



CONSTITUTIONAL ENSHRINEMENT OF A FIRST NATIONS VOICE

ISSUES PAPER FOR PUBLIC DISCUSSION

Issues Paper 3: Finalisation of the Voice Design

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Executive Summary

This is one of a set of three issues papers released by the Indigenous Law Centre in September 2022, addressing three critical matters in the lead up to the referendum to constitutionally enshrine a First Nations Voice:

1. **Issues Paper 1: The Constitutional Amendment**
2. **Issues Paper 2: The Referendum Question**
3. **Issues Paper 3: Finalisation of the Voice Design**

In each issues paper, we set out the background to the issues covered in the paper, the principles by which these issues should be resolved, and provide some proposals for discussion that seek to satisfy those principles. These issues papers have been designed to develop public discussion at an important moment prior to these matters being finalised by government in the lead up to the referendum.

In this issues paper we consider the question of how and when to finalise the design of the model of the Voice. We propose that these issues should be resolved by reference to three principles: respect for the Australian people as voters in the referendum, assurance to First Nations that the design of the Voice will not be imposed on them by the Parliament without their input, and flexibility in the future design of the Voice. We recommend, in advance of a referendum, the release to the voting public of a set of design principles and a timetabled process for finalising the Voice design in accordance with these principles should a referendum be successful.

Behind these papers sits more than five years of work. That work was initially led by the Indigenous Steering Committee of the Referendum Council, and since May 2017 and the delivery of the Uluru Statement to the Australian people, by the Uluru Dialogues, a group of First Nations people and non-Indigenous supporters who are committed to pursuing the reforms of the Uluru Statement from the Heart. This work has been undertaken out of the Indigenous Law Centre, at the University of New South Wales, and has also engaged constitutional, public law and Indigenous experts from across Australia and the world, as well as leading practitioners. It has also reckoned with public contributions from former Chief Justices of the High Court, parliamentary committee submissions and reports, and other aspects of the public debate on constitutional reform.

1. Background

There is some debate about whether the Australian people have sufficient ‘detail’ to cast an informed vote at a referendum about enshrining a First Nations Voice in the Constitution. This is often accompanied by some confusion about what is being put in the Constitution, and what is being left to legislation, and the reasons for that.

As we have explained in **Issues Paper 1**, there is a lot of detail already available about what is being put into the Constitution: the constitutional amendment has been released in draft form. This wording, when finalised, is what the Australian people will be asked to vote on at the referendum. That draft amendment contains three elements. The first element is the establishment of the representative body. The second element is the establishment of its core function of making representations to Parliament and the Executive Government on matters relating to Aboriginal and Torres Strait Islander people. Finally, there is the conferral of legislative power on the Commonwealth Parliament to make laws that set out the detail of the Voice, including its composition, functions, powers and procedures.

This allows voters to say Yes or No to a key question of principle: should Aboriginal and Torres Strait Islander peoples be recognised in the Australian Constitution by ensuring they have a representative Voice to Parliament and government regarding laws and policies that affect them. But some people have expressed concern that Australians, at the time they cast their vote, will not have enough information about the model that Parliament will legislate if the referendum is successful.

2. Issues:

1. **Release of design detail:** What level of detail should be available to voters, prior to a referendum, about the legislative form the Voice will take?
2. **Additional information for voters:** What else will the Australian people need to cast an informed vote at the referendum?

3. Principles:

The Indigenous Law Centre proposes that the resolution of each of the issues set out above should be informed by the following principles:

- **Respect for voters:** The Australian people must consent to any change of wording to the Australian Constitution. Respect for their constitutional role means that they must be provided with sufficient detail about the nature and likely operation of any proposed constitutional amendment so they can make an informed choice. They should also not be misled as to what they are being asked to vote on.

- **Assurance to First Nations:** Sufficient assurance must be given to First Nations people that the design of the Voice – particularly with respect to the pivotal question of membership – will not be imposed on them by the Parliament without their input.
- **Maintaining flexibility:** Any proposed release of detail must recognise the possible need for the Voice to adapt and evolve over time, as circumstances change.

4. Proposal:

As a matter of constitutional principle, there are clear dangers in providing a full, detailed model of the Voice prior to a referendum, in the form of a draft Bill or actual legislation. It will potentially mislead voters and impair the constitutional function of the referendum: that is, voters may think they are voting on the detail of the model, and not the constitutional provision which is pitched at a much higher level of generality and principle. Perversely, this might operate de facto to entrench the original version as legislated, making future parliaments reluctant to amend the model that accompanied the referendum. That would undermine one of the key objectives of the constitutional amendment – to provide flexibility for the model to evolve, as it adapts to changing needs and circumstances.

Logic dictates, instead, that we embrace what is called constitutional deferral:¹ the sensible practice of first defining the basic outlines of an institution in the Constitution and then determining the details later, in legislation. The Australian colonies did this in referendums held between 1898 and 1900, when section 71 of the Constitution enshrined the High Court as a key feature of the Australian system of government. The Court came fully to life two years later, once the detail of the institution was spelt out in the *Judiciary Act 1903* (Cth).

We should tailor our approach to the respective strengths of the voters and the Parliament as key constitutional actors. The Australian people should be asked first to vote Yes or No on a simply stated question of constitutional principle, fully informed about the primary function of the Voice and the design process and principles which will follow.² If they vote Yes, the Parliament, who are the representatives of the Australian people, should then move to legislate the details of the Voice, according to that process and those principles.

The model of the Voice has been developed since 2017 over three key processes, which have involved Indigenous-run dialogues, a parliamentary inquiry, and a government-led consultation:

1. The Regional Dialogues and the First Nations Constitutional Convention, that

¹ See further Rosalind Dixon and Tom Ginsburg, 'Deciding not to decide: Deferral in constitutional design' (2011) 9 *International Journal of Constitutional Law* 636.

² The recent Irish experience of successful referendums on socially divisive issues including same-sex marriage and abortion also teaches us that there is an (appropriate) wariness of voters to vagueness, while also demonstrating that the precise detail of subsequent legislation is not required. See David Kenny and Aileen Kavanagh, 'Are the People the Masters? Constitutional Referendums in Ireland' in Richard Albert and Richard Stacey (eds), *The Limits and Legitimacy of Referendums* (OUP 2022).

delivered the Uluru Statement from the Heart.

2. The 2018 Joint Select Committee on Constitutional Recognition Relating to Aboriginal and Torres Strait Islander Peoples.
3. The 2019-2021 Indigenous Voice Co-Design Process run by the National Indigenous Australians Agency (NIAA).

While a number of process-related concerns around the 2019-2021 Indigenous Voice Co-Design Process mean its proposed model should not be considered final, we can draw from the combination of the three:

1. A set of **design principles** for the formation and operation of the Voice.
2. A **process** that learns from best-practice engagement with Aboriginal and Torres Strait Islander people, and implements these principles. This process should immediately follow a successful referendum, so as to finalise the model of the Voice according to a timetable set out in legislation.

4.1 *Design Principles:*

The Regional Dialogues & First Nations Constitutional Convention, the 2018 Joint Select Committee, and the Indigenous Voice Co-Design process have placed important information into the public domain about what a Voice would look like. We have distilled from those processes the following common ground principles for design of the Voice:

- 1) the intention of the Voice is to further the self-determination of Aboriginal and Torres Strait Islander peoples within the Australian state, by giving them greater voice and control in matters that affect them;³

³ **Uluru process:** As explained in the Referendum Council's Final Report, the Guiding Principles adopted at the First Nations National Constitutional Convention, which were distilled from the Regional Dialogues Records of Meeting as well as principles that had historically underpinned declarations and calls for reform by First Nations, and supported by international standards, and against which the different options for reform were assessed, included Principle 3: 'Advances self-determination and the standards established under the *United Nations Declaration on the Rights of Indigenous Peoples*.' Referendum Council *Final Report* (2017) 22. See also the many citations to various individual Regional Dialogues supporting Principle 3 at nn 78-88 of the Report (at 24). The summary of the Dialogues on this reform in that Report also explains that it was seen as 'a way by which the right to self-determination could be achieved.' (at 30). As one delegate cited in the Technical Advisers submission to the Joint Select Committee put it, 'We need to have say over our own lives' (Technical Advisers: Regional Dialogues and Uluru First Nations Constitutional Convention (Submission 206, 11 June 2018), made to the Joint Select Committee on Constitutional Recognition relating to Aboriginal and Torres Strait Islander Peoples (2018) 8). **Interim Report:** '[A]ll Local and Regional Voices will need to align with the principles' set out in Chapter 3 (*Interim Report*, 74). One of the nine is the 'Empowerment' principle which is described as follows: 'Aboriginal and Torres Strait Islander peoples have greater control and voice in their own affairs: a self-determination approach' (at 75). **Final Report:** The Principle of 'Empowerment' remains for guiding the design of Local and Regional Voices (at 16, 40 and 47). In addition, the report emphasised the importance of choosing members of the National Voice to promote self-determination (at 132).

- 2) the Voice is primarily a Voice to Parliament, informing the ultimate national law-making authority, but it must also be engaged with government in the development of policies and legislative proposals;⁴
- 3) the Voice must have a structure that represents and reflects local communities in their diversity, giving those a voice who haven't had a voice in the past;⁵
- 4) the Voice must have cultural legitimacy, in that it must be selected by Aboriginal and Torres Strait Islander peoples themselves in accordance with their own local practices, protocols and expectations;⁶

⁴ **Uluru process:** The summary of the Records of Meeting on the Voice reform refers to support for 'a constitutionally entrenched Voice to Parliament.' (Referendum Council *Final Report* (2017) 30). The Referendum Council's summary of the Records of Meeting explains the proposal as one 'for the enhanced participation of Aboriginal and Torres Strait Islander peoples in the democratic life of the Australian state, especially the federal Parliament'. It explained that one of the functions of the Voice would be "'monitoring" the Commonwealth's use of the race power (section 51 (xxvi)) and Territories power (section 122)'. The Voice also embodied a 'new norm of participation and consultation' that obviously contemplated engagement with the Executive, replacing a 'history of poor or non-existent consultation with communities by the Commonwealth' (at 14).

Interim Report: 'The primary focus of the National Voice must be to provide advice to the Parliament' (*Interim Report*, 154). 'The National Voice would be an advisory body to the Parliament and Australian Government. This would be a two-way interaction. The National Voice would provide advice on behalf of Aboriginal and Torres Strait Islander peoples, to ensure their views are considered in legislation and policy development' (at 32).

Final Report: Retains this primary function to Parliament and the Government (at 109).

⁵ **Uluru process:** The summary of the Records of Meeting on the Voice reform explains the view in the Dialogues that 'Any body must have authority from, be representative of, and have legitimacy in Aboriginal and Torres Strait Islander communities across Australia. It must represent communities in remote, rural and urban areas, and not be comprised of handpicked leaders.' (Referendum Council *Final Report*, 30). As one delegate cited in the Technical Advisers submission to the Joint Select Committee put it, 'The body needs to capture and strengthen our identity and diversity' (Technical Advisers: Regional Dialogues and Uluru First Nations Constitutional Convention (Submission 206, 11 June 2018), made to the Joint Select Committee on Constitutional Recognition relating to Aboriginal and Torres Strait Islander Peoples (2018) 7).

Interim Report: The focus in this discussion was on the Local and Regional Voices in Chapter 3. The proposals for Local and Regional Voices 'must also support the broad diversity of Aboriginal and Torres Strait Islander communities across Australia' (*Interim Report*, 65). When discussing the principle of 'Inclusive Participation' (one of the nine principles with which the LRVs must align), and explaining '[w]hat will it look like', the Interim Report says: 'Local and regional voice structures are broad based, equitable and inclusive, reflecting the diversity in each community' (at 76). Later, it says that 'the design of governance structures for a Local and Regional Voice will need to make space for a broad range of individuals, leaders and organisations to participate or be represented, including those who may not have been involved previously. This will require balancing more established, historically "influential" voices and those new and emerging, to ensure all who wish to make a contribution can do so' (at 88). The Senior Advisory Group reflections in Chapter 7 included 'giving those a voice who haven't had a voice in the past' and they added: 'Throughout deliberations, there was a focus on the youth perspective and the unheard voices. This term was regularly used to describe the many Aboriginal and Torres Strait Islander peoples who may not traditionally have access to a platform to express their point of view or raise topics of concern at a local, regional or national level' (at 155).

Final Report: Inclusive Participation remains one of the principles for the design of Local and Regional Voices (at 16).

⁶ **Uluru process:** The summary of the Records of Meeting on the Voice reform explains the view in the Dialogues that 'Aboriginal and Torres Strait Islander peoples need to be involved in the design of any model for the Voice... Any body must have authority from, be representative of, and have legitimacy in Aboriginal and Torres Strait Islander communities across Australia ... and not be comprised of handpicked leaders ... The body must be structured in a way that respects culture.' (Referendum Council *Final Report*, 30). See also the associated nn 162, 165 and 166 at that page of the Referendum Council report, citing supportive propositions for these points from individual Regional Dialogues at Brisbane, Hobart, Darwin, Perth, Ross River and Adelaide.

Interim Report: In the Executive Summary, concerning the National Voice, the Interim Report states: 'There are different styles and approaches that will ensure legitimacy of Aboriginal and Torres Strait Islander peoples' representation, reflecting the diversity of situations that exist across the country. This legitimacy can be achieved through different mechanisms or a combination of mechanisms. These mechanisms include elections, communities

- 5) the Voice should be designed in a way that it can achieve its functions, in particular that it is:
- i. provided with stability and certainty, without the risk hanging over it of future abolition;⁷
 - ii. designed so as to be structurally independent of government, in that it must present accurately and robustly the views of the Aboriginal and Torres Strait Islander peoples that it represents;⁸
 - iii. adequately funded and resourced, including through a secretariat and expert input;⁹

nominating or selecting members, or drawing on or incorporating cultural leadership involved in traditional decision making and governance structures. The right option will be determined by Aboriginal and Torres Strait Islander peoples in each region or local community' (*Interim Report*, 8). In terms of Local and Regional Voices, the Interim Report says that 'Cultural Leadership', another of the nine principles with which they must align, 'is essential to ensure Local and Regional Voices have legitimacy' (at 77). In responding to the imagined question '[w]hat it will look like', the Interim Report explains Cultural Leadership in part by saying that 'Local and regional voice structures are endorsed by and/or connected with cultural leaders, in a way that respects how cultural leadership and authority operates in that region' (at 77).

Final Report: Cultural Leadership remains one of the principles for the design of Local and Regional Voices (at 16).

⁷ **Uluru process:** In the Uluru Statement from the Heart, the delegates at the First Nations Constitutional Convention said: 'We call for the establishment of a First Nations Voice enshrined in the Constitution'. The Referendum Council's summary of the Records of Meeting explains the importance of stability and certainty by reference to constitutional enshrinement: 'For Dialogue participants, the logic of a constitutionally enshrined Voice – rather than a legislative body alone – is that it provides reassurance and recognition that this new form of participation and consultation would be different to the practices of the past.' (Referendum Council, *Final Report*, 14). This was also reflected in individual comments by participants in Regional Dialogues, such as 'We need certainty through constitutional change' and 'We don't want to go back to ATSIC where it can be abolished'.

Interim Report: In Chapter 7, the Senior Advisory Group observed: 'One ongoing concern, particularly for member who have lived through this before, is the risk that Indigenous Voice arrangements could have the potential to be abolished in future' (at 155).

Final Report: The Senior Advisory Group recommended to government that it must 'Recognise the importance of ensuring sustainability and security for an Indigenous Voice. This requires the provision of funding certainty and appropriate safeguards as part of any enabling legislation, including the establishment of the National Voice as a new independent Commonwealth entity' (at 14). The Report also noted throughout its submission process the strong support for constitutional enshrinement of the Voice (at 13 and 14). In recommending the body is established in legislation, the Report indicates this will provide it with 'a level of standing and stability' (at 182).

⁸ **Uluru process:** Independence was emphasised in the Dialogues by reference to the importance of the Voice as a vehicle for exercising the right to self-determination, and by reference to the importance of independent funding and support.

Interim Report: 'The National Voice would have a unique governance structure based on its role representing Aboriginal and Torres Strait Islander peoples. It also requires a high degree of independence. For those reasons, the National Voice should be a fully separate structure, and not part of any existing body, nor should its administrative functions be provided by an existing entity' (*Interim Report*, 58).

Final Report: The Senior Advisory Group recommended to government that it must 'Recognise the importance of ensuring sustainability and security for an Indigenous Voice. This requires the provision of funding certainty and appropriate safeguards as part of any enabling legislation, including the establishment of the National Voice as a new **independent** Commonwealth entity' (at 14).

⁹ **Uluru process:** The summary of the Records of Meeting on the Voice reform explains that the view was taken in the Dialogues that 'Any body must also be supported by sufficient and guaranteed budget, with access to its own independent secretariat, experts and lawyers.' (Referendum Council, *Final Report*, 31-32). See also the associated n 167 at page 32 of the Referendum Council report, citing supportive propositions for these points from individual Regional Dialogues at Broome, Darwin and Brisbane.

Interim Report: The Senior Advisory Group emphasised: 'Not only must the foundations be right, **there also must be appropriate support for the Indigenous Voice to respond**... funding has been a reoccurring issue for historical representative bodies. The expectation of appropriate funding from the Australian Government will be a particularly important and sensitive consideration in establishing the Indigenous Voice' (*Interim Report*, 155,

- 6) the Voice is to be established to represent Aboriginal and Torres Strait Islander peoples politically, and while it may draw on the expertise of pre-existing organisations, particularly those involved in service provision in Aboriginal and Torres Strait Islander communities and their peak bodies, it performs a distinct function to them;¹⁰
- 7) the government and Parliament have an obligation to engage with the Voice in certain defined areas, and the Voice has an overarching capacity to engage the government and Parliament proactively about policies, legislation, and amendments;¹¹

emphasis in the original). Chapter 3 included the following statements: “Governments will need to enable capability building, and provide support and resourcing, both during the establishment/transitional period and for ongoing operations’ (at 69) and ‘Australian Government resourcing will be needed for local and regional voice structures at the regional level to undertake their functions’ (at 85). On expert input, Chapter 2 states: ‘The National Voice will require expert policy input for its deliberations and development of advice to the Parliament and Australian Government’ (at 55). This included a ‘panel of qualified people and experts for the National Voice to draw upon as required and constitute to undertake a specific inquiry or task’ (at 55), as well as committees as required, and permanent youth and people with disability advisory groups. An option put forward for further consultation in the Interim Report was ‘a complementary independent Indigenous policy body’ (at 55). The National Co-Design Group ‘strongly emphasised the need for a National Voice to access expertise informed by evidence and rigour that would be combined with knowledge from Aboriginal and Torres Strait Islander communities’ (at 57).

Final Report: The Senior Advisory Group recommended to government that it must ‘Recognise the importance of ensuring sustainability and security for an Indigenous Voice. This requires the provision of funding certainty and appropriate safeguards as part of any enabling legislation, including the establishment of the National Voice as a new independent Commonwealth entity’ (at 14). The Final Report also continued to adopt a panel of experts approach (at 178).

¹⁰ **Uluru process:** In calling for the enshrinement of a First Nations Voice, to overcome ‘the torment of our powerlessness’, the delegates to the First Nations Constitutional Convention made clear in the Uluru Statement from the Heart they wanted ‘substantive constitutional change and structural reform’. The Referendum Council’s summary of the Records of Meeting explains that the purpose of the Voice is distinct from that of existing organisations, whether that be service delivery organisations (with service expertise) or representative bodies designed for purposes such as land tenure, rather, the proposal for the Voice is ‘for the enhanced participation of Aboriginal and Torres Strait Islander peoples in the democratic life of the Australian state’ and represents a ‘new norm of participation and consultation [that] would be different to the practices of the past’. (Referendum Council, *Final Report*, 14).

Interim Report: ‘Generally speaking, existing Aboriginal and Torres Strait Islander peak bodies represent the different sectoral interests of Aboriginal and Torres Strait Islander service delivery organisations. They deal with a particular professional area or service delivery role. This differentiates the role of these peak bodies from those of the National Voice. The National Voice would need to consider all different perspectives in developing a clear vision of how to advance the overall wellbeing and priorities for Aboriginal and Torres Strait Islander peoples at a national level. All members of the National Voice would be members chosen by Aboriginal and Torres Strait Islander peoples and could not be representative via proxy by employees’ (*Interim Report*, 132).

Final Report: “Generally speaking, existing Aboriginal and Torres Strait Islander peak bodies are focused on a particular sector, linked to a group of service delivery organisations. This differentiates the respective roles of these peak bodies and the National Voice. The National Voice would need to consider broad-based, cross-sectoral and cross-community perspectives in developing its advice to advance the interests of all Aboriginal and Torres Strait Islander people at the national level.” (at 157).

¹¹ **Uluru process:** The Referendum Council’s summary of the Records of Meeting explains that the Voice was intended to provide Aboriginal and Torres Strait Islander people ‘with an active and participatory role in the democratic life of the State.’ The emphasis in this ‘new norm’ is on not only ‘consultation’ but also ‘participation’. As one illustration, it means that discriminatory legislation ‘would be contested before it originates’ (Referendum Council, *Final Report*, 14).

Interim Report: ‘A National Voice would have a proactive, unencumbered scope to advise on priorities and issues as determined by the National Voice.’ The summary of the National Voice model states: ‘Parliament and the Australian Government obliged to consult the National Voice on a narrow range of proposed laws which are

- 8) the Voice must be involved at multiple points in legislative and policy processes from the beginning to the end.¹²

4.2 Further process:

While these design principles are drawn from a number of concluded processes, none of those processes have been directed specifically to the design of a constitutionally enshrined First Nations Voice. To follow best practice, respecting the right of Aboriginal and Torres Strait Islander people to self-determination and to engage with the state through political institutions of their own design, a process to finalise the design of the Voice is necessary. This must be a process in which First Nations select their representatives and are fully apprised of all design options. This further process, to take place immediately after a referendum, is essential for the legitimacy and therefore success of the Voice. It should be set out in a Bill that is passed by Parliament and (in an uncommenced form) is an Act available to the public voting at the referendum.

exclusive to Aboriginal and Torres Strait Islander people and would be expected to consult on a broader component' (*Interim Report*, 16).

Final Report: 'Advice would be both proactive and responsive. The National Voice would be able to initiate advice, as well as respond to referrals from the Parliament and Australian Government. The National Voice would determine which issues to advise on. There would be no restriction on this. Advice would focus on national level issues. The National Voice would prioritise to focus resources on what it sees as most important.' (at 19).

¹² **Uluru process:** The submission from Pat Anderson AO, Noel Pearson, Megan Davis and members of the technical advisors team to the Uluru process to the Joint Select Committee drew on exemplar quotes from participants in the Broome, Dubbo, Melbourne and Cairns Regional Dialogues to support the proposition that 'consistent with the calls in the Regional Dialogues ... the Voice will have input into the development of policy as well as legislation and will be able to present its own proposals to the Executive and Parliament for new policies, laws and amendments' (Anderson et al (Submission 479, 3 November 2018), made to the Joint Select Committee on Constitutional Recognition relating to Aboriginal and Torres Strait Islander Peoples (2018) 7-8 and n 11). The Dialogues' understanding of the involvement of the Voice in the policy making process is also captured in the Technical Advisers submission to the Joint Select Committee, which explained that the delegates at the Dialogues discussed that the Voice should undertake other roles, including designing its own policies, advising Ministers, reviewing, monitoring and overseeing funding coming into communities, and auditing and evaluating service delivery in Aboriginal and Torres Strait Islander affairs (Technical Advisers: Regional Dialogues and Uluru First Nations Constitutional Convention (Submission 206, 11 June 2018), made to the Joint Select Committee on Constitutional Recognition relating to Aboriginal and Torres Strait Islander Peoples (2018)).

Interim Report: 'The National Co-Design Group stated the National Voice should be involved, where appropriate, in the legislative and policy processes from the beginning to the end, at multiple points' (*Interim Report*, 46).

Final Report: 'Consultation with the National Voice would ideally occur at the earliest possible stage in the development of relevant laws or policies. This should occur at multiple stages throughout the development process.' (at 148).

Time	Action
Day after successful referendum	The Act that establishes the process for finalising the design of the Voice comes into force.
Within one month of the Act coming into force	Government appoints a Voice Design Council with a secretariat to support its work. This Council comprises equal numbers of Indigenous and non-Indigenous members, and should include individuals involved in the Expert Panel on Constitutional Recognition of Indigenous Australians and the Referendum Council. The Indigenous members of the Council will constitute an Indigenous Steering Committee (ISC), who will take primary responsibility for coordinating the process, guided by the advice of the full Council.
Within four months of the Act coming into force	The ISC must design a series of regional Voice Design Dialogues at which First Nations delegates will deliberate on the design of the First Nations Voice, guided by the design principles set out above.
Four to ten months after the Act coming into force	The Voice Dialogues must be conducted, from which delegates to a National Convention must be selected.
Eleven months after the Act coming into force	The National Convention must be held, to synthesise the work of the Dialogues into more detailed principles and drafting instructions for designing the Voice.
Twelve months after the Act coming into force	From the detailed principles and drafting instructions, the ISC works with the Office of Parliamentary Counsel and drafts the Bill for the composition, functions, powers and procedures of the Voice. The Design Council tables its final report in Parliament, to be considered by a Parliamentary Joint Committee (PJC). The PJC conducts a parliamentary inquiry, with public submissions, and recommends whether the proposed Bill establishing the composition, functions, powers and procedures of the Voice should be passed by Parliament. The PJC is to be guided in its inquiry by the design principles set out above.
Eighteen months after the Act coming into force	The Parliamentary Joint Committee issues its final report and recommendations.
Final parliamentary phase	Parliament will have the final say on the legislative form the First Nations Voice takes in the Bill.