

A REFERENDUM TO CHANGE THE AUSTRALIAN CONSTITUTION

HOW TO CAST A RESPONSIBLE VOTE.

1. Read carefully the words of the proposed change.

“Chapter IX Recognition of Aboriginal and Torres Strait Islander Peoples

129 Aboriginal and Torres Strait Islander Voice

In recognition of Aboriginal and Torres Strait Islander peoples as the First Peoples of Australia:

- i. there shall be a body, to be called the Aboriginal and Torres Strait Islander Voice;*
- ii. the Aboriginal and Torres Strait Islander Voice may make representations to the Parliament and the Executive Government of the Commonwealth on matters relating to Aboriginal and Torres Strait Islander peoples;*
- iii. the Parliament shall, subject to this Constitution, have power to make laws with respect to matters relating to the Aboriginal and Torres Strait Islander Voice, including its composition, functions, powers and procedures.”*

2. Recognition of Aboriginal and Torres Strait Islander Peoples

The fact that Aboriginal and Torres Strait Islander peoples were living in this land for many thousands of years before the first fleet arrived is beyond dispute and it seems logical to acknowledge that fact in the Australian Constitution.

3. Why do we need a “Voice”?

The request for a “First Nations Voice enshrined in the Constitution” came from Aboriginal and Torres Strait Islander people themselves. After numerous local and regional meetings culminating in a national gathering at Uluru it was the first of three recommendations for Australian society to move towards acknowledgement and reconciliation.

4. Why does it have to be in the Constitution?

The Government could create “a voice” by legislation.

Sadly the history of Australian Governments creating structures and connections that promote listening to the voices of Aboriginal and Islander people by legislation has been transitory and subject to sudden cancellation by various governments.

A good example of this is the **Aboriginal and Torres Strait Islander Commission (ATSIC)** a body created as a statutory authority with joint advisory and service providing roles (1989-2003). A Government review recommended that ATSIC be restructured but instead it was abolished.

If “a voice” is contained in the constitution it’s “composition, functions, powers and procedures” can be changed by legislation but it can’t be abolished without another referendum to do so.

5. Why is this proposal being made now after 123 years of effective government under the existing Constitution?

The request for an Aboriginal and Islander voice to parliament is not new. 90 years ago (1933) a Yorta Yorta man by the name of William Cooper presented a petition to the Prime Minister addressed to King George V. The petition made a number of requests including a “voice” to Parliament. The petition was ignored and was not forwarded to the King.

Many people may question how effective our government has been in addressing the needs of Aboriginal and Islander people when:

- . Indigenous child mortality is twice the rate for non-indigenous children.
- . Indigenous employment rate is around 40 % compared to 75% for non-indigenous Australians.

These and many other comparison figures suggest that the Government policy of “closing the gap” has a long way to go.

6. Will the work of Government be impeded or even grind to a halt because of the existence of the Voice?

The role of the voice is clearly stated: “may **make representation** to the Parliament and the Executive Government”. It is difficult to see how this could impede the decision making of Government.

7. Why include Executive Government?

Many Government programs and services originate through the work of what we commonly call Public servants. If the voice is to be effective it must be able to have an input into that process. The ability to have such access will need to be controlled appropriately and this can be achieved through Government legislation.

8. Will the voice change the date of Australia Day?

No. Only the Government can do that.

9. Will the Voice be effective in leading to better outcomes for Aboriginal and Islander peoples?

That is probably the most difficult question to answer. If we believe that programs are more effective if the beneficiaries are involved in their design and delivery it should make a big difference.

10. But we don't have all the details of how “the voice” will be structured and operate.

No we don't. That detail will have to be contained in the legislation that must be passed by both houses of parliament if the Referendum is successful.

But a lot of preparative work has already been done.

In March 2023 the government released a set of design principles that would provide the basis of that legislation. They are:

. The voice will give independent advice to the Parliament and Government.

- . The voice will be chosen by Aboriginal and Torres Strait Islander people based on the wishes of the local communities.
- . The Voice will be representative of Aboriginal and Torres Strait Islander communities; gender balanced and include youth.
- . The Voice will be empowering, community led, inclusive, respectful and culturally informed.
- . The Voice will be accountable and transparent.
- . The Voice will work alongside existing organisations and traditional structures.
- . The Voice will not have a program delivery function.
- . The Voice will not have a veto power.

11. But what about the Cost of the administration and operation of the Voice?

The Commonwealth, State and Territory Governments currently spend in excess of \$6 billion annually on programs directed specifically to Aboriginal and Torres Strait Islander communities. The cost of administering and operating a Voice will be very small by comparison and should lead to more efficient service delivery.

12. But doesn't the change introduce "race" into the Constitution? Isn't that divisive?

It might appear as if it does but the Australian Constitution already has within it the provision for making laws for "the people of any race for whom it is deemed necessary to make special laws;" The High Court has ruled that this only applies to laws that favour or benefit a particular group and not laws of a punitive or restrictive nature.

Without that provision it would not have been possible to pass laws such as "Native Title Acts" and "Native Heritage Acts."

The 2023 referendum simply seeks to give Aboriginal and Islander people a "voice" in how those special laws are made.

13. There are so many fears being expressed about this change. How can I ignore them?

Every change brings a degree of anxiety. For many people it will take courage to accept this change but it is also possible to see it as a great moment in our history. Read again the words of the proposed change.

The primacy of Government is not under threat. It is an opportunity to make this country a more inclusive country. The more inclusive we are the stronger our society will be. We might then see the referendum as an opportunity to celebrate. Australia is a unique country because it contains the oldest living culture in the world. That fact should be recognised in our constitution and a voice that has so often been unheard or ignored will be ensured of its rightful place.

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