

30 April 2021

Voice Secretariat

Co-designVoice@niaa.gov.au

Dear Voice Secretariat

Submission to support a First Nations Voice to Parliament enshrined in the Constitution

Thank you for this opportunity to make a submission to the Indigenous Voice Co-Design Process in response to the Interim Report to the Australian Government.

This submission represents my personal view. I write this submission to express my support for the constitutional change called for in the Uluru Statement from the Heart: a First Nations Voice to Parliament to be enshrined in the Australian Constitution.

I am writing this from my home, which is in NSW on the land of the Gadigal people of the Eora Nation. I acknowledge the Traditional Owners and custodians of the land and pay my respects to their elders past, present and emerging. I was born and grew up in Victoria, on the country of the Boon Wurrung and Woiwurrung people of the Kulin Nations. Now living in Sydney, I the Principal Solicitor at the Public Interest Advocacy Centre, a community legal centre. I am proud to work for an organisation that supports the Uluru Statement from the Heart and its calls for voice, treaty and truth.

In my experience as a lawyer in both Victoria and NSW—with government, the Victorian Equal Opportunity and Human Rights Commission, legal aid commissions and non-government bodies—I have seen and continue to see the devastating and unacceptable over-representation of Aboriginal people in out-of-home care, youth and adult detention, in our youth and adult criminal justice systems and deaths in custody. Thirty years ago, the Royal Commission into Aboriginal Deaths in Custody reported that the most significant contributing factor to Aboriginal people coming into conflict with the criminal justice system was their disadvantaged and unequal position in wider society; structural disadvantage and inequality that persists today.

In the Uluru Statement from the Heart, First Nations delegates from all around Australia described the *'the torment of our powerlessness'* in the face of such injustice and the structural obstacles to real empowerment. They stated:

'We seek constitutional reforms to empower our people and take a rightful place in our own country. When we have power over our destiny our children will flourish. They will walk in two worlds and their culture will be a gift to their country.'

'We call for the establishment of a First Nations Voice enshrined in the Constitution.'

The Australian Government has expressed its commitment to constitutional recognition and numerous processes have emphasised that any constitutional recognition must align with the wishes of Aboriginal and Torres Strait Islander people. A First Nations Voice, which would give a representative First Nations body a direct connection to the Commonwealth Parliament with a role to inform the legislative process, is the *only* model of constitutional recognition that has the collective support of First Nations people.

A representative First Nations Voice should reflect the diversity and diversity of views of Aboriginal and Torres Strait Islander peoples across Australia and must be enshrined in the Australian Constitution if it is to have the legitimacy, authority, stability and certainty needed. This will enable it to succeed in fulfilling its role, having secured the endorsement of the Australian people through referendum and having protection from repeal at the whim of the government of the day. Details on the structure and membership of the Voice to Parliament, which the Interim Report addresses, can appropriately be contained in enabling legislation, allowing for the detail of its design to evolve as required.

I ask that:

1. ! The Government honour its election commitment to a referendum once a model for the First Nations Voice has been settled; and
2. ! Legislation for a First Nations Voice to Parliament be introduced after a referendum has been held.

The Uluru Statement from the Heart called for voice, treaty and truth and invited us to walk '*in a movement of the Australian people for a better future.*' Constitutional enshrinement will answer the call for a voice and is an overdue and essential step in this journey.

Yours sincerely

██████████ |