

Voice Secretariat
Reply Paid 83380
CANBERRA ACT 2601

30 April 2021

Submission: Voice to Parliament - imperative of constitutional enshrinement

Thank you for the opportunity to provide this submission in response to the *Interim Report to the Australian Government on Indigenous Voice Co-Design Process* (October 2020).

Greenpeace Australia Pacific is an independent campaigning organisation dedicated to securing a world capable of nurturing life in all of its magnificent diversity. To ensure our independence we take no money from any government or corporation and are solely funded by individual philanthropy or private foundations. Greenpeace Australia Pacific and its employees are strong supporters of the Uluru Statement from the Heart and we have taken up the generous offer to walk alongside, and join the call for change through structural reform.

While we are aware that the terms of reference for the co-design process exclude recommendations on constitutional recognition, we would like to strongly emphasise that assuming a co-design process is able to reach a set conclusion consistent with the aspirations of the Uluru Statement, and prior to a Voice to Parliament being legislated, it is essential that there is a referendum to enshrine the Voice within the Commonwealth Constitution. A constitutional foundation for the Voice is critical to the efficacy, legitimacy and overall success of the instrument in achieving its objectives and functions. To that end, this submission relates to Chapter 2 of the Interim Report, focussing on the Voice's objectives, functions, form and interface with Parliament and the government.

Should the Voice be established only through legislation, there is extensive risk that the structural reform which is essential for meaningful recognition and progress will not be achieved. Various governments in Australian history have implemented a range of governance measures for Indigenous Affairs, but these have proven unable to withstand the whims and vicissitudes of political fortune. Legislative and discretionary structures have repeatedly proven unsatisfactory because they have been subject to extensive disruption up to and including arbitrary abolition or dissolution, with minimal opportunity for long-term planning and enduring representation. Indigenous polities have repeatedly been silenced in the course of this history. This has led to stalled progress on reform and abiding damage to relationships between government and Indigenous polities.

As the people who are most impacted, it is critical that Indigenous polities have a decent say in the matters that affect them. Without enshrining the Voice in the Constitution, there is no



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guarantee that the mechanism will have sufficient weight and impact within the broader system of the Australian government. Enshrining the Voice within the Constitution, prior to any legislation, is the right step to take to achieve the objective of ensuring recognition and hearing of Indigenous people, as identified within the Uluru Statement. As the documentation of the process makes clear, the First Nations Constitutional Convention and supporting consultation that developed the Statement was an historic and comprehensive level of community engagement that is deserving of great respect. It is appropriate to draw the conclusion that a constitutionally enshrined Voice has a very high level of endorsement from the Indigenous peoples of Australia.

Following the process of co-design, then completing a referendum to achieve constitutional enshrinement before passing the legislation, aligns with the election commitments of both the Australian Liberal and Labor parties. It would be proper for both major parties to honour this commitment in the next term of government.

Constitutional enshrinement of the Voice would serve as a clear indication of increased respect between First Nations and the Commonwealth. It would be a decisive step to take, both respecting the past and creating a bridge towards a better relationship between Indigenous peoples and the Australian government in the future.

The position that flows from the Uluru Statement is that the Voice must be constitutionally enshrined. It would set an extremely poor tone for the future if the Australian government were to ignore this clear preference and instead rush to legislate a Voice without a constitutional foundation.

Greenpeace urges you in the strongest possible terms, that once the co-design process has been completed, to listen to the Statement from the Heart and to bring forward a referendum to constitutionally enshrine the Voice.

Yours faithfully

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