

**Submission: Stage 2 Co-Design process March 2021**  
**Constitutional Recognition of**  
**The Voice of The Uluru Statement from the Heart**

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*What I am proposing is that Nationalism has to be understood, by aligning it not with self-consciously held political ideologies, but with large cultural systems that preceded it, out of which — as well as against which — it came into being. (Anderson 1983)*

When Australians are faced with a statement as honest and truthful as the Uluru Statement of the Heart, they are taken aback by the sincerity and authenticity of its determination. Culturally, ‘Australia’ has historically seen such expressions as unsettling to its modern, post-colonial image of ‘Anglo’ identity and security. In short, they may not question the statement’s honesty, but remain insecure and uncertain about its purpose or intent.

This is arguably an embedded scepticism bred from our contested beginnings and the hegemony of colonial power structures. Too many Australians defer their reaction, made socially uncertain about their response to an issue that has been in dispute since the birth of the colony of New South Wales in 1788. During these 233 years, the nation’s cultural instinct has been systematically coded to avoid this insistent contest – preferring to let it slide into the ‘too hard basket’ or forgetfully kicking the can down the road. In 1968 W.E.H. Stanner gave his Boyer lectures where he summarised this intuitively ‘Australian’ slip of memory:

*It is a structural matter, a view from a window which has been carefully placed to exclude a whole quadrant of the landscape. What may well have begun as a simple forgetting of other possible views turned under habit and over time into something like a cult of forgetfulness practised on a national scale. (Stanner, 1968 Boyer Lecture)*

The Uluru Statement from the Heart is intended as a welcoming gift. To invite all Australians to recall and correct their cultural indecision. The first reminder from The Uluru Statement states:

*Our Aboriginal and Torres Strait Islander tribes were the first sovereign Nations of the Australian continent and its adjacent islands, and possessed it under our own laws and customs. This our ancestors did, according to the reckoning of our culture, from the Creation, according to the common law from ‘time immemorial’, and according to science more than 60,000 years ago*

This gesture is not a demand. It is a statement of historical fact. The Voice of The Statement then goes on to confirm its honest intent of creating an understanding for all Australians to co-exist on this continent. This is an overture to recognise that any ownership of this land is ‘an assumption’ declared by an experienced British colonial mindset informed by the legal concept of ‘Terra Nullius’:

Terra nullius is a Latin term meaning “land belonging to no one”. British colonisation and subsequent Australian land laws were established on the claim that Australia was terra nullius, justifying acquisition by British occupation without treaty or payment. This effectively denied Indigenous people’s prior occupation of and connection to the land.

(The Mabo Case Decision | Terra Nullius | Australians Together, 2021)

This ‘assumption of ownership’ was legally tested and overturned by the Mabo Case in 1991 (Australians Together, 2021) a landmark decision that overturned Terra Nullius in favour of indigenous people’s land rights. The Voice of The Statement re-enforces that ruling, but casts indigenous connection to this continent in a different transactional light. This deeper relationship to country and custom are conditions regarding ownership of the sovereignty of ancestral soil, not real estate. From the Uluru Statement:

*This sovereignty is a spiritual notion: the ancestral tie between the land, or ‘mother nature’, and the Aboriginal and Torres Strait Islander peoples who were born therefrom, remain attached thereto, and must one day return thither to be united with our ancestors. This link is the basis of the ownership of the soil, or better, of sovereignty. It has never been ceded or extinguished, and co-exists with the sovereignty of the Crown.*

I believe that the most profound bequest of The Voice of the Uluru Statement is the promise of cultural recognition as an appeal to ‘complete’ ourselves as fully formed citizens through binding our modern understanding of being an Australian to an ancient one. (Pearson 2021)

*With substantive constitutional change and structural reform, we believe this ancient sovereignty can shine through as a fuller expression of Australia’s nationhood.*

Noel Pearson translates this passage best: ‘Australia doesn't make sense without recognition, Australia is incomplete without recognition’ (Pearson, 2021).

The simplicity of this transformative cue points to ‘closing the gap’ of understanding between all Australians, not only as a measurement of a Federal initiative’s goal (Closing The Gap, 2021), but as recognition of a malignant absence of cultural reparation. This irresolution has scarred our nation’s multi-cultural identities at home and globally. Our reticence and cultural indecision is underlined through shameful data:

*Proportionally, we are the most incarcerated people on the planet. We are not an innately criminal people. Our children are alienated from their families at unprecedented rates. This cannot be because we have no love for them. And our youth languish in detention in obscene numbers. They should be our hope for the future.*

The Voice of the Uluru Statement from the Heart seeks to remove cultural obstacles and broaden Australia’s understanding of its *future* self. Here it offers an honest clarity of purpose. Without recognition of The Voice we remain adrift from the collective compact of Australia’s multi-national ‘imagined community’ (Anderson 1983). Pearson concludes:

How could there be an Australia without its Aboriginal and Torres Strait Island Indigenous peoples? As long as its Indigenous peoples remain unrecognised, then Australia is an absurdity, a nation missing its most vital heart. Indifference and denial might have worked in the past but plainly today there are far too many Australians determined to stand with Indigenous peoples in rejecting the old idea of Australia. It’s a disgrace they [the government] have opposed truth telling and the talks about treaty, and if we had a voice we think that would make it much harder for them to say no to things that are so obvious that this nation should achieve. (Pearson 2021)

Senator Pat Dobson, another one of our most tireless indigenous advocates, also reiterates the glaring inevitability of this moment:

Begin the truth-telling process so the stories here that everyone could tell you get well and truly understood in the public space, so we don’t have to pussy foot around with more and more delays waiting for someone to come to the numbers in the backbench. This government, whether it’s got an appetite or not, it’s got an obligation, a clear obligation given to it by the ‘67 referendum to occupy the space if necessary, to pass laws in favour of First Nations people in collaboration with states. (Dodson in Pearson 2021)

The Voice has made the obligation for all Australians crystal clear. This is not ‘a third-chamber of government’ as unjustifiably stated as a coded cultural reflex by Prime Minister’s Malcolm Turnbull and then Scott Morrison (Karp, 2021).

This is about recognition and acceptance of inescapable facts to stabilise a whole-hearted national identity, and the promise of a treaty to end the 233 year-old contest of ancestral custodianship. The Voice seeks to address a cultural imbalance that has dogged our national cultural progression for far too long:

*These dimensions of our crisis tell plainly the structural nature of our problem.  
This is the torment of our powerlessness.*

By enshrining The Voice in our Australian constitution, a newly *completed* cohort of Australians will inspire and celebrate a coming of age. Not tinkering at the edges of a recalcitrant understanding, but coming clean with ourselves as honest Australians, and placing a revised determination at the core of our citizenship.

This proclamation is both an endowment and a validation of indigenous people's legitimate claim for a stake in our collective future that's been hard-won. The process of truth-telling has already begun with State Governments instituting the Makarrata process (Treaty in Victoria | Victorian Government, 2021). The proposition of the voice's invitation is a nationally compelling cultural moment that we dare not avoid. I encourage every citizen of this country to get behind this unifying movement and walk The Voice of the Uluru Statement of the Heart into our Australian Constitution for future generations. Accept this generous gift of future nationhood with honesty, gratitude and optimism.

*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.*

*We call for the establishment of a First Nations Voice enshrined in the Constitution.*

*Makarrata is the culmination of our agenda: the coming together after a struggle. It captures our aspirations for a fair and truthful relationship with the people of Australia and a better future for our children based on justice and self-determination.*

*We seek a Makarrata Commission to supervise a process of agreement-making between governments and First Nations and truth-telling about our history.*

## References

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