

By Fiona McLeod AO SC

Much noise has been generated in recent days about the Voice. Some of this noise is the mischievous banging of drums. Some of it reflects genuine uncertainty about what exactly we are being asked to decide.

At its core, a body to be known as the Voice will do two things. First, it will ensure that the views of our First Nations' representatives will be heard directly by government and members of parliament, unfiltered by public servants, lobbyists, advisors and unburdened by the endless cycle of government reviews and reports gathering dust on departmental shelves.

Second, it will demonstrate and build respect for our First Peoples, respect for their experiences, their needs, and their insight into solutions to longstanding thorny issues that impact their lives so profoundly and uniquely.

The leaders of the dialogues leading to the Uluru Statement of the Heart asked those attending – how do we change our lives? What do we need to put ourselves at the centre of laws and policies that affect us? The answer was clear. Rejecting symbolic empty words of recognition in the constitution on the one hand; and ambitious demands for sovereignty without any real capacity to negotiate those demands on the other, the clear majority opted for a modest proposal – a middle pathway to empowerment. They asked us for a way to speak directly to those with power, an enduring way to directly to shape First Peoples' futures.

No Australian could fail to be moved by our history of violence and dispossession against our First Peoples and the devastating impact of that history upon them, their ancestors, and future generations. We understand the obligation to put things right and to create hope for their children and our nation. But how do we do this, when measures to attempt a fix continually fail to make any real difference? The Northern Territory intervention, welfare and welfare quarantining; the short-term influx of service providers who come and then go; our criminal justice systems and child removal practices, these are all examples of where we get it so wrong. I am sure most of these well intended commitments were rolled out after consultation conducted in the usual governmental way, with limited focus on the wishes of local communities.

So how do we honour the wishes of our First Peoples? How do we shift the dial and spring into a new hopeful future?

In joining former minister Ken Wyatt's national co-design process, I was struck by a remarkable consensus about core features of a Voice. We agreed it would need to speak directly to parliament and government. It needed to represent the voices of local and regional communities, those displaced by history to missions and disconnected from their ancestral lands. It would need to work with integrity and be accountable to those communities, alongside conventional parliamentary mechanisms of committees and the work of both houses of parliament to ensure that the body was heard. Whether it would in fact be listened to, would remain a matter for government of the day, members of parliament and their ultimate accountability to electors.

Whether the body is large or small; is associated or incorporated; includes city, regional, remote, youth, disability, or other representatives; is gender balanced; interacts with experts; how it exercises powers, functions and engages in activities; how it is resourced and staffed were all considered in the co-design process and will be features of the legislation.

It is not the place of our Constitution to record such matters – those details will emerge in legislation to be drafted, debated, amended, and passed into law by the government of the day. Those details can be changed, as those opposing the Voice well know, to meet the needs of the day. But the recognition of our First peoples, the existence of the Voice and its fundamental purpose, grafted into our Constitution cannot, without a direct vote of the Australian people at a further referendum.

Details of the question to be put to electors at the referendum are being discussed and will be settled over the next days and weeks, informed by expert knowledge and after considering all angles.

Will it be enough? Clearly, some think not. But it is the start. It is the way our First Peoples have told us they want to continue on the path towards a just resolution of our troubled history. It is a beginning of broader conversations about truth and treaty empowered by both grassroots and organisational firepower.

By embracing this request with generosity, we recognise that our colonial past lives on in the present, in all of us, whenever and however we arrived here. That past influences our thinking, it casts a shadow over our sense of national identity and lurks to undermine the cohesion of our society. By embracing this request, we honour our ancestors and their efforts and we begin to lay to rest the ghosts of their failings. By saying yes, we improve our chances of a successful multicultural and peaceful nation and a better world for all our children

This is a beginning, a step onto the moon. It is one step I will be honoured to take.

Fiona McLeod

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