



Gabrielle Williams MP

Minister for Aboriginal Affairs
Minister for Prevention of Family Violence
Minister for Women

GPO Box 4057
Melbourne, VIC 3001
Telephone: +613 9096 8587

Senior Advisory Group
National Indigenous Voice Co-design Process
Voice Secretariat
Reply Paid 83380
CANBERRA ACT 2601

D21/34573

Dear Senior Advisory Group,

Thank you for the opportunity to respond to the Indigenous Voice Co-design Process Interim Report (Interim Report). I also appreciate the opportunities that have been provided for the Victorian Government to participate in the co-design process for the development of the Voice to date, through the Senior Officials Group.

The Victorian Government welcomes the co-design groups' recognition of the importance of complementing existing jurisdictional arrangements and working effectively with existing bodies and stakeholders.

The Victorian Government bases its engagement with Aboriginal communities and its policies in this state on the principle of self-determination, as outlined in the Victorian Aboriginal Affairs Framework 2018-2023 (VAAF). In doing so, we have heard that Aboriginal Victorians have prioritised treaty as an important component of self determination.

Any Voice model should therefore respect Victoria's commitment to self-determination, treaty and associated representative structures, including the First Peoples' Assembly of Victoria (Assembly).

As the State's interim counterpart in the treaty process under the *Advancing the Treaty Process with Aboriginal Victorians Act 2018* (Treaty Act) and Victoria's first democratically elected representative body for Traditional Owners and Aboriginal Victorians, the Victorian Government emphasises that the Assembly should be the key engagement mechanism in Victoria for the Voice and its development, should the Assembly consent to this approach.

While negotiations with the Assembly have yet to commence on the topic, the treaty process may lead to the establishment of an ongoing Aboriginal representative body in Victoria. While it is still to be determined how Traditional Owners and Aboriginal Victorians might mandate any such body, the Assembly will, by its statutory functions, be involved in agreeing the framework for its negotiation. It is therefore appropriate in the immediate term for the Assembly to represent Victoria in Voice structures.

Any ongoing representative body established through Victoria's treaty process should be respected as the foremost community-determined representative structure for Aboriginal Victorians, and accordingly we would expect it to be fully integrated into the Voice. This may be achieved, for example, by structurally linking the Assembly to the Voice by empowering the body to select Victoria's Voice representatives from within its membership.

The flexible, principles-based approach outlined in the Interim Report should allow this to occur and facilitate the continuing involvement of local and state-based representative structures in the Voice as they change over time.

Regarding the specific models for a National Voice proposed in the Interim Report, the Victorian Government will continue working with the Commonwealth Government and Aboriginal Victorians to determine the most appropriate and effective means of representation. As a general principle, the Victorian Government's preference is for the Assembly to lead a process to determine Victoria's members for the National Voice.

Victoria considers the proposal for up to two ministerial appointees would dilute the authenticity and legitimacy of the National Voice and is not consistent with the principle of self-determination.

Regarding the specific models for a Victorian Local and Regional Voice proposed in the Interim Report, the Victorian Government considers that the proposal for Victoria to have two regions is incompatible with current, community-determined arrangements. The Victorian Government strongly recommends that any regional or sub-regional approach in Victoria must align with the Assembly's five-region structure, as well as any ongoing representative structures at the regional and local level established through Victoria's treaty process.

In addition, the direct participation of formally recognised Traditional Owner groups at the regional and local level should be considered, irrespective of whether such groups choose to engage in Victorian treaty process.

As with the proposals for a National Voice, Victoria supports a selection process for a Local and Regional Voice that allows Indigenous communities to self-determine their representation for each region. The appropriate mechanism for self-determining representation should be endorsed by the Assembly and align with any such mechanisms determined through Victoria's treaty process.

Attached for your information is the Advancing the Victorian Treaty Process Annual Report 2019-20 and the Assembly's Annual Report to Parliament 2020, prepared by the Victorian Government and the Assembly, respectively, under the *Advancing the Treaty Process with Aboriginal Victorians Act 2018*. Along with the VAAF, these reports provide valuable context for Victoria's approach to Aboriginal affairs and our ground-breaking journey towards treaty with Aboriginal Victorians.

The Victorian Government welcomes the Commonwealth Government's continued commitment to working in genuine partnership with state, territory and local governments by engaging bilaterally and through the Senior Officials Group for the Voice co-design process.

The Victorian Government looks forward to continuing to work constructively with Aboriginal communities and the Commonwealth Government on the Voice, while continuing our nation-leading work to implement the “Truth” and “Treaty” elements called for in the Uluru Statement from the Heart.

Yours sincerely,

Gabrielle Williams MP

Minister for Aboriginal Affairs

Minister for Prevention of Family Violence

Minister for Women

30/04/2021

Encl. *Victorian Aboriginal Affairs Framework 2018-2023*
Advancing the Victorian Treaty Process Annual Report 2019-20
First Peoples' Assembly of Victoria Annual Report to Parliament 2020