

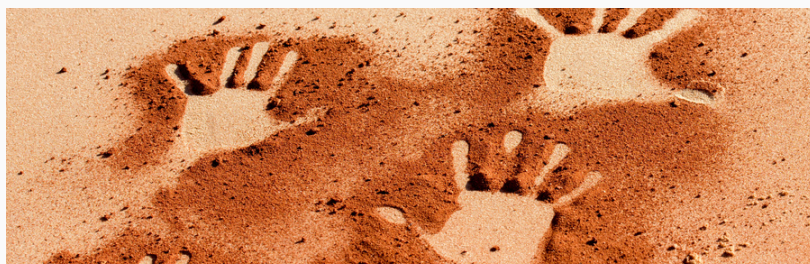


## REFERENDUM ON AN ABORIGINAL AND TORRES STRAIT ISLANDER VOICE

A Referendum is to be held in Australia on October 14 2023. Australians will vote on a single question to change the Constitution. The question will be about adding words into the Constitution about an Aboriginal and Torres Strait Islander Voice to Parliament and the Executive Government.

In a previous edition of Just Now, CRA considered what it means to vote for justice. This Referendum, Australians are not being asked to vote on a specific Voice model, but rather, the principle that Aboriginal and Torres Strait Islander people should be given a say on laws and policies that affect them. This is also what will be constitutionally entrenched, unable to be changed unless by another referendum. The Voice's structure will later be determined by parliament, with the input of the community.

This edition of Just Now is to help us think about some important issues of justice when approaching the Referendum.



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## How Did We Get Here?

In a previous edition of Just Now, CRA summarised the journey towards the Uluru Statement from the Heart, a rocky road that has seen the Indigenous struggle for their constitutional recognition and a representative voice. This journey culminated in the 12 regional dialogues with Aboriginal and Torres Strait Islander people across the country, where representatives discussed meaningful recognition and proposals for voice and treaty.

There were many disparate voices, but through a robust and comprehensive process, a hard-won consensus was reached, a consensus captured in the delivery of the Uluru Statement from the Heart in May 2017. That statement was delivered directly to the Australian people, asking for constitutional recognition in the form of a First Nations Voice to speak to Parliament on decisions, policies and laws that affect Aboriginal and Torres Strait Islander people, as well as a Makarrata Commission to supervise a process of agreement-making between governments and First Nations and truth-telling about Indigenous history.



**“The Uluru Statement follows almost a decade of constitutional recognition work in Australia. It’s a process that is unprecedented in Australia’s history. It was the first time a constitutional convention was convened with, and for, First Nations people.”**

PROF. MEGAN DAVIS, A COBBLE WOMAN OF THE BARUNGAM NATION AND A RENOWNED CONSTITUTIONAL LAWYER AND PUBLIC LAW EXPERT.





In 2021, the previous Morrison government responded by engaging an Indigenous Voice Co-Design Process, a public consultation process to design models for an Indigenous Voice to Parliament - what its functions will be, and how it might be designed.

The Indigenous Voice Co-Design Process however received criticism for being rushed through in four months during the COVID pandemic, limiting opportunities for participants to consider or engage with key elements of the model. Other critics stated that ministerial and cabinet involvement, control and ultimate veto over the process, meant that it was not a genuine co-design.

Despite the question of constitutional enshrinement being outside the Terms of Reference of that process, the Final Report remarked that high levels of support for it were expressed in more than 90% of the thousands of public submissions made to that process. These submissions also explained that constitutional enshrinement of the Voice will be vital for its success, ensuring its stability, independence and authority.

CRA made its own submission to this process, stating our support for a constitutionally enshrined Indigenous Voice to Parliament, that will enhance the participation of First Nations Peoples in the democratic life of the Australian state.



**“We propose a strong, resilient and flexible system in which Aboriginal and Torres Strait Islander peoples and our communities will be part of genuine shared decision-making with governments at the local and regional level and have our voices heard by the Australian Parliament and Government in policy and law making.”**

PROF. DR MARCIA LANGTON AO  
& PROF. TOM CALMA AO,  
INDIGENOUS VOICE CO-DESIGN  
PROCESS: FINAL REPORT TO THE  
AUSTRALIAN GOVERNMENT JULY  
2021



With the change of government in 2022, Prime Minister Albanese put aside questions of the design of the Voice, instead moving to the matter of enshrinement of an Indigenous Voice in the Constitution, by announcing a Referendum.

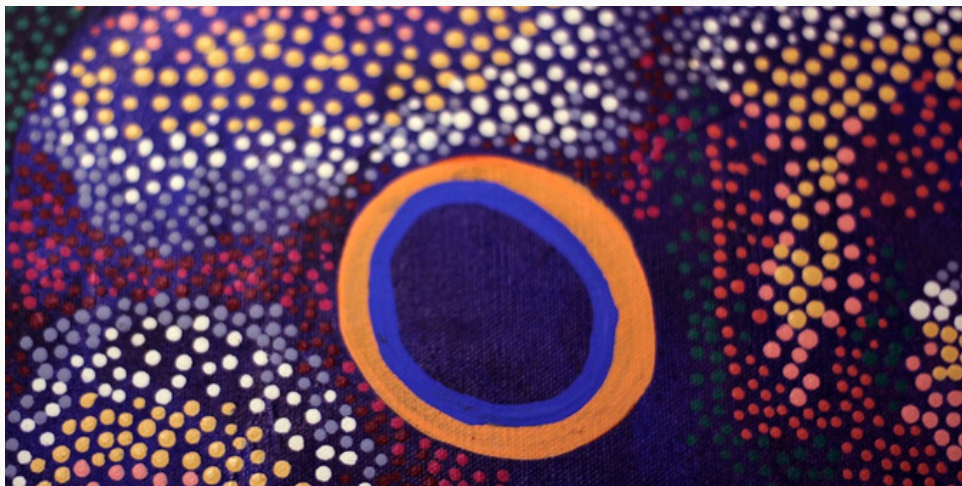
On October 14, Australians are being asked whether or not to make an amendment to the constitution. The amendment would insert a new Chapter IX at the end of the Constitution, saying:

#### 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.



**“We are all here, eager to work with you, to bring our commitment to Uluru to life. To see Australia answer that gracious, patient call for respect and truth and unity. The Uluru Statement is a hand outstretched, a moving show of faith in Australian decency and Australian fairness from people who have been given every reason to forsake their hope in both.**

ANTHONY ALBANESE, ADDRESS TO GARMA FESTIVAL, JULY 2022





## Subsidiarity: What are First Nations Peoples Saying?

Pope Francis urges us to listen to First Nations voices. In speaking about Indigenous Peoples of the Amazon region, he said: *“They are our principal dialogue partners, those from whom we have the most to learn, to whom we need to listen out of a duty of justice, and from whom we must ask permission before presenting our proposals. Their words, their hopes and their fears should be the most authoritative voice at any table of dialogue...”*

The National Aboriginal and Torres Strait Islander Catholic Council (NATSICC) makes clear that for too long, First Nations voices have been marginalised, but that *“It is imperative that we are actively involved and consulted in the decision-making processes of this nation, particularly on matters that significantly impact our lives. Our inclusion and representation are essential for genuine progress and the pursuit of justice.”*

This is consistent with the Catholic Social Teaching (CST) Principle of Subsidiarity: Those most affected by policies (at a grassroots level) have the right to be actively involved in the decision-making about them.

So what are our First Nations Peoples saying about the Voice? There is not a single view among Aboriginal and Torres Strait Islander people. However, there are significant levels of support among them for the Voice. This has been demonstrated in The Australian Reconciliation Barometer, a two-yearly survey on attitudes to reconciliation conducted by Reconciliation Australia, the lead body for reconciliation between Aboriginal and Torres Strait Islander peoples and non-Indigenous Australians. It has shown that:

- 86% of Aboriginal and Torres Strait Islander people believe the creation of a national representative Indigenous body is important;
- 87% of Aboriginal and Torres Strait Islander people believe such a body should be protected under the constitution.

**“Aboriginal cultures are not there to be transformed into a modern culture, no. They are there to be respected. We must consider two things: firstly, letting them follow their path of development and, secondly, listening to the messages of wisdom they give us.”**

POPE FRANCIS, ADDRESS TO PARTICIPANTS IN THE INDIGENOUS PEOPLES FORUM, 10 FEBRUARY 2023.



A number of Aboriginal and Torres Strait Islander community-controlled peak organisations have vocalised support for the Voice. These peak organisations have worked with Aboriginal and Torres Strait Islander representatives, communities, families and people, and have represented them on important issues for decades.

**Lowitja Institute**, Australia’s only national Aboriginal and Torres Strait Islander community controlled health research institute, have said: “The full implementation of the Uluru Statement, and its call for Voice, Treaty and Truth is not only foundational to address the health inequity between Aboriginal and Torres Strait Islander people and non-Indigenous Australians, but the blueprint for the political transformation this nation requires.”

**The National Aboriginal Community Controlled Health Organisation**, have said: “The best way of building social cohesion is to listen to us and then co-design a solution with us, provide meaningful funding and then, as partners, share the decision making. It is a simple solution and it starts with a Voice.”

**The National Native Title Council**, have said: “The National Native Title Council supports the Uluru Statement from the Heart and the commitment by the Australian Labor Government to implement the Uluru Statement in full. The NNTC remain committed to processes which lead to genuine reform through consultation with First Nations people and communities on matters which affect them.”

**SNAICC, The national voice for Aboriginal and Torres Strait Islander Children**, have said: “SNAICC is firmly in support of a Voice to Parliament enshrined in the Constitution. We see Voice as an important mechanism to have our children’s voices heard and to fire the ambition of all governments to listen to our solutions.”



“A voice would help secure the future for Aboriginal and Torres Strait Islander children. The need for a voice has never been greater. Australians must realise the significance it holds, and just how transformational it could be for our children and their futures. We need to hear – and heed – their voices.”

CATHERINE LIDDLE, CEO OF SNAICC, NATIONAL VOICE FOR OUR CHILDREN, 10 AUGUST 2023



**NATSICC**, the National Aboriginal and Torres Strait Islander Catholic Council, have said: “As people of faith, we firmly believe in the inherent dignity and worth of every individual. A constitutionally enshrined Indigenous Voice supports and promotes this belief by providing a platform for consultation with Aboriginal and Torres Strait Islander Peoples on a local level.”

**Reconciliation Australia**, have said: “Embedding a Voice in the Constitution would recognise the special place of Aboriginal and Torres Strait Islander people in Australia’s history, but importantly would also mean that it can’t be shut down by successive Governments. This is important because Aboriginal and Torres Strait Islander people and bodies have called for voice for close to 100 years.”

**The Healing Foundation**, that provides a platform to amplify the voices and lived experience of Stolen Generations survivors and their families, have said: “Stolen Generation survivors and their descendants see all elements of the Uluru Statement – the Constitutional change, the Legislative change, and the Makarrata Commission – as crucial to the process of healing for all Aboriginal and Torres Strait Islander peoples. The Constitutional change enshrines a First Nations Voice in the Australian Constitution that would empower Aboriginal and Torres Strait Islander people.”

**Gayaa Dhuwi (Proud Spirit) Australia** have said, “We acknowledge the devastating impact that colonisation, dispossession, and discrimination have had on the mental health and wellbeing of Indigenous people, including experiences of trauma, grief, loss, and intergenerational healing... We believe that a Voice to Parliament could ensure that the social and emotional wellbeing and mental health needs of Indigenous people are given proper attention, resources, and expertise. It could also facilitate a more holistic, culturally safe, and community-led approach to mental health and wellbeing, which respects Indigenous ways of knowing, being, and doing.”

“I ask governments to recognize the Indigenous Peoples of the whole world, with their cultures, languages, traditions and spirituality, and to respect their dignity and their rights, in the knowledge that the richness of our great human family consists precisely in its diversity.”

POPE FRANCIS, ADDRESS TO PARTICIPANTS IN THE INDIGENOUS PEOPLES FORUM, 10 FEBRUARY 2023.





Meanwhile, the First Nations' 'No' side of the debate expresses the views that the proposed amendment to the Constitution creates a further racial divide by increasing the polarising politics of "us and them," will not 'close the gap' and adds a further layer of ineffective bureaucracy.

Another 'No' concern is that the Voice is not radical enough in addressing the claims and rights of First Nations people, and that truth-telling and treaty will be more effective. Others question how a Voice can be representative of all Indigenous voices.

For some First Nations' People, these concerns mean it is not about a simple 'yes' or 'no' to the Voice, as they try to discern pathways forward for genuine progress.

## Respectful Dialogue

Australia's leading First Nations mental health groups (including the Australian Indigenous Psychologists Association (AIPA), Indigenous Allied Health Australia (IAHA), Gayaa Dhuwi (Proud Spirit) Australia, and the Black Dog Institute are also cautioning that the debate in the lead up to the Referendum is leading to increased psychological distress, increased need for support and increased use of mental health services. They have launched the Respectful Referendum Pledge to guide conversation, with its first step being to listen to a diversity of First Nations peoples to better understand First Nations histories, cultures and experiences, acknowledging there is no one First Nations identity or perspective, and that no one First Nations person can represent all people.



**“The Voice to Parliament could potentially represent the views of Indigenous communities and hopefully assist in informing policy and legal decisions that impact our lives. But the Voice to Parliament cannot solve the deeply entrenched racism and bigotry in Australian society, media, and institutions.”**

DR. KELLY MENZEL, THE VOICE ALONE WON'T SOLVE THE ISSUES FACING INDIGENOUS PEOPLE. EVERYONE HAS TO DO THAT WORK, JUNE 2023.





## What Now?

Aboriginal and Torres Strait Islander injustices remain behind the debate on the Voice. There is an ongoing gap between Indigenous health and wellbeing, and that of the wider Australian population, with disparities in life expectancy, childhood mortality rates, reading, writing and numeracy levels, education levels attained, and employment rates. Aboriginal and Torres Strait Islander Peoples are overrepresented in both the adult and youth criminal justice systems, and are more likely to die in custody than non-Indigenous Australians, as a proportion of the relevant general population. Furthermore, indigenous children are overrepresented in out-of-home-care, at 9 - 11 times the rate of non-indigenous children.

The '[Closing the Gap' Agreement](#) between government and First Nations Peoples has failed year after year, with only four of the fifteen targets on track to be met, and four are going backwards. Something has to change.

CRA, and many Religious Institutes, have therefore vocalised their support for a constitutionally enshrined First Nations Voice to Parliament, as a matter of justice. You can read the CRA Media Statement [here](#). When voting at this Referendum, we urge you to listen to First Nations Voices, and consider how the Voice might assist in addressing First Nations injustices.

**“We seek constitutional reforms to empower our people and take a rightful place in our own country. When we have power over our destiny our children will flourish. They will walk in two worlds and their culture will be a gift to their country.”**

THE ULURU STATEMENT FROM THE HEART, 2017.

## On Another Note . . . A Message from Anne Walker, National Executive Director

Catholic Religious Australia has been busy in the justice space responding to the pressing social and environmental needs of our society. CRA has written to the government on a number of unjust issues facing Youth, including: intergenerational inequality; inability to secure housing; barriers to accessing and achieving success in tertiary education; and HECS-HELP debt. CRA has also specifically written to the Queensland (QLD) Government expressing grave concern in response to a recent decision to suspend the state's Human Rights Act to permit adult watchhouses to be used as youth detention centres. We have urged the QLD government to heed the recommendations of the recently launched inaugural Queensland Child Rights Report (2023) to rectify the injustices endemic to its youth justice system.

Warm regards,

