

Submission: First Nations Voice

In my professional and personal life I have engaged with First Nations peoples in many parts of Australia. For 4 years I worked as a Homelands Co-ordinator in Ramingining, Arnhem Land. Then for 12 years I was a manager in the Wagga Wagga ATSIC office working with the Binaal Billa Regional Council. Finally, I worked for 10 years with NSW Family and Community Services as a Director in Western Region.

Why a Voice

ATSIC was the last of the big experiments in a national Aboriginal representative body advising government. For example, it was able to support the development of regional services which did not really happen before or since. Projects like Tirkandi Inaburra which addresses Recommendation 62 of the Royal Commission into Aboriginal Deaths in Custody to keep First Nations children out of the “justice” system. It has been operating effectively for 15 years re-engaging high school age boys in the education system, building their resilience, cultural knowledge and respect, and addressing systemic failure. Without an Aboriginal Voice and advocate like ATSIC with a regional dimension and capacity it would not have happened. What it has achieved is largely ignored and not emulated. It drew funding from the State government as this was where responsibility sits.

Why a Voice to Parliament

It needs to be a Voice to Parliament and not just to government. There could be opportunities to address and provide input to Parliamentary committees on all matters that affect First Nations peoples. There should be an annual opportunity to address both Houses of Parliament in joint setting at the national level. This should also be reflected at the State level. I see no reference to how the Voice to Parliament could be effected.

Funding

This Voice needs to be adequately resourced to monitor and offer evidenced critique, to assist them in holding governments to account, and to contribute to policy and strategic development.

What ATSIC struggled with was when Regional Councils were given project funding allocation delegations. This was setting up to fail because it is not accepted anywhere in our system of government that elected people should control what projects are funded, recent “art form” pork barrelling notwithstanding.

It is important that there is enough focus on how the Voice works with government departments that fund mainstream services. This is important as ATSIC became the whipping boy for the failure of government agencies at all levels, yet having no capacity to influence.

Ethics Advice

I can understand the felt need to create an ethics advisory body. I would only support it to the extent that it is in place for all levels of government. No doubt that is beyond the brief of this inquiry but perhaps when we finally have a meaningful equivalent there may be some credibility and equity in this move.

Voting versus non-voting of Voice Representation

One person, one vote is our neat understanding of how democracy is based. This fits a culture based on a very narrow definition of the rights of an individual. It often does not work that way in a First Nations context where the very extended family is critical. The key point is whether communities have confidence that they are represented.

Through the time of ATSIC and since, a more sophisticated range of regional and community structures have emerged. It would certainly be wise to build on those. There is a need for care in finding the best role for service delivery peak bodies. They certainly have a role but represent particular interests and focus. The overall priority setting has to come from elsewhere, especially regional and local committees or working parties with a more holistic focus.

Conclusion: Why Constitutional Recognition

I understand that this is out of scope for this group, but because there was no commitment to neither improve nor replace First Nations representative bodies in the past there were long gaps in having an effective voice to government or parliament. All of these were discarded, being at the whim of the political winds of the moment. For 15 years since the demise of ATSIC there has been no body that commands the ear of government, let alone Parliament. Mainstream politics continues to fail the interests of this key minority to our national identity and our future. The bar needs to be raised to guarantee a Voice from here on.

I understand it the reference in the Constitution to a Voice would be simple and not specific to the current model. It should refer to its being a representative model and its broad roles such as advice. The current model simply allows the country to see what the Voice would mean at this time. It should not be put to Parliament for debate until after a referendum.

It is time for change. It will need to be bipartisan between the major parties in order to succeed at referendum. If one party does not support it then of course it will fail. The coalition government needs to take courage and take this to referendum as soon as we have a draft Voice legislation. Otherwise, there are big risks that a legislated Voice will actually cause people to think that there is no need for a Constitutional guarantee.

Further as the legislated Voice proceeds it will have lots of teething problems. Given the lack of a propensity to mislead and the negative intentionality of some sections of the media a referendum will never see the light of day. The best moment is when the people see the reality of a draft Voice and how it will work.

Once on the ground and with Constitutional recognition the Voice can be reviewed with a commitment to improve it and keep it relevant to the day, as we go. In contrast, ATSIC was reviewed with the express purpose of its elimination. I don't think anyone would contest the fact that the LNP government had always had that intention but did not have the numbers in the Senate until the ALP finally supported them.

It is going to take much political courage to make the changes needed now. It is always the right moment to make a change of this importance. From history it is clear that change follows courage. How many lives have been lost or damaged because in more than 2 generations since the 1967 referendum we have actually made so little progress when viewed against what still needs to happen. We can turn a big page with Constitutional recognition of a Voice. If there is bipartisan support, public support will grow beyond already high levels, and it will succeed.

Ron Lawler