

Belinda Collins - Submission: In support of a First Nations Voice Protected in the Constitution

In the 2 to 3 generations since the wildly successful referendum of 1967, Australia's constitution still makes no mention of its First Nations people. Grave issues facing their communities continue unabated. I have lived, studied and worked in Broken Hill, Nambucca Heads, Wollongong, Canberra, Yass and now Melbourne. I often wonder how the Aboriginal kids who went to school with me in Nambucca Heads in the late 60's have fared in the intervening decades. The chances are they have been, and still are, fighting for basic human rights and a better life for their families. Based on appalling statistics, I doubt that their children and grandchildren will have had the same opportunities as my own. I feel shame, frustration and bewilderment that the referendum's implied promise of equality has not been realised.

Many times in the past 60 odd years, bodies representing First Nations people - Commissions, Committees, Conferences and Councils - have been established with the objective of providing advice on laws and policies for the betterment of their lives. These representative bodies can and have been disestablished at the whim of successive governments. Progress is halted, corporate knowledge lost and the fundamental divide between life outcomes for First Nations people and other Australians continues. Meanwhile, the government remains free to make laws and policies about issues which affect First Nations people without consultation or consent. Many of these are unhelpful and often detrimental.

Then in 2017 came the gift to non-indigenous Australia of the Uluru Statement from the Heart from our First Nations people. This was the result of years of planning, months of dialogues in towns and cities around Australia and finally a convention at Uluru where a consensus was reached and the statement composed. This profoundly generous statement filled me with hope that structural change would soon be possible.

In the Uluru statement, First Nations people speak of the torment of their powerlessness. They call for "the establishment of a First Nations Voice enshrined in the Constitution." This would empower them to advise on laws and policies around issues directly affecting their communities such as child mortality, youth suicide, poverty, disproportionately high incarceration rates, deaths in custody, children being removed from families and children as young as 10 years of age being imprisoned. Policies guided by their protected Voice would mean the difference between life and death. The torment they speak of in their Statement is a national disgrace. True empowerment via a protected Voice would end their torment.

Alas, the ensuing response from the government, to the gift of the Uluru Statement from the Heart, was to reject its main call, for “the establishment of a First Nations Voice enshrined in the Constitution.” Instead, the government has proposed an approach which has failed many times before - legislating a voice but stopping short of protecting it in the constitution. This would leave the voice vulnerable to removal. This vulnerability has the effect of inhibiting robust and honest debate. And as is the case now, the government would have no compulsion to listen to advice or to act upon it and would not be accountable to the Australian people.

In his 2020 Closing the Gap report, the Prime Minister writes of his government’s commitment to First Nations people having a “real say”. In my mind, a “real say” is a Voice enshrined in the Constitution. The Membership Model for the Constitutional Voice should be inclusive and fair in its selection process so as to maximise the opportunity for previously unheard voices to have a say.

As well as a Voice to Parliament, the Uluru Statement from the Heart calls for a Makarrata Commission. I look forward to this. With a Voice enshrined in the constitution, negotiation of treaties could be done on more equal footing because the Voice would carry authority. And Truth Telling is long overdue.

I implore the government to schedule a Voice referendum. I look forward to the public information and education campaign which will accompany it. I will vote YES.