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Submission to the Indigenous Voice Co-Design Process, Interim Report to the Australian Government, October 2020, National Indigenous Australians Agency

I am on the producing team for the Australian feature film *High Ground* starring Simon Baker, Jacob Junior Nayinggul, Jack Thompson, Witiyana Marika and Aaron Pedersen amongst others, that has recently finished its highly successful run in Australian cinemas. *High Ground* was produced in collaboration with the Yolngu and Binninj people of the Northern Territory, guided by key Traditional Owners and Rirratjingu Senior Cultural Ambassador Witiyana Marika, who is also on the producing team.

The film is set in the early 1900's in Arnhem Land and begins with the terrible massacre of an Indigenous tribe. The story explores the connection between two survivors of this event and the men responsible, and an un-burying of the past occurs. It's a nuanced story exploring the reverberations of the impacts of colonisation produced through a both-ways process, Indigenous and non-Indigenous collaborating together.

I have been overwhelmed by the response to *High Ground* from Indigenous and non-Indigenous audience members. Largely, Indigenous Australians have voiced their sorrow for the past and their pride that *High Ground* told one of the old stories, thereby raising up the truth. Non-Indigenous audience members have largely been grateful for the opportunity to engage in conversations about the history of this country. Many have referred to *High Ground* as being part of a process of truth-telling that is taking place in Australia.

First Nations people were living on this land before colonisation, that is known. Australian Indigenous culture is widely regarded to have existed for at least 60,000 years and yet it is only three lifespans (give or take), since this culture was completely untainted by outside influence. It is within our reach therefore and it is the responsibility of all who live here to raise up the voices of First Nations Australians and provide Constitutional protection for a Voice.

In May 2017 I was inspired by the Uluru Statement from the Heart, which I believe came from the largest gathering of First Nations people ever to have taken place in Australia, no small achievement. I welcomed the invitation to walk with First Nations Australians towards a better future and I believe that my life in Australia, and the lives of my children and the communities I inhabit would be far richer if, as the Uluru Statement from the Heart proposes, First Nations sovereignty can shine through as a fuller expression of Australia's nationhood with the establishment of a First Nations Voice enshrined in Australia's Constitution.

I have been dismayed by opposition to the call in the Uluru Statement from the Heart for a Constitutionally enshrined Voice. I note former Prime Minister Malcolm Turnbull in an interview with Karla Grant NITV 16 June 2020 said, "Noel presented us with a beautifully written bit of poetry but in practical terms it's like a column of smoke." It is hard to understand what lies behind Mr Turnbull's words, perhaps there is a clash of male-ego, certainly in that one dismissive statement he attributed the work of the hundreds if not thousands of people leading up to the creation of Uluru Statement from the Heart, to one man. This is simply not good enough.

I am not alone in my views and have no doubt that when there is a referendum on this question, a referendum that must surely ask Australians to consider whether there should be a Constitutionally enshrined Voice, they will vote YES. This is not a frightening prospect for the 'ordinary' Australians I know, and I'm perplexed that so many 'in power' find it to be so.

The Uluru Statement from the Heart sought full recognition of Aboriginal and Torres Strait Islander people as First Peoples through a Constitutionally enshrined national Voice to the Commonwealth Parliament to advise on laws that have a significant impact on Aboriginal and Torres Strait Islander people.

I understand the proposals from the Coalition Government in the Interim Report on the Co-Design process to be a range of Voice options at the national and regional levels that are primarily about advising government, rather than the Parliament, on potentially all matters involving policy and programs impacting Aboriginal and Torres Strait Islander people. It will have no Constitutional protection. The Coalition Government has also put forward Voice options that may have an advisory role to state and territory governments on matters relating to policies and programs within their jurisdictions that impact on Aboriginal and Torres Strait Islander peoples. The rationale for the changes from the model of the Voice envisaged in the Uluru Statement from the Heart and the case of the new proposals have not been made clear by the government. The government's Voice proposals are very different from a Constitutionally enshrined First Nations Voice to the Commonwealth Parliament.

I am concerned that without Constitutional enshrinement and the changed role of the Voice(s), the proposals from the government are not likely to advance the empowerment, recognition and self-determination of Aboriginal and Torres Strait Islander people across the country.

On 26th January 1938 the Aborigines Progressive Association led by Mr Jack Patten and Mr William Ferguson, supported by the Australian Aborigines League led by Mr William Cooper called for plain speaking about the treatment of the 'Old Australians', for justice, decency and fair play, and this call remains current today.

The foundation stones of this country are not secure and will not be until the foundational framework of Australia, being its Constitution, includes an enshrined First Nations Voice to Parliament. To not allow a Voice, is to disempower. Perhaps this is the rationale. What is clear is that the Federal Government is ignoring the wishes, the rights and the requests from First Nations peoples who have widely called for a Voice to Parliament enshrined in the Constitution and is not reading the powerful wave of public sentiment in support of this, support that I have witnessed first-hand in the responses to our film.

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