

Voice Secretariat  
Reply Paid 83380  
CANBERRA ACT 2601

30 April 2021

Dear Secretariat

**Submission on Interim Report to Australian Government: Indigenous Voice Co-Design Process**

We appreciate this opportunity to make a submission in response to the government's Interim Co-Design report.

Ngalaya (nar-lee-ah) is the peak body representing over 750 First Nations lawyers and law students across New South Wales. Ngalaya was founded in 1997 to advocate for increased representation within the legal profession and a more just legal system. Ngalaya's membership ranges from our most senior First Nations lawyers to our first and second year law students. Despite our diversity, we share a common commitment to a fair and equitable legal system for all Australians.

We support the law reform envisaged by the *Uluru Statement from the Heart: Voice, Treaty and Truth*; and we join the unequivocal and sustained chorus of Indigenous and non-Indigenous voices calling for a constitutionally-enshrined Voice to Parliament.

The delivery of the Uluru Statement from the Heart was a watershed moment for this nation. The statement, representing the culmination of an unparalleled consultation of First Peoples, following decades of activism and years of various reviews, reports and statements on Constitutional Recognition, called for an end to the structural exclusion of First Nations and delivered a clear path forward for empowerment and unity.

The path forward requires that a structural promise to listen to Aboriginal and Torres Strait Islander voices be enshrined in the Australian Constitution. Legislation alone does not provide the necessary security or certainty for the Voice, as we cannot trust that any legislative promise will not be broken by the whims of a present-day government, which we saw with the Aboriginal and Torres Strait Islander Commission and other peak bodies. The historical and continued transgressions against First Peoples started at colonisation and has endured through the sustained inequitable treatment of Indigenous peoples, as reflected in our peoples' overrepresentation in prisons, underrepresentation in universities, professions and other workforces, and the stagnation of many statistical 'gaps' yet to be closed. This must be remedied by a durable promise from the Australian people given in the form of a referendum.

A referendum such as this would provide all Australians an opportunity to reckon with the past and to meaningfully engage in rigorous democratic discourse, which is fundamental to Australia's system of responsible and representative government. Importantly, a referendum would create a mandate like no other from the Australian people that Voice to Parliament is the best way forward.

Once the Voice is enshrined, then enabling legislation must be passed within the next term of Parliament. The enabling legislation will address the complex and practical details for a politically effective Indigenous Voice.

Aboriginal and Torres Strait Islander people have a wealth of knowledge informed by our experiences during the short history of the Australian nation as well as the lessons of our ancestors since Creation. The *Uluru Statement from the Heart* was a gift for healing delivered to the Australian people and an invitation to join First Nations people on the path to a fuller expression of Australian nationhood. A First Nations Voice enshrined in the Constitution is a critical first step on that path.

Last week we mourned the 474 deaths of Indigenous people in custody since the handing down of the 1991 Royal Commission's Report into Aboriginal Deaths in Custody. While the lack of government action on the 339 recommendations over the past thirty years is well known, it marks a timely reminder to the Australian people that the cost of structural exclusion is Indigenous lives. The time for change must be now.

We look forward to continued dialogues with First Nations people on all issues that affect us. However, in order for our engagement to be sustained and meaningful, and for our voices to be heard, a constitutional guarantee is the only mechanism for genuine dialogue and long-lasting, overdue change.

Yours sincerely

Kate Sinclair  
Chairperson  
**Ngalaya Indigenous Corporation**