

Meeting 6, 16 February 2023

8.30am – 5:30pm

Canberra, Australian Parliament House

ANNOTATED AGENDA

1 Acknowledgement of Country and welcome (5 min)

8.30am – 8.35am

Minister for Indigenous Australians

[Slide 1: Acknowledgement and welcome]

- 2023 is now in full swing - with significantly more public engagement and more media coverage.
- Our discussions today on the constitutional amendment will be crucial because we will need to make a final decision on our advice at the next meeting on 27 February.
- There have been some meetings already this week to consider the issues:

- The subcommittee met on Monday to discuss the Voice principles

s47C

- Today's agenda:

- Item 2: We will update you on progress since we last met.
- Item 3: Members of the Constitutional Expert Group will join us to discuss the constitutional amendment s 47C

■

- Item 5: We will be joined by members of the House crossbench
- [Item 6: We will be joined again by the Leader of the Opposition, Mr Dutton]

- Item 7: A wrap up discussion

CONFIDENTIAL – NOT FOR FURTHER DISTRIBUTION

- Item 8: We will settle the communiqué for this meeting
- Before we close the meeting at 5.30pm.
- Housekeeping:
 - Tap the microphone before using it, it may take a second to switch on.
 - We are meeting during a sitting week so we may expect disruptions to our meeting.

2 Government update (25 minutes)

8.35am – 9.00am

Minister for Indigenous Australians and Attorney-General

[Slide 2: Government update]

Referendum (Machinery Provisions) Amendment Act 2022

- The Joint Standing Committee on Electoral Matters (JSCEM) report on the Bill was tabled on 13 February.
- Recommendations included:
 - Supporting increased enrolment and participation
 - Ensuring availability of impartial information on the referendum process
 - Passing the bill subject to these recommendations
- A dissenting report was provided by Coalition members and Senators, opposing the adoption of the Bill in its current form without their suggested amendments.
- The Prime Minister has outlined that the Bill will be amended to restore the pamphlet.
- The Week of action will commence this Saturday, February 18
 - Discuss approach and invite updates from members.
- The Constitution Alteration Bill needs to be introduced in the second half of March. This means this group needs to finalise its advice at the next meeting on 27 February ahead of a final decision by Cabinet.

s 47C

- [REDACTED]
- [REDACTED]

- s 47C [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

3 Constitution amendment (1 hour 50 minutes)

9.00am – 10.50am

Attorney-General, members of the Constitutional Expert Group

[Slide 3: Constitutional amendment]

s 47C

- s 47C [Redacted]

[Slide 4: Constitutional Expert Group] s 47C [Redacted]

- [Redacted]
- [Redacted]

s 42

[Redacted text block containing multiple paragraphs of information, all obscured by grey bars.]

s 47C

[Redacted]

[Redacted]

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

[Slide 5: Constitutional amendment]

- In this section of the meeting, we propose to have a discussion about the constitutional amendment. We are not asking you to finalise your advice on this now, though it is open to you to do so. The purpose of the meeting on 27 February will be for the group to finalise its advice for Government. It is important that the advice is finalised by 27 February to allow for the Bill to be introduced in March, and this is the latest that this advice can be given to allow Cabinet consideration and the other relevant preparations ahead of introduction.
- Expert Group members will be present for this discussion today, so if you have any further questions about the advice that they have provided, you are able to raise them with the Expert Group.

s47C

Released under the FOI Act by the
National Indigenous Australians Agency (NIAA)

s 47C

[REDACTED]

- [REDACTED]
- [REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]

[REDACTED]

- [REDACTED]

[REDACTED]

[REDACTED]

Name of the Voice

- Second, the Voice would be called the “Aboriginal and Torres Strait Islander Voice”. There has been some discussion about this issue in the Group already. While the Uluru Statement uses “First Nations Voice”, the term “Aboriginal and Torres Strait Islander” is well-understood throughout Australia and in law, and would avoid a range of political arguments, including about sovereignty.

Chapter and section name and placement in the Constitution

- Third, the provision would be in a new Chapter at the end of the Constitution, titled “Chapter IX – Recognition of Aboriginal and Torres Strait Islander Peoples”. This would be to acknowledge that the Voice marks a new page in our Constitution and our history as a nation. The provision would be in section 129, and titled “Aboriginal and Torres Strait Islander Voice”.
 - This approach is consistent with the Expert Group’s advice.

Scope of the Voice’s power to make representations

- Fourth, the provision would ensure that the Voice had the ability to make representations to both the Parliament and the Executive Government. This is important – Parliament may make laws, but in our system, the Executive develops and implements the policy behind them. The Voice needs the constitutional ability to influence policy at all stages – from development through to implementation and review.

s47C

Released under the FOI Act by the
National Indigenous Australians Agency (NIAA)

4.15pm - 5.20pm

Minister for Indigenous Australians / Senator Dodson / Attorney General

[Slide 12: Wrap up discussion]

8 Consideration of communiqué – (10 minutes)

5.20pm - 5.30pm

Minister for Indigenous Australians / Senator Dodson

[Slide 13: Consideration of Communiqué]

Discuss draft communiqué – distribute in the room.

■ s 47C

Ask members including those participating virtually if they have any questions or comments.

Thank members for their contribution and close the meeting.

Released under the FOI Act by the
National Indigenous Australians Agency (NIAA)

Released under the FOI Act by the
National Indigenous Australians Agency (NIAA)

Acknowledgement and welcome

Referendum on an Aboriginal and Torres Strait Islander Voice

Government update

Referendum on an Aboriginal and Torres Strait Islander Voice

Constitutional amendment

Referendum on an Aboriginal and Torres Strait Islander Voice

Morning Tea

Voice principles

Referendum on an Aboriginal and Torres Strait Islander Voice

Lunch

Briefing with members of the House Crossbench

Referendum on an Aboriginal and Torres Strait Islander Voice

Break followed by Afternoon Tea

Briefing with the Leader of the Opposition and Shadow Minister

Referendum on an Aboriginal and Torres Strait Islander Voice

Wrap up discussion

Referendum on an Aboriginal and Torres Strait Islander Voice

Consideration of communiqué

Referendum on an Aboriginal and Torres Strait Islander Voice

Meeting 7, 9 March 2023

8.30am – 1.00pm

Canberra, Australian Parliament House

ANNOTATED AGENDA

1 Acknowledgement of Country and welcome (5 min)

8.30am – 8.35am

Minister for Indigenous Australians

[Slide 1: Acknowledgement and welcome]

- The Constitution Alteration Bill will be introduced to Parliament in March. The Government will make a final decision in the next couple of weeks about the wording of the constitutional amendment and the question on the ballot paper.
- We need to come to a view on the wording of the amendment and question in this meeting. We have the opportunity in the meeting on 16 March to settle a final view, if needed.
- Today's agenda:
 - Item 2: We will update you on developments since we last met.
 - Item 3: We will discuss the constitutional amendment and ballot paper question.
 - Item 4: We will reconvene after morning tea to discuss other business.
 - Item 5: We will discuss and settle the communiqué for this meeting before we break for lunch.
 - Item 6: We will then be joined by the leader of the Greens, Adam Bandt MP, and the Greens Indigenous spokesperson, Senator Dorinda Cox.
 - And close the meeting at 1.00pm.

CONFIDENTIAL – NOT FOR FURTHER DISTRIBUTION

2 Government update (25 min)

8.35am – 9.00am

Minister for Indigenous Australians and Attorney-General

[Slide 2: Government update]

Referendum (Machinery Provisions) Amendment Bill 2022

- The *Referendum (Machinery Provisions) Amendment Bill 2022* passed the House of Representatives on 7 March 2023 and is now before the Senate.

- s 47C [REDACTED]
- [REDACTED]
- [REDACTED]

Civics awareness program

- Regulations were made on Thursday, 2 March to allow us to proceed with the civics campaign that we have committed to. The Government has announced \$9.5 million for this, which includes money to:
 - bolster civics education on the Constitution and referendum process
 - update and improve the government website
 - develop a more comprehensive information program on the facts of the Voice proposal and relevant civics information
 - support the First Nations media sector - to boost understanding of civics in First Nations communities across Australia.

3 Constitutional amendment and ballot paper question (1 h 30 min)

9.00am – 10.30am

s 47C

Attorney-General

[Slides 3 and 4: s 47C]

- In this section of the meeting, we will first continue our discussion of the constitutional amendment before finalising the discussion on the ballot paper question.
- The Government is looking to introduce the Constitution Alteration Bill in the week commencing 27 March. We need to introduce the Bill in this week to enable a referendum in the second half of this year.
- This means that this and the meeting on 16 March will be your final opportunity to provide views on the proposed draft before the Government makes its own decisions.

s47C

Released under the FOI Act by the
National Indigenous Australians Agency (NIAA)

CONFIDENTIAL – NOT FOR FURTHER DISTRIBUTION

Morning tea – 30 minutes, 10.30am – 11.00am

4 Other business (30 min)

11.00am - 11.30am

[Slide 7: Other business]

OPPORTUNITY FOR QUESTIONS/DISCUSSION/REFLECTIONS

- Ask members including those participating virtually if they have any other business, questions or comments.

5 Consideration of communiqué – (30 min)

11.30am - 12.00pm

Minister for Indigenous Australians / Senator Dodson / Attorney General

[Slide 9: Consideration of communiqué]

Discuss draft communiqué – distribute in the room.

- Ask members including those participating virtually if they have any questions or comments.

Lunch – 30 minutes, 12.00pm – 12.30pm

6 Briefing with members of the Greens (30 min)

12.30pm – 1.00pm

[Slide 11: Briefing with members of the Greens]

Introductions, opening statements and briefing by members, discussion with members of the Greens.

- Thank members for their contribution, note the next meeting on Thursday, 16 March in Adelaide, and close the meeting.

Acknowledgement and welcome

Referendum on an Aboriginal and Torres Strait Islander Voice

Government update

Referendum on an Aboriginal and Torres Strait Islander Voice

Constitutional amendment and question

Referendum on an Aboriginal and Torres Strait Islander Voice

Ballot paper question

Possible ballot paper question

s 47C

Released under the FOI Act by the
National Indigenous Australians Agency (NIAA)

Morning tea

Other business

Referendum on an Aboriginal and Torres Strait Islander Voice

Consideration of communiqué

Referendum on an Aboriginal and Torres Strait Islander Voice

Lunch

Briefing with members of the Greens

Referendum on an Aboriginal and Torres Strait Islander Voice

Referendum Working Group

Enshrining an Aboriginal and Torres Strait Islander Voice in the Constitution

Meeting 7, Thursday, 9 March 2023

Agenda

Meeting room MG.63, Australian Parliament House, Canberra

Breakfast, tea and coffee provided from 8am

1	08:30	Acknowledgement and welcome
2	08:35	Government update (25 minutes)
3	09:00	Constitutional amendment and ballot paper question (1 hour 30 minutes)
	10:30	Morning tea (30 minutes)
4	11:00	Other business (30 minutes)
5	11:30	Consideration of communique (30 minutes)
	12:00	Lunch (30 minutes)
6	12:30	Briefing with Greens (30 minutes)
	13:00	Close

Note – as the meeting will be on a sitting day, interruptions due to divisions are likely.

Possible spill-over time will be available from 13:00-14:00.



Referendum Working Group

Enshrining an Aboriginal and Torres Strait Islander Voice
in the Constitution

Constitutional amendment option

s 47C



Released under the FOI Act by the
National Indigenous Australians Agency (NIAA)



Referendum Working Group

Enshrining an Aboriginal and Torres Strait Islander Voice
in the Constitution

Referendum question options

s 47C



Released under the FOI Act by the
National Indigenous Australians Agency (NIAA)

Ballot paper question

s 47C



Constitutional Amendment

s 47C

Released under the FOI Act by the
National Indigenous Australians Agency (NIAA)

Referendum Working Group

Enshrining an Aboriginal and Torres Strait Islander Voice in the Constitution

Meeting 8, Thursday, 16 March 2023

Agenda

ATO Building, 26 Franklin Street, Adelaide

	12:30	Lunch	
1	13:00	Welcome and acknowledgement	
2	13:05	SA Voice – lessons and opportunities	
3	13:45	Senate crossbench briefing	
4	14:30	s 47C	
5	15:00	Constitutional Alteration Bill process and next steps	
	15:15	Afternoon Tea	
6	15:30	Voice principles and design	
7	16:00	Wrap up discussion and consideration of communique	
	16:30	Close	



Referendum Working Group

Enshrining an Aboriginal and Torres Strait Islander Voice
in the Constitution

Constitutional amendment option

s 47C



Released under the FOI Act by the
National Indigenous Australians Agency (NIAA)



Referendum Working Group

Enshrining an Aboriginal and Torres Strait Islander Voice in the Constitution

DISTRIBUTED ON THURSDAY 9 MARCH 2023

Design Principles of the Aboriginal and Torres Strait Islander Voice

A Voice to Parliament will be a permanent body to make representations to the Australian Parliament and the Executive Government on legislation and policy of significance to Aboriginal and Torres Strait Islander peoples. It will further the self-determination of Aboriginal and Torres Strait Islander peoples, by giving them a greater say on matters that affect them.

The following are the design principles of the Voice to Parliament agreed by the First Nations Referendum Working Group:

A. The Voice will give independent advice to the Parliament and Government

- The Voice would make representations to the Parliament and the Executive Government on matters relating to Aboriginal and Torres Strait Islander peoples.
- The Voice would be able to make representations proactively.
- The Voice would be able to respond to requests for representations from the Parliament and the Executive Government.
- The Voice would be independent and have its own resources to allow it to research, develop and make representations.
- The Parliament and Executive Government should seek representations in writing from the Voice early in the development of proposed laws and policies.

B. Will be chosen by Aboriginal and Torres Strait Islander people based on the wishes of local communities

- Members of the Voice would be selected by Aboriginal and Torres Strait Islander communities, not appointed by the Executive Government.
- Members would serve on the Voice for a fixed period of time, to ensure regular accountability to their communities.
- To ensure cultural legitimacy, the way that members of the Voice are chosen would suit the wishes of local communities and would be determined through the post-referendum process.

Referendum Working Group

C. Will be representative of Aboriginal and Torres Strait Islander communities, gender balanced and include youth

- Members of the Voice would be Aboriginal and/or Torres Strait Islander, according to the standard three part test.
- Members would be chosen from each of the states, territories and the Torres Strait Islands.
- The Voice would have specific remote representatives as well as representation for the mainland Torres Strait Islander population.
- The Voice will have balanced gender representation at the national level.

D. Will be empowering, community-led, inclusive, respectful and culturally informed

- Members of the voice would be expected to connect with – and reflect the wishes of – their communities.
- The Voice would consult with grassroots communities and regional entities to ensure its representations are informed by their experience, including the experience of those who have been historically excluded from participation.

E. Will be accountable and transparent

- The Voice would be subject to standard governance and reporting requirements to ensure transparency and accountability.
- Voice members would fall within the scope of the National Anti-Corruption Commission.
- Voice members would be able to be sanctioned or removed for serious misconduct.

F. Will work alongside existing organisations and traditional structures

- The Voice would respect the work of existing organisations.

Referendum Working Group

G. Will not have a program delivery function

- The Voice would be able to make representations about and propose efficiencies for programs and funding, but it would not manage money or deliver services.

H. Will not have a veto power

Post-Referendum Process

After the referendum, there will be a process with Aboriginal and Torres Strait Islander communities, the Parliament, and the broader public to settle the Voice design. Legislation to establish the Voice will then go through standard parliamentary processes to ensure adequate scrutiny by elected representatives in both houses of Parliament.

Meeting 8, 16 March 2023

12:30pm – 4.30pm

Adelaide, ATO Building

ANNOTATED AGENDA

1. Acknowledgement of Country and welcome (5 min)

1.00pm – 1.05pm

Minister for Indigenous Australians

- The Constitution Alteration Bill will be introduced to Parliament this month and the Government will make a final decision before then about the wording of the constitutional amendment and the question on the ballot paper

s47C

- Today's agenda:
 - Item 2: We will be getting an update on the South Australia state Voice.
 - Item 3: We will be joined by members of the Senate crossbench
 - Item 4: We will discuss the constitutional amendment.
 - Item 5: We will discuss the next steps for the Constitution Alteration Bill.
 - Item 6: We will discuss Voice principles and design.
 - Item 7: We will settle the communiqué for today.
 - And close the meeting at 5.00pm.

2. South Australia Voice – Lessons and opportunities (55 min)

1.05pm – 1:45pm

CONFIDENTIAL – NOT FOR FURTHER DISTRIBUTION

Minister for Indigenous Australians

- I am delighted we are able to hear today from Kyam Maher MLC (Minister for Aboriginal Affairs and Attorney-General) about the South Australia Voice process.
- The South Australian First Nations Voice Bill 2023 was introduced to Parliament on 9 February 2023. It is anticipated to pass both Houses by early April.

s 47C

3. Senate crossbench briefing (30 min)

1.45pm – 2.30pm

4. Constitutional Amendment – advice to Government (30 min)

2.30pm – 3.00pm

s 47C

Lead: Attorney General

- In this section of the meeting, we are looking to conclude our discussions on the form of the constitutional amendment. We are working to a very tight timeframe to introduce the Bill most likely in the week of 27 March 2023. As such it is critical that we settle your advice to the Government today. We will discuss this further in the next section.
- This Group's position on the core elements of the constitutional amendment are well-settled.
 - The Prime Minister's draft wording from his speech at the Garma Festival will form the basis of the constitutional alteration.
 - The name of the Voice will be 'Aboriginal and Torres Strait Islander Voice' s47C).
 - The provision will include the introductory words 'In recognition of Aboriginal and Torres Strait Islander peoples as the First Peoples of Australia'.

- s 42, s 47C [redacted]
[redacted]
- [redacted]
[redacted]
- [redacted]
- [redacted]
[redacted]

- [redacted]
[redacted]
[redacted]
[redacted]

- [redacted]
[redacted]

[redacted]
[redacted]
[redacted]

- [redacted]
[redacted]

[redacted]
[redacted]
[redacted]
[redacted]

[redacted]

- [redacted]
[redacted]

- [redacted]

- [redacted]

[redacted]
[redacted]

[redacted]
[redacted]
[redacted]

[redacted]
[redacted]

[redacted]

[redacted]

s 42, s 47C

[Redacted text block]

5. Constitution Alteration Bill process and next steps (30 min)

3.00pm – 3.15pm

s 47C

[Redacted text block]

- As previously discussed, the Constitution Alteration Bill will be introduced to the House of Representatives in the week of 27 March – likely Wednesday the 29th or Thursday the 30th.
- On introduction, either the Attorney-General or the Prime Minister will give a speech to the Parliament about the purpose, aims and context of the Bill.

s 47C

[Redacted text block]

- Parliamentarians then develop the ‘yes’ and ‘no’ arguments that form the basis of the pamphlet. The cases must be sent to the Australian Electoral Commission within four weeks of the Bill passing.
- The referendum must then be held after 2 months and 33 days and up to 6 months following passage of the Bill.
- We would like to invite this group to come to Canberra for the introduction of the Bill. If you are interested we can set up appearances with the media and discussions between yourselves and members of Parliament who might have questions about the amendment.
- As respected leaders in the First Nations community, your views will be incredibly valuable for the public, the media and other Parliamentarians.
- The secretariat will be in touch about attendance for the Bill’s introduction and Parliamentary debate.

Ask Working Group members including those participating virtually whether they have any questions about or views on this process

Afternoon tea – 15 minutes, 3.15pm – 3.30pm

6. Voice Principles and design (45 min)

3.30pm – 4.00pm

[Slide X: Voice principles]

Minister for Indigenous Australians/Senator Dodson

- s 47C
-
-

7. Consideration of communique (30 min)

4.00pm - 4.30pm

Minister for Indigenous Australians / Senator Dodson / Attorney General

[Slide x: Consideration of communique]

Discuss draft communique – distribute in the room.

- Ask members including those participating virtually if they have any questions or comments.

Ask members including those participating virtually if they have any questions or comments.

CONFIDENTIAL – NOT FOR FURTHER DISTRIBUTION

Note the full agenda tomorrow for the Referendum Engagement Group. Thank members for their contribution and close the meeting.