



VACCA Submission on an Indigenous Voice

The Victorian Aboriginal Child Care Agency (VACCA) welcomes the opportunity to provide input into the proposal of an Indigenous voice to parliament.

The proposed role of the National Voice is to “advise Parliament and the Government with regard to any matters of national significance to Aboriginal and Torres Strait Islander Australians”¹. The National Voice is the most recent iteration of proposals over the past decade that have sought to address the constitutional silence on the status of Aboriginal and Torres Strait Islander peoples as the First Peoples of this land. The Statement of the Heart called for “constitutional reforms to empower our people and take a rightful place in our own country”² which would address the structural disempowerment and lack of representative voice in Parliament.

The proposed Indigenous Voice will not be constitutionally enshrined, but legislatively adopted, providing little protection nor guarantee for voices of Aboriginal and Torres Strait Islander peoples to be heard and respected. The Statement of the Heart also called for a Makarrata Commission for agreement making and truth telling. This process has been rejected nationally, but in Victoria a Treaty process, alongside the establishment of the Yoo-rrook Justice commission is underway.

In the Victorian context, it is imperative to consider existing structures and work already underway when establishing an Indigenous Voice at the local, regional and national level.

As part of this submission, VACCA consulted with the First Peoples Assembly of Victoria (the Assembly) and the Aboriginal Executive Council (AEC) to seek their guidance and discuss shared concerns for consideration in the development of an Indigenous Voice. VACCA endorses both the Assembly and the AECs submissions.

VACCA makes the following key points for consideration when establishing an Indigenous Voice;

1. The role of the Victorian Treaty process and the Assembly within the proposed Local or Regional Voice structures
2. The Victorian representatives on the National Voice should be the Assembly and the AEC.
3. Any representative structure must enable flexibility to adapt and align with changes
4. here must be alignment with the new National Agreement on Closing the Gap
5. There must be significant allocation of resources for Nation-building
6. What does self-determination look like for the Indigenous Voice to Parliament

About VACCA

VACCA is the lead Aboriginal child welfare organisation and the largest provider of Aboriginal family violence services in Victoria. As an Aboriginal Community Controlled Organisation (ACCO), we believe in the principle of the right of Aboriginal people to self- determination and the rights of the child. Our purpose is supporting culturally strong, safe and thriving Aboriginal communities and commit to upholding Victorian Aboriginal cultural protocols.

¹ National Voice Proposal, 2021

² Statement of the Heart, 2017



VACCA's key areas of work are in service delivery, advocacy and training. We work across the spectrum of early help, early intervention, targeted support and tertiary level services to deliver a broad range of services that seek to:

- ensure child safety and community wellbeing;
- Support youth people to make positive life choices
- targeted support for Aboriginal people and families;
- maintain strong connections to Aboriginal culture, and
- promote culturally specific ways of growing up Aboriginal children.

VACCA provides services to vulnerable Aboriginal children, families and communities, underpinned by principles of prevention, early intervention and therapeutic healing. They are premised on human rights, self-determination, promoting client voice, cultural respect and safety. Our services include supported playgroups, education, cultural support activities, emergency relief, homelessness services, drug and alcohol support, family mental health, out-of-home care, justice services, family services, youth services, clinical services and family violence services.

We also deliver cultural training and develop resources for the Aboriginal community and for a range of organisations. We advocate at a policy level for better outcomes for Victorian Aboriginal children, families and community members for their right to be connected to culture and to ensure that their needs are represented in culturally appropriate ways through service delivery.

VACCA key points

1. Role of Treaty within the Local and Regional Voice

Each jurisdiction is at different stages, with varying capacities to fulfil responsibilities of an Indigenous Voice. When developing the structure of an Indigenous Voice, this must be considered, including the role and capabilities of existing structures and governments.

The Victorian Treaty process has already established a much stronger framework for advocating for Aboriginal rights, than what has been proposed in an Indigenous Voice. This includes working with Government to set operational priorities and strategic direction and providing advice to improve policy, services and investment decisions. Further to this, the Victorian Treaty process now includes the Yoo-rrook Justice Commission. These mechanisms for achieving truth, justice and self-determination for Aboriginal peoples better reflects the principles outlined in the Statement of the Heart. For Victoria, the commitment to enter into Treaties, the establishment of the Assembly and the Yoo-rrook Justice Commission, places us ahead of other jurisdictions and the Indigenous Voice should not interfere with or undermine these processes.

In agreeance with the Assembly's submission, VACCA also holds the views that;

- a. The Local and Regional Voice in Victoria should align with the Assembly structures and processes, including the Assembly's current role and also the scope of future state-wide Treaty or Treaties
- b. The Local and Regional Voice should be built on the same representative structure as the Assembly. The Assembly already regularly consults and engages with their representative communities, supported by Engagement Officers. To minimise confusion and avoid adding cultural load to Assembly members and communities, it is important there is no duplication



- c. The structure of Local and Regional representation should align with the Assembly’s structure. Currently, the proposed structure of the Indigenous Voice includes 25-30 regions nationally and two regions for Victoria. Alternatively, the Assembly’s representative structure includes five regions, each covering the Country of multiple Traditional Owner groups. This structure is recommended as it was established through a community consultation process, in line with self-determination and reflective of the views of local community.

2. Victorian Representation within the National Voice

Both proposals for a National voice include two National voice members from each State, Territory and Torres Strait Islands³. Victoria is in a strong position because of the advocacy and determination of the Aboriginal community over decades. Work of which has led to the development of two representative structures in Victoria, the Assembly and the AEC.

Given the commitment to entering Treaty or Treaties in Victoria and the establishment of the First Peoples’ Assembly of Victoria through community consultation and a state-wide vote, is an appropriate and logical representative for Victoria.

In 2018 the AEC was established as a self-determining collaboration, policy development and advocacy mechanism for Victoria’s peak, lead and state-wide ACCOs.

ACCOs are an established network which provide service delivery, advocacy and cultural connection to Aboriginal children, young people, families and communities; they have been a voice for all Aboriginal people living in Victoria. ACCOs were formed invariably as a means for advocating for the rights of Aboriginal people and providing services, by and for community.⁴

Placing the AEC as a Victorian representative in the National Voice would strengthen and further enable ACCOs delivering civil services to have a voice in decision making and advice giving on matters that directly impact Aboriginal people living in Victoria.

3. Structure must enable flexibility

Considerable community consultation was undertaken in the development of the Assembly structure. One element that was seen as critical was ensuring the structure was flexible and would allow traditional owners who became formally recognised after the Assembly was established to receive a reserved seat. Additional pathways to Assembly reserved seating are also currently being considered by the Assembly. Similarly, the Treaty Negotiation Framework that is currently in development will set out the process and parameters for negotiating future Treaty or Treaties. We contend that a similar framework or terms of reference is set up to ensure there is a common understanding, accountability and flexibility to the role and function of the Indigenous Voice.

³ With an option for one member for each of ACT and Torres Strait Islands.

⁴ VACCA, *Discussion Paper on Treaty, self-determination and the Aboriginal community-controlled services sector*, 2019, 5.



4. Alignment with National Agreement on Closing the Gap

In 2019, the National Agreement on Closing the Gap was refreshed, outlining a new approach and new targets to work towards. As part of this agreement, each jurisdiction is required to develop their own Implementation Plan. Work is underway in Victoria to determine what is required to respond to the needs of Aboriginal peoples living in Victoria including conversations on governance structures, reporting mechanisms and how to hold Government to account.

The structure and governance of an Indigenous Voice must align with the National Agreement. The priority reform areas and the targets should provide a shared purpose and ensure both mechanisms are congruent and coordinated.

5. Allocation of resources for Nation-building

All Nations must be in a position to engage and participate in the Local, Regional and National Voice. Nation-building is already underway in Victoria, with a Traditional Owner Nation-building Support Package announced in 2020 to engage Traditional Owner groups in nation-building and prepare for future Treaty negotiations. The package provides \$13.6 million over two years to enable a range of nation-building activities and expand supports and services for Traditional Owner group.

In order to continue this process, additional resourcing and funding for Nation-building is needed. Resourcing must be sufficient and fairly distributed for equity of opportunity, equal capacity and to enable sustainable, long-term involvement in the Indigenous Voice.

6. What does self-determination look like for the National Voice

VACCA is concerned about the proposal for an optional independent policy body in addition to the National Voice – the purpose of this voice to parliament would be to have community leaders who have subject matter expertise to advise Parliament and the Government with regards to matters affecting Aboriginal and Torres Strait Islander peoples. Not to have another mechanism with no authority, delegation or power.

VACCA also contends that the remit for the core functioning and scope of the National Voice needs to be determined by the body itself. If the purview is contained only to issues that pertain exclusively to Aboriginal and Torres Strait Islander peoples, how is this structure aligned to the principle of self-determination? There are existing mechanisms for oversight on matters such as cultural heritage and native title. With the refresh of Closing the Gap, it is clear that the pursuit of Aboriginal self-determination through a lens of justice, truth telling and equity requires a broader understanding of the ongoing impact of colonisation, Stolen Generations, institutional racism and transgenerational trauma, as it transcends all aspects of Aboriginal peoples lives.

VACCA welcomes the opportunity to discuss this submission and the National Voice proposal more broadly.

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