

Joint Submission by the Uniting Church in Australia, Synod of Western Australia and the Uniting
Aboriginal & Islander Christian Congress (WA Regional Committee)

**Submission to the
Australian Government's Indigenous Voice Consultation**



April 2021

Introduction

The Uniting Church in Australia, Synod of Western Australia (UCWA) and the WA Regional Committee of the Uniting Aboriginal & Islander Christian Congress (Congress WA) welcome the opportunity to make a submission to the consultation on the Australian Government's Indigenous Voice Consultation.

At its Seventh National Assembly (1994), the Uniting Church formally entered into a relationship of Covenant with its Indigenous members, recognising and repenting for the Church's complicity in the injustices perpetrated on Australia's Indigenous community, and pledging to move forward with a shared future. The ongoing and continually renewing nature of the Covenant calls the Uniting Church to continually act to remove the systems and structures of discrimination and oppression in Australia.

Respect for First Peoples

The UCWA stands with Congress WA in a shared concern for First Peoples to have a constitutionally enshrined National Voice to the Parliament.

At its 2019 annual meeting the Synod of the Uniting Church WA approved by consensus:

(a) To support the 2017 Statement from the Heart made at Uluru as a consensus position of 250 Aboriginal and Torres Strait Islander leaders from across Australia as the preferred pathway towards reconciliation, and urge the Commonwealth Government to implement:

(i) The establishment of a First Nations Voice enshrined in the Constitution to empower First Peoples to have a greater say in policy and legislation which governs their affairs and, in so doing, improve their autonomy and prosperity;

(ii) The establishment of a *Makarrata* Commission to supervise a process of agreement-making between governments and First Nations, and provide a means for truth-telling about the history of Australia's First Peoples.

(b) To urge the Western Australian State Government to establish an independent Commission to advance the development of treaty making with Western Australian Aboriginal Nations;

(b) To commend the Statement from the Heart to congregations, presbyteries and agencies for prayerful engagement and discussion.

In line with this resolution we therefore submit the following contribution to the development of the Indigenous Voice to the Nation.

Honouring the Statement from the Heart

The most recent expression of the Church's commitment to honour its covenantal relationship with its Indigenous members was the consensus resolution of the 15th UCA Assembly to affirm that First Peoples of Australia are sovereign Peoples in this land. Taken from the *Statement from the Heart* itself, the UCA now understands First Peoples' sovereignty to be "a spiritual notion, reflecting the ancestral tie between the land and the First Peoples." This was a landmark moment in the long journey between First and Second Peoples walking together in the Church.

Through public support of the *Statement from the Heart*, the Church is saying that it has listened to what was said at Uluru, and recognises that it represents a legitimate and salient voice from First Nations Peoples who have proposed a preferred way to a fairer and just society.

Indigenous Voice Co-design Process Interim Report to the Australian Government

Congress WA and the UCWA are very appreciative of the work that has gone into the Indigenous Voice Co-design Process Interim Report and we give thanks to Co-Chairs Tom Calma and Marcia Langton and all the people involved in the 'co-design' process. There is much that may be of value when it comes to applying an agreed model, but the basics of the model proposed are out of sync with the Statement from the Heart.

Ultimately, Congress WA and the UCWA are of the view that the proposed model falls short of the commitment required to ensure the National Voice is embedded in the democratic foundations of our country for future generations.

The primary request of the Constitutional Convention held in 2017 at Uluru was for the National Voice to the Parliament to be enshrined in the constitution. To only require a legislative change to establish the proposed Voice undermines the fundamental importance of First Peoples to our national identity and risks the security of the Voice in perpetuity. It would leave the National Voice subject to legislative processes and partisan politics. We have seen similar bodies established and removed previously and therefore we must ensure that the National Voice is built into our national framework so that it cannot be so easily eroded, sidelined or removed. This is best done by holding a referendum to include it in the constitution.

First Peoples as Sovereign deserve sufficient independence in the National Voice

Embedding the National Voice in the constitution is deliberately intended as a fundamental re-setting of the relationship between First and Second Peoples in this land. Given the intergenerational trauma experienced through the negative impacts of colonisation and Government policy and practice, historical and ongoing, it is understandable for there to be a diminished trust in Government processes among First Peoples. Indeed, First Peoples are still very much subject to Government intervention and interpretation of their lives, hence the strong desire to guarantee a sufficient level of independence and autonomy of the National Voice and its processes to prevent any undue Government interference.

In many respects we regard the inclusion of the National Voice in the constitution as a recognition of the sovereignty of First Peoples. Guided by the leadership of the Uniting Aboriginal and Islander Christian Congress, the Uniting Church in Australia at its 15th Assembly formally affirmed First Peoples' Sovereignty:

18.09 Recognition of First Peoples as Sovereign

In the light of:

(a) the Preamble to the Constitution of the Uniting Church which defines sovereignty to be the way in which First Peoples understand themselves to be the traditional owners and custodians; and

(b) the Statement from the Heart's acknowledgment that sovereignty is a spiritual notion, reflecting the ancestral tie between the land and First Peoples;

[the Assembly resolves] to affirm that the First Peoples of Australia, the Aboriginal and Islander Peoples, are sovereign peoples in this land.

If we as a nation are to recognise First Peoples as sovereign peoples then that must be reflected with the importance of having a National Voice in our constitution. While a constitutionally enshrined Voice does not equate to a formal recognition of sovereignty, it is an important component thereof and represents the level of independence required.

Local and Regional Voice

In Western Australia, the need for both National and Regional Voices is a priority that the Synod of Western Australia (UCWA) and the WA Regional Committee of the Uniting Aboriginal & Islander Christian Congress (Congress WA) are keen to support but there are still questions on the parameters for these bodies and how they relate to each other in the current proposal. Overall, a National Voice with regional representation is essential to bring greater focus and prominence to the opinions and perspectives of First Peoples and to achieve greater levels of self-determination in both national and regional contexts.

The details regarding how members are potentially elected to represent the National Voice from a regional setting is open for ongoing discussion but we agree that if distinct bodies are established there needs to be clear linkages for communication and decision-making as well as clear delineations of roles and responsibilities.

More detail is required on how the proposed Regional and Local voices relate to State Governments, State Parliaments and other key regional bodies, but at this stage the priority should remain on developing a National Voice with broad representation and local engagement from across all regions that is embedded in the constitution.

Membership, terms and policy body

In relation to other matters proposed in the Interim Report we refer to the joint submission of our national bodies, the Uniting Aboriginal and Islander Christian Congress (UAICC) and the Uniting Church in Australia (ASSEMBLY) which states:

“The First Nations leaders in our Church have clearly said that the design and structure of membership for a constitutionally enshrined National Voice needs to ensure all ‘voices’ are heard, that is local, regional, state and territory which inform the National Voice.

We are opposed to a separate ‘policy group’ on the grounds it diminishes the National Voice and is open to confusion between two groups and even conflict. On the matter of terms for people serving on a constitutionally enshrined National Voice, First Nations leaders support 3-year rotating terms with a maximum of two terms, affording consistency and ensuring equity.

We believe other aspects of the co-design proposal can be discussed when it is clear the National Voice will be constitutionally enshrined.”

Conclusion

Congress WA and the UCWA welcome the efforts made to design a model for a National Voice but cannot support the current proposal. To adequately represent the request of the Constitutional Convention held in 2017 at Uluru and to reflect the United Nations Declaration on the Rights of Indigenous Peoples we see a constitutionally-enshrined National Voice as fundamental.

We thank you again for the opportunity to make this submission.

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