

Submission to the National Voice to Parliament Consultation Process

Aborigines and Torres Strait Islanders are Australia's First Nations.

The High Court of Australia has ruled that indigeneity confers an inalienable right to live on this continent that is more fundamental than citizenship.

Though comparatively few in number, First Nations Australians are not a minority in the sense that most immigrant populations are.

As the living agents of tens of thousands of years of stewardship, they are preeminently entitled to recognition in the Constitution.

They are, morally, and ought to be in law, first among equals in this multicultural society.

Constitutional recognition should reflect First Nations' wisdom about their role in the larger Australian nation.

The First Nations' proposal for recognition is profound yet simple: that they be consulted about policy and legislation that affects them through an Aboriginal and Torres Strait Voice to Parliament (the National Voice) enshrined in the Constitution.

In support of that goal I submit the following:

The proposed National Voice would:

- be represent the diverse populations and needs of Aboriginal and Torres Strait Islander people;
- speak to the Commonwealth Parliament and Government on policy and legislation;
- not be a 'third chamber' of Parliament;
- not deliver programs or services;
- act and operate independently from the Parliament and Government.

The proposed National Voice would be enshrined in the Constitution by:

- holding a referendum in the next term of Parliament;
- followed by enabling legislation.
- It is of critical importance that the National Voice is not legislated or otherwise implemented before a referendum is held.

The proposed National Voice would be established in discrete stages:

- a separate structured process to consider the constitutional, legislative and executive options to enact the the National Voice, as per the Voice Co-Design Final Report, that would result it:
- an exposure draft bill as per the final Co-Design report to give the Australian public a comprehensive look at the details of the Voice before a referendum is held;
- a draft constitutional amendment for a new provision for a Voice that will then be put to the Australian people for a vote in a referendum; and
- a pathway to a referendum in the next term of Parliament.

Paul Smith



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