

## **SEARCH Foundation Submission to Interim Voice Report** **April 2021**

The SEARCH Foundation was established by members of the Communist Party of Australia (CPA) prior to its final Congress in 1991, to continue the work of building a progressive socialist movement in Australia. Our six hundred members stand on the shoulders of several generations of communists and socialists who built and maintained the CPA for seventy years, from 1920 to 1991.

In the last thirty years we have sought to build a broad political coalition in support of democratic ecological socialism. Today, the Foundation's actions in solidarity with First Nations Peoples continue to be inspired and informed by the experiences of the CPA activists who throughout the twentieth century played significant roles building popular support for the recognition of the rights of First Nations Peoples in the working class and progressive social movements, in Australia and internationally.

Because this history has lessons for today, we begin by recalling some key moments. In 1931, the CPA became the first political party in Australia to adopt a program for Aboriginal rights.

Tom Wright, a party leader, then worked with William Ferguson to get the NSW Labour Council to adopt the first statement in support of those rights by a working class organisation in 1938. That same year, the CPA assisted with the printing and national distribution of the Day of Mourning Manifesto.

By 1944, CPA members were advocating through trade unions and women's organisations for constitutional change to allow the Commonwealth to legislate for Aboriginal advancement.

At the end of WW2, CPA member Don McLeod helped pastoral workers of the Pilbara in W.A. organise their historic strike, and CPA members and

the unions in which they had leadership roles mobilised in solidarity to secure their victory.

Shirley Andrews, a CPA member, was instrumental in establishing the Victorian Council for Aboriginal Rights in 1951, and the Federal Council for the Advancement of Aborigines (FCAA) in 1958.

Christian Jollie-Smith, a socialist-feminist lawyer and founding member of the CPA, helped draft the first petition for a change to the Constitution in 1957, and CPA members including several leading Aboriginal activists played key roles in the 10-year campaign which followed, ultimately resulting in the Yes vote in the 1967 Referendum.

Student communists were on the Freedom Ride buses which campaigned across NSW in 1965. Communists Frank Hardy and Brian Manning actively supported the Gurindji struggle in the NT in the late 1960s, mobilising members in unions and progressive organisations around the country to do likewise.

In 1972, CPA members in Sydney and Canberra helped the young activists of the emerging militant black power movement travel to Canberra to establish the Tent Embassy.

In Sydney, CPA-influenced unions actively supported Tranby College, the base from which the NSW Land Rights movement and the campaign against Black Deaths in Custody was coordinated. Party members also helped establish the Nuclear Free and Independent Pacific (NFIP) Movement, through which Indigenous issues gained a new regional prominence.

Elliott Johnston, the eminent lawyer and retired judge was one of the five Commissioners responsible for the Final Report of the Royal Commission into Aboriginal Deaths in Custody, and was for most of his life an active member of the party in South Australia<sup>1</sup>.

The lessons we take from this history which remain relevant today are:

1. Non-Indigenous Australians and their organisations have fought alongside Indigenous people for more than one hundred years;
2. These struggles teach us that institutional reform of the Australian capitalist state only occurs through the mobilisation of strong and active support from working class organisations and other progressive social movements;

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<sup>1</sup> These and other events are recounted in *Comrades! Lives of Australian Communists* published by the SEARCH Foundation in 2020 in association with the Australian Society for the Study of Labour History.

3. No matter how strong the movement, the reform process is always in danger of being captured and taken over, and the original aims diverted or watered down by governments so as not to threaten the interests of the rich and powerful;
4. Ongoing mass action, mobilising the widest possible popular support, is crucial to sustaining the reform process;
5. Through a long and difficult history of movement building over one hundred years, the majority of Australia's citizens are finally realising the truth about the violent and racist foundations on which Australian society is built;
6. The time has arrived to move to the next stage, to decide that we, as a people, will no longer be party to the continuation of settler colonialist structures and attitudes that deny the fundamental rights of First Peoples.

The Uluru Statement from the Heart forms the most recent in a long line of statements of First Nations aspirations, going back to the 1938 Day of Morning Manifesto, and continuing through the first FCAA Program, the 1963 Yirrkala Bark Petition, the several petitions for the 1967 Referendum, the demands of the Tent Embassy in 1972, the 1988 Barunga Statement, the 1993 Eva Valley Statement, the 1998 Kalkaringi Statement and the 2008 Yirrkala Statement.

At each point in this history, the political demands and the mass mobilisation and action around them were the key factors in moving the formal institutions of the Australian state slowly and inexorably towards greater recognition of the pre-existing rights of First Nations Peoples, rights which have never been surrendered or ceded, but which still are denied.

The Foundation's response to the Interim Voice Report is based on this history of action and engagement. We welcome the fact that so much time, energy and hard work of institutional design has gone into the Report, but we cannot avoid naming a fundamental problem. The report is the product of a technical process, led not by an elected representative body of First Nations Peoples but by a series of government-appointed committees and their Commonwealth public service advisers. Moreover, in initiating and resourcing this process, the Minister for Indigenous Australians specifically excluded his appointees and public servants from considering the most fundamental point in the Uluru Statement from the Heart, the demand for a First Nations Voice to Parliament to be enshrined in the Australian Constitution.

The politics of this deserve to be exposed. The Minister and those he appointed are operating in an environment in which the Liberal National Coalition government is deeply divided on the question of the Voice.

Reactionary elements within the Coalition parties want to stop the movement for Constitutional reform from gaining further momentum, and the government has tried to manage the Co-design process in a way which concedes to those forces.

A glaring example of the politics underlying the process is the total absence within the various co-design committees of any representation from the workers' movement. Indeed, there is not one reference in the 239 pages of the Interim Report to trade unions.

While we applaud the proposal for gender balance, and for adequate representation from young people and people with disabilities, the vast majority of First Nations people are in the ranks of workers and the unemployed, and have always relied on trade unions and workers' organisations to defend their interests. Historically, we know, trade unions have been crucial to the success of First Nations struggles. The only reason they have been excluded from consideration in the co-design process is the ideological opposition of the Coalition parties.

We do not reject or dismiss the work that has gone into the co-design process. We acknowledge that the Interim Report canvassed many of the important issues which need to be addressed in the future. But enough is enough. The process must now be taken out of the hands of the few, and given back to the popular movements for change.

SEARCH members oppose any attempt to legislate a weakened Voice to government and parliament, in the place of a Constitutionally-enshrined Voice to Parliament. We demand that all political parties in the current parliament come together now, and legislate for a referendum to be held in the next parliamentary term.

The movement in support of First Nations Peoples' rights, of which we are proud to be a part, will campaign for a Yes vote in a referendum to change the Constitution, and we will win. And once this has happened, the final work can begin on the design of the Voice, in the full knowledge that the majority of Australians support it, and that those who still seek to oppose it have been defeated. Moreover, once a Constitutionally-enshrined Voice has been legislated, and the first group of representatives elected, it should have the legitimacy, independence and the resources needed to consult and take advice from whomever it chooses to, rather than the process remaining in the control of the government and its employees and appointees.

The Voice to Parliament, enshrined in the Constitution, will for the first time in Australia's history, signal that we, the people, are ready to change the settler colonial nature of the Australian state, and to begin a new period in our history in which First Nations Peoples will over time re-gain the rights which have been illegally and brutally taken from them over the last 233 years.

In conclusion, we re-iterate our key demands. We call on the Australian government to:

1. honour its election commitment to a referendum once the model for the Voice has been settled;
2. pass enabling legislation for the Voice after a referendum has been held in the next term of Parliament; and
3. support a membership model for the National Voice which ensures that previously unheard Aboriginal and Torres Strait Islander people have the same chance of being elected as established leadership figures.

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