

Neeharika Maddula

[REDACTED]  
Sydney NSW 2000

Dear Co-Design Body

Co-design process: Submission for Neeharika Maddula

I am a woman of colour and an Australian who grew up on the land of the Wangal people and lives and works as a solicitor on the land of the Gadigal people of the Eora nation – stolen land where sovereignty was never ceded.

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

As someone who is not a First Nations person, I feel it is incumbent on me to show my support for the Uluru Statement from the Heart and the three fundamental changes it calls for: Voice, Treaty and Truth. The Statement is important because it recognises the impact of the atrocities inflicted on First Nations people in this country and redefines the relationship between institutions of power and the First Nations people on terms set by and for First Nations peoples.

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

This is a long overdue shift from the status quo of this relationship whereby First Nations people have been deliberately and systematically prevented kept from self-determination and meaningful participation in the government of this nation.

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

A First Nations Voice to Parliament, protected by the Constitution is an essential step towards ensuring that First Nations people are not just able to have a say in the decisions that affect them, but have meaningful and real authority over these decisions.

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

The Voice should be constitutionally enshrined in order to guarantee protection of the Voice by the Constitution and ensure it cannot be politicised or abolished by governments to follow. This is the only form of constitutional recognition supported by First Nations peoples. Past experience has shown that legislated representative bodies such as the Aboriginal and Torres Strait Islander Commission, established in 1990 and abolished in 2005, are subject to political whim. Enshrining the Voice in the Constitution ensures that the Voice is recognised as an enduring priority for governments to come. Only once the Voice has been enshrined in the constitution is it necessary to formulate legislation to set out the required functions, powers and processes. In line with the spirit of enshrining the Voice in the Constitution, it is essential that resourcing is not politicised and subject to the political will of short term governments. Legislation must ensure the Voice is adequately resourced.

The membership and structure of the Voice should be a matter for First Nations people to determine themselves. The scope of the Voice should not be restricted to laws introduced under s 51(xxvi) of the Constitution (the race power) and section 122 (the

territories power). Limiting the Voice in this way does not acknowledge the full scope of legislation that may have particular or special impact on First Nations peoples. Further, the Voice should have the capacity to commission and independently manage its own policy and legal advice, including the capacity to determine whether advice that they give of their own initiative should be tabled in Parliament.

Sincerely,  
Neeharika Maddula