



CENTRAL LAND COUNCIL

Indigenous Voice Co-Design Process

Interim Report to the Australian Government

Submission by the Central Land Council

30 April 2021

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1. EXECUTIVE SUMMARY

The CLC regards it as imperative to include enshrinement of the Indigenous Voice to Parliament in the Constitution. This was the fundamental point of the Uluru Statement from the Heart. We also believe that the other elements of the Uluru Statement: truth-telling, treaty and Makarrata, must not be lost or ignored.¹

There are serious deficiencies in the current approach to the Indigenous Voice as articulated in the Interim Report, in particular, the absence of discussion on constitutional enshrinement, and a wavering between a Voice to Government and a Voice to Parliament. We are also concerned that there has not been sufficient transparency and accountability in the consultation processes that have led to the release of this Report, and which are planned as part of Stage Two of the co-design process.

The design of the Voice must be cognisant of the potential impact on existing Indigenous governance structures, including Indigenous organisations and networks, and pay very close attention to the detailed local contexts of Aboriginal community structures, processes, decision-making, representation, and membership. It must also have very close regard to the current processes and dynamics of engagement between Indigenous communities and organisations, and governments.

If the Voice is to be effectively established and articulated at different levels (National, Local and Regional), then it is vital to develop a strategic approach to Aboriginal governance in the Territory, to ensure our rights and representation in decision-making are effectively supported and strengthened within the framework of the Voice to Parliament. We therefore wish to ensure that any National Voice, or Local and Regional Voices do not undermine our existing Aboriginal and Torres Strait Islander organisations and partnerships, and that the views and perspectives of our people are fully heard, and form an integral part of the design of the Voice. It is also important that a National Voice is not given undue priority in any engagement with the Australian Parliament. In this regard, we are of a strong view that the National Voice must complement and not undermine the roles, responsibilities and functions of current partnership arrangements, peak bodies, and agreement making processes such as with the Coalition of Peaks on Closing

¹ On this, see for example Linda Burney, 'Taking a rightful place in our own country': Indigenous self-determination and the Australian people', *Australian Journal of Public Administration, Supplement*, 77(S1), 2018, pp: S59–S62.

the Gap, and the Partnership Agreement on Closing the Gap, made between the Coalition of Peaks and the Australian Government.

We are concerned about the fundamental issue of how Parliament and the Government ensures that the Voice upholds international standards on Indigenous self-determination. As Shireen Morris puts it ‘a constitutional amendment could be a domestic democratic articulation of the principal of Indigenous self-determination.’² The principles of self-determination are most clearly articulated in the 2007 United Nations *Declaration on the Rights of Indigenous Peoples* (UNDRIP). The models for the Voice must be in accordance with the provisions in the UNDRIP on the right to full participation and decision-making in the political life of the nation. We argue, with legal scholar Gabrielle Appleby, that ‘For the body to be credible, [an Indigenous Voice organisation] ... must be connected and accountable to Indigenous peoples’.³

² Shireen Morris, ‘The argument for a constitutional procedure for Parliament to consult with Indigenous peoples when making laws for Indigenous affairs’, *PLR* 26, 2015, p. 166.

³ Gabrielle Appleby, ‘Constitutionalising an Indigenous voice in Australian law-making: some institutional design challenges’, *Australian Indigenous Law Review*, Vol. 18, No. 2, 2014/2015, p. 102.

2. RECOMMENDATIONS

1. That the Uluru Statement from the Heart should be fully and unambiguously adopted. This means a constitutionally enshrined Voice to Parliament, enabling the complete expression of Indigenous self-determination in an inclusive federalism with Indigenous peoples.
2. That enabling legislation for the Voice is passed after a referendum has been held in the next term of Parliament.
3. That, in accordance with the principle of Indigenous self-determination as provided in the United Nations Declaration on the Rights of Indigenous Peoples, membership of the Voice is fully decided by our peoples.
4. Noting that the Voice proposals from the Commonwealth government are very different from what is proposed in the Uluru Statement from the Heart, the CLC recommends an independent report be produced on the outcomes of the engagement process, identifying the issues that were raised so that Aboriginal and Torres Strait Islander organisations and communities can understand the full range of matters across Australia and consider the best way to respond.
5. Stage Two of the Co-design process must include funding to carry out Case Studies for detailed Local and Regional Voice design. These Case Studies should be:
 - (a) Carried out in selected regions and localities, to include urban, semi-urban and regional and remote settings; and
 - (b) Include details on the following elements of design:
 - Linkages between Local and Regional Voices and a National Voice.
 - Membership, representation, and decision-making processes.
 - Linkages between Local and Regional Voices, and existing Aboriginal organisations.
 - Engagement with Parliament, and details on the provision of advice to Parliament.

6. A Case Study focused on the Central Land Council (CLC) is prepared as part of a Central Australian Local and Regional Voice. We ask that resources be made available to the CLC to assist in carrying out this Case Study. The benefits of a Case Study for Central Australia are that it will enable the provision of details on the roles and responsibilities of Traditional Owners, Elders and communities in our region, and potential relationships with membership for a Local and Regional Voice.
 - This Case Study would enable us to develop a comprehensive, detailed model that is founded upon a specific geographic and cultural region detailing the actual interests, perspectives, and issues facing Aboriginal people in this region.
 - It will examine ways to ensure that Local and Regional Voices in our region can be mapped with our own existing processes of representation, membership and decision-making, to ensure no duplication, conflicts of interest, or other potential detrimental impacts of an Indigenous Voice; and
 - It would develop detailed options for the ways that a Local and Regional Voice in Central Australia can engage with Parliament and provide advice, including especially with regard to land, heritage and sacred sites.
7. The final design of the National, and Regional and Local Voice structures should be determined through a negotiated and shared decision-making process between the Commonwealth government and Aboriginal and Torres Strait Islander representatives, chosen by our own peoples for this purpose. The CLC also recommends that a complete draft proposed model for the national and regional / local Voice structures is prepared.
8. The Commonwealth government and Aboriginal and Torres Strait Islander representatives, chosen by our own peoples for this purpose, should negotiate and agree the process steps for implementing the agreed Voice model(s), including its legislative basis and its protection through constitutional enshrinement before it is implemented, and legislation enacted.

Supplementary Recommendations Concerning the Co-Design Process

To address our concerns about transparency and accountability, and to seek to ensure a more equitable co-design process that fully and genuinely engages with Aboriginal and Torres Strait Islander people, and upholds self-determination for our peoples, and the full Uluru Statement from the Heart, we recommend the following steps aimed at producing a stronger, more effective consultation and engagement process with our people:

- More details and transparency regarding planned consultations with Aboriginal and Torres Strait Islander communities and organisations in face to face situations;
- More effective information and awareness about consultations, to include precise lists and details of dates, locations, times, and contact details, in order to facilitate greater participation in meetings, workshops and discussions;
- Make records and outcomes of consultation meetings and workshops available to participants, so that there can be agreement as to what was said and decided, and make these more widely available to enable other Aboriginal and Torres Strait Islander people more likely to participate in further consultation meetings and discussions;
- Extend the date for written submissions to 1 June, so that full account can be taken of face to face consultations;
- Produce a full report on consultations and engagement, made publicly available; and
- Engage an independent organisation to observe remaining consultation and engagement processes, and to provide an assessment as to whether these processes were fair, open and transparent, and that they provided Aboriginal and Torres Strait Islander people with full and equitable opportunities to participate and to be heard and listened to.

3. INTRODUCTION

The CLC is pleased that the Government is moving forward in regard to the Indigenous Voice to Parliament, and welcomes the Interim Report (hereafter, the 'Report') on the co-design process.

The CLC is one of the four land councils established under the *Aboriginal Land Rights (Northern Territory) Act 1976* (the ALRA). The CLC is also a Native Title Representative Body established under the *Native Title Act 1993* (the NTA). Pursuant to the ALRA more than 50% of the Northern Territory is now held by Aboriginal Land Trusts on behalf of traditional owners. The CLC region covers approximately 780,000 km² of land, and 417,318 km² is Aboriginal land under ALRA. In addition, rights have been asserted and won under the NTA, and traditional owners unable to claim land under the ALRA have succeeded, with the assistance of the CLC, in obtaining rights to small areas known as Community Living Areas, under Northern Territory legislation.

The CLC represents the aspirations and interests of approximately 17,500 traditional Aboriginal landowners and other Aboriginal people resident in its region. The CLC is a representative body with 90 members who are elected from communities in the southern half of the Northern Territory.⁴ Council elections are held every three years. There are nine regions, based on language groups, with members as follows:

- Region 1, Alice Springs, 15 members
- Region 2, South West, 10 members
- Region 3, North West, 8 members
- Region 4, Tanami, 10 members
- Region 5, Western, 9 members
- Region 6, Tennant Creek, 13 members
- Region 7, Eastern Sandover, 9 members
- Region 8, Eastern Plenty, 7 members
- Region 9, Central, 9 members

⁴ *Governance at the Central Land Council: A Guide to Being a Councillor*, 2016, p. 6.

The CLC has a number of statutory responsibilities under the ALRA. These include:

- To identify, and express the wishes of Aboriginal people about the management of their land;
- Protect the interests of Traditional Owners of, and other Aboriginal people interested in Aboriginal land;
- Assist Aboriginal people to protect sacred sites on, and off Aboriginal land;
- Consult traditional Aboriginal landowners and other Aboriginal people with an interest in land about proposals for the use of that land; and
- Negotiate on behalf of traditional Aboriginal landowners with people interested in using Aboriginal land under claim.

Taking these responsibilities as a whole, the CLC's role is seen as a 'shield':

“Many Aboriginal people say the Land Council is their shield, that it provides a shield between them and governments and big businesses, such as mining companies”.⁵

In acting as a protective shield, the CLC plays a vital role in consulting, negotiating, and liaising with all levels of government as well as industry, on behalf of Aboriginal people.

In addition to our statutory responsibilities, the CLC plays a vital role as part of a coalition called Aboriginal Peak Organisations Northern Territory (APO NT), and engages with several other important networks and connections that link it in to regional formations.

It is in this context that the CLC operates as strong and important organisation whose role is to speak up for Aboriginal people in this part of the Northern Territory. As such, we argue that the CLC can, and should be, a key component in a Local and Regional Voice, and also fully engaged with the National Voice.

⁵ *Governance at the Central Land Council: A Guide to Being a Councillor*, 2016, p. 3.

4. OVERVIEW

The 2017 Uluru Statement from the Heart is a very significant step on the path towards self-determination for our people. Henry Reynolds describes it as ‘undoubtedly the most widely canvassed document that has ever been addressed to the wider community by representatives of the First Nations’.⁶ It is for this reason that our submission calls into question the nature of, and extent to which the Government has genuinely engaged in a complete, full and meaningful way with our peoples in regard to the proposed Voice to Parliament. One of our main concerns with the Report is whether it is in fact produced by a genuine co-design process, or instead, reflects a process that is almost entirely led by the Government. The Report as it is, diminishes the fundamental points of the Uluru Statement, and our calls for Aboriginal and Torres Strait Islander peoples’ self-determination, that are at the core of that Statement. If Australia is to advance real self-determination for Aboriginal and Torres Strait Islander people, then our equitable and full participation in the political and cultural life of the nation is crucial. Noel Pearson is among those who argue that proper inclusion of our peoples is essential to forming a complete nation-state.

One writer has suggested that the Uluru Statement ‘represents a milestone of Australian law offering a vital opportunity to integrate Indigenous law into an otherwise settler legal system’.⁷ Drawing on this notion of legal pluralism, the foundation of our submission is the undisputable fact that Indigenous law is strong and vital, and must play a central part in the fabric of the nation-state. This is supported by our Brumby Plains Statement, where we proclaim:

We, the members of the Central Land Council are sovereign people, drawing our strength and laws from country. We sing for country, we dance for country and our laws and systems of governance are still strong.⁸

The Uluru Statement follows on from a long history of unfinished business of petitioning and engagement by Indigenous people to treaty with the Australian nation. The 1963 Yirrkala bark petitions, and the 1988 *Barunga Statement* were very important parts of this process of our peoples’ ongoing engagement. The underlying philosophy of the Uluru Statement, and the Voice

⁶ Henry Reynolds, *Truth-Telling: History, Sovereignty and the Uluru Statement*, Sydney, Newsouth Publishing, 2021, p. 2.

⁷ Dani Larkin and Kate Galloway, ‘Uluru Statement from the Heart: Australian public law pluralism’, *Bond Law Review*, 2018, p. 35.

⁸ Central Land Council, Brumby Plains Statement, 31 August 2017.

to Parliament, is the notion of an inclusive nation, of an inclusive federalism. In this regard, the Uluru Statement can be considered 'a call for a form of federalism between First Nations and the Australian State'.⁹ This is what another writer terms 'multinational federalism':

A multinational account of federalism offers many advantages, including the potential to anchor Indigenous and non-Indigenous polities within an overarching shared framework based on a robust democratic constitutional system that divides powers equitably between distinct polities. Such an approach could thus provide the building blocks for mechanisms designed to empower Aboriginal and Torres Strait Islander peoples in a manner consistent with democratic ideals. Multinational federalism in Australia is only possible, however, if we jettison prevailing understanding of Australian democracy and recognise Indigenous political communities as 'an equal partner in the state'.¹⁰

Another commentator, supporting Noel Pearson's argument that the Uluru Statement, and the call for a Voice to Parliament is about inclusion and requires constitutional enshrinement, states that:

The Indigenous constituency is an important missing element in the check and balance machinery of Australia's federal Constitution. An Indigenous representative voice, working to protect the rights of Indigenous citizens, should be included in the productive interplay of competing constitutional interests.¹¹

4.1 Enshrining the Voice in the Constitution

The Report states that the matter of constitutional recognition is 'outside the scope' of its terms of reference. The omission of a commitment to enshrining the Voice in the Constitution is a betrayal of the Uluru Statement. We argue that unless there is a commitment to constitutional reform to entrench the Voice, then the nation is profoundly diminishing its responsibilities to its First Peoples. There will need to be greater attention to the matter of real and meaningful constitutional reform and embedding the Voice into the Constitution. The Report as it stands diminishes the many years of deliberations and discussions on possible constitutional recognition of Indigenous peoples, and any progress towards this goal.

⁹ Dylan Lino, 'The Uluru Statement: Towards Federalism with First Nations', *AusPubLaw*, 13 June 2017, website <https://auspublaw.org/2017/06/towards-federalism-with-first-nations/>.

¹⁰ Harry Hobbs, 'Aboriginal and Torres Strait Islander people and multinational federalism in Australia', p. 315.

¹¹ Shireen Morris, 'The argument for a constitutional procedure for Parliament to consult with Indigenous peoples when making laws for Indigenous affairs', *PLR* 26, 2015, p. 166.

Recommendation 1: That the Uluru Statement from the Heart should be fully and unambiguously adopted. This means a constitutionally enshrined Voice to Parliament, enabling the complete expression of Indigenous self-determination in an inclusive federalism with Indigenous peoples.

Recommendation 2: That enabling legislation for the Voice is passed after a referendum has been held in the next term of Parliament.

4.2 Self-determination

As mentioned, in the true spirit of the Uluru Statement, the Voice to Parliament must represent a significant step towards real recognition of our peoples' rights to self-determination. In this regard we call attention to the international standards for Indigenous rights in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). In particular, the provisions regarding key aspects such as self-determination, rights to participate, to our own decision-making and governance, are crucial to this discussion. Article 18 is perhaps the most directly relevant, stating that:

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

We also call upon the Government and the Parliament to have proper regard to other relevant provisions of UNDRIP in our co-designing of the Voice. For example: (Art 3) the right to self-determination; (Art 4) right to autonomy and self-government; (Art 5) the right to maintain and strengthen our own distinct political, legal, economic, social and cultural institutions, and to participate fully in the political, economic, social and cultural life of the State; (Art 33) the right to determine our own identity or membership in accordance with our customs and traditions; and (Art 34) the right to promote, develop and maintain our institutional structures and distinctive customs, spirituality, traditions, procedures, practices. We also refer to the fundamental rights provided in UNDRIP Article 27, a provision that is crucial to adopt in the further process of engagement for the Voice co-design:

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to

indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Recommendation 3: That, in accordance with the principle of Indigenous self-determination as provided in the United Nations Declaration on the Rights of Indigenous Peoples, membership of the Voice is fully decided by our peoples.

4.3 An Inclusive Federation

Noel Pearson has stated that Australia is 'incomplete without recognition'. He claims that 'As long as its Indigenous peoples remain unrecognised, then Australia is an absurdity, a nation missing its most vital heart'.¹² These statements accord with our Brumby Plains Statement, in which 'we have long called for Aboriginal self-determination and Aboriginal self-government, and greater control over our own communities'. We further demand that 'We want to be part of designing the Voice to Parliament to ensure it represents people from the bush, and to ensure it is powerful'.¹³ Pearson had advocated a constitutionally enshrined Indigenous Voice to Parliament as early as 2014, in his Quarterly Essay *A Rightful Place: Race, Recognition and a more Complete Commonwealth*, suggesting that consideration should be given to 'creating a mechanism to ensure that Indigenous people can take more responsibility for our own lives *within the democratic institutions already established*, and without handing power to judges'.¹⁴ But such a mechanism would not be another, legislated, ATSI-style organisation. Pearson's proposal would seek to ensure that Indigenous people are 'inside the decision-making tent' in a meaningful way. He wrote 'we want our voices to be heard in political decisions about us'. To achieve this, Pearson suggests:

Constitutional recognition could therefore include removal of the race clauses and the insertion of a replacement power to enable the Commonwealth parliament to pass necessary laws with respect to indigenous peoples, and incorporation of a requirement that indigenous peoples get a fair say in laws and policies made about us. A new body

¹² Noel Pearson, speech at National Museum of Australia, reported by Cameron Gooley, *ABC News*, 17 March 2021; also Rob Harris, *Sydney Morning Herald*, 17 March 2021.

¹³ Central Land Council, Brumby Plains Statement, 31 August 2017.

¹⁴ Noel Pearson, *A Rightful Place: Race, Recognition and a more Complete Commonwealth*, Quarterly Essay 55, 2014, p. 66, italics in original.

could be established to effect this purpose, and to ensure that indigenous peoples have a voice in their own affairs.¹⁵

4.4 Establishing the Voice: Authority and Legitimacy

By the Report remaining almost silent on constitutional enshrinement, and by its frequent references to a 'Voice to Government', we are concerned that this casts some doubts on the legitimacy and authority of the Voice, and it also has implications for the ways in which the Voice might be established as a new representative body. The Report reminds us that a series of consultative processes had recommended the establishment of a National Aboriginal and Torres Strait Islander Voice 'echoing the Uluru Statement from the Heart'.¹⁶ It states that 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.¹⁷

We ask how the current proposals in the Report would uphold Indigenous self-determination and ensure the authority and legitimacy of an Indigenous representative body if it is to be a Government funded organisation with no constitutional backing. These questions of funding for a Voice to Parliament also go to the vital matter of governance, which we take up later in this submission.

4.5 Voice to Government and Voice to Parliament

The Report refers throughout the document to both a 'Voice to Government' and a 'Voice to Parliament'. For example, it states:

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.¹⁸

¹⁵ Pearson, *op. cit.*, pp. 66-67.

¹⁶ Interim Report, p. 25.

¹⁷ Interim Report, p. 58.

¹⁸ Interim Report, p. 53.

On this, we agree with Professor Megan Davis, who argues that a Voice to Parliament ‘must be constitutionally enshrined in order to *distinguish it* from the usual voices to government, and to be independent from the government of the day’.¹⁹ Megan Davis states that the Report ‘presents a bizarre eliding of government and parliament’. She explains the problem:

While Australia has an asymmetrical version of the separation of powers, to go so far is to almost conflate the two is to misunderstand the role of parliament. ... The obfuscation on voice/government reveals the failure of political elites to understand deeply the despair of the Uluru dialogues. ... While the report may view parliament as a mere extension of the government, the Australian people, and certainly First Nations peoples, don’t see it that way.²⁰

Another commentator, Tim Rowse, argues that a Voice to Parliament, as distinct from a Voice to Government, would provide ‘an additional mechanism of recognition and representation in which an assembly of Indigenous leaders would engage in public dialogue with parliament’.²¹ Rowse states that ‘when we bracket parliament and the government as the interlocutors of the National Voice we are at risk of conflating them and so obscuring two important distinctions’.²²

We agree that the Report’s conflating of a Voice to Parliament and a Voice to Government confuses and obscures an important distinction. Rowse writes, it is a ‘distinction between parliament formally dealing with matters raised by the National Voice and the government engaging the National Voice in a conversation’. He points out that ‘when parliament speaks, it is a public action, and it would be expected that not only the government but also the opposition would have something to say’. We might add that other members of Parliament would also possibly enter the discussions. Rowse notes that, by contrast, ‘interactions between the National Voice and the government ... are not subject to any framework of obligations and conventions; they may be as informal and as private as a telephone conversation or email exchanges between two officials’.²³

¹⁹ Megan Davis, ‘Voice at a Crossroads’, *The Monthly*, March 2021, emphasis in the original.

²⁰ Megan Davis, op. cit..

²¹ Tim Rowse, ‘Is the Voice already being muted?’, *Inside Story*, 1 February 2021.

²² Ibid.

²³ Ibid.

We argue therefore, that in designing the Voice, it must be absolutely clear that the ultimate Voice is to Parliament, if it is to uphold the spirit and call of the Uluru Statement, and to be an authoritative, self-determined voice for Indigenous peoples.

Recommendation 4: Noting that the Voice proposals from the Commonwealth government are very different from what is proposed in the Uluru Statement from the Heart, the CLC recommends an independent report be produced on the outcomes of the engagement process, identifying the issues that were raised so that Aboriginal and Torres Strait Islander organisations and communities can understand the full range of matters across Australia and consider the best way to respond.

4.6 Purpose, Scope and Functions of the Voice

The Report states that the purpose of an Indigenous Voice is ‘... to ensure that ‘An Indigenous Voice will enhance shared decision making at the local and regional level, and that Indigenous people are heard at all levels’.²⁴ It suggests:

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.²⁵

There are many aspects to this stated purpose for the Voice of particular interest for our organisation that we argue need to be considered in greater detail, such as:

- Would the Voice effectively facilitate shared decision-making at all levels among Aboriginal people in the CLC’s area of operation?
- How would the Voice enable the CLC to adequately maintain its strong and influential role as an advocate for Central Australian Aboriginal people?
- How might the Voice impact on the role of the CLC as a ‘Shield’ for the Aboriginal people it represents, to continue to provide protection against unwarranted actions of governments and corporations?

²⁴ Interim Report, p. 4.

²⁵ Ibid., p. 43.

The Report states that the core function and scope is for a:

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.²⁶

The Report states in regard to the types of matters and scope of the advice that a National Voice would provide, that this may be:

broad, unrestricted scope on legislation and policy and a proactive role in providing advice, compared with a narrow scope restricted to only legislation.

And that the 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.²⁷

The CLC's concerns in regard to these matters include

- What would be the extent, scope and nature of advice sought by the Parliament from the Voice(s) representing Central Australian Aboriginal people?
- What precise mechanisms and processes would the Voice(s) use for seeking advice and input from Central Australian Aboriginal peoples?
- How would the advisory functions of the Voice, National, Local and Regional, impact on the roles and functions of the CLC vis-à-vis governments?

²⁶ Interim Report, p. 43.

²⁷ Interim Report, p. 45.

These questions are central to the ways in which the structure, membership, roles and responsibilities of the Voice will co-exist with existing organisations such as the CLC.

Recommendation 5: Stage Two of the Co-design process must include funding to carry out Case Studies for detailed Local and Regional Voice design. These Case Studies should be:

- a) Carried out in selected regions and localities, to include urban, semi-urban and regional and remote settings; and
- b) Include details on the following elements of design:
 - Linkages between Local and Regional Voices and a National Voice.
 - Membership, representation, and decision-making processes.
 - Linkages between Local and Regional Voices, and existing Aboriginal organisations.
 - Engagement with Parliament, and details on the provision of advice to Parliament.

4.7 The Consultation Process for the Voice Co-design

The CLC has concerns about transparency and accountability in the processes that have led to the release of the Report, and in the Stage Two consultation processes planned. We are concerned that the current process does not appear to have been a genuine, fully equitable and participatory co-design with Aboriginal and Torres Strait Islander peoples in full partnership. This is particularly worrying, given the extensive discussions and consultation we carried out among our own people, which led to the Uluru Statement.

To address our concerns about transparency and accountability, and to seek to ensure a more equitable and fully inclusive co-design process that genuinely engages with Aboriginal and Torres Strait Islander people, and that upholds self-determination for our peoples, and the Uluru Statement from the Heart, we call upon the Government to:

- Provide more specific details regarding planned consultations with Aboriginal and Torres Strait Islander communities and organisations in face to face situations;
- Provide more effective information and awareness about consultations, to include precise lists and details of dates, locations, times, and contact details, in order to facilitate greater participation in meetings, workshops and discussions;
- Make records and outcomes of consultation meetings and workshops available to participants, so that there can be agreement as to what was said and decided, and make

these more widely available to enable other Aboriginal and Torres Strait Islander people more likely to participate in further consultation meetings and discussions;

- Extend the date for written submissions to 1 June 2021, so that full account can be taken of face to face consultations;
- Produce a full report on consultations and engagement, made publicly available; and
- Engage an independent organisation to observe remaining consultation and engagement processes, and to provide an assessment as to whether these processes were fair, open and transparent, and that they provided Aboriginal and Torres Strait Islander people with full and equitable opportunities to participate and to be heard and listened to.

5. DESIGN OF THE VOICE

The Report puts forward a number of 'key design elements' that include: consideration of: Aboriginal and Torres Strait Islander membership on the Voice; limiting National Voice membership to 20; the National Voice to be linked with the representative structures for Local and Regional Voices; unencumbered scope of advice that ensures the National Voice is able to advise on any matters that are of particular significance to Aboriginal and Torres Strait Islander peoples; and gender balance guaranteed in the membership, as well as representation of Aboriginal and Torres Strait Islander youth and people with disability.²⁸ These principles are specifically apt for Local and Regional Voices, as the Report states:

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.²⁹

These are reasonable statements; but our concern is to ensure that the details of Voice design are based on a more inclusive and equitable engagement and consultation process with Aboriginal and Torres Strait Islander peoples. Thus the CLC calls for more extensive details and discussions on specific ways that the Voice at different levels – National, Local and Regional - will adequately reflect and incorporate the diversity, and the on-the ground local issues of Aboriginal people in the region. More details are needed as to the actual mechanisms and

²⁸ Ibid., p. 30.

²⁹ Interim Report, p. 35.

processes for ensuring Voice membership (a) reflects this diversity and the range of issues and (b) harmonises with the CLC and with its role in the Aboriginal Peak Organisations Northern Territory coalition.

5.1 Membership and Representation

The Report sets out options for membership of the National Voice and for the Local and Regional Voices. These options include details of elections of membership, eligibility and representation. Membership should also take into account factors such as roles and responsibilities of Traditional Owners and other community members, geography, demography, and gender. The Report states that a key consideration if the National Voice is to have legitimacy, is that its members are selected by Aboriginal and Torres Strait Islander people:

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.³⁰

The Report outlines 'core models' for membership. These offer various configurations for how the different Voices (National, Local and Regional) might interact and engage, and the ways in which these interactions might determine the selection of members. Legal expert Gabrielle Appleby has discussed the question of the representative authority that the Voice as an entity might have, with an elected or appointed membership. She writes 'There are strong arguments that the body's credibility and legitimacy will rest on it having democratic credentials, that is, being elected'. But there might also be advantages, she suggests, of a Voice being 'constituted by delegates from existing Indigenous organisations, or appointed by a panel of eminent Indigenous peers, or by a mixture of elected and appointed members'.³¹ These, and many other aspects of representativeness, how members are selected, are among the details of Voice that will need to be mapped with existing local and regional Aboriginal and Torres Strait Islander organisations. These questions of membership, and selection of membership are of critical

³⁰ Ibid., p. 33.

³¹ Gabrielle Appleby, 'Constitutionalising an Indigenous voice in Australian law-making: some institutional design challenges', *Australian Indigenous Law Review*, Vol. 18, No. 2 (2014/2015), p. 102.

concern for the CLC. Some key questions that arise from the Report's outlines of core models are:

- What role would the CLC have in selection of members for the Voice?
- How would the National, and the Local and Regional Voices and selection of members for these, interconnect with the CLC's roles and functions as a strong advocate and representative for Central Australian Aboriginal people?
- What would be the linkages and connections between members selected for the Voice, and members of the CLC?

There are very important issues here. For example, further development of the Voice must pay close attention to the specific local authority structures of Aboriginal people represented by the CLC, and how the Voice might impact on these structures and processes. Might there, for example, be risks of Voice membership undermining or diminishing the legitimacy and authority of our members, Traditional Owners and Elders? It is these questions and concerns that have led us to our recommendation that there be fully participatory, and resourced case studies carried out (including with the CLC), to develop detailed models for Local and Regional Voice.

As the Report states, Local and Regional Voices should reflect the diversity of Indigenous people, our language groups, geographical and place-based particularities, and the specifics of local level cultural and socio-political dynamics, as well as gender diversity, and the role of traditional owners and cultural leaders. As such, the CLC would wish to see a model for the Voice developed more fully, to demonstrate how its membership will incorporate, or reflect the very local, place, culture and language-based perspectives of our members, and of all the Aboriginal people we represent and advocate for. The CLC will wish to have a clear role in decisions that are made about the specific regions for Regional and Local Voices. This is also critical, to ensure that Voice regions and CLC regions, and associated membership, is mapped in a way that prevents duplication, and potential conflicts of interest. This will require a careful planning and balancing, so that there is effective representation of local peoples' issues, views and interests, while at the same time, also ensuring that national issues are voiced and heard.

Recommendation 6: A Case Study focused on the Central Land Council (CLC) be prepared as part of a Central Australian Local and Regional Voice. We ask that resources be made available to the CLC to assist in carrying out this Case Study. The benefits of a Case Study for Central Australia are that it will enable the provision of details on the roles and responsibilities of

Traditional Owners, Elders and communities in our region, and potential relationships with membership for a Local and Regional Voice.

- This Case Study would enable us to develop a comprehensive, detailed model that is founded upon a specific geographic and cultural region detailing the actual interests, perspectives, and issues facing Aboriginal people in this region.
- It will examine ways to ensure that Local and Regional Voices in our region can be mapped with our own existing processes of representation, membership and decision-making, to ensure no duplication, conflicts of interest, or other potential detrimental impacts of an Indigenous Voice; and
- It would develop detailed options for the ways that a Local and Regional Voice in Central Australia can engage with Parliament and provide advice, including especially with regard to land, heritage and sacred sites.

5.2 Engagement with Government and Parliament

The CLC seeks greater clarity and details on how the Voice will have legitimacy and be effectively listened to and heard. This goes to the question of ways that the Voice will engage with Parliament (and Government). As it stands, there are very limited formal mechanisms and processes for direct engagement of the Voice with Parliament, beyond the establishment of parliamentary committees.³² This is another critical reason for the need to enshrine the Voice in the Constitution. As Geoffrey Lindell argues, a constitutional relationship between the Voice and Parliament would provide stability and certainty. It would:

Provide constitutional backing and authority to protect the enactment and operation of legislation and standing orders that regulate the workings of the Parliament in order to ensure that the Voice is consulted in the making of laws which affect First Nations Peoples.³³

The Report discusses mechanisms and options for ‘consultation’ and ‘engagement’ in a frame that lacks clarity and clear direction. The Report’s discussion on consultation with the Voice in terms of ‘obligation’ and ‘expectation’ are fuzzy and do not indicate a firm commitment to

³² See Geoffrey Lindell, ‘The relationship between Parliament and the Voice and the importance of enshrinement’, *AusPubLaw*, 2 March 2021, <https://auspublaw.org/2021/03/the-relationship-between-parliament-and-the-voice-and-the-importance-of-enshrinement/>

³³ Lindell, *op. cit.*

embedding the right for Indigenous peoples to participate and to be listened to, and effectively heard. Further, as pointed out by Lindell, an ‘obligation to consult’, and an ‘expectation to consult’, are not matters that require constitutional enshrinement but, rather, ‘would be the result of the enactment of ordinary legislation or perhaps a change in the standing orders of both Houses [of Parliament]’.³⁴ With only a legislative, rather than a constitutional basis for the Voice, its authority would likely be weak and precarious.

The inadequate discussion of detailed and transparent consultation mechanisms and processes in the Report is also compounded by the repeated blurring between a ‘Voice to Government’, and a ‘Voice to Parliament’. The Report’s proposed engagement with the Australian Government as well as with Parliament weakens any real authority and independence that the Voice might have, if its advice and views are channelled through Government. The Government is likely to act as gatekeeper and mediator on issues presented by the Voice, which would profoundly diminish the strength and self-determined authority of any Indigenous Voice. As Tim Rowse has pointed out, when a Voice was first suggested by Noel Pearson in 2014, ‘it was imagined that parliament would be obliged to take notice of it: to refer issues to it for advice and to respond to any advice that the Voice sent back or offered unilaterally’.³⁵

The CLC seeks greater clarity on the nature of the engagement and consultation. ‘Consultation’ can be regarded as a passive, and sometimes cursory activity, with those doing the consulting paying lip service to the activity. It is important that there be greater detail as to what is meant by consultation, how will this be done, and on what range of matters. The Report is somewhat blurred in regards to questions of whether the ability to impact on law making will be in the scope of subject matter for engagement, consultation and advice.

Recommendation 7: The final design of the National, and Regional and Local Voice structures should be determined through a negotiated and shared decision-making process between the Commonwealth government and Aboriginal and Torres Strait Islander representatives, chosen by our own peoples for this purpose. The CLC also recommends that a complete draft proposed model for the national and regional / local Voice structures is prepared.

³⁴ Lindell, op. cit.

³⁵ Tim Rowse, ‘Is the Voice already being muted?’, *Inside Story*, 1 February 2021

Recommendation 8: The Commonwealth government and Aboriginal and Torres Strait Islander representatives, chosen by our own peoples for this purpose, should negotiate and agree the process steps for implementing the agreed Voice model(s), including its legislative basis and its protection through constitutional enshrinement before it is implemented, and legislation enacted.

5.3 Transparency and Accountability

The Report outlines aspects of transparency and accountability mechanisms for the Voice. It offers suggestions as to when, and how the Voice would provide advice to Government and Parliament, and the ways in which this process might be scrutinised. The Report states that ‘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.’³⁶ Advice sought from the Voice could be monitored by mechanisms that include:

- Issues referred to the National Voice for advice must be tabled
- Parliamentary committees could be established to examine engagement and advice provided or sought by the National Voice
- Parliamentary Bills may include statements relating to consultations with the National Voice

The CLC is concerned that these mechanisms to oversight and monitor the consultations with the Voice do not go far enough, and are not ones that require constitutional enshrinement. If the National and Local and Regional Voices are to be enabled to effectively provide advice and input into the political processes of the nation, then it is essential to ensure that the Voice is properly established constitutionally as the legitimate source of authority and wisdom from First Peoples. In this context, the CLC would seek more details as to what mechanisms and processes Parliament would introduce that can guarantee that the role of the Voice is heard, listened to, and respected. The transparency and accountability provisions outlined in the Report do not go far enough, especially if any advice from Indigenous people is mediated through the Government of the day.

³⁶ Interim Report, p. 51.

5.4 Relationship between Local, Regional and National Voice

The Report states that it is critical that the different Voices are linked. The interconnections between these are essential to ensure an effective model and process. The Report suggests that the key to this would be a 'two-way formal advice link'. The intersections would ensure that 'the National Voice seek perspectives from each Local and Regional Voice on systemic issues related to national policies and programs and community input on matters of national importance'.³⁷ The Report elaborates on these linkages between Voices, and between Voice and existing Indigenous organisations:

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.

... 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.³⁸

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.³⁹

These matters of intersections between Voices, and between Voices and other Indigenous organisations are discussed at various places elsewhere in our submission. The key point from the CLC perspective is to ensure that there is not an unnecessary and unwieldy development of layers of bureaucracy and unproductive forms of governance.

The CLC is positioned as a very significant entity in a complex web or network of organisations in the Northern Territory, with the overall goal to ensure effective representation of Aboriginal people across the entire range of issues. To effectively design and implement a National Voice and Local and Regional Voices will require very careful planning, and attention to what already exists in regard to the intersections between new entities and current Aboriginal and Torres Strait

³⁷ Interim Report, p. 9.

³⁸ Interim Report, p. 9.

³⁹ Interim Report, p. 48.

Islander organisations. It is in this context that we would argue for more detailed and nuanced approach to the dynamics of intersections between and among the National, Local and Regional Voices. To contextualise this point, we turn now to the important matter of governance, and particularly Indigenous governance.

5.5 Governance

5.5.1 The Interim Report and the Question of Governance

A crucial element of governance is to determine the corporate structure and form that the Voice might have. The Report canvases options for this. It could be a Commonwealth body, established in legislation. If it is a Commonwealth body, the Report claims 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.’ It states that ‘The legislation would prohibit Ministerial direction regarding the performance of its functions or determination of membership. Ministerial powers would be limited to resourcing matters.’⁴⁰

Alternatively, the Voice might be established as a private body corporate with statutory functions. This could be established for example under the *Corporations Act 2001* or the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*. The Report states that ‘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.’⁴¹

On the matter of how the Voice’s advice would be sought, and articulated to Parliament, the CLC would again, express a deep concern at the apparent lack of clarity in the Report between advice to Government and advice to Parliament. There is also some blurring and lack of sufficient detail regarding the ways in which the provision of advice can be transparent and accountable. Rowse (1 February 2021), among others, has raised questions on these aspects of the Report, including the apparent ambiguities in the Report’s mention of ‘tabling’ the advice from the Voice. The CLC seeks greater clarity on these questions of governance, and a stronger commitment to a Voice to Parliament, not to Government.

⁴⁰ Interim Report, p. 58.

⁴¹ Ibid.

Other matters in regard to governance that are of importance for the CLC include:

Independence from Government

To what extent, if any, would a Voice be able to be established as a properly self-determined Indigenous entity that is independent from government?

Permanent structure

How can there be a commitment that the Voice is established as a permanent entity, without risk (as have been the experiences historically) of being wound up? Certainly, this is the reason for the Uluru Statement calling for the Voice to be enshrined in the Constitution.

Funding

Related to the above, if the Voice as an entity is funded by Government, how would this impact on its capacity for independence? Would there be guaranteed permanent funding, and if so, what funding model would be used, and what funding arrangements would be considered? As has been pointed out, organisations can be vulnerable if exposed to precarious funding, with ties to the whims and electoral cycles of the government of the day, and ‘responsible’ ministers, and threats of budget cuts, and so on.⁴²

5.5.2 Governance – A Brief Overview

In general terms, governance may be defined as:

...the *processes, structures and institutions* (formal and informal) through which a group, community or society makes decisions, distributes and exercises authority and power, determines strategic goals, organises corporate, group and individual behaviour, develops rules and assigns responsibility (Dodson and Smith, 2004: 1, italics in original).⁴³

This general idea about governance for sustainable development offered above also finds resonance with some of the ways that governance is being explored in other contexts and forums, including in the global domain. For example, in 2012 the United Nations General Assembly

⁴² Gabrielle Appleby, ‘Constitutionalising’, op. cit., pp. 104-105.

⁴³ Mick Dodson & Diane Smith, *Governance for Sustainable Development: Strategic Issues and Principles for Indigenous Australian Communities*. Canberra, ACT: Centre for Aboriginal Economic Policy Research (CAEPR), Discussion Paper 250/2003: the Australian National University, 2004. Italics in original.

issued Resolution 66/288 ('The future we want', UNGA, 2012: 2, para 10). It states in regard to governance that:

We acknowledge that democracy, good governance and the rule of law, at the national and international levels, as well as an enabling environment, are essential for sustainable development, including sustained and inclusive economic growth, social development, environmental protection and the eradication of poverty and hunger. We reaffirm that, to achieve our sustainable development goals, we need institutions at all levels that are effective, transparent, accountable and democratic.⁴⁴

What then, constitutes 'good governance'? In 2014 the United Nations Development Program (UNDP), in a Discussion Paper *Governance for Sustainable Development*, suggests that 'to ascertain whether governance is "good", actors look at the *mechanisms* that promote it, the *processes* used, and the *outcomes* achieved'.⁴⁵ Among the elements, or principles that comprise 'good governance' in this report, are 'accountability', 'openness and transparency', 'justice and the rule of law', and 'participation in decision-making'.⁴⁶

Elements for Indigenous governance might be informed, or guided by these kinds of general principles, and also incorporate elements that pertain more specifically to Indigenous peoples and communities. One of the key aspects in this regard is to ensure a good understanding of, and respect for, relationships (such as clan, language group, extended kinship, and so on), networks, alliances, and cooperative arrangements that are central to Indigenous societies and livelihoods. Taking these factors into consideration, a toolkit produced by the Australian Indigenous Governance Institute (AIGI) defines Indigenous governance as 'a networked form of governance. It is based on thick pathways and layers of relationships and connections between people, places and things, past, present and future' (Australian Indigenous Governance Institute.⁴⁷ The AIGI site outlines some of the key features that models of 'networked governance' need to have to be effective. These include 'clearly identified and agreed layers of shared power and authority, decision-making processes, roles and responsibilities [and] mutual accountability'.⁴⁸

⁴⁴ United Nations General Assembly resolution 66/288, 'The future we want', UNGA, 2012: 2, para 10.

⁴⁵ UNDP, 2014, Italics in original.

⁴⁶ UNDP, 2014.

⁴⁷ Indigenous Governance Toolkit <<http://toolkit.aigi.com.au>>.

⁴⁸ Indigenous Governance Toolkit, *Indigenous governance and culture*, <<http://toolkit.aigi.com.au/toolkit/2-1-indigenous-governance-and-culture>>.

Another perspective on Indigenous governance is offered by research from the Indigenous Community Governance Project, carried out by the Centre for Aboriginal Economic Policy Research at the Australian National University. That research suggested that Indigenous principles of governance might include ‘nodal networks and gendered realms of leadership’, as well as ‘cultural geographies of governance’; and ‘an emphasis on internal relationships and shared connections as the foundation for determining the “self” in self-governance, group membership and representation’.⁴⁹

5.5.3 Indigenous Governance

Engagement between Aboriginal community and governments is a complex sphere of activity that has been the subject of much study in the social and political sciences. Tim Rowse, for example, has written about what he refers to as the ‘Aboriginal domain’.⁵⁰ This is the space in which local Aboriginal community socio-political and cultural processes take place, with the performance and enactment of complex relations and obligations of clan, family, and ceremony. This Aboriginal domain must be properly understood and respected if effective engagement is to be fully established. Within the Aboriginal domain, multiple and ongoing processes of negotiation and interaction take place, processes that some observers have sought to understand in a frame referred to as an intercultural field of relations.⁵¹ This is broadly understood as the relationships and networks that are developed and maintained in the sphere of engagement between Indigenous, and non-Indigenous actors. This intercultural frame is in some ways, more critical in understanding governance, than a sole focus on the ‘Aboriginal domain’. Holcombe explains it thus:

... to map the socio-political networks that impinge on and intersect with introduced governance structures, ... delineating culturally distinct structures is no longer relevant...

⁴⁹ Hunt, J., Smith, D., Garling, S., and Sanders, W. *Contested Governance: Culture, Power and Institutions in Indigenous Australia*. Canberra: ANU Press, 2008.

⁵⁰ Tim Rowse, *Remote Possibilities: The Aboriginal Domain and the Administrative Imagination*, Darwin: North Australia Research Unit, ANU, 1995.

⁵¹ For discussion on the intercultural field of relations, see for example Sarah Holcombe, *Socio-Political Perspectives on Localism and Regionalism in the Pintupi Luritja Region of Central Australia: Implications for Service Delivery and Governance*, Working Paper No. 25/2004, Canberra, Centre for Aboriginal Economic Policy Research, Australian National University, June 2004; also Mark Moran, ‘The intercultural practice of local governance in an Aboriginal settlement in Australia’, *Human Organization*, vol. 69, no. 1, 2010, pp. 65-74.

Analysis should revolve instead around the 'intercultural', the shifting ground of Indigenous and non-Indigenous engagement as a result of the intercultural encounter.⁵²

Another anthropologist, David Martin also wants analysis of Indigenous governance to focus on the space of the 'intercultural', through what he terms 'strategic engagement', which:

... refers to the processes through which indigenous individuals, groups and communities are able to interact with, contribute to, draw from—and of course potentially reject—the formal and informal institutions of the dominant Australian society in a considered and informed manner that provides them with real choices as to where to go, and how to get there. It refers to a process, not an outcome.⁵³

These concepts must be borne in mind insofar as they can inform a deeper understanding of relationships between an entity such as the Indigenous Voice, and existing Indigenous organisations.

⁵² Sarah Holcombe, *Socio-Political Relations*, op. cit., p. 2.

⁵³ David Martin, *Rethinking the Design of Indigenous Organisations: The Need for Strategic Engagement*, CAEPR Discussion Paper 248/2003, p. iv.

6. CONCLUSIONS

The way the Report is currently presented, and the context in which it has been released, suggest that the Government has not properly ‘listened’ to the voices of Aboriginal and Torres Strait Islander people. This is evidenced by the absence of constitutional enshrinement in the models proposed for the Voice, and in the lack of a clear and unambiguous proposal for a Voice to Parliament.

The CLC calls for a commitment to a Voice to Parliament enshrined in the Constitution. That will uphold our fundamental rights to self-determination, which we reaffirmed in the Uluru Statement.

We call upon the Government to commit to a fully inclusive and equitable co-design process with our peoples. This process should result in design of a Voice that will present to Parliament issues of real concern and weight for Aboriginal people.

We assert that design of the Indigenous Voice to Parliament must ensure harmonisation and complementarity between and among the different levels of the Voice (National, Local and Regional), and with existing organisations such as the CLC, to prevent unnecessary duplication.

We also call on the Government to ensure that, in the context of establishing a new entity such as an Indigenous Voice, the CLC retains its legitimacy and focus as a strong advocate and representative for Aboriginal people in Central Australia.