

Voice Secretariat
National Indigenous Australians Agency
Reply Paid 83380
Canberra ACT 2601

Via email: Co-designVoice@niaa.gov.au

Dear Voice Secretariat

**SUBMISSION: CALL FOR FIRST NATIONS VOICE TO
PARLIAMENT ENSHRINED IN THE CONSTITUTION**

The ACT Council of Social Service (ACTCOSS) welcomes the opportunity to make a submission in support of the Uluru Statement from the Heart, which calls for a First Nations Voice enshrined in the Australian Constitution.

ACTCOSS advocates for social justice and represents not-for-profit community service organisations in the ACT. We are a not-for-profit peak body working collaboratively with organisations and individuals who support our vision and goals for positive social change.

We believe deeply in the power of Aboriginal and/or Torres Strait Islander self-determination for enacting positive social change in this country. As the peak body for the community services sector in the ACT, we seek to work alongside and in support of Aboriginal Community Controlled Organisations, Aboriginal and/or Torres Strait Islander service users and advocates.

The Uluru Statement calls for structural reform that will establish ‘a new relationship between First Nations and the Australian nation based on justice and self-determination where Indigenous cultures and peoples can flourish, and we all move forward’¹.

Why do we need a Voice to Parliament?

We know that in Canberra, as well as throughout the rest of Australia, Aboriginal and/or Torres Strait Islander people experience racism and structural inequality. Here in the nation’s capital, the nature of the historic and embedded injustice is highlighted by some of the worst rates of Aboriginal imprisonment

¹ [Uluru Statement: Frequently Asked Questions.](#)

and removals of Aboriginal children in Australia². Historical violence is compounded by contemporary practices that do not respect and take seriously the voices of Aboriginal and/or Torres Strait Islander people. The Voice to Parliament will give Aboriginal and/or Torres Strait Islander people a say on the policies and legislation that impact their lives.

ACTCOSS supports and celebrates the recommendations in the Uluru Statement from the Heart. In supporting the call for an Indigenous Voice to Parliament, we ask the Government to:

1. Honour its election commitment to a referendum once a model for the Voice has been settled.

We support the development of a First Nations Voice to Parliament that is protected by and enshrined in the Constitution as defined in the Uluru Statement from the Heart. At the 2019 federal election, the Liberal party committed to pursuing constitutional recognition, including a budget allocation of \$160 million to hold a referendum on a Voice to Parliament.

A referendum will demonstrate overwhelming Australian support for a representative Indigenous body that will allow Aboriginal and Torres Strait Islander people to have a say in the matters that affect them. In 2020, the Australian Reconciliation Barometer found that 81% of the general community support establishing a representative body and protecting that body within the Constitution so it cannot be removed by any subsequent government³. Importantly, the Uluru Statement from the Heart calling for a Voice to Parliament was endorsed by 250 First Nations delegates after consultation with 1200 Aboriginal and Torres Strait Islander people⁴.

Enshrining the Voice to Parliament in the Constitution will ensure its permanency. Previous Aboriginal and Torres Strait Islander representative bodies, including the National Aboriginal Consultative Committee (1972-1977), the National Aboriginal Conference (1977-1985) and the Aboriginal and Torres Strait Islander Commission (1989-2005), have been easily abandoned or abolished by successive governments because they were set up by legislation rather than protected in the Constitution.

² Report on Government Services (2021) [Child Protection Services; Corrective Services](#)

³ Reconciliation Australia (2020) [2020 Australian Reconciliation Barometer](#)

⁴ From the Heart (2021) [What does the Uluru Statement mean? - From The Heart](#)

The establishment of a national body made up of Aboriginal and Torres Strait Islander people will be able to provide advice to the Australian Parliament and Government at all stages of the development of legislation, policies and programs. This mechanism will ensure rigorous engagement with Aboriginal and Torres Strait Islander community groups and organisations.

Importantly, as Professor Gabrielle Appleby, a public law scholar from the University of NSW notes, an entrenched Voice to Parliament, as proposed through the Uluru Statement from the Heart, “is not a constitutional ‘right’ that increases the power of judges, or a ‘third chamber’ of Parliament”. The Voice to Parliament cannot introduce or debate legislation, but Parliament can choose to engage with the Voice in ways that seriously and respectfully consider the impact of legislation, policies and programs on Aboriginal and Torres Strait Islander people.

For any dialogue with Parliament to be effective and sustainable, power imbalances need to be acknowledged and addressed. A Constitutionally protected voice will have greater capacity to enact and sustain positive social change for First Nations people and all Australians.

ACTCOSS calls on the Government to honour its commitment to holding a referendum on Constitutional recognition of a Voice to Parliament in *this* term of Parliament.

2.Pass legislation enabling the establishment of the Voice in the next term of Parliament.

We know that strong public support exists, both in the ACT and across the nation, for establishing a representative Indigenous body that is protected within the Constitution. Once a Constitutional referendum has been taken to the Australian public, the Government must commit to passing legislation establishing the Voice in the next term of Parliament.

It is vital that we make the establishment of the Voice to Parliament a legislative priority so that the Voice can get to work guiding the Government on systemic and structural issues that have produced significant disadvantage for Aboriginal and Torres Strait Islander people.

3.Ensure previously unheard Aboriginal and/or Torres Strait Islander people have the same chance of being selected as established leadership figures.

We believe that the first step toward healing the harms of racism and the legacy of colonisation will be meaningful constitutional recognition and a protected First Nations Voice to Parliament.

Once the Voice to Parliament is established, it is vital that it represents the vast and diverse views of the Aboriginal and Torres Strait Islander communities. Representation needs to be enacted, not just in principle but also in practice. This means ensuring that Aboriginal and/or Torres Strait Islander people in local communities and in front-line organisations can participate fully in national deliberations. We support From the Heart's position that scope of expertise must be appropriately represented in the National Voice and sufficient scale of membership is necessary to achieve this.

We have accepted the invitation in the Uluru Statement from the Heart to walk with Aboriginal and Torres Strait Islander people toward a better future for the whole country. We call on the federal Government to join this movement by establishing and enshrining a First Nations Voice to Parliament in the Australian constitution.

If you would like to discuss this submission further, please contact the ACTCOSS office at actcoss@actcoss.org.au or on (02) 6202 7200.

Yours sincerely,

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Chief Executive Officer

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