



Aboriginal Executive Council (AEC)
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Professors Dr Marcia Langton AO and Tom Calma AO
Co-Chairs Indigenous Voice Senior Advisory Group
c/ National Indigenous Australians Agency Voice Secretariat
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Dear Marcia and Tom

The Victorian Aboriginal Executive Council (AEC) writes in response to the draft Indigenous Voice proposals which we understand have been put forward to “*provide a way for Indigenous Australians to provide advice and input on matters that are important to improve their lives.*” The AEC is a peak coordinating council for Victoria’s Aboriginal Community Controlled Sector and is a member of the National Coalition of Aboriginal and Torres Strait Islander peaks. The AEC is in a formal governance partnership with the Victorian Government to develop and oversight Victoria’s Implementation Plan under the National Agreement on Closing the Gap.

The AEC supports the Uluru Statement from the Heart and its three key elements; Voice, Treaty, Truth.

Consistent with the Uluru Statement the AEC calls upon the Commonwealth Government to support the establishment of a National First People’s Voice to Parliament that is enshrined in the Australian Constitution. The Federal Government should honour its election commitment to a referendum once a model for a National Voice has been settled and then proceed with enabling legislation to be passed through the Federal Parliament to implement the outcome of the referendum.

We also note that the Indigenous Voice proposals are not accompanied by a commitment to Treaty or Truth. The AEC highlights that all three elements, Voice, Treaty and Truth are being pursued in Victoria through the establishment of the First People’s Assembly of Victoria and their work to establish a Treaty negotiation framework for Victoria and a truth telling process through the Yoo-Rook Commission. This approach is consistent with the Uluru Statement from the Heart and should be pursued at the national level.

The draft proposals for a National Voice and for Local and Regional Voice do not meet the key elements of the Uluru Statement from the Heart which continues to attract strong support from across the Australian community, Indigenous and non-Indigenous.

The AEC considers that the draft proposals for a National Voice and Local/Regional Voice are largely based on a false premise; that the fundamental barrier to the advancement of the rights and interests of Aboriginal and Torres Strait Islander peoples is that our views are not systematically available to governments. The AEC contends that the fundamental barrier to be confronted is not the failure of Aboriginal and Torres Strait Islander people, organisations and communities to make themselves heard but the failure of Governments, and in particular the Commonwealth Government, to listen and act on (repeatedly) expressed views.

The Indigenous Voice proposals suggest that it is a lack of organisation, coordination and congruence amongst Australia’s First Peoples on what needs to be done that is holding back effective government action to advance the rights, wellbeing and status of Australia’s First Peoples.



There will be limited value in a National Voice, whatever the model, if the Commonwealth fails, across all its Departments, Statutory authorities, responsibilities, programs and services, to meaningfully embed principles of Aboriginal Self-Determination. It is in the day to day practice of governments and the agencies they fund that systemic reform is urgently required. Systemic reforms including combating institutional racism and enabling self-determination through the transfer of power, authority and resources to Aboriginal and Torres Strait Islander community control. The AEC highlights the negotiation of the National Agreement on Closing the Gap as an example of governments embracing shared decision making having previously pursued Closing the Gap as a government led reform program.

The AEC notes the stated intent behind the Indigenous Voice proposals, *'that Aboriginal and Torres Strait Islander people have more of a say on the laws, policies and services that impact them, their communities and their lives.'* The question here is what it meant by "more of a say." Australia's First Peoples are rights holders under the United Nations Declaration on the Rights of Indigenous Peoples to which Australia is a signatory.

The Commonwealth Government and the Indigenous Voice draft proposals position Aboriginal and Torres Strait Islander people as a stakeholder group to be consulted with, and in the case of the proposed National Voice model, consulted with on a narrowly prescribed set of matters. This is not genuine shared decision making. All Governments in Australia need to engage with Aboriginal and Torres Strait Islander Peoples as rights holders and construct relationships and conduct dialogue on a negotiation basis not a consultation basis.

The AEC is concerned that that there is a disconnect between the Commonwealth Government and the Aboriginal Community Controlled Sector in Victoria. The Commonwealth seems reluctant to engage systematically with Aboriginal community based leadership, structures and organisations in Victoria including the AEC. We have witnessed this dis-engagement in current work to prepare Victoria's Closing the Gap Implementation Plan, a process open to the Commonwealth but in which the Commonwealth has expressed no interest.

The experience of the Aboriginal Community Controlled Sector in Victoria is that the Commonwealth Government relegates the needs and priorities of Aboriginal people in Victoria to a lower status than the needs of other Aboriginal and Torres Strait Islander people. This is not a call for the Commonwealth to lessen its investment and support for other Aboriginal and Torres Strait Islander people and communities. Rather it is a call for the Commonwealth to proactively engage with and better support the Victorian Aboriginal community. In this context the Indigenous Voice proposals are viewed with a degree of scepticism.

Noting again the aspiration of the Indigenous Voice proposals, *that Aboriginal and Torres Strait Islander people have more of a say on the laws, policies and services that impact them, their communities and their lives*, the AEC advises that considerable improvement could be achieved by the Commonwealth providing long-term, flexible and integrated funding to Aboriginal Community Controlled Organisations so they can shape and adjust services and supports in response to the needs of the communities they serve. Better alignment between the current array of Commonwealth Government programs and the aspirations of local communities could be achieved by providing greater autonomy to local Aboriginal Community Controlled Organisations.

In relation to the models proposed for a National Voice the AEC makes the following comments.

- A National Voice model framed with a ceiling of a maximum of 20 members (including the option of two appointed members) is a top down model. A consequence of this ceiling is that it limits the number of members to be drawn from each State and Territory, and generates a set of Regional structure whereby

Victoria would be considered to have two Regions. Structuring a National Voice in this way creates a Regional structure that is entirely artificial and bears no resemblance to existing local and regional structures - such as traditional owner groups/country, local government boundaries or existing service system regional structures.

- While the core function and scope of a National Voice is described as “unencumbered” Government and the Parliament would only be obliged to consult on a narrow range of proposed laws that are *exclusive to Aboriginal and Torres Strait Islander people*. This is a very narrow range of matters noting that the scope is further restricted to **proposed laws**; each and every existing and proposed law impacts Aboriginal and Torres Strait Islander people.
- As noted earlier the Indigenous Voice materials state, *‘that Aboriginal and Torres Strait Islander people have more of a say on the laws, policies and services that impact them, their communities and their lives.’* The proposed scope for the work of the National Voice does not fulfil this promise.
- There is a severe limitation on the tabling in parliament of advice from the proposed National Voice. Government is only obliged to table advice in parliament *where government has sought that advice*. Advice prepared at the initiative of the National Voice is not required to be tabled in parliament.
- The proposed parliamentary committee is unnecessarily limited in its scope to examining engagement and consideration of the advice sought by Government – not all the advice prepared by the National Voice. Arguably it is the advice that government has not asked for that is the most important to table in parliament and be subject to consideration through a parliamentary committee.
- The idea of an independent policy body to sit alongside but not be governed by a National Voice is not supported by the AEC. This would create an unaccountable policy advisory body that Government or Parliament could seek advice from, as an alternative to seeking advice from a National Voice.
- In relation to how Victoria might be represented on a National Voice the AEC considers that this should be determined at the State level and that interest in participating in a National Voice will likely depend on the merits of the model including how it aligns with the Uluru Statement from the Heart.

On the proposed Local/Regional Voice the AEC reiterates its earlier comment that the proposed regional structure for Victoria does not align with existing local and regional structures. We also note that the scope of the proposed Local/Regional Voice scope extends to providing a voice to the Victorian State Government and to Local Government in Victoria. The AEC does not consider the Commonwealth Government to have a mandate to initiate discussions on the establishment of new structures or models to represent the Victorian Aboriginal community to other levels of government.

The AEC appreciates the opportunity to provide comment on the Indigenous Voice proposals.

Yours Sincerely,

Esme Bamblett
AEC Chairperson

