

February 2023

Who is speaking? Who is listening?

Voice architecture and
operational considerations:
Voice as a vehicle for practical
community outcomes

Aboriginal and/or Torres Strait Islander peoples should be aware that this publication may contain the images of people who have passed away.



**PwC's Indigenous
Consulting**

Author and Acknowledgement

This document has been authored by PricewaterhouseCoopers Indigenous Consulting (PIC). PricewaterhouseCoopers (PwC) is one of the world's largest professional services firms, with nearly 328,000 people in 152 countries across the world, offering high quality, global standard services. PwC Australia employs nearly 10,000 skilled professionals across this country.

PIC is a relatively new member firm of the global PwC network. A world-first, PIC is majority owned, led and staffed by Indigenous Australians. It has been in operation for over nine years, and since inception in October 2013, has completed more than 1,800 projects across more than 800 communities around the country - many across regional and remote Australia. It is Australia's largest national Indigenous consulting business.

This very significant body of work provides for a level of intellectual capital, insights, understanding and relationships across Indigenous Australia that would be difficult to match in professional services - and includes policy/program monitoring and evaluation, large-scale reform, and policy/program design amongst other things. Indeed, the firm has twice won a Good Design Award for its design capability and delivery.

Relevantly, PIC has completed projects across a broad range of place-based initiatives around the country (both Indigenous-specific and more broadly), including *Local Decision-Making* work in NSW and the NT, *Local Thriving Communities* work in QLD, work with *Regional Assemblies* across the country and national programs such as *Stronger Places*, *Stronger People*. This work has been commissioned across various jurisdictions, and under policy-settings from both conservative and progressive political parties.

Against this backdrop, PIC has been asked by Uphold & Recognise to provide a view on the link between the current Voice proposal and the delivery of tangible local outcomes for Indigenous communities. To this end the author wishes to thank and acknowledge Sean Gordon, Damien Freeman, Kerry Pinkstone and Ian McGill for their engagement throughout this process. **Neither PIC nor PwC were paid for the preparation of this document.**

Purpose

Annual Closing the Gap reports for almost fifteen years clearly demonstrate that a step-change is needed to improve socio-economic outcomes for Aboriginal and Torres Strait Islander Australians.¹ The status quo is unsatisfactory, and not working. Significant changes are required.

Against this backdrop we head to a referendum later this year, where the people of Australia will determine whether there will be an Indigenous Voice to Parliament. There are understandably questions around whether such a Voice can help to deliver improved outcomes on the ground, across remote, rural and urban communities.

PwCs Indigenous Consulting (PIC) and PwC Australia believe that a Voice can genuinely deliver practical local, regional and national outcomes. Our work across the country for almost a decade provides us with a significant body of work on which to form this view.

The purpose of this paper is thus to provide food for thought for those seeking to understand the connection between the concept of a Voice, and practical community outcomes.

Crucially, constitutional enshrinement of the Voice is the required cornerstone upon which this new architecture can be enabled to drive practical benefits. The longevity brought about by this action will help provide stability for the Voice (eg. a life beyond political cycles), thereby ensuring that long-term, trusted relationships can be built and maintained on the ground - a critical ingredient for long term success.

In summary

Some Australians are seeking more information on how a Voice will deliver real outcomes. This paper outlines how a Voice:

- Requires an understanding of 'who is speaking' and 'who is listening' (ie. Voice architecture), and the way in which they operate for the betterment of Indigenous Australians
- Is very consistent with many existing 'place-based' programs around the country - variously established and supported by both the major political parties
- Represents unique 'connective tissue' that can bring together the views of local/regional Indigenous communities on the one hand, and provide advice to the Government and Parliament on the other
- Can provide a clear platform for those who have historically not been consulted by government, to have a say on issues which affect their families and communities
- Can drive real, tangible, on-the-ground outcomes for Indigenous communities around the country, in relation to Closing the Gap, and more broadly
- Is likely to require different considerations, skills and information at different levels, and that governance and clarity here will be critical to delivering on the potential of the Voice.



Context

This paper has been developed to contribute to the discourse around constitutional recognition in the form of a Voice for Aboriginal and Torres Strait Islander Peoples in Australia's Constitution.

Following considerable work in this space over the past decade or so, there is currently a debate about whether or not specific Voice detail should be provided before or after the referendum, due to be held later this year.

The Government points to the work undertaken over the past decade or so in relation to detail, and that electors should vote on the concept that there should be a Voice, underpinned by a range of principles.

The Opposition says the electors need to understand the detail of what the Voice is, and how it will work; and in particular how this constitutionally-enshrined body will contribute practically to Closing the Gap.¹

This paper considers the middle ground between high-level principles on one hand, and detailed model legislation on the other - framed around the potential 'architecture' of the Voice. This could provide the basis for the Parliament to agree on the broad parameters of the Voice prior to the referendum, noting that the model itself will not be in the Constitution. The Parliament can then authorise the change to the Constitution, which will be put to the Australian people, knowing what a post-referendum agenda might look like.

It is important to remember the design of the model has always been intended to remain in the remit of the Parliament.

There has been significant work done on what a Voice model might look like. The Indigenous Voice Co-design report was commissioned by the Morrison Government and Co-Chaired by Marcia Langton and Tom Calma - framed around a potential Voice to Government. The final report delivered in July 2021, outlined a range of examples and options from around the country which provide useful food for thought around the 'who is speaking' question.

There remains a question around the architecture for the Voice - who it is speaking to within the Parliament and Government(s), which we characterise in this paper as: 'who is listening'.

The other key aspect of a Voice will be how this architecture *operates* - ie. how those who are speaking and those who are listening work together to drive the positive change sought from all parties.

Constitutional enshrinement provides the critical long-term certainty and stability upon which the relationship between government and communities can be genuinely reframed - and it is this new paradigm that can set the Voice proposal apart from previous iterations of Indigenous advisory bodies.

Often in public service reforms there can be barriers to change. Established ways of working, established behaviours, and people just naturally wanting to work within their comfort zones, can all combine to make change difficult.

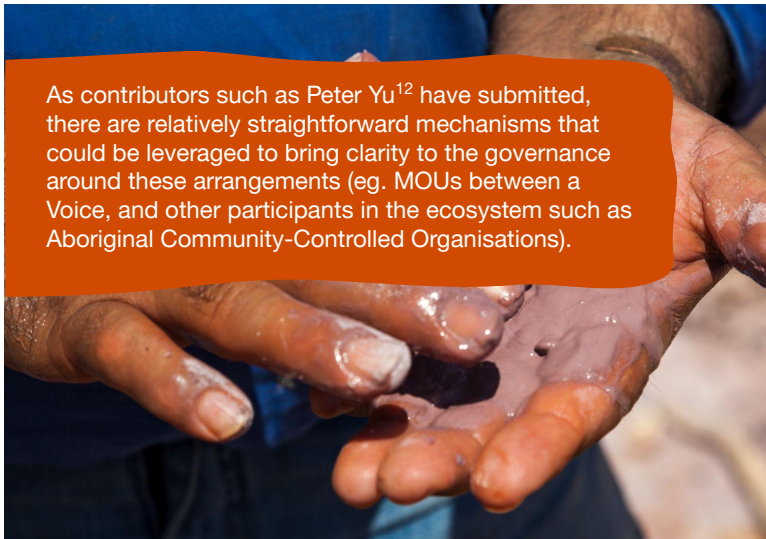
Accordingly, successful change of the scale and complexity required to improve the lives of Aboriginal and Torres Strait Islander Australians (as referenced in annual Closing the Gap¹ reports), requires clear structural and systemic reform. And perhaps more than that, these changes must stand the test of time, beyond political cycles and changes to other policy settings or drivers. Public servants need certainty that this new direction will remain a part of the fabric of their work in Indigenous affairs, so that they can invest the time and energy making the required changes across their workplaces and people.

Communities likewise need this long term certainty. Communities understanding that this Voice, with constitutional enshrinement, will not change every few years, and cannot be discarded with the stroke of a pen, will help to shift attitudes toward working with government - and with greater agency and shared decision-making, these community-government relationships can genuinely be reframed around the joint aspirations of the Voice.

Much more could be said of the engagement and work required to fulfil the promise of the Voice - this paper will touch on this only at a high level - but the design and operations should take into account the different paradigms of policy/program design, architecture and governance, and actual on-the-ground practice.

In order for the Voice to drive the practical on-the-ground outcomes that are being sought, the architecture should also be cognisant of existing policy and program settings - eg. from the Closing the Gap perspective: the Coalition of the Peak Indigenous organisations at the national end of the spectrum, and local community-controlled or other organisations on the ground.¹

In our view this is achievable, but will require some work to provide clarity for the different parties working together for the benefit of Indigenous communities. For example if we assume that the Voice would not deliver programs, and not hold program funds - the distinction between government, service providers, and a Voice starts to become clearer.



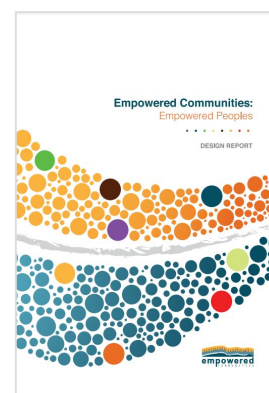
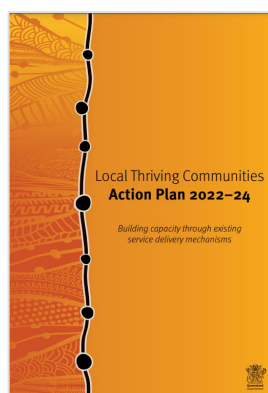
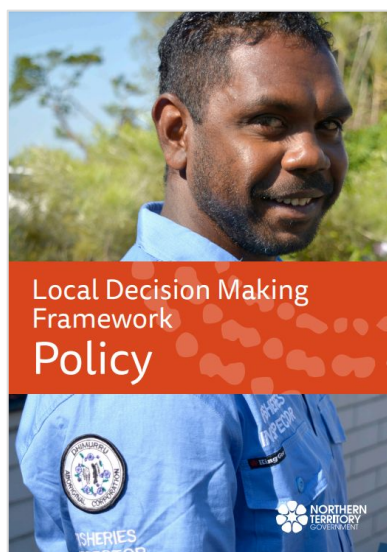
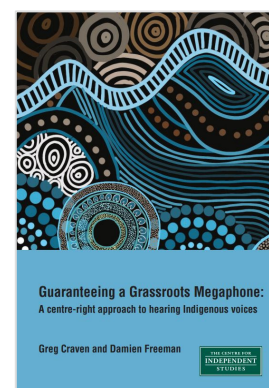
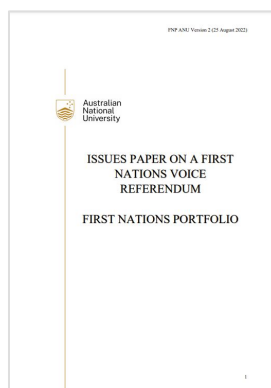
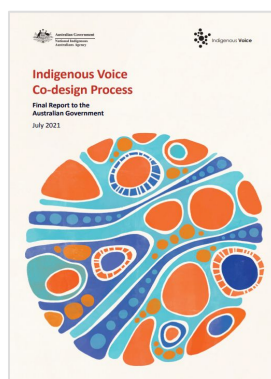
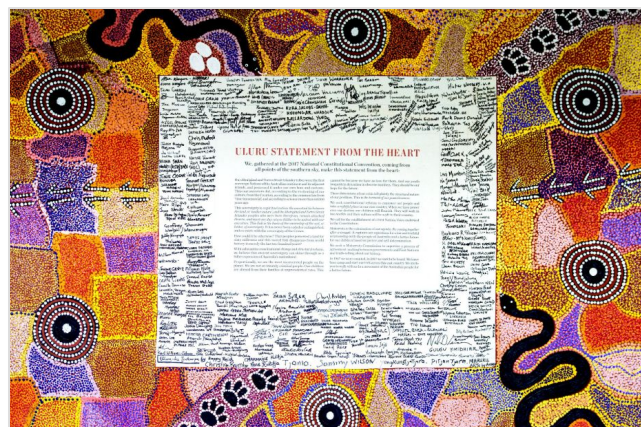
As contributors such as Peter Yu¹² have submitted, there are relatively straightforward mechanisms that could be leveraged to bring clarity to the governance around these arrangements (eg. MOUs between a Voice, and other participants in the ecosystem such as Aboriginal Community-Controlled Organisations).

Acknowledging previous work

As recent reporting and discourse has made clear, there has been substantial work done over the past decade or so to progress this agenda. For those genuinely seeking to understand how this Voice concept might operate, the work below provides considerable detail:

- The Uluru Statement from the Heart³, together with the Uluru Dialogues and the First Nations National Constitutional Convention
- The Joint Select Committee on Constitutional Recognition Relating to Aboriginal and Torres Strait Islander Peoples⁴ (2018) co-chaired by Julian Lesser and Patrick Dodson
- Indigenous Voice Co-Design Process Final Report to the Australian Government⁵ (July 2021) authored by Tom Calma and Marcia Langton
- Series of placed-based programs around the country which provide examples of potential governance, structure and operating principles: Local Decision Making (NSW)⁶, Local Thriving Communities (QLD)⁷, Stronger Places Stronger People (Fed)⁸, Empowered Peoples, Empowered Communities (Fed)⁹, Local Decision Making (NT)¹⁰
- Queensland Productivity Commission: 2017 - Service delivery in remote and discrete Aboriginal and Torres Strait Islander communities¹¹
- ANU's First Nations Portfolio, Issues Paper on a First Nations Voice Referendum (25 August 2022)²
- Guaranteeing a Grassroots Megaphone: A centre-right approach to hearing Indigenous voices.¹²

These bodies of work add significantly to the discourse, and are likely to be valuable to draw upon in the event of a successful referendum.



Voice in the current Australian policy context

There appears to be a bipartisan view that the Voice will have local, regional and national components. Each of these constituent elements will of course be connected to a specific location or area. In this sense, the Voice concept is very similar to many of the existing *place-based* initiatives being operated across the country.

Place-based initiatives can be targeted at the local or project level, at a broader policy or program level, or towards a specific sector, for example justice reinvestment (see below).

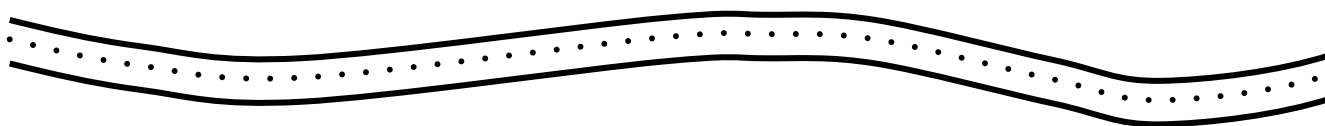
Moreover, these programs incorporate a level of community input as a part of the governance and operations of the program. So we already have a range of current programs which have both place-based policy settings, and a level of shared decision-making which includes input from community-level stakeholders (though not always community themselves, it should be noted).

These place-based programs have been established and supported by both Coalition and Labor Governments respectively across Federal, State and Territory contexts over time. For example, Local Decision Making by the NSW⁶, QLD⁷ and NT¹⁰ governments; or Empowered Peoples, Empowered Communities and Stronger Places, Stronger People by the Federal Government.⁸

Clearly therefore the concept itself of a Voice, as an example of a place-based policy which includes both government and community-level input, is quite uncontroversial.

Structural reform to embed and support change

What is different, is the structural reform sought to ensure the Voice remains a longstanding fixture in Australian public policy - so that these ways of working exist across the country, and are embedded as 'business as usual'.



Case Study - Empowered Communities

In 2013, Indigenous leaders from eight regions across Australia came together to draft a comprehensive set of transformational reforms to give our children the same opportunities and choices that other Australians expect for their children. They secured government support, and are now working to implement change in ten communities across Australia.

With support from Commonwealth, State and Territories government, Indigenous leaders continue to advance the Empowered Communities model.

"We want for our children the same opportunities and choices other Australians expect for their children. We want them to succeed in mainstream Australia, achieving educational success, prospering in the economy and living long, safe and healthy lives. We want them to retain their distinct cultures, languages and identities as peoples and to be recognised as Indigenous Australians."⁹



Case Study - Maranguka Justice Reinvestment

In 2013, Just Reinvest NSW¹³ began a partnership with the Bourke Aboriginal community to implement Maranguka Justice Reinvestment. The Maranguka Justice Reinvestment Project adopted a collective impact framework, to reduce the number of young people in the criminal justice system through justice reinvestment. Justice Reinvestment involves a shift in spending, not an increase in spending, from prisons to prevention.

A 2018 Impact Assessment of the Maranguka Justice Reinvestment Project in Bourke, estimated that improvements in family strength, youth development and adult empowerment had an economic impact of \$3.1 million on NSW government spending in 2017.¹⁴

More importantly, "There is an undeniable elevated sense of positivity in Bourke. People in Bourke feel empowered. There is a real sense of pride, and agency. Maranguka has brought community members including young people to the table and put them in the driver's seat. Maranguka is supporting open and inclusive dialogue, which is the basis of community-led change. The Bourke community are owning the solutions, and with that, there is optimism that more things are possible. This renewed hope brings aspirations to maintain this hope, and to do better, and then better again. Bourke is on a path." Alistair Ferguson, Founder and Executive Director Maranguka.¹⁵

The Voice as a vehicle for change: structural reform

In 2017, the Uluru Statement from the Heart called for a First Nations Voice enshrined in the Constitution.³ The delegates at the Uluru convention, in seeking to overcome existing structural barriers, sought specifically (and in an informed way) for *structural change* to reframe the relationship between Indigenous people and governments.

The delegates also understood the challenging nature of the change required, and that it would take considerable time to shift these settings - and that political cycles had the potential to disrupt progress from time-to-time. As a result, enshrinement of a Voice in the constitution was considered to be an effective mechanism for dealing with these foundational issues.

As the Chair of the Empowered Communities leaders' group mentioned to politicians in Canberra:

"Governments, parliamentarians, and public servants might come and go, it is us community leaders who hold the vision, and the Voice would be the vehicle to drive the change from the grassroots up..."

Notwithstanding this 'protection' consideration for the Voice, the delegates also viewed the current operating systems of government to be ineffective, and pushed for Indigenous representation at all levels of government to ensure a systemic response to the systemic barriers identified.

These structural and systemic reforms were sought as a means by which communities could engage meaningfully with government to provide advice on a range of complex challenges which require government and community collaboration.

Structural reform and improved outcomes

As noted above, there have been a range of processes and work over the past decade relating to constitutional recognition, including exploration of potential Voice models (eg. the recent Voice to Government work). There is considerable detail to draw upon.

Quite separate to the Voice design, there is the question of how such a structure will drive better policy and practices, and how it will provide a platform for local communities - in particular those in regional and remote areas.

This was considered by the Queensland Productivity Commission in their 2017 Inquiry into service delivery for the remote and discrete communities in Queensland.¹¹

The terms of reference for this Inquiry were to investigate and report on the following:

- levels and patterns of government investment and how they change over time
- interactions between investments made by all levels of government, non-profit organisations and third-party service providers
- the range of service delivery programs and whether there is duplication or a lack of coordination across programs
- an evaluation of the design and delivery of existing government services
- best practice approaches for evaluating the effectiveness and efficiency of service delivery
- options to improve outcomes.

This comprehensive review sought input from a range of community members and other relevant stakeholders across Queensland, in various forms:

- meeting with over 500 stakeholders: Indigenous leaders, community members, Indigenous and non-Indigenous councils, businesses, service providers, peak bodies, advocacy groups, academic experts, government departments
- community visits to Aurukun, Cherbourg, Doomadgee, Hope Vale, Kowanyama, Lockhart River, Mornington Island, Mossman Gorge, Palm Island, Torres Strait, Woorabinda, Burketown and Yarrabah
- discussions in Brisbane, Cairns, Cherbourg, Mt Isa, Palm Island and Torres Strait
- 50 written submissions: 29 in response to the consultation paper and 21 in response to the draft report.

It should be noted that the Calma and Langton⁵ process and report was very substantial, but it has already been in the public domain for some time and is highly-referenced. In order to add to the Voice discourse, PIC has drawn upon other perspectives to add to the discussion around structural change (such as a Voice), as a means of driving improved local outcomes.

The Voice as a vehicle for change: structural reform

The Inquiry reached the conclusion that with the right reforms, greater efficacy could be achieved from government investment into remote and discrete communities - something clearly relevant to the current discourse around ensuring a 'grassroots megaphone' (ie. a foundational 'bottom-up' approach) and ensuring the Voice includes regional and remote communities. The Queensland Productivity Commission¹¹ work focused specifically on Indigenous remote and discrete communities, and also on a local perspective - as evidenced by the community consultations above.

In summary, this Inquiry determined that greater efficacy of government resources could come from the following:

1. Structural reform
2. Service Delivery reform
3. Economic Development reform.

Most relevant to the current Voice discussion is item 1 above: Structural Reform. A key principle behind this reform is a concept of 'subsidiarity' - that is, "...that decisions should always be taken at the lowest possible level, or closest to where they will have their effect"¹⁶. A 2015 White Paper on Federal Reform stated that 'subsidiarity means that responsibility for particular areas should rest with the lowest form of social organisation capable of performing the function effectively.'¹⁷

In this Queensland example, this structural reform provides for the establishment of 'local authorising bodies' - ie. a local body consisting of people appointed by the community. This body is then charged with canvassing the community in order to understand the needs and priorities of the community - which it takes to inform the development a 'community plan'.

The local authorising body and Government then come together to discuss the community plan, priorities, issues and so on - which they can encapsulate in an agreement in terms of the agreed government/community funding and service priorities.

From that point onward, government and community can continue to work together to consider service delivery effectiveness, the ebbs and flows of government and community, the prevailing issues and conditions and so on. This new dynamic sees community and government working alongside each other, on an ongoing basis, to target agreed priorities.

This Inquiry is an example of the work undertaken over the past decade or so, which can, if understood, help to clarify the link between the type of structural reform sought by the Voice, and how on-the-ground outcomes can be better achieved in practice.

With this Queensland work in its early stages, we can also draw upon a range of other options for Voice architecture and operational considerations, eg.:

- NSW's Local Decision Making has a Local Decision Making (LDM) regional body, and an accord process between State Government and the LDM body⁶
- Empowered Communities have place-based arrangements with various priorities for each of the regions, and negotiation tables as an interface between the EC/community/region and the Government⁹ (but typically only includes the Federal Government)
- The Calma and Langton⁵ report also outlined a range of interface models.

This structural reform represents a fundamental change to the relationship between government and communities - and in doing so, provides a platform for grassroots community members to engage directly with key government decision-makers. This bottom-up approach provides direct community input to government around the issues and priorities of their community, which could for example be framed around Closing the Gap.¹



Voice: reframing the government-community relationship

Rather than seeing the Voice as a threat to the democratic process, a well-designed structure which provides for local, regional and national input can in fact be a crucial enabler for improving outcomes for Indigenous peoples.

This structural reform which provides for a level of shared decision-making, also promotes shared responsibility. In our experience communities carry these responsibilities every day, and have done for millennia; and so making this explicit as a part of the Voice design is unlikely to be a barrier to progress.

In addition this also follows the ethos of government doing things with communities, and not to them. This can enhance the role of elected representatives of the Parliament, by ensuring decisions are better informed.

With local and regional Voices being a critical foundation, and with a clear structural link between the local/regional and national Voice, this congruence can help to align advice, resources and effort - better informing decision making, and also potentially helping to identify duplication across government programs and spending.

A new partnership approach

Ray Griggs, inaugural Chief Executive of the National Indigenous Australians Agency (NIAA) and former Vice Chief of the Defence Force said “The key difference in approach is the commitment to working with Indigenous Australia through formal and informal partnerships. Working in partnership is hard, it is slow but it is rewarding for all when it works.” Griggs argues this change has been underway for some years now, but not in a coordinated fashion. For structural change to occur, Griggs asserts that those used to making the decisions need to be “giving up a little control and power and allow for Indigenous perspectives to get a serious look in.”¹⁸

To understand how the Voice can be different from the past, various frameworks can be used to consider this relationship between government policy and decision-making, and Aboriginal and Torres Strait Islander peoples.

The IAP2 (International Association for Public Participation) spectrum of public participation¹⁹, and Arnstein’s Ladder of Citizen Participation²⁰ are two frameworks that are often used in this context. Each outlines a spectrum of ways in which these relationships can be characterised, from very little citizen input and involvement at one end, to citizen empowerment and ultimate decision-making at the other.



Voice: reframing the government-community relationship

Using Arnstein's ladder in the context of the Voice, Levels 1 and 2 are largely irrelevant.

Level 3 - Informing, probably best represents the relationship between government and Indigenous communities traditionally - though there have been shifts in the intent over the past decade or so. This is where decisions had been made about Indigenous people, without their input, resulting in no participation, agency, ownership or control.

With Level 4 - Consultation: various parts of various Governments regularly undertake consultations with Indigenous communities, often without a clear understanding of what impact that consultation might have, and this can often be viewed by communities as an extractive process - where questions are asked, answers are provided, but communities are none-the-wiser about how or whether their advice has been accepted or properly considered. This can also lead to consultation fatigue for many Indigenous communities, with the range of different agencies across local, state/territory and federal governments.

Level 5 - Placating: describes the practice of Governments appointing hand-picked people through various advisory bodies and councils to be the voice for all Indigenous peoples. There have been examples of this practice from all political parties, and governments - though again the point to be made here is that this represents a positive shift in the relationship as compared with previous practices.

At the other end of the spectrum (Levels 7 and 8) we have Delegated Power (eg. potentially an ATSI-style model), and Citizen Control. It is our understanding that neither of these models is being considered in the context of current Voice discussions.

And so from a Voice perspective, something like Level 6 on Arnstein's Ladder - Partnership - appears to be the type of reframed relationship between government and communities that might be most effective in the current environment.

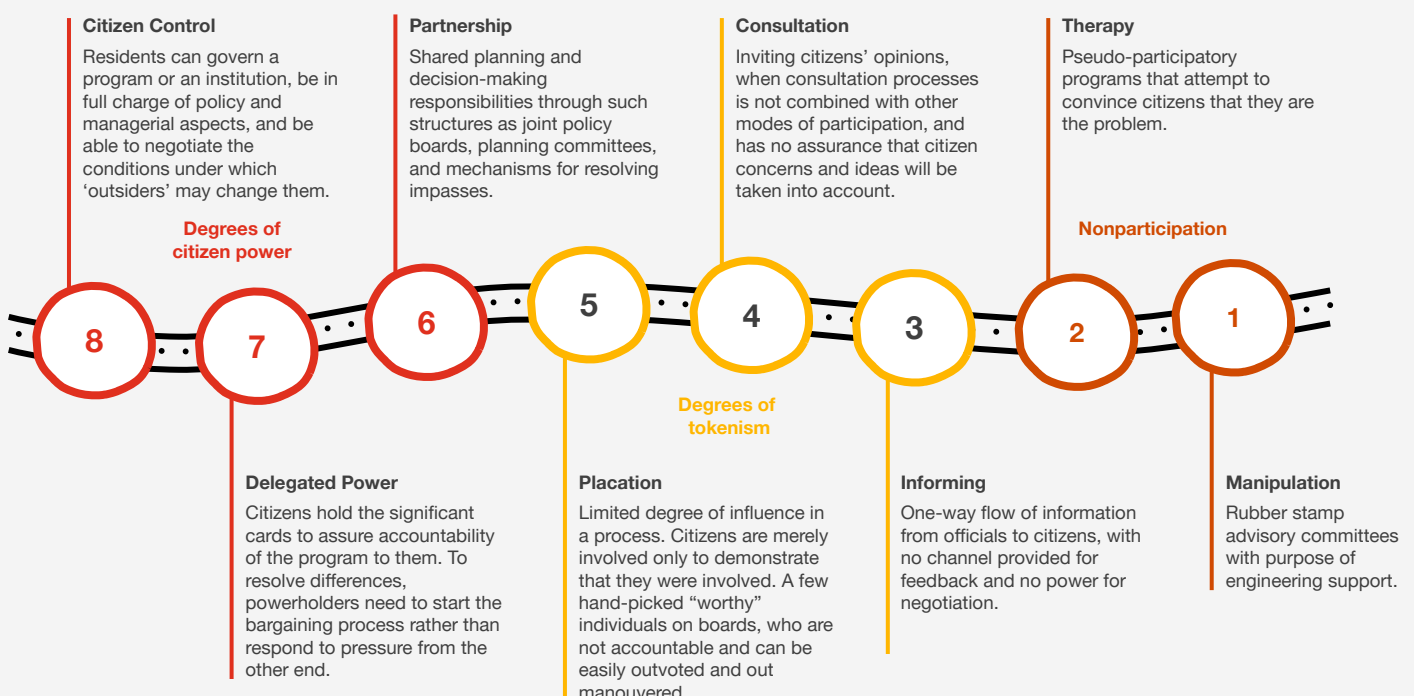
With Level 6, Power is in fact redistributed through negotiation between communities and government/current decision-makers. Planning and decision-making responsibilities become shared eg. through joint committees²⁰.

Groups such as the Australian Institute of Health and Welfare (AIHW)²¹ speak to the value of long-term relationships built on trust, respect and honesty, and underpinned by effective governance structures, as being key to sustaining relationships between groups working on shared goals.

So this 'Partnership' frame for the Government / Community relationship may be helpful in confirming the *type of relationship* from which the architecture of the Voice can operate effectively.

This also strikes the good balance between power sharing, agency and control, and will be important in ensuring the Voice helps to deliver real and lasting change in communities.

Arnstein's "Ladder of Citizen Participation"



As described by Sherry Arnstein in 1969 in "A Ladder of Citizen Participation". Journal of the American Planning Association. Infographic adapted from Stephen Steinbach v2022-07 alternativetransport.wordpress.com CC BY-SA 3.0 AT

Voice: reframing the government-community relationship

Incidentally, this new partnership model does not mean that everyone connected to the Voice process will agree. As Ray Griggs points out:

“One thing that dogs perceptions in this space and holds back progress is the view that there should be some sort of pan-Aboriginal position on issues. It always bemuses me somewhat when I hear ‘what is the Indigenous view’ or the oft peddled ‘they can’t agree on anything’ argument which gets trotted out when others are trying to shoot down proposals. Indigenous Australia, like Anglo-Saxon Australia or Greek Australia is not homogenous in lived experience nor in outlook on every issue. It is nonsensical to expect it to be so. Yet that view persists, largely due to negative stereotyping and it is an issue that I think we all need to call out when we hear it.”¹⁸

In the Joint Council Response to the 2021 Partnership Health Check, held annually to assess the health of the partnership between the Coalition of Peaks and Government Parties (under the Partnership Agreement on Closing the Gap 2019-2029) the Joint Council said:

*In order to maintain momentum on the National Agreement’s transformative agenda, it is important that the **partnership principles** on which it is built: shared, open and transparent consensus-based decision making; mutual accountability and responsibility; engagement of Aboriginal and Torres Strait Islander communities; and self-determination, are fostered and enhanced...*²²

Building support across the political spectrum

In *Guaranteeing a Grassroots Megaphone: A centre-right approach to hearing Indigenous voices*,* Greg Craven and Damien Freeman recently wrote: “If the Indigenous Voice is designed as a grassroots megaphone, it will be something that conservative and liberal voters can support. We can all get behind a mechanism that enables people in Indigenous communities to provide advice to the Commonwealth Parliament about laws relating to Indigenous affairs. And we can all get behind the idea that, in light of Australia’s history, the Constitution should guarantee that, in future, Indigenous voices will be heard before Parliament exercises its power to make laws with respect to Indigenous affairs”¹⁸.



Operational considerations: Who is Speaking? Who is Listening?

The focus of the call for 'detail' and the development of principles has tended to be on *who is speaking*, but driving tangible outcomes will also require an understanding of *who is listening*, and then of course the *operation* of this architecture.

There have been many examples of advisory bodies/councils across all levels of government. The concept of seeking advice from Indigenous people is not new or controversial - and has been adopted across the political spectrum and bureaucracies throughout Australia. A key difference with the Voice proposal, is that the Parliament and Government will have a longstanding mechanism for also ensuring the right people are listening.

The architecture discussed in this paper does not describe the detailed internal operations of the Voice. It attempts to explain at a high level how the Voice, once designed and operational, can interact with the Government and the Parliament at local, regional and national levels to deliver its key functions.

Who is speaking?

Across PICs more than 1,800 projects, we have encountered a range of **place-based** policy and programs across the country which are described in a variety of ways: 'local decision making', 'local thriving communities', 'community-led systems change', 'collective impact', 'regional assemblies' or 'place based decision making'. For the purpose of consistency of language for this paper, we categorise these as forms of **place-based governance**.

These various programs include a range of important components from a Voice perspective: they are place-based; they provide a means by which local community people are able to voice their views on local policies and programs directly to government; they exist across regional and remote communities; and some include both local/regional and state or national elements.

For example in the NSW Government 'Local Decision-Making' context, regions are charged with self determining who will form a given region through an expression of interest process; and then after a series of discussions/negotiations, enter into an accord arrangement with the government.⁶

In the Queensland 'Local Thriving Communities' context, a local authorising body is established by the community, and their relationship with government is designed to be formalised through an agreement stemming from a community plan (which outlines community priorities etc).⁷

In the Empowered Communities context, the relationship between community and (generally the Federal) government, is by way of a regional development agenda, first priority agreements and a partnership table.⁹

The Calma and Langton report even went as far as positing the number of regions across the country (35), with the national voice being structurally linked to the local/regional voices.⁵

More recently there have been a series of principles put forward, distilled from the Uluru Regional Dialogues²³ and First Nations Constitutional Convention²⁴, the 2018 Joint Select Committee²⁵, and the Indigenous Voice Co-Design processes - identifying the Voice as a body that:

- provides independent advice to the Parliament and Government
- is chosen by First Nations people based on the wishes of local communities
- is representative of Aboriginal and Torres Strait Islander communities
- is empowering, community led, inclusive, respectful, culturally informed and gender-balanced, and includes youth
- is accountable and transparent
- works alongside existing organisations and traditional structures
- would not have a program delivery function, and
- would not have a veto power.

If the above principles speak to the construct or constituent elements of a Voice, other principles have been suggested around the key elements that should be considered in relation to the *operation* of the Voice, eg respectful long-term partnerships, transparency and accountability, and data and evidence-based decision making.

What this means in practice is that each region may have consistent overarching principles at a high level, but have a level of flexibility to enable local/regional Voices to take into account their local/regional context.

This is to be expected given the diversity and complexity of the country, and the obvious differences say, between an urban setting and a remote setting for example. This flexible and 'fit-for-purpose' approach would also enable the Voice model to take into account things like a community's experience with this style of operating and decision-making, existing capacity, and the breadth and depth of local/regional leadership available.

The work referenced above have slight variations in terms of the construct of potential local/regional bodies - with some for example self-selecting, and others being appointed. This has evolved in relation to Voice-specific conversations, where the principles above for example speak to Voice members being chosen by First Nations people based on the wishes of local communities.

What is clear, is that the local/regional components of the Voice are a crucial platform for the provision of advice and the sharing of insights between communities and government, through will need to be supported to fulfil their potential (eg. all stakeholders having access to accurate and timely information to ensure a clear shared understanding of issues and drivers, upon which fit-for-purpose advice can be provided).

Operational considerations: Who is Speaking? Who is Listening?

So what might be the role of local/regional Voices?

Above in this paper we refer to the Queensland Productivity Commission's Inquiry into service delivery into remote and discrete Indigenous communities. The Inquiry came to the conclusion that local authorising bodies could have the following role (in the interests of improving service delivery efficacy on the ground), namely:

- providing information around the true needs, issues, and priorities on the ground
- provide advice on how these issues might be best dealt with; and
- provide input on the performance of service providers.¹¹

Likewise the Calma and Langton report provides a view of those things considered core to the role of local/regional voices:

- Undertake community engagement activities
- Provide advice to governments on community aspirations, priorities and challenges so as to influence policy, program and service delivery responses
- Work with all levels of government on shared decision making including how funding investments can better align to local priorities and strategies
- Communicate with the national voice on systemic policy issues and issues of national importance.⁵

The clear convergence here provides some level of clarity around the possible role for local/regional Voices - and in doing so also helps to demonstrate how these groups will work with government to help to drive improved outcomes for communities.

In PIC's experience, invariably one of the foundational issues to resolve as a part of these arrangements, is some level of clarity around 'what is on the table'. Is this relationship about all government service delivery? Does it include policing? Does it include local government-like responsibilities? Agreeing to boundaries, or the 'scope' of these arrangements is a key early-stage discussion point; and we have found this open to ebb and flow also (eg. different starting points and different priorities for different communities).

Regardless of where these conversations land, what is clear is that the *core tenet is the relationship between the parties*. Once again, many of these considerations have already been resolved in relation to the many place-based programs noted above, and should not be considered too complicated or difficult to navigate.

Now that we have an overview of place-based models (ie. examples of who is speaking at a local / regional level), we can turn our attention to the interface between the local /regional Voice and the Parliament.



Operational considerations: Who is Speaking? Who is Listening?

The interface with local/regional Voices to determine who is listening

It is clear that for the Voice to be effective, it needs to be connected to governments in a structured way. One relevant example which has been operating for some years, is the NSW LDM policy and context.⁶

The Murdi Paaki Regional Assembly (MPRA) is an LDM region in NSW which represents sixteen local communities in the State's remote North West. Each of the local communities has a representative (ie. an equal voice) at the MPRA. The MPRA then comes together to engage with governments and others in their region around issues, priorities and to discuss future plans and aspirations.²⁶

Over time, LDM in NSW has evolved so that the LDM regions themselves have a representative appointed to a body which is established for more strategic and policy-related discussions at a whole-of-state level - being the NSW Coalition of Aboriginal Regional Alliances (NCARA).²⁷

Once again, it is **not** suggested that this be *the* model for the Voice, but it does provide, alongside other work, a useful for starting point for considering design principles and options for the Voice.

Separately, the Empowered Peoples, Empowered Communities and Cape York Partnership groups have submitted the idea of Tripartite Partnership Tables and a National Indigenous Policy Productivity Council.

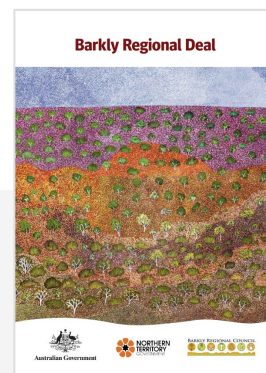
The Tripartite Partnership Tables are based on two key conditions for the interface between the Voice and governments to be effective:

- that there needs to be a partnership table as a structure in which the local/regional voices sit down with the governments to negotiate
- that there needs to be Local, State and Federal Governments at the table when negotiating policy reforms at the local and regional levels.

Importantly, their position is clear that a Tripartite Partnership Interface *would not be a new organisation* but would be 'a meeting or partnership table, via which the parties can come together, negotiate and exercise their responsibilities and authority jointly to agree priorities, plans and investment'.²⁸

The local/regional Voice representatives would meet at the Tripartite Partnership Table with representatives from all levels of government who have the requisite authority to make decisions, as well as those with particular expertise depending on the issues for discussion and negotiation.

In relation to the concept of an Indigenous Policy Productivity Council, it has been suggested by the groups that it would act as an accountability mechanism by providing oversight of the interface between the Voice and governments. This Productivity Council could be charged with ensuring the partnership is functioning as intended and could possibly assist with community/government negotiations if required.²⁹



Case Study - Barkly Regional Deal

The Barkly Regional Deal is the first regional deal in Australia. It is a 10-year commitment between the Australian Government, the Northern Territory Government and Barkly Regional Council to improve the productivity and liveability of the Barkly region by stimulating economic growth, improving social outcomes and supporting local Aboriginal leadership.

It includes 28 initiatives across 3 focus areas of Economic Development, Social Development, and Culture and Place-Making.³⁰

Operational considerations: Who is Speaking? Who is Listening?

Who is speaking at a national level?

The national Voice would be a body which can provide advice to the Australian Parliament and Government, and be structurally linked to the local/regional Voices.

Calma/Langton put forward the proposition that the purpose of the National Voice is to advise on “matters of national significance relating to the social, spiritual and economic wellbeing of Aboriginal and Torres Strait Islander people”. Their proposition is that there would not be any restrictions on what the National Voice could advise on, however the National Voice would need to prioritise its resources to focus on the issues it sees as most important.⁵

From a bottom-up perspective, local and regional groups could provide advice to government at those levels and also to the national Voice around key community priorities and issues, advice on how best to address any issues and issues around on-the-ground program delivery.

From a top-down perspective, the national Voice could provide advice to the federal government on the key thematic issues around the country, and also provide a view on the policy and strategy that might emerge firstly at the national level (eg. free trade agreements, national energy policies, national skills policies, national response to Royal Commission or similar recommendations etc); and to efficiently direct information to regional and local bodies stemming from these national conversations.

Policy and law reform

Law reform and major changes to policy regarding Indigenous affairs are matters for the Parliament and the Government. The national Voice, however designed, would have a central role in advising the Parliament and the Government on the exercise of legislative and executive power in relation to Indigenous affairs.

There are a number of peak bodies that can provide a level of subject matter expertise across various sectors in Indigenous affairs. What is required is structural change so that this advice can be sought through a well-considered, representative, and transparent process. Currently the means of consultation can be skewed towards engaging with those already known to government or already with a platform.

Well-designed architecture will enable parliamentarians and bureaucrats to meet with the national Voice so that they can work together to co-develop priorities and co-design solutions.

The national Voice can act as the conduit between the Commonwealth Parliament and Government on the one hand, and the local and regional Indigenous Voices on the other. It provides the mechanism through which decision-makers at the national level can hear what Indigenous people around the country are seeing and thinking, to ensure their views are represented.

Of course, these views are unlikely to be homogenous or unanimous - and to some extent that is a great strength of this model - a priority for Yarrabah in QLD might not be a priority for those in Roebourne in WA, or Dubbo in NSW. Similarly, how a similar policy is delivered in each of these areas is likely to be different also - a local Voice can be a crucial enabler to driving effective delivery, informed by a deep understanding of the local context.





Operational considerations: Who is Speaking? Who is Listening?

Parliamentary Committees: what can we learn?

The Federal Parliamentary Committee process which currently provides advice to the government on legislation and policy matters, provides another example for national Voice designers to consider. Parliamentary Committees are time-limited constructs formed by governments when considering new or existing legislative changes to ensure that public and expert views inform their development and implementation. Most Parliamentary Committees contain members of the House of Representatives or Senate, although they can and have included members of the public when considering specific areas of policy expertise. Parliamentary Committees are already included in the Australian Constitution as a mechanism of parliament, but under current arrangements the type and nature of advice they seek can be changed at any time by government. The proposal to insert specific wording into the Australian Constitution for the Voice would ensure that, irrespective of changes of government or policy priorities, the mechanism remains focused on hearing the voices of local and regional community members in relation to Aboriginal and Torres Strait Islander issues.

Parliamentary committees investigate specific matters of policy or government administration or performance. Committees provide an opportunity for organisations and individuals to participate in policy making and to have their views placed on the public record and considered as part of the decision-making process.

Responses to Parliamentary Committee reports tabled for consideration are prepared by relevant portfolio agencies under the direction of respective Ministers, and tabled publicly to ensure transparency of the committee process. In instances where reports provide recommendations across a number of portfolios, government responses are considered and endorsed by Cabinet before being made publicly available.

Many committee reports considered by the government are not adopted or accepted, although they provide information for the government and the public to consider in the development of future public policy.

The national Voice for Aboriginal and Torres Strait Islander people could draw upon some of the operating principles used by Parliamentary Committees - providing advice to the government and relevant departments about public policy effects on Aboriginal and Torres Strait Islander people, with the key difference being that membership of the Voice is determined through a democratic election process amongst Aboriginal and Torres Strait Islander people.

Ian McGill proposed a not dissimilar proposition on this interface between the national Voice and the Parliament, a summary of which was published in the *Australian Law Journal*. McGill provides an option for an interface between the Voice and the Parliament, suggesting a parliamentary committee on Indigenous affairs could meet with the Voice on equal terms. This approach would see the partnership table structured in a way that meant the Indigenous representatives were not appearing before the committee but were actually treated as part of the committee. It could also be structured so that meetings of the partnership table were subject to parliamentary privilege.

Operational considerations: Who is Speaking? Who is Listening?

The Calma/Langton report also suggested the establishment of advisory groups for the national Voice to provide advice on legislation and policies relating to certain issues. These advisory groups could ensure the Parliament has access to expert advice, which in turn would ensure legislators have more informed views through engagement with the Voice.

Under the Turnbull Government, the Prime Minister's Indigenous Advisory Council met with a Cabinet sub-committee called the Indigenous Policy Committee of Cabinet. This allowed the Committee to directly engage with the Council on complex policy issues, and matters of national importance.

The challenge with this structure was the Indigenous representatives could only provide their individual personal or professional views. One could argue this assisted the Cabinet to make more informed decisions, but with two key limitations: (1) firstly, the Council was not established to enable the representatives to seek views from the community to ensure the views were more broadly representative, and (2) the Council had no capacity to drive important reform agendas if Cabinet accepted their advice, as there was no 'connective tissue' between these conversations and a grassroots vehicle that would be required to help to drive this reform.

Across these various vantage points, the value of a body which combines on-the-ground insights and intelligence with a structurally-linked national body to engage with government(s) on matters of import to Aboriginal and Torres Strait Islanders, is significant in being able to work alongside government(s) to drive material positive change for Indigenous communities around the country.



The need for constitutional enshrinement

The status quo is unsatisfactory

As is obvious to any observers of Indigenous affairs in Australia, annual Closing the Gap presentations paint a difficult picture - some indicators continue to head in the wrong direction, despite over a decade of effort and investment. More of the same will not deliver the required uplift in these results - significant changes are required.

Barriers to Change - Constitutional enshrinement is key

As noted above, the status quo in public policy can be very difficult to shift. This is not at all a comment on the public service or others - except to say that they (and communities and service deliverers) are all as busy as they have ever been, and operate in an increasingly VUCA (Volatile, Uncertain, Complex and Ambiguous) environment.

At the community end, there is firstly a healthy level of scepticism that when they are told things will change, or that this policy or program will genuinely be different, that this will in fact be the case. They see many government people come and go, experience promises being made, and then are often left with the status quo when people or policy settings change. As a result they typically do not invest significant time in building genuine relationships with government stakeholders.

Accordingly these two groups are often at an uneasy impasse - where public servants struggle to get meaningful community engagement - and thus rely on uncertain or incomplete information on which to inform their policy/program design or delivery. What is needed (amongst other things), is a genuine, committed and respectful relationship between the groups with a level of shared understanding, shared decision-making, and shared responsibility.

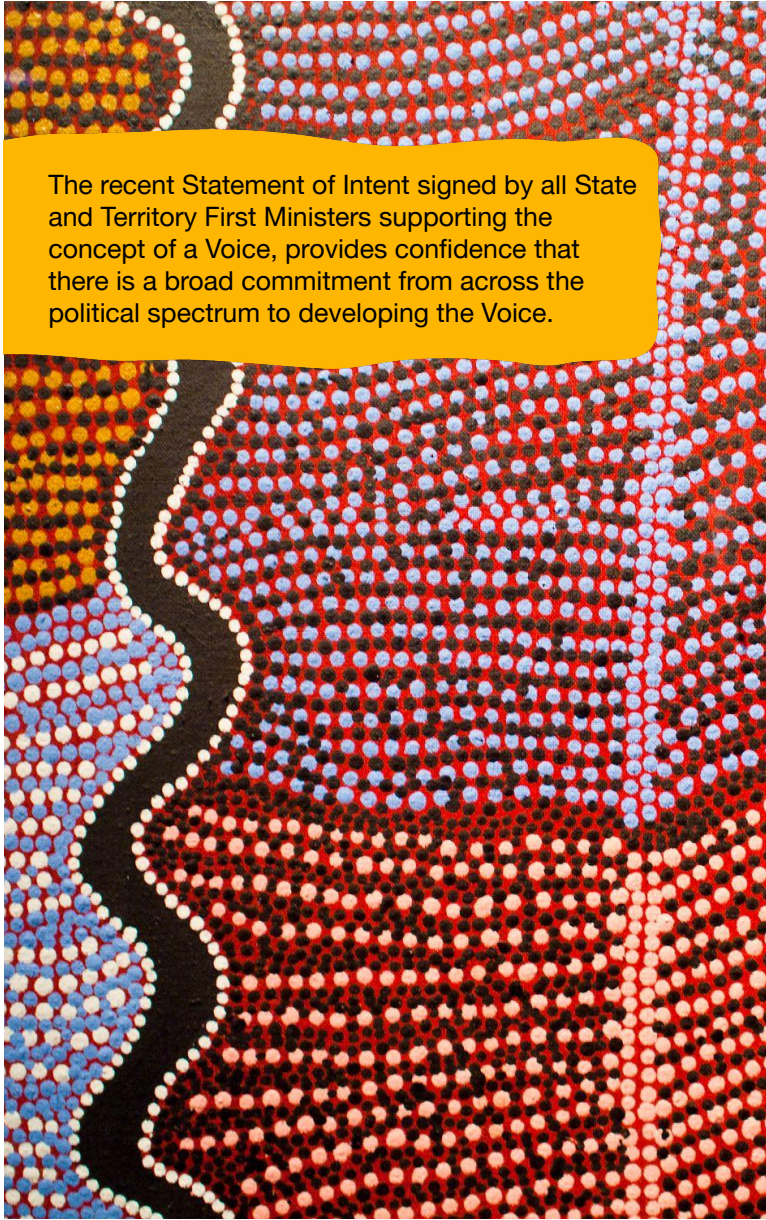
A Voice which is enshrined in Australia's Constitution, is one of the most powerful ways in which to:

- a. provide the required credibility for the Voice in our federal system (to enable Parliament to exercise their power to design the resulting legislation);
- b. provide the certainty and stability all parties seek in making long term decisions around where to invest their time, energy, funding and any other resources - and in particular to give confidence to Indigenous communities that their voices will be heard over the long term; and
- c. signal to all parties that Australia has entered into a new relationship with the First Peoples of this country.

It is difficult to quantify the value of improved or strong relationships. In PIC's experience working with many communities and governments across every state and territory over the past decade, a key outcome of more trusted relationships is more accurate and timely information/insights being shared between communities and government.

This in turn ensures that, at the very least, issues can be properly triaged and thus policy design and decision-making are at least focused on 'solving for the *right* issue/underlying cause'. Stronger, more trusted relationships are key to the design and delivery of effective solutions - and in our experience this matters just as much at the national level as the local/regional level.

When all groups recognise that the new settings enabled by the Constitutional enshrinement of the Voice pave the way for a new way of working - one where decision-making is shared, responsibility is shared, solutions are open to being co-designed, and that the Voice will continue unless changed by a future referendum - these jointly agreed priorities can be pursued with vigour.



The recent Statement of Intent signed by all State and Territory First Ministers supporting the concept of a Voice, provides confidence that there is a broad commitment from across the political spectrum to developing the Voice.

In summary: Voice and practical outcomes

The intent of this paper is to demonstrate that a constitutionally-enshrined Voice can indeed drive practical on-the-ground outcomes, drawing on much of the work already completed over the past decade, and the significant body of work performed by PIC and PwC Australia over the past decade or so across Australia. In closing, we make the following observations:

- Existing place-based models, alongside previous bodies of work, are a strong foundation for a conversation about the architecture of the Voice. This is a 'middle-ground' between the push for principles on one hand, and full exposure draft on the other.
- These place-based and related models exist across remote and rural, as well as urban Australia.
- Local representation can ensure that people previously without platforms and agency, now have a means by which their views and advice are heard directly by government.
- The Coalition's previous work on a Voice to Government and the Government's Voice to Parliament focus can work in lock-step (ie. effectively both a Voice to Government and also to Parliament) to deliver the structural and systemic changes required to drive outcomes for Indigenous communities locally, regionally and nationally. There needs to be congruence and coherence around this system of operating to ensure alignment and effective use of resources.
- While there is some complexity to note, the above place-based programs demonstrate that it is possible to formulate new policy and ways of working alongside existing policies, programs and organisations - something particularly poignant when considering Closing the Gap focus and aspirations.
- It is likely that different terms of reference might be required at different 'levels' and that consideration should be given to both bottom-up, and top-down issues and considerations, and the information and data required to be provided to each of these Voice bodies to ensure (a) free, prior and informed consent for each body, and (b) that Voice bodies are not at a disadvantage to Government or others, in that they have access to the same information etc.
- It is possible to design a model which incorporates overarching principles and even consistent program/policy settings, whilst at the same time having a level of flexibility around how services are delivered on the ground (ie. pursuant to local advice) - so that delivery of say, a youth justice initiative in Perth WA, can look different to a youth justice initiative in Normanton QLD, for example.
- Crucially, the Constitutional enshrinement of the Voice presents a unique and compelling opportunity to completely reframe the relationship between Indigenous communities and Government/Parliament - and that a level of certainty around the Voice's continued existence could significantly increase levels of trust over time, resulting in more effective and efficient use of government resources, and better outcomes for communities.



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