differ from general views and/or opinions); as stated above, it is critical protections be put in place to avoid any misrepresentation of local perspectives/needs at the national-level, and that government responses neither directly or indirectly undermine locally-informed positions and requests.

What are the benefits or challenges for drawing National Voice members through a direct election?

A direct election model is not preferred, as it is perceived to be more appropriate that the National Voice membership be comprised of people who have been nominated by their communities to represent them (i.e. via the local/regional voice processes). Some concerns raised regarding this model include: the potential for a lack of diversity and over-representation of a particular group/demographic, as well as sentiments of not wanting the 'same people' who always seem to be on national advisory bodies; and, an imbalance of representation due to logistical concerns, e.g. the risk that information is not adequately communicated (especially to those living in regional and remotes parts of the country) and voting in such elections is not suitably accessible.

Should this response generate any questions or concerns, please contact Executive Assistant, Dee Way, in our Perth office on 08 9268 7000, or email dway@ymac.org.au.

Yours sincerely,

Simon Hawkins

Chief Executive Officer