

19 May 2021
Voice Secretariat
Reply Paid 83380
CANBERRA ACT 2601

Via online form: <https://haveyoursay.voice.niaa.gov.au/submissions>

To Whom It May Concern,

Submission on the Indigenous Voice Co-Design Process

Thank you for the opportunity to contribute to the Indigenous Voice co-design consultation process. We recognise the importance of the work that has occurred to date and are grateful for the work of the Co-Chairs and their Committees to prepare the Interim Report to Government.

Background

BHP is a world-leading resources company. We extract and process minerals, oil and gas, with more than 80,000 employees and contractors, primarily in Australia and the Americas. Our corporate purpose is to bring people and resources together to build a better world. The commodities we produce are the building blocks of the modern world – from the iron ore and metallurgical coal that create steel for construction, to the nickel powering the electric vehicle revolution, to the copper enabling the next generation of renewable infrastructure.

BHP's success depends on the value communities place on our presence, and whether we achieve environmental and economic sustainability.

Most of our operations are located on or near lands traditionally owned by or under the customary use of Indigenous peoples. The long-term nature of our operations allows us to establish long-lasting relationships with these Indigenous communities. In 2016, BHP adopted a [Global Indigenous Peoples Policy Statement](#) and [Strategy](#). The Strategy has four pillars:

1. Governance

Indigenous peoples will derive significant and sustainable benefit from BHP operations through the effective governance and management of land access, cultural heritage management, agreement making and benefit distribution processes.

2. Economic empowerment

BHP will contribute to the economic empowerment of Indigenous peoples through investment which provides opportunities for employment, training, procurement and Indigenous enterprise support.

3. Social and cultural support

BHP will contribute to improved quality of life for Indigenous peoples through voluntary social investment, support for reinforcement and promotion of Indigenous culture and building the Indigenous cultural awareness of our workforce.

4. Public engagement

BHP will contribute to specific initiatives, programs and public policy processes which advance the interests of Indigenous peoples consistent with the BHP Indigenous Peoples Policy Statement.

In Australia, we work to apply BHP's policies and practices in relation to Aboriginal and Torres Strait Islander peoples in a manner consistent with this Strategy through our fifth [Reconciliation Action Plan](#). We are continually engaging with Traditional Owners, their representative bodies, organisations such as the First Nations Heritage Protection Alliance¹ and other Indigenous rights holders to strengthen our partnerships.

¹ In October 2020, BHP and the First Nations Heritage Protection Alliance agreed a set of principles in relation to cultural heritage: [\[link\]](#)

Partnership model

Indigenous peoples are critical partners and stakeholders in BHP's operations both within Australia and around the world. We embrace the opportunity to establish respectful, long-lasting partnerships through which we seek meaningful engagement, trust, mutual benefit and genuine understanding of their views and interests. In Australia, we recognise that our activities impact Aboriginal and Torres Strait Islander peoples in our communities of operations, and we are committed to being an effective partner that positively contributes to the realisation of the rights and aspirations of Aboriginal and Torres Strait Islander peoples and communities.

BHP notes that the principle underpinning Voice is consistent with the United Nations Declaration on the Rights of Indigenous Peoples (**UNDRIP**) principle of self-determination, as endorsed by the Australian Government in 2009. In particular, Article 18, which provides 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 governance processes, as well as to maintain and develop their own Indigenous decision making institutions.

Our observation is that the employment, procurement, royalties and other socio-economic activities from resources development, if effectively delivered, are powerful mechanisms to enable agency and self-determination. In turn, our organisation is enhanced when it is properly informed by the views of the Indigenous people who hold rights in relation to our operations.

In this context, consistent with our existing perspective on Voice and self-determination, BHP is supportive of the principle that the people best able to identify opportunities, support communities and frame effective policy and practice are Aboriginal and Torres Strait Islander peoples themselves. BHP supports the enablement and empowerment of Aboriginal and Torres Strait Islander peoples to have a voice, to participate and inform decision making in matters that affect them.

Indigenous Voice

Our experiences operating in communities around the world have shown that when we work collectively and in partnership with governments and society, creating opportunity for all voices to be heard, we share a future that is sustainable and inclusive to all. Central to this are the voices of Indigenous peoples connected to the regions where we work. BHP's partnerships with the Traditional Owners of the land on which we operate in Australia are important to us and are critical to our business, and we support the ambitions of Aboriginal and Torres Strait Islander people to have a greater voice in the discussions and decisions that affect and are important to them at a local and national level.

BHP believes that a Voice mechanism/s encompassing a) appropriate representation of Aboriginal and Torres Strait Islander communities, women and men; b) chosen by Aboriginal and Torres Strait Islander peoples and c) allowing for representation from those who to date who have been inadequately heard, is critical to addressing the most pressing and unjust challenges that face Aboriginal and Torres Strait Islander peoples. Whilst it is not appropriate for BHP to express a view on the specific constructs of a model; at a principle level, a model should be consistent with Aboriginal and Torres Strait Islander peoples' perspectives and submissions to this effect; and reflect the way they can best see their aspirations represented and respected.

In January 2019, BHP [publicly confirmed](#)² its support for the Uluru Statement from the Heart and its call for a constitutionally-enshrined Voice for Aboriginal and Torres Strait Islander peoples. Further, in May 2019, BHP joined with thirteen of Australia's other Elevate Reconciliation Action Plan³ organisations to [collectively](#)⁴ welcome the Uluru Statement from the Heart and made clear our collective commitment to work constructively and positively to support the Uluru Statement from the Heart's ambitions and its themes of Voice, Treaty and Truth.

Consistent with these commitments, and BHP's ongoing dialogue with Traditional Owner partners, Indigenous leaders, and guided by organisations like 'From the Heart' and University of New South Wales Indigenous Law Centre, BHP commends and encourages the on-going work of the the Indigenous Voice co-design Committees and those

² ['Unfinished Business'](#) – BHP presentation for Committee for Economic Development Australia

³ Elevate RAP organisations - BHP, Curtin University, Herbert Smith Freehills, IAG, KPMG, Lendlease, National Rugby League, PwC Australia, PwC Indigenous Consulting, Qantas, Richmond Football Club, Rio Tinto, Swinburne University of Technology and Woodside

⁴ [Australian organisations unite to support Uluru Statement from the Heart](#)

contributing to the consultation process. We recognise and appreciate the efforts to engage all Australians and fully explore and bring to life the Uluru Statement from the Heart, including Aboriginal and Torres Strait Islander peoples having a voice on the laws, policies and services that impact them, their communities and their lives. We remain supportive of the Government and Committees' co-design process to determine an Indigenous Voice model and in due course look forward to understanding the final design of a mechanism to bring forward Aboriginal and Torres Strait Islander aspirations and solutions.

Conclusion

Thank you again for the opportunity to participate in this consultation. We are committed to remaining part of the ongoing dialogue – please contact Libby Ferrari, Head of Indigenous Engagement if you have any further questions.

Yours sincerely

Edgar Basto
President Minerals Australia