

To whom it may concern

Submission to the Co-design process

My name is Bridget Cama. I am a young First Nations Wiradjuri and Pasifika woman. I grew up in Lithgow NSW, however, my connections are to the Cudgegong River, just outside of Mudgee and the Wellington area. I previously studied and worked as a researcher at UNSW and I am currently working as a graduate lawyer.

Importance of the Uluru Statement from the Heart

I have witnessed many people, from diverse walks of life, Australians and non-Australians, be so strongly moved by the Uluru Statement from the Heart. I have heard many say, I don't understand why you all aren't just angry and want to fight, however, instead, you open up your arms and invite Australians to walk with you for a better future. The Uluru Statement from the Heart is a rational and practical call for reform to achieve justice and self-determination for First Nations peoples.

The proposal is not radical, and it is one which can make substantial changes whilst working with the existing systems of government. Further, the process that led to the Statement was the first time Aboriginal and Torres Strait Islander peoples were consulted about what form they wanted constitutional recognition to take. The consultation saw over 1200 First Nations peoples consulted nationally and the process was designed with respect for cultural authority in mind.

I see the Uluru Statement from the Heart reforms as the most significant proposal in my lifetime, which I hope are achieved in my lifetime so I don't have to pass the fight for justice onto the next generation. The reforms called for by the Statement are important because if implemented in line with the Uluru Statement from the Heart, have the potential to remedy the wrongs of the past and the issues faced by First Nations peoples.

Impacts of a Voice to Aboriginal and Torres Strait Islander communities

A Voice to Parliament, if implemented in the form that follows the guidance provided by the Regional Dialogues, Uluru Convention and Uluru Statement from the Heart, undoubtedly will improve the lives of First Nations peoples. Having a mechanism which allows for First Nations to have a say on laws that affect them is a major step towards closing the gap that exists between Indigenous and non-Indigenous Australia. The issues we face are systemic and a Voice would give First Nations an opportunity to have input to improve laws, which in turn improve outcomes.

It is important for First Nations peoples to have a say in the matters that affect them because our communities and people know what works and what doesn't, we have the lived experience, the answers and the knowledge.

Sequencing and enshrinement

The Voice must be enshrined in the Constitution to be successful and carry out its primary function, being to provide advice to Parliament and Government on issues affecting Aboriginal and Torres Strait Islander peoples.

Being enshrined in the Constitution would allow for:

- the Voice to be protected so that First Nations peoples are guaranteed a body and mechanism to allow direct communication with Parliament on matters that affect us and to give real and frank advice to Parliament;
- it would have to be supported by the Australian people in a referendum, therefore, would have the support of Australians;

- it would be in the founding document of Australia which means that it would be seen as a legitimate institutional body;
- It is the only form of recognition supported by Aboriginal and Torres Strait Islander peoples (polling in March 2020 found that 71% of Aboriginal and Torres Strait Islander people would vote for a constitutionally enshrined Voice at a referendum¹);
- Constitutional enshrinement of the Voice is required for the Voice to have legitimacy and authority; and
- Constitutional enshrinement is required for the operational success of the Voice.

Triggers and Transparency

The triggers suggested by the Interim Report are limited in the sense that they do not capture the many policies and laws that are likely to have a substantial impact on or disproportionately affect Aboriginal and Torres Strait Islander peoples and do not fall under the three proposed triggers. Therefore, it only seems that if the Voice is to truly make the substantial change that the First Nations delegates and the Uluru Statement envisages, the Voice and Parliament should both have the power to determine when legislation is likely to particularly affect or have a disproportionate impact on Aboriginal and Torres Strait Islander peoples and both should be able to trigger the formal provision of advice. This is also in line with Australia's human rights obligations in relation to self-determination and the commitment to self-determination of the major political parties. Further, where the Voice determines that a law would "have a substantial impact on or disproportionately affect Aboriginal and Torres Strait Islander people", then the Voice's advice would have the choice to table the advice, as well as speak to it.

First Nations Young People, the Uluru Statement from the Heart and the Interim Report

The Uluru Statement from the Heart talks four times about young people: Our children are alienated from their families at unprecedented rates. Our youth languish in detention in obscene numbers. When we have power over our destiny our children will flourish and that our children will walk in two worlds and their culture will be a gift to their country. The Statement calls for a better future for our children based on justice and self-determination.

There were young delegates at the Regional Dialogues and the National Constitutional Convention, who as a group told the wider group that First Nations youth are ready for change and want practical solutions. They had faith that the process was an opportunity for reform and that they didn't want to be Elders deliberating over the same injustices because the outcome was a lost opportunity. It is disappointing however, to see that whilst First Nations youth continue to be an active part of the movement, our voices have not been represented in the Interim Report.

Firstly, First Nations young people are not represented by any members of the Senior Advisory Committee (the youngest being 32 at the time). With more than half (53%) of First Nations peoples aged under 25 and the median age of Indigenous Australia being 20.3 years in 2016, it is extremely important that First Nations young people are a part of the initial design process as well as being adequately consulted on any model that is designed. To date, young people have not had a seat at the table in deliberating over the Voice models as put forward by the co-design process.

Whilst I was pleased to see acknowledgement of youth being identified as an important group by the Interim Report, the Report indicates that details of the youth advisory group will be presented in stage two of the co-design process. This is too late in the process to engage such a substantial part of our community. Stage two is when the proposal is supposedly to be finalised. It seems that the idea of an 'advisory group' has been pre-determined by the Interim Report without any real consultation with

¹ <https://www.theaustralian.com.au/nation/politics/majority-support-indigenous-voice-to-parliament/news-story/48d882868f8817cbb0b860c3dcea18e3>

First Nations youth or creation of a platform to allow our voices to be heard in the co-design process. This is disappointing given the focus on the Uluru Statement to address the disadvantage, particularly faced by our First Nations Youth.

The Uluru Statement from the Heart sets out a sequenced reform of how Australia can move forward and get to a place where we are proud of our relationship with First Nations peoples. A constitutionally enshrined First Nations Voice is the first step in that process.