

[REDACTED]

To Co-Design Body

Co-design process: Submission for [REDACTED]

I'm a freelance journalist who often works with First Nations people and covers issues of concern to them and their communities. I work out of Tarndanyangga (Adelaide), on the lands of the Kaurna people, where I have lived all of my life. Since graduating from a double degree in Journalism and International Studies at the University of South Australia, I have invested in my hometown – co-founding multiple businesses, including an independent magazine that, eight years later, is still growing after a successful sale to a like-minded publisher. While undertaking this work, I have come to realise that a key barrier to progress for Adelaide, and for all regions across Australia, is a lack of meaningful representation of First Nations voices.

*Why do you think the Uluru Statement from the Heart is important?*

I think the Uluru Statement from the Heart provides an excellent redress to this problem. It is historic and important because it does something Australians haven't seen before – proposes a way forward that was authored by and is collectively endorsed by First Nations people from across the country. This is an unprecedented opportunity for Australia to listen; to respect the fundamental rights of First Nations peoples to self-determination.

The path to a better Australia that is outlined in the Uluru Statement is also unique in its capacity to combine an aspirational future with pragmatic steps to get there. The Statement makes clear the complex challenges that result from the marginalisation of First Nations perspectives, while also outlining a clear three-step process that can help Australia move past these challenges.

*Why is it important for Indigenous people to have a say in the matters that affect them?*

The first step in that three-part process is the enshrinement of a First Nations Voice to Parliament in the Constitution. This essential first step will create the ability for First Nations people to consistently and reliably have a say in matter that affect them. All people deserve this manner of self-determination, but it is especially important to formalise the capacity for First Nations people.

In part, this is because the so-called race power granted by Section 51 (XXVI) has been historically used specifically in relation to First Nations people. This is an exceptional legal power over a group of people and it is necessary and helpful to provide an exceptional counter balance in the form of a Voice to Parliament.

It is also important for First Nations people to have a say in matters affecting them because they are the experts in their own experience and needs. Policy and law-makers in Australia are a diverse group of people, but unfortunately there's still not proportionate representation of First Nations people among this group. This means that the hugely valuable knowledge of the specific cultural, social and experiential needs of First Nations people is missing among those who currently author Australia's future. Effective policy

and law can only be made in partnership with those it affects, and a Voice to Parliament would allow that partnership to be built.

*Why do you think it's important to enshrine the Voice to Parliament in the Constitution, rather than include it only in legislation?*

While a Voice to Parliament could be enacted through legislation and without enshrinement in the Constitution, I believe this would be setting the organisation up for failure. There are three reasons I believe Constitutional enshrinement is essential to the Voice's success -

1) It creates legitimacy and broad-based buy-in. By introducing a Voice to Parliament through a referendum campaign, there is a unique opportunity to educate the public on why it is necessary and to generate consensus on its importance. A yes vote lends the voice popular momentum, which will also motivate legislators and bureaucrats to embrace it. Finally, there is symbolic heft to the Constitution that confers on the Voice a deserved foundational role.

2) It is the only form of constitutional recognition available. Government have been discussing constitutional recognition of First Nations people for more than a decade, and there is a clear will among the Parliament and the public to make this change. The Voice to Parliament is the only form of constitutional recognition collectively endorsed by Aboriginal and Torres Strait Islander peoples, thus making it the only viable option.

3) Constitutional enshrinement gives the voice stability while allowing for flexibility. Constitutional enshrinement protects the Voice and the important changes it represents from the whims of the Government of the day, while also allowing it to adapt to changing circumstance. By protecting the basic tenets of the Voice in the Constitution, but fleshing out its detail via enabling legislation, Constitutional enshrinement strikes a crucial balance between certainty and adaptability.

*How could a Voice to Parliament improve the lives of your community?*

Introducing a Voice to Parliament would result in measurable and important improvements in many Australians' lives. Data published by Closing the Gap shows that First Nations people face more challenges than other Australians in many key health and social indicator areas, including life expectancy, education inclusion, incarceration rates, infant mortality and housing security. Policy-making best practice and experience in Australia and abroad shows that self-determination and co-design is the fastest and most effective way to improving the situation for people who are marginalised in this way. A Voice to Parliament is an effective and practical way to ensure First Nations people are heard on these matters.

While those quality of life measures that are often cited statistically are important, it is also important to realise how a Voice to Parliament will improve lives through fostering a sense of empowerment and helping elevate new leaders and unheard voices.

While my primary interests in making this submission relating to the Indigenous Voice Discussion Paper is in making the case for a Voice to Parliament to be enshrined in the constitution, there are some other aspects of the Paper I would like to raise. The first is the details of the model which relate to how the National Voice would speak to Parliament. There is no opportunity for representatives from the Voice organisation to

address Parliament directly. I believe the chance for the organisation to be heard literally in the Parliament to be crucial – this gives the Voice public presence, creating the opportunity for greater accountability amid Government and also better education among the public. This is not a measure that puts the Government of the day on the ropes, instead it is a chance for Australians to observe that the Voice is being heard and its points taken into consideration, even if the outcome advocated for by the Voice does not eventuate. Transparency and visibility are important measures in getting community buy-in to nuanced policy.

I am also concerned that while the structure proposed in the interim report rightly guarantees representation of First Nations youth and those with disabilities, there is no similar measure to ensure elders are included in the local, regional or national Voice organisations. Elders are heads of First Nations communities and it's important that the Voice structures appropriately reflect the cultural hierarchies of those communities, otherwise the organisations will lack cultural authority and be destined for failure.

While I believe these two final points are worthy of discussion, I would like to stress that I believe details such as these should not stand in the way of calling a referendum to enshrine a Voice to Parliament in the constitution. The co-design process followed to this point has created a strong and sound vision of the purpose and the basic form of a Voice to Parliament. These details are all that is needed to draft a sound constitutional amendment that can be taken to the Australian public. Fine details can follow later, as enabling legislation is debated in Parliament. Now is the time to reciprocate the generosity of the Uluru Statement from the Heart by updating the constitution of Australia so that the First Peoples of this country have a strong voice in its future.

Thank you,

