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**Submission in response to the Indigenous Voice Co-design Process
Interim Report to the Australian Government**

Dear Professors Langton and Calma,

Thank you for the opportunity to provide a submission in response to the *Interim Report to the Australian Government: Indigenous Voice Co-Design Process January 2021*.

Diversity Council Australia is the independent not-for-profit peak body leading diversity and inclusion in the workplace. We have a wealth of experience providing advice to our members on the business benefits of diversity.

The issue of recognition of the unique status of Aboriginal and Torres Strait Islander peoples in our country's history is of significant interest to DCA and our members and we welcome the opportunity to make this submission.

Please feel free to contact myself or DCA's Director, Policy & Projects, Cathy Brown (0424 578 698, cathy@dca.org.au) should you require any further information about this matter.

Yours sincerely

Lisa Annese
Chief Executive Officer

I. ABOUT DIVERSITY COUNCIL AUSTRALIA.....	3
II. SUMMARY	5
III. BACKGROUND.....	7
IV. DCA’S RESPONSE TO THE INTERIM REPORT	9
The National Voice must be representative of the diverse populations and needs of Aboriginal and Torres Strait Islander peoples	9
The Voice must be Constitutionally Enshrined.....	10
There should be a referendum in the next term of parliament.....	11
Legislative and constitutional sequencing.....	11
V. CONCLUSION.....	12
VI. APPENDIX: DCA MEDIA RELEASE.....	13
DCA announces support of Uluru Statement from the Heart.....	13
VII. ENDNOTES.....	14



I. ABOUT DIVERSITY COUNCIL AUSTRALIA

Who we are

Diversity Council Australia (DCA) is the independent not-for-profit peak body leading diversity and inclusion in the workplace. We provide unique research, inspiring events and programs, curated resources and expert advice across all diversity dimensions to a community of member organisations.

DCA's Membership represents 18% of the Australian workforce

DCA's prestigious group of over 750 members is drawn from business and workplace diversity leaders and includes some of Australia's biggest employers. Our membership reaches approximately 18% of the Australian labour market (two million Australians).

About our members

- Over 750 member organisations, including almost 40 ASX100 listed companies.
- Our members are drawn from across the corporate, government and not-for-profit sectors and vary from small to large workforces in size.
- Our founding members include ANZ, AMP, BHP, Coles, IBM Australia, Myer, Rio Tinto and Westpac.

DCA's Members are listed on our website here: <https://www.dca.org.au/membership/current-dca-members>.

Our mission

In partnership with our members, our mission is to:

- Lead debate on diversity in the public arena;
- Develop and promote the latest diversity research, thinking and practice; and
- Deliver innovative diversity practice resources and services to enable our members to drive business improvement.

What we do

DCA, formerly known as the Council for Equal Opportunity in Employment Ltd, was established in 1985 as a joint initiative of the Australian Chamber of Commerce and Industry and the Business Council of Australia to demonstrate the business community's commitment to equal opportunity for women.

Our focus since then has expanded to cover all aspects of diversity in employment, reflecting changes in practice to embrace all areas of the diversity of human resources.

DCA is not government funded - its income is generated from membership fees, sponsorships and services to business/employers.

Our Research

DCA works in partnership with members to generate ground breaking evidence-based diversity and inclusion resources that enables Australian organisations to fully leverage the benefits of a diverse talent pool.

- **DCA resources are ahead of the curve.** They establish leading diversity thinking and practice, enabling Australian organisations to re-imagine and reconfigure the way they manage talent in today's dynamic operating environments.
- **DCA resources drive business improvement.** They are high impact, driving business improvement through providing evidence-based guidance on how to fully leverage the benefits of a diverse talent pool.
- **DCA resources are practice focused.** They respond to the information needs of industry leaders and the people they employ.
- **DCA resources speak to the Australian context.** DCA projects generate leading diversity thinking and practice that speaks to Australia's unique and distinctive institutional, cultural and legal frameworks.
- **DCA resources considers all diversity dimensions.** The full spectrum of diversity dimensions are investigated including age, caring responsibilities, cultural background and identity, disability, Aboriginal and/or Torres Strait Islander status, sexual orientation, gender identity, intersex status, and work organisation.

II. SUMMARY

DCA welcomes the opportunity to make this submission and acknowledges the significant work undertaken by the three co-design committees, led by co-chairs Professor Marcia Langton AM and Professor Tom Calma AO.

The issue of recognition of the unique status of Aboriginal and Torres Strait Islander peoples in our country's history is of significant interest to DCA and our members.

Collectively, DCA members represent approximately 18 per cent of the Australian workforce. We believe it is important for these organisations to express a view on matters of reconciliation as they play a major role in bringing it to life, especially through active engagement with Aboriginal and Torres Strait Islander communities in workplaces and in the wider economy.

Supporting an *Indigenous Voice Co-Design Process* and referendum to enshrine a National Voice in the Constitution is one key way in which Australian organisations can contribute pragmatically to reconciliation.

In 2019, DCA [announced its support of the *Uluru Statement from the Heart*](#). A position endorsed by a majority of our members, and one which many DCA member organisations have also taken.

The *Uluru Statement* is a generous invitation from Aboriginal and Torres Strait Islander peoples for all Australians to walk together in a movement of the Australian people for a better future. DCA is grateful for the opportunity to respond to that invitation by making our submission.

DCA supports a Voice that acts and operates independently from the Parliament and Government, but that can speak to the Commonwealth Parliament and Government on policy and legislation.

We also agree with proposals that the Voice should not be responsible for the delivery of programs or services as this could cause conflicts with its core role making sure that the ideas and views of Indigenous Australians are heard in the development of policy and decision-making that affect them.

Our submission comments on four areas of this process, and makes recommendations which we urge you to consider.

The National Voice must be representative of the diverse populations and needs of Aboriginal and Torres Strait Islander peoples

Recommendation: The Membership Model for the National Voice should ensure that the diversity of cultures, languages, kinship structures and ways of life of Aboriginal and Torres Strait Islander peoples are reflected in the make-up of the National Voice.

The Voice must be Constitutionally Enshrined

Recommendation: DCA notes that Constitutional enshrinement of the Voice is the consensus position of Aboriginal and Torres Strait Islander people as expressed

through the *Uluru Statement*. To safeguard the Voice and ensure its longevity, DCA believes that the Voice must be enshrined in the Constitution.

There should be a referendum in the next term of parliament

Recommendation: The Federal Government should have a clear pathway for a referendum to enshrine a Voice in the Constitution in the next parliamentary term.

Legislative and constitutional sequencing

Recommendation: Enabling legislation for the Voice should follow a referendum.



III. BACKGROUND

DCA welcomes the opportunity to make this submission and acknowledges the significant work undertaken by the three co-design committees, led by co-chairs Professor Marcia Langton AM and Professor Tom Calma AO.

The issue of recognition of the unique status of Aboriginal and Torres Strait Islander peoples in our country's history is of significant interest to DCA and our members.

DCA, on behalf of its members, seeks to promote and facilitate reconciliation between the wider Australian community and Aboriginal and Torres Strait Islander peoples, specifically with respect to better labour market engagement and recognition of the talents and untapped potential of Aboriginal and/or Torres Strait Islander people.

DCA's vision for reconciliation is an Australia where Aboriginal and Torres Strait Islander voices are central in any discussions around recognition and reconciliation; and where Aboriginal and Torres Strait Islander peoples feel valued and respected, have access to opportunities and resources, and can contribute their perspectives and talents to workplaces across the country.

DCA's role in achieving this vision is to support Australian organisations to develop their capacity to create inclusive workplaces that understand and respect the diversity of Aboriginal and Torres Strait Islander peoples, cultures and histories, and provide safe, welcoming and culturally competent environments for Aboriginal and Torres Strait Islander peoples to work.

Supporting an *Indigenous Voice Co-Design Process* and referendum to enshrine a National Voice in the Constitution is one key way in which Australian organisations can contribute pragmatically to reconciliation.

Our Position

Collectively, DCA members represent approximately 18 per cent of the Australian workforce. We believe it is important for these organisations to express a view on matters of reconciliation as they play a major role in bringing it to life, especially through active engagement with Aboriginal and Torres Strait Islander communities in workplaces and in the wider economy.

However, we are conscious it is not the role of non-Aboriginal and Torres Strait Islander organisations to lead this discussion. Our research¹ shows that Aboriginal and Torres Strait Islander-related work must be Indigenous led and informed.

In line with our approach of 'partnering to include', our submission is informed by:

1. [consultation with DCA members](#),
2. DCA's [External Aboriginal and/or Torres Strait Islander External Advisory Panel](#), and
3. the views of Aboriginal and Torres Strait Islander peoples as expressed through the historic consensus around the [Uluru Statement from the Heart](#).



When we consulted with our members, they expressed that they support the *Uluru Statement*, and that they very strongly believe that Aboriginal and Torres Strait Islander peoples are best placed to lead the design of any constitutional recognition.

As such, our submission takes the approach that we should be led by the consensus views expressed via the *Uluru Statement*, that is for a Voice to Parliament that is enshrined in the Constitution.

IV. DCA'S RESPONSE TO THE INTERIM REPORT

DCA supports a Voice that acts and operates independently from the Parliament and Government, but that can speak to the Commonwealth Parliament and Government on policy and legislation.

We also agree with proposals that the Voice should not be responsible for the delivery of programs or services as this could cause conflicts with its core role making sure that the ideas and views of Indigenous Australians are heard in the development of policy and decision-making that affect them.

We make the following comments on the process:

The National Voice must be representative of the diverse populations and needs of Aboriginal and Torres Strait Islander peoples

The Voice must be representative of the diverse populations and needs of Aboriginal and Torres Strait Islander people.

Aboriginal and Torres Strait Islander peoples are not a homogenous group and Aboriginal and/or Torres Strait Islander people and community groups have diverse and sometimes intersecting cultural practices, experiences and voices.

Aboriginal and Torres Strait Islander peoples represent a diversity of cultures, languages, kinship structures and ways of life. Indigenous people live and work right across Australia.² They may have an Aboriginal and/or Torres Strait Islander background and an additional cultural background.³ They may identify as LGBTIQ+, as a person with disability, have a faith or no faith.

This diversity is a strength, and must be recognised as such in the make-up of the Voice.

It is fundamental that the Voice recognise and respect the diversity of cultures, languages, kinship structures and ways of life of Aboriginal and Torres Strait Islander peoples.

Recommendation:

The Membership Model for the National Voice should ensure that the diversity of cultures, languages, kinship structures and ways of life of Aboriginal and Torres Strait Islander peoples are reflected in the make-up of the National Voice.

The Voice must be Constitutionally Enshrined

In 2019, DCA [announced its support of the *Uluru Statement from the Heart*](#) (see Appendix). A position endorsed by a majority of our members, and one which many DCA member organisations have also taken.

As you know, the *Uluru Statement from the Heart* calls for three fundamental changes: Voice, Treaty, Truth, the first of which is the constitutional enshrinement of a First Nations Voice (Voice).

Constitutional enshrinement of the Voice is the consensus position of Aboriginal and Torres Strait Islander people as expressed through the *Uluru Statement* and is necessary to ensure the objectives set out in the *Uluru Statement* are met. Constitutional enshrinement will protect the existence and primary function of the Voice, giving it public legitimacy and authority to fulfill its functions.

DCA believes that a national Voice that is enshrined in the Constitution is a fair, practical and safe proposal that will unify our nation.

DCA is concerned that, should the Voice be established by legislation like many of the bodies that have preceded it, the mechanism could similarly be dissolved by legislation. Constitutional enshrinement, on the other hand, confers constitutional status on the Voice, which signals that it is a foundational institution, establishing its legitimacy into the future.

Constitutional enshrinement will require a referendum – which DCA notes could offer an important opportunity for a national education campaign to outline to all Australians the role of the Voice, and why it is important to Indigenous peoples and for reconciling our Nation.

Such a campaign, respectfully run, with bipartisan support from our Government and with the support of business and community groups would be unifying and positive for all Australians.

DCA would provide support to an Indigenous-led education campaign to advocate for a positive outcome in such a referendum, through DCA's existing networks and communication channels and our extensive reach with the business community.

Recommendation

DCA notes that Constitutional enshrinement of the Voice is the consensus position of Aboriginal and Torres Strait Islander people as expressed through the *Uluru Statement*. To safeguard the Voice and ensure its longevity, DCA believes that the Voice must be enshrined in the Constitution.

There should be a referendum in the next term of parliament

In May 2017, the *Uluru Statement* invited all Australians to walk together in a movement of the Australian people for a better future.

Almost four years have now passed since that historic moment and we urge the Government to commit to a referendum in the next term of Parliament.

Recommendation:

The Federal Government should have a clear pathway for a referendum to enshrine a Voice in the Constitution in the next parliamentary term.

Legislative and constitutional sequencing

Constitutional enshrinement of the Voice is the consensus position of Aboriginal and Torres Strait Islander peoples as expressed through the *Uluru Statement from the Heart*.

As noted above, DCA would be concerned that any move to implement the Voice through legislation before a referendum presents a risk to the longevity and legitimacy of the Voice to fulfill its functions.

Therefore, we support a process that would see the Voice enshrined in the Constitution followed by enabling legislation.

We also support the proposals outlined in the *From the Heart Submission No. 1* for there to be an exposure draft bill for the Voice as per the final Co-Design report to give the Australian public a comprehensive look at the details of the Voice before a referendum is held.

Recommendation:

Enabling legislation for the Voice should follow a referendum.

V. CONCLUSION

The *Uluru Statement* is a generous invitation from Aboriginal and Torres Strait Islander peoples for all Australians to walk together in a movement of the Australian people for a better future. DCA is grateful for the opportunity to respond to that invitation by making our submission.

DCA supports a Voice that acts and operates independently from the Parliament and Government, but that can speak to the Commonwealth Parliament and Government on policy and legislation.

We also agree with proposals that the Voice should not be responsible for the delivery of programs or services as this could cause conflicts with its core role making sure that the ideas and views of Indigenous Australians are heard in the development of policy and decision-making that affect them.

In our submission, we make four recommendations which we urge you to consider:

1. The Membership Model for the National Voice should ensure that the diversity of cultures, languages, kinship structures and ways of life of Aboriginal and Torres Strait Islander peoples are reflected in the make-up of the National Voice.
2. DCA notes that Constitutional enshrinement of the Voice is the consensus position of Aboriginal and Torres Strait Islander people as expressed through the *Uluru Statement*. To safeguard the Voice and ensure its longevity, DCA believes that the Voice must be enshrined in the Constitution.
3. The Federal Government should have a clear pathway for a referendum to enshrine a Voice in the Constitution in the next parliamentary term.
4. Enabling legislation for the Voice should follow a referendum.

VI. APPENDIX: DCA MEDIA RELEASE

DCA announces support of Uluru Statement from the Heart

Media releases | 25 Nov 2019

Diversity Council Australia (DCA) has officially announced its support of the Uluru Statement from the Heart campaign to secure constitutional recognition for Aboriginal and Torres Strait Islander Australians.

The move marks a cultural tipping point – also seen during the marriage equality campaign – where businesses go public with their intent to support widely-debated social causes.

CEO Lisa Annese said, “DCA supports the Uluru Statement from the Heart and this position has been endorsed by a majority of our membership in a recent survey.

“Aboriginal and Torres Strait Islander peoples have lived in Australia for over 60,000 years.

“But we must also acknowledge the historical truth that colonisation has led to the ongoing exclusion of Aboriginal and Torres Strait Islander peoples from modern Australia.

“Genuine inclusion must begin with reconciliation. There can be no genuine workplace inclusion while our First Nations Peoples are excluded from opportunities, and we as a nation do not address race relations, equality and equity, unity, institutional integrity, and historical acceptance by including First Nations People in the Constitution.

“We urge the nation and the Parliament to accept the invitation in the Uluru Statement from the Heart and to walk with First Nations people in a movement of the Australian people for a better future. Doing so would make Australia a more inclusive place for everyone.”

DCA’s support comes as we release a podcast episode urging other organisations to become allies in the march towards constitutional recognition.

The podcast features leading executive and fellow Uluru supporter Ann Sherry, Chairman of Carnival, and Thomas Mayor – a leading voice for recognition and a signatory to the Uluru Statement from the Heart.

Reflecting on DCA and wider business support Thomas said, “Allies have such a big role to play. And they shouldn’t ever feel like something is too small. It could be as simple as being vocal about supporting a referendum for a First Nations voice.

“These are simple steps to support the simple ask behind recognition: just give us a voice to be able to affect the decisions that are made about us as First Nations people. It will save money, it will save lives. And for wider Australia, there is everything to gain by achieving an unbroken culture – one of the oldest cultures in the world.

“That is something to embrace and accept and include in the ruling document of this country – the Constitution.”

[ends]

VII. ENDNOTES

¹ Diversity Council Australia/Jumbunna Institute (Brown, C., D'Almada-Remedios, R., Gilbert, J. O'Leary, J. and Young, N.) *Gari Yala (Speak the Truth): Centring the Work Experiences of Aboriginal and/or Torres Strait Islander Australians*, Sydney, Diversity Council Australia/Jumbunna Institute, 2020.

² Australian Bureau of Statistics, *Estimates of Aboriginal and Torres Strait Islander Australians, June 2016*, accessed at: <https://www.abs.gov.au/ausstats/abs@.nsf/mf/3238.0.55.001>.

³ Diversity Council Australia (O'Leary, J. and Groutsis D.) *Counting Culture: Six Principles for Measuring the Cultural Diversity of Your Workplace*, Sydney, Diversity Council Australia, 2019.