

This is an opinion piece prepared by John Tongue, member and co-chair of the Anglican Aboriginal Relationships Working Group (AARWG). They are personal opinions, and do not necessarily reflect the views of the whole group, nor are they an 'official' position of the diocese of Tasmania, or Bishop Richard.

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Why I will be voting 'Yes' in the Referendum

The history of relationships between the first inhabitants of this land, and later colonisers, is a fraught one. While many of the actions taken by the colonisers have been shown to be illegal, even by the international law pertaining at that time,¹ the biggest myth on which colonisation was built was that of "Terra Nullius". This is the idea that the land was effectively "uninhabited", and so it did not matter that the original inhabitants of the lands were driven off, or murdered if they refused to go. A sad history of violent dispossession ensued, with generational trauma and disadvantage still massively evident today. Numerous attempts to "close the gap" have achieved little by way of *actually* closing the gap.

In following decades and centuries, colonial, State, and subsequently Federal Agencies were established to "protect" Aboriginal peoples – effectively to *manage* their whole lives. They were told where they could go and when, who they could marry, what property they could own, and so on. It was not until the 1967 referendum (after nearly 200 years of dispossession) that Australia's First Peoples were counted in the census, as citizens in their own land – though many had fought for Australia in both World Wars, and other conflicts. The Australian Constitution – the founding legal document of Australia – makes no mention of the original inhabitants of this land, and obviously, they were not consulted in its formulation.

For decades, Aboriginal people have had their affairs governed by others, and what is deemed to be "in their best interests" *decided* by others. Clearly, this has so far failed to achieve equality for the majority of First Nations people by any benchmark measure that might be chosen. In 2017, the Federal Government called a National Constitutional Convention of Aboriginal and Torres Strait Islander peoples at Uluru. Perhaps for the first time, a serious effort was being made to *listen* to Aboriginal People, saying what *they* wanted, not what someone else thought would be "good for them". What issued was "The Uluru Statement from the Heart" – a one page document, that covered a *lot* of important ground, but essentially calling for two things: i) Recognition in the Constitution of First Nations Peoples as the original inhabitants of Australia; and ii) A Constitutionally enshrined advisory body of First Nations Peoples ("The Voice") to advise the Federal Parliament of Australia on issues directly relating to Aboriginal and Torres Strait Islander people.

Having taken the bold step of actually asking First Nations People what they wanted, the Federal Parliament promptly *shelved* the Uluru Statement. Comments made at the time showed many – including the Prime Minister of the day – wrongly understood "The Voice to Parliament" as effectively being a 'third chamber' of Parliament. This is not what the Uluru

¹ Henry Reynolds, "Truth Telling – History, Sovereignty and the Uluru Statement". Newsouth Publishing, 2021.

Statement was calling for. Again, someone *else* was deciding that what Aboriginal and Torres Strait Islander People were calling for was not *really* in their best interests, after all.

It has been argued by some that not *all* Aboriginal Peoples were represented at Uluru, and that is true. However, after holding a series of 12 *regional* consultations in the lead-up, delegates were chosen from across the country, and from across a wide range of Aboriginal Nations to be represented there. May 2017 saw “...the most extensive consultation of Indigenous people ever, and the first time such a substantial group from so many different places came together to state what they wanted.”² Again, not all the delegates at Uluru *agreed* with the ‘Statement,’ and a few delegates even walked out of the Conference. However, by far the majority of those gathered issued this simple declaration of how *they* wanted to be part of their *own* self-determination.

Now, we have coming before the nation, an opportunity as a country to act in response to what First Nations Peoples have said they wanted – to vote for Constitutional Recognition of the first inhabitants of these lands, and a Constitutionally enshrined “Voice to Parliament”. As a matter of justice, I will be voting ‘Yes’ to both proposals.

Some Questions/objections:

1. Won't it just be a 'third layer of Government'? No. “The Voice” will be an *advisory* body, advising Parliament on matters relating to Aboriginal and Torres Strait Islander People. Parliament will still be masters of their own destiny and may choose to ignore or adapt the advice given. With a *legally constituted* advisory body, however, Parliament is *more likely* to take their advice seriously.
2. Why aren't we being given the “model” for the make-up of “The Voice” so we know what we are voting on? How “The Voice” will be constituted will be up to the Parliament to decide. There have been a few models proposed so far. I believe it is important that we enshrine the *concept* of “The Voice” in the Constitution, but that we *don't* enshrine a particular model – otherwise it would require a new referendum to *change* the model, if that was deemed necessary in the future.
3. Shouldn't we focus on something more concrete, like a Treaty with Aboriginal People, rather than a “Voice to Parliament”? First, it is not *just* “The Voice” being voted on at the Referendum, but also Constitutional Recognition of First Nations people. Secondly, A “Voice to Parliament” does not *preclude* other actions being taken, such as formulation of *various* treaties with various Indigenous Peoples. It doesn't have to be ‘either/or’. “The Voice” should be an aid in this, and other similar processes, in continuing to ‘close the gap’ in years to come.
4. Wouldn't such a move be 'racist'? Surely, in multicultural Australia, it sets a dangerous precedent to single out and preference one group of people over against all others? At first glance, this objection may seem to bear weight. However, First Nations people do hold a unique position in this regard. As the Uluru Statement points out, Aboriginal and Torres Strait Islander peoples claim continuing and unceded sovereignty over these lands, alongside the sovereignty of the Crown. No other race or group of people may rightly make such a claim.

² Celia Kemp, et. all. “A Voice in the wilderness: Listening to the Statement from the heart”. Australian Board of Mission Publication. 2018/9. p8.