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Legal Intersections Research Centre
School of Law
Faculty of Business and Law
University of Wollongong
Northfields Avenue
Wollongong, NSW 2522

Re: Interim Report to the Australian Government: Indigenous Voice Co-Design Process

The University of Wollongong School of Law welcomes this opportunity to make a submission on the *Interim Report to the Australian Government: Indigenous Voice Co-Design Process*.

The University of Wollongong is committed to Aboriginal and Torres Strait Islander Reconciliation and to inspiring a better future through education, research and partnership. We acknowledge the Traditional Custodians of the lands on which the University of Wollongong is situated. We pay our respects to Aboriginal Elders past and present, who are the knowledge holders and teachers. We acknowledge their continued spiritual and cultural connection to Country. As we share knowledge, teaching, learning and research within this University we also pay respect to the knowledge embedded forever within the Aboriginal Custodianship of Country.

The University of Wollongong School of Law Legal Intersections Research Centre (LIRC) is committed to research across law, society and culture with a focus on social justice. The LIRC supports research into indigenising the law curriculum, mentoring and support for indigenous law students, cultural competency for academics and other staff in law and research focused on legal issues facing Aboriginal and Torres Strait Islander peoples.

We welcome the government's Interim Co-Design Report and acknowledge the significant work undertaken by the three co-design committees, led by co-chairs Professor Marcia Langton AM and Professor Tom Calma AO. We understand that co-design means the current proposals are not complete and that it is critical that Aboriginal and Torres Strait Islander people contribute their experience and ideas into this consultation process. Our submission is intended to be a constructive contribution to this important work.

Our submission can be summarised in three points:

1. The government should honour its election commitment to a referendum once the model for the Voice has been settled;
2. Enabling legislation for the Voice should be passed after a referendum has been held in the next term of Parliament; and
3. The membership model for the National Voice should ensure previously unheard Aboriginal and Torres Strait Islander people have the same chance of being selected as established leadership figures.



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We will address these three points in turn.

First, the words of constitutional amendment need to be developed for submission to the Australian people at a referendum. This process must now begin. The referendum should clarify that the National Voice will be: enshrined in the Constitution; that it is a body independent of Parliament and Government and not a ‘third chamber’ of Parliament; that it will be representative of the diverse populations and needs of Aboriginal and Torres Strait Islander peoples and that it will speak to the Parliament and Government on policy and legislation.

Second, a separate structured process to consider the constitutional, legislative and executive options to enact the National Voice should be engaged in prior to the referendum. The Referendum should present to the Australian people a draft bill to allow consideration of the details of the proposal prior to the referendum. This will, hopefully, result in informed discussion about the referendum and proposal, and provide accurate information on exactly what is involved in the vote. The enabling legislation for the National Voice should be passed and implemented after the referendum.

Third, the membership model for the National Voice should ensure previously unheard Aboriginal and Torres Strait Islander people have the same chance of being selected as established leadership figures. Membership should not be limited to 18. Rather, membership should prioritise gender equity, be based on population distribution and need, and give a proportional Voice to Aboriginal and Torres Strait Islander people living in Remote and Regional areas. There should also be a structurally enshrined inclusion of frontline and community-focused people in national-level deliberations.

A Voice enshrined in the Constitution is a fair, practical and safe proposal that will unify our nation.

We are pleased to make our submission in response to this Interim Voice Co-Design Report.

The School of Law contact for this matter is Professor Nan Seuffert, Director, Legal Intersections Research Centre, who can be reached at nseuffer@uow.edu.au.

Yours sincerely

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