



Australian Government
Indigenous Land and Sea Corporation



The ILSC GROUP

PEOPLE. COUNTRY. OPPORTUNITY.

3 May 2021

Ray Griggs AO, CSC
Chief Executive Officer, National Indigenous Australians Agency
PO Box 2191
CANBERRA ACT 2600

Dear Mr Griggs

Re: Indigenous Voice Design Consultation

Thank you for your letter of 19 January 2021 regarding consultation on the Indigenous Voice. The Indigenous Land and Sea Corporation (ILSC) welcomes the opportunity to provide comment on the design of the Indigenous Voice.

The ILSC is a Corporate Commonwealth entity (Independent Statutory Authority) tasked with delivering economic, environmental, social and cultural benefits to Indigenous Australians through the return of country and its management. We are well connected with industry, government, non-government, Indigenous and the private sectors and have unique connections throughout Australia.

As you are aware, our mandate prescribed by the *Aboriginal and Torres Strait Islander Act 2005* requires the ILSC to fulfil our statutory obligations to acquire, divest and manage Indigenous lands so as Australia's First Nations can enjoy their lands and waters. Our comments below are based on over 25 years' experience in delivering these benefits through partnering with Indigenous Australians to unlock the Indigenous Estate.

The ILSC supports the development of an Indigenous Voice as a practical and just means to enable First Nations peoples to directly affect policy development in Australia at national and local levels. In providing this support, the ILSC explicitly acknowledges the multiple mechanisms by which this Voice may be delivered and affirms its support for the Uluru Statement from the Heart, including enshrining such a Voice in the Australian Constitution and the establishment of a Makarrata Commission on truth telling.

The ILSC occupies a unique space in Indigenous affairs and its interface with government policies and programs. Being a part of government, it cannot speak as an Indigenous owned entity. However the scale and scope of ILSC work across jurisdictions and its long-held role sitting across engagement with, representation of, and advocacy for, Indigenous people as owners and managers of the Indigenous Estate means that it is well placed to provide a supporting role in realising the aspirations of the Voice. It is in this vein that I write to you today.

In keeping with our approach to Closing the Gap, the ILSC's approach is to play what role it can in delivering agreed outcomes and providing accountability mechanisms, without influencing the definition of outcomes or how the aspirations are represented. Consequently, the ILSC does not intend to provide advice on the architecture of the national or regional/local levels of the Voice, or on options for representation beyond restating its support for meaningful and comprehensive Indigenous led co-design and implementation across the nation.

We share the view that Indigenous people should be the architects of the Voice, including the development of local/regional and national structures and the framework for interaction between the two levels, as well as with other public and private agencies and organisations. We believe that government should uplift and

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amplify opportunities so as to allow Indigenous people to occupy a space where they can manifest their own destiny.

The co-design process and framework as presented in the consultation materials appears to be robust and capable of both engaging Indigenous Australians in the development of the Voice and of providing a workable model that will have support.

The ILSC particularly supports developing a panel of experts to compliment the National Voice as a source of expert advice, research, and to assist in preparing advice to Government. As noted in the co-design interim report, this will help ensure the appropriate rigor is brought to the advice of the Voice and ultimately the policy and program development processes.

The inclusion of the Youth and Disability advisory groups is also supported, as is the open option of creating committees to provide advice on a range of other issues. In addition to the Youth and Disability advisory groups, the ILSC recommends that a 'Speaking for Country' advisory group also be formed to ensure that the growing Indigenous Estate gets the consideration it needs in the deliberations and advice of the Voice.

Tangibly, the Indigenous Estate is huge, dynamic and always changing. Recent analysis by the Australian Bureau of Agricultural and Resources Economics and Sciences (ABARES) found that in 2016, 57% of the Australian landmass was owned, managed or under some form of special rights by Indigenous Australians, including 17% (134 million hectares) that was specifically Indigenous-owned. National Native Title Tribunal data that was used to develop baselines for the revised Closing the Gap targets on Indigenous land and water rights shows that in mid-2020 Native Title existed on 39.2% of Australian land and 1.3% of sea country.

The sheer combined size of the Indigenous Estate in land and waters and the importance of connection between Indigenous people and country makes the Indigenous Estate important to the architecture of the Indigenous Voice. The creation of a 'Speaking for Country' advisory group would serve two important, complementary purposes:

- Provide Indigenous owners/managers of country with a unified voice to speak about matters of country
- Provide expert advice on the management of country to government, through the National Voice mechanism

The ILSC, through its statutory purpose aspires that Indigenous Australians enjoy the rightful entitlements, opportunities and benefits that the return of country and its management brings. As the owners and managers of some 57% of the Australian land mass the aspirations, rights, interests and voice of Indigenous Australians must be front and centre in the social, environmental, economic and cultural landscape.

The ILSC believe that the connectedness of the Indigenous Estate to cultural identity; the prosperity of Indigenous Australians; and the country's economic position is such that the owners of the Indigenous Estate must be recognised as the rightful voice on matters of country and its ongoing management and development, and can be valuable contributors to the broader Australian society.

The ILSC considers that the benefits of having a dedicated voice on matters of country would extend to all Indigenous Australians and to all government policy-making decisions and I extend an offer for the ILSC to assist in developing and maintaining a Speaking for Country advisory group. The ILSC's national footprint and understanding of legislation, policies and programs across Australia makes it well placed to assist in this regard.

Should NIAA, the National Co-design Group or the Senior Advisory Group wish to discuss the content of this letter or the offer to assist in developing a Speaking for Country advisory group, please feel free to contact me on _____ or email _____.

Yours sincerely

Joe Morrison
Group Chief Executive Officer