

**Adrian Vipond**

Earlwood NSW 2206

25 March 2021

To Co-Design Body

### **Submission to Co-design process**

I am a non-Indigenous Australian who grew up in Lane Cove, Sydney which is land belonging to the Cammerraygal people of the Ku-ring-gai tribe and currently reside in Earlwood on land belonging to the Bediagal people of the Dharug clan. I have a Law/International Studies degree from UNSW and I work as a graduate at Sydney law firm, Gilbert + Tobin. I am also a volunteer Surf Lifesaver at Tamarama beach.

#### ***Why the Uluru Statement from the Heart is important to me***

The Uluru Statement from the Heart is an incredibly important historical document that sets out the collective views of Indigenous Australians in an unprecedented way. Historically, Australia has caused irreparable harm to Indigenous communities and part of what the Uluru Statement from the Heart is trying to achieve is to prevent such atrocities from ever occurring again by ensuring that Indigenous Australians have a voice at the highest level, so that their concerns are heard and addressed with respect to any laws that will have an impact on them. This is fair and in the interests of justice for all Australians. We owe it to Indigenous Australians to respect the collective views of their leaders and take this step towards substantive change with the hope that it leads to a fairer and more just society for all.

#### ***Why I think it's important to enshrine the Voice to Parliament in the Constitution, rather than include it only in legislation***

Constitutional enshrinement of the Voice to Parliament is important primarily because it is currently the only form of constitutional recognition collectively endorsed by Indigenous leaders. The Voice to Parliament represents a fundamental aspect of our democracy and government because of the formal connection it establishes with First Nations people. It would be completely unorthodox not to include such an important element of our democratic institutions in the Constitution.

Moreover, constitutional enshrinement would afford the Voice to Parliament the necessary authority and public legitimacy it needs to exercise its mandate and encourage lawmakers to take its advice seriously. Giving the Voice to Parliament high level recognition in the Constitution would allow it to operate with certainty, free from any fear of abolition by successive governments whilst still allowing for flexibility in its design.

#### ***Why I think it is important for Indigenous people to have a say in the matters that affect them***

Indigenous people have and continue to be disproportionately affected by harmful laws and policies in Australia. Part of this problem is a lack of cultural awareness and consultation with Indigenous communities who will be affected by these laws and policies; the identification of solutions which are ill-suited to addressing 'problems' to the extent they are perceived as such by non-Indigenous people; and the failure of laws and policies to address systemic racism and the root causes of issues facing Indigenous communities. Successive governments have repeatedly failed to get this right, we owe it to Indigenous people to design a fair democracy where they can take an active role in

the laws which affect them, not just as a matter of principle but to avoid repeating the mistakes of our past.

***Why I think a Voice to Parliament is important***

A Voice to Parliament would provide a national platform for Indigenous people to have their voice heard and the issues they raise addressed in relation to laws which will impact their communities. It represents a vital link between First Nations people and Australian democracy. Most importantly, this is the mechanism that Indigenous leaders themselves have chosen to have their say on the issues which affect them. A Voice to Parliament will not only provide a platform in Parliament but by virtue of its status it will help push Indigenous perspectives on Indigenous issues to the forefront of national attention. The media will be able to report more accurately on Indigenous perspectives and an authentic, authoritative voice on Indigenous issues will be heard clearly by the Australian public for the first time.

***Other relevant issues the Co-design Body should consider***

The triggers currently being contemplated for when consultation with the Voice to Parliament would be required are far too narrow. There are many other laws and instruments that have a deep impact on Indigenous communities that the Voice to Parliament should be required to consider. It is essential that the Voice to Parliament is provided with sufficient ambit to comment and consider these laws or else there is a major risk of diminishing its legitimacy.

In addition, it is critical that a referendum on enshrining the Voice to Parliament in the Constitution is held before any Federal laws are passed to determine its composition / structure. Seeing politicians and public commentators engage in a drawn-out debate on the intricacies of the Voice to Parliament before a referendum is held would only exert a negative influence on public support at a referendum and risks causing voter fatigue and general complacency about Australia's responsiveness to Indigenous issues.

Historically, this proved fatal to the 'Yes' campaign for an Australian republic in 1999. It is also crucial to maintaining the integrity of this process that Federal resourcing for the Voice to Parliament (including consultation, design processes and implementation) is not politicised by tying funding to the Federal election cycle.

Thank you for taking the time to consider this submission.

Yours sincerely,  
Adrian Vipond