

Petra Zlatevska

Bellevue Hill NSW 2023

28th April 2021

Dear Co-Design Body

Co-design process: Submission for Petra Zlatevska

I am a first-born Australian born in Sydney to Macedonian migrants. My family has been in Australia for just under 100 years, a far cry from the 65,000 that our First Nations citizens have inhabited our ancient continent. Through the hard work and sacrifices of my family, I have had the blessed fortune to have had incredible educational and career opportunities in Australia and abroad not only for myself and now I can also offer this to my two children. I have worked in legal academia, NFP sector and in media in countries as diverse as Peru, Switzerland and Germany.

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

As a legal academic having worked and researched indigenous rights movements in South America (Peru), and lectured human rights law and public law courses to German and Australian law students for several years, I feel that the unfortunate and unacceptable confluence of domestic factors - compounded by a national lack of awareness and driven by a lack of tangible reform agenda by either political party, inconsequential and over - dramatised media coverage of the core issues facing First Nations people (due to our concentrated and polarised media environment).

These factors in tandem with the lack of our government's compliance with international law and very real and ongoing condemnation from the international community, are hindering the full inclusion of our First Nations People.

For example, the recent condemnation by the UN Human Rights Council in its January 2021 report (<https://undocs.org/A/HRC/WG.6/37/AUS/1>) in fact referred to the USH in para 56, p1 and how it came to be. The report also noted Australia should raise the age of criminal responsibility – which disproportionately affects Indigenous youth in this country – from 10 years to at least 14, which is the age recommended by the UN Committee on the Rights of the Child. The Third recommendation addresses the inequality faced by First Nations people, including disproportionate incarceration rates. Sweden noted in the review that Australia should recognise Indigenous people in the constitution, which would be a welcome development. This cascade of criticism from the UN should inform a long-overdue practical response by the Australian government in these areas. As a private citizen, it raises grave concerns for me about human rights violations being committed in my name.

This is why USH is important: A stronger voice in legislation and decision-making was identified as a priority during the Uluru dialogues with over 1200 Aboriginal and Torres Strait Islander delegates. This was mob deciding and identifying for themselves what they needed, being asked to set out a structural roadmap at Uluru. I note the other two reforms aside from the Voice identified in the USH: a treaty-making process and a truth-telling commission Makarrata.

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

Lastly, I feel it is important to enshrine the Voice to Parliament in the Constitution, rather than include it only in legislation, as it is imperative to hold the Government to its election commitment to a referendum (once a model for the Voice has been settled), to ensure that a First Nations Voice to Parliament is protected by the Constitution.

Also, enabling legislation for the Voice must be passed after a referendum has been held in the next term of Parliament; and finally, the membership model for the National Voice must ensure previously unheard Aboriginal and Torres Strait Islander people have the same chance of being selected as established leadership figures.

Why is it important for Indigenous people to have a say in the matters that affect them?
Furthermore, it is important for Indigenous people to have a say in the matters that affect them because compared with all other post-colonial states with First Nations populations e.g NZ, Canada, USA, Peru, Panama and most of south America, Australia is lagging behind in ensuring that there is a structured and accountable mechanism constitutionally protected and not subject to the whim of government of the day, for first nations people to have a say in the matters that affect them most regarding health, education, justice, children's rights, employment, environment.

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

A Voice to Parliament would tangibly improve the lives of those living in indigenous communities, given the large geographic disparity of our continent and the spread of First nations communities spanning from the coast to the central desert areas. A local/regional voice as well as a national voice was the result of the deliberative process and structure sought by 13 regional dialogues during the Uluru Convention of 2017. This is what the community said it wants for itself based on knowing what its needs are.

This is self-determination in practice.

For example, the response of indigenous communities to Covid-19 to protect First Nations people through closing off communities, activating local health areas and advertising hygiene measures in local languages, has been acknowledged internationally as the best case example of indigenous covid-19 containment and management. (<https://www.washingtonpost.com/opinions/2021/03/22/australia-first-nations-covid-19-uluru-statement/>)

Lastly, the NSW State Coroner in her recent statement on Deaths in Custody identified the direct link that an enactment of the USH would reduce aboriginal deaths in custody (<https://www.smh.com.au/national/nsw/read-the-state-coroner-s-full-statement-on-indigenous-deaths-in-custody-20210411-p57i6h.html>) . She re-iterated the call for self-determination as set out in the RCIADIC report from 1991.

I am grateful for the opportunity to make this submission to this all-important democratic process: we stand at a historic cross-roads. We all have a real opportunity to make lasting, tangible life improvements for our First Nations brothers and sisters, to be able to stand together as one country – a country that we can all be proud of belonging to.

Yours sincerely,
Petra Zlatevska