
Dear [REDACTED]

Answers below:

1. Removing subsection (ii) to allow the matters around the Voice's representations to the Parliament and the Executive Government to be addressed by legislation.

Parliament is already provided with sufficient power in subsection (iii) to regulate representations of the Voice.

Furthermore, removing subsection (ii) would mean the constitutional alteration creates a body without apparent function. There need be a Voice, but without a requirement it be given a Voice. The effect would be to create a body without a purpose that would undercut the reason for putting the amendment in the Constitution the first place. It is a core aspect of the reform that the basic features of Voice, in particular its ability to make representations, will be constitutionally guaranteed.

2. Replacing subsection (ii) with *"The Aboriginal and Torres Strait Islander Voice may make representations to the Parliament and the Ministers of State for the Commonwealth on proposed laws and matters with respect to Aboriginal and Torres Strait Islander peoples and to the Parliament and the Executive Government of the Commonwealth on such other matters as the Parliament provides"*.

This change is unnecessary and confusing in its expression. The wording suggests the Voice can make representations on all 'proposed laws' and the specified matters, though I am not sure this is intended. This is already broad and it is also not clear why the additional power for Parliament in regard to 'such other matters' is required.

Subsection (ii) states that representations may be made to the Executive, leaving it up to Parliament as determine how this occurs. It would be open to Parliament, for example, to provide that all representations must be made to the responsible minister, or indeed a single minister, with the minister then having the responsibility of ensuring the representation is received and forwarded as appropriate. As a result, there is no need to specify Ministers of State in the clause.

3. Amending subsection (ii) by replacing the words *"Executive Government"* with the words *"Ministers of State"*.

Subsection (ii) states that representations may be made to the Executive, leaving it up to Parliament as determine how this occurs. It would be open to Parliament, for example, to provide that all representations must be made to the responsible minister, or indeed a single minister, with the minister then having the responsibility of ensuring the representation is received and forwarded as appropriate. As a result, there is no need to specify Ministers of State in the clause. In addition, this would be counter-productive because it would suggest an inability to make representations to agencies and other bodies with clear responsibility for Indigenous matters.

Kind regards

George

[REDACTED]

Subject: [SEC=OFFICIAL] Inquiry into the Aboriginal and Torres Strait Islander Voice Referendum QONs

OFFICIAL

Good afternoon

Thank you for appearing at a public hearing for the Inquiry into the Aboriginal and Torres Strait Islander Voice Referendum. Senator Bragg has the below questions on notice (QON) for your response.

Could you please provide a response by **tomorrow, Friday 5 May by 4pm**. If this deadline cannot be met please let me know.

Question:

Proposed section 129(ii) reads: *“The Aboriginal and Torres Strait Islander Voice may make representations to the Parliament and the Executive Government of the Commonwealth on matters relating to Aboriginal and Torres Strait Islander peoples”*.

Please provide your view on the following alternative approaches to subsection (ii).

1. Removing subsection (ii) to allow the matters around the Voice’s representations to the Parliament and the Executive Government to be addressed by legislation.
2. Replacing subsection (ii) with *“The Aboriginal and Torres Strait Islander Voice may make representations to the Parliament and the Ministers of State for the Commonwealth on proposed laws and matters with respect to Aboriginal and Torres Strait Islander peoples and to the Parliament and the Executive Government of the Commonwealth on such other matters as the Parliament provides”*.
3. Amending subsection (ii) by replacing the words *“Executive Government”* with the words *“Ministers of State”*.

If you have any further questions, please feel free to get in touch to discuss.