

Submission to the Australian Government in response to Public Consultation on the Interim Voice Report

Respecting Our First Nations' Voices

In October 2020, the Australian government through the National Indigenous Australians Agency released its interim report on the establishment of an Indigenous Voice at national, regional and local levels.

The interim report calls on submissions from the general public and given the historical significance of the call from within Indigenous communities (as outlined in the 2017 *Uluru Statement from the Heart*) for more effective engagement, self-determination and autonomy within the Australian constitutional framework, I lodge this submission in support of their proposals for a First Nation's Voice.

I come from the land of the Dharug people - born on the same land that is part of our First Nations' people's story, *our* story. My parents came from far-away lands, and like First Nations' elders sought to build a better future for us, their descendants - to share their lore and plant new roots in a land we both now cherish as home.

Though our ancestors together found no honourable way to reconcile our mutual heritage, we and our descendants must aspire to nothing less - free from the stain of denial, untruths and injustice.

While this injustice remains our attempts to provide crisis solutions based on short term goals and political priorities have clearly failed over 200 years of policy proposals and experimentation.

In response to this crisis, I believe *the Uluru Statement from the Heart* heralds our path to mutual respect, honour and justice. And so, I openly welcome our First Nations leaders' warm and generous proposal to progress an honourable way to work together in respect and honest perspective.

We now have the opportunity to lead together the movement to a resolution based on real partnership, to proclaim the truth and create a genuine future that is jointly negotiated for our mutual betterment. It is time for us to become the mature and honourable nation our future generations will respect and admire.

In so doing, as citizens of this land, we must acknowledge and accept these truths:

That Aboriginal and Torres Strait Islander tribes were the first sovereign nations of the Australian continent and its adjacent islands. They possessed it under their own laws and customs.

That their sovereignty of the soil has never been ceded or extinguished and coexists with the sovereignty of the Crown.

That only with structural reform can we address their powerlessness and the resulting wholesale incarceration.

That there must be constitutional reforms to empower their people to take a rightful place in their own country.

I share our First Nations' vision that with this substantive constitutional change and structural reform, their ancient sovereignty can creatively reframe, enrich and embellish Australia's nationhood. I therefore support their calls for:

The establishment of a First Nations Voice enshrined in the Constitution.

The formation of a Makarrata Commission to supervise a process of agreement-making between governments and First Nations and truth-telling about our common history.

I call on all Local, State, Territory and Commonwealth government representatives to publicly pledge their commitment to the principles and proposals of *The Uluru Statement from the Heart*.

In so doing we can demonstrate our commitment to hearing and respecting an *Interim* First Nations Voice, as embodied in those present at the gathering in 2017 to frame the *Uluru Statement from the Heart*.

In this way we also respect their desire to create a permanent legitimate Voice for the future, built on democratic principles and fully resourced to effectively reflect the interests of First Nations peoples.

How can we not respect their desire to lead and manage their own affairs and support a direct forum to parliament to legitimately and openly express their central interest in the direction of the nation as a whole?

A genuine First Nations Voice provides an enormous opportunity for real engagement, shared leadership and honest dialogue for a more honourable Australia in the future.

An effective First Nations Voice enshrined within the Australian constitution would be democratically representative, appropriately resourced and legitimately empowered to shape the future for sovereign indigenous nations within Australia's borders, while directly shaping the broader legislative agenda impacting their people.

Proposals in detail

There are three proposals from the Report on the National Voice that indigenous communities are submitting, and I support them for the following reasons:

1. The Government must honour its election commitment to a referendum once a model for the Voice has been settled.

The people of Australia must be provided the opportunity to directly recognise and promote Indigenous rights to self-determination at the highest level enabled in our constitution.

A referendum to amend the constitution will enshrine the powers of the National Voice, not as a further level of government but a complementary advisory group to parliament on wholesale matters that impact the nation and a determining group on their own Indigenous affairs.

Enshrined as a voice to parliament, rather than voice to government, constitutional recognition will liberate the Voice from censure over party politics and ensure the transparency and independence necessary for its rightful role as a representative voice of sovereign nations within a national government framework.

The model for the Voice must be developed through First Nations' ascent and as with the broader experience of our national parliament will require significant and ongoing resourcing, engagement and review to remain relevant in a changing social, political and international environment.

Models of this type of empowerment have been provided in other nations, notably in Scandinavia, and broadly represent international acceptance of this approach in demonstrating respect for indigenous nationhood and promoting indigenous affairs.

2. Enabling legislation for the voice must be passed after a referendum has been held in the next term of parliament.

Respecting and building on proposals widely promoted through the *Uluru Statement*, bi-partisan support of the referendum will be crucial to achieving electoral support to reflect and carry the consent of the people.

With this consent, every effort must be made to frame legislation to enable the Voice to effectively articulate First Nations' perspectives and empower the community to lead the change they need to thrive within our new constitutional agenda.

Enabling legislation will require continuing consultation and communication with First Nations and the broader community, based on the model endorsed at the referendum. It can provide the architecture for democratic representation, effective decision-making and meaningful integration with the broader framework of government.

It will articulate the scope and limitations of powers delegated by the constitution and frame the mechanism required for the effective implementation of the positive changes we seek without delay.

Given the long history of failed attempts to address inequality and disadvantage in First Nations communities, and significant waste of resources this represents, enabling legislation for the Voice must be given the highest priority within government and must be delivered within the next four-year parliamentary term.

3. 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.

The development of an effective democratically representative body – a true First Nations Voice - is a complex task made more difficult and demanding by the range of First Nations peoples and the large and diverse land area within Australia's borders from which they come.

As with the broader political landscape, where Members of Parliament are selected within local areas to represent their interests, it is anticipated that representatives for the Voice may come from local communities with representatives from all walks of life and reflect all gender, age, regional and cultural divides.

What is critical is that the First Nations people be given the opportunity to develop and promote a membership model that they believe best provides their representatives an equal opportunity to engage and support in effective Indigenous leadership.

First Nations communities must decide how to ensure their voices are expressed and represented. They alone can ensure the leaders represented in their Voice truly reflect the issues, responses and perspectives that best ensure their interests.

Conclusion

In October 2020, the Australian government through the National Indigenous Australians Agency released its interim report on the establishment of an Indigenous Voice and called on submissions from the public to have input to the co-design process.

I submit that an Indigenous Voice to parliament enshrined in the constitution must be supported to empower Aboriginal and Torres Strait Islander people to lead their own futures within an Australian constitutional framework.

The resulting legislative agenda must urgently resource and facilitate the establishment of a program of representative engagement to enable effective decision-making and promote indigenous leadership.

Finally, there is a pressing need to establish a Makarrata Commission to supervise a process of agreement making between Australian governments and First Nations people; to oversee the process of truth-telling about our past and enable a more honourable future for us all.

We must ultimately respect First Nations' Voices enunciated through the *Uluru Statement from the Heart*. It is time to listen and act on their issues and solutions to the crises they face within their communities and empower them to act in their own interests.

This is not merely a call to address past wrongs, but an enormous opportunity to move forward, acknowledging a more honourable and respectful path for our common future.

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Concord – Land of the Eora People

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