

Why the Australia Institute Supports the Voice to Parliament

The Australia Institute is a longstanding supporter of a constitutionally enshrined Voice, as articulated in the Uluru Statement from the Heart.

Research is the cornerstone of the Australia Institute’s work. There is a significant body of research—led by First Nations people—about the Voice to Parliament,ⁱ where it came from,ⁱⁱ how it is likely to work,^{iii,iv,v} and how it would help solve the chronic gaps between outcomes for Indigenous and non-Indigenous Australians,^{vi} and to this substantial body of work we simply want to add our support.

The Voice will deliver on the call made in the Uluru Statement from the Heart. It will enrich our democracy and help make Australia a more just nation.

The need for the Voice to be constitutionally enshrined

We recognize the need for the Voice to be constitutionally enshrined (and not merely legislated) because every federal government body ever established to represent the interests of First Nations Australians has been abolished.^{vii} The most recent example is the abolition of ATSIC, which was legislated out of existence in 2005. Nearly 20 years have passed without a viable replacement, and Indigenous disadvantage has only worsened. Reconciliation depends on listening to the voices of First Nations people, and the channels of communication must not be so easily severed. One noteworthy exception to this pattern is the Torres Strait Regional Authority, which has effectively represented the interests of Torres Strait Islanders since it was established in the 1990s.^{viii}

Closing the Gap

The increasing gap in developmental outcomes between Indigenous and non-Indigenous Australians points to one fundamental truth: First Nations peoples must have a greater say in the decisions that affect them.

The Closing the Gap targets, which were established in 2008, are a sorry measure of how Indigenous disadvantage has worsened. The 2019 annual report on the targets found that only two were on track to be met.^{ix} This led to vociferous calls for the greater involvement of First Nations leaders,^x and a fundamental ‘refresh’ that saw First Nations Australians given a real say in Closing the Gap targets for the first time.^{xi,xii} Two years later, faint signs of an improvement^{xiii} have led to calls for more radical reform in the way governments work with First Nations people.^{xiv} The Productivity Commission has shown that unless First Nations people are directly involved in the design, implementation and evaluation of the policies and programs that affect them, billions of dollars will continued to be wasted.^{xv,xvi}

First Nations people must also have a greater say in the kinds of policies that led to the destruction of Juukan Gorge, and which are currently threatening the petroglyphs at

Murujuga on Western Australia's Burrup peninsula (where the Perdaman urea plant is being built). The 2021 Parliamentary Inquiry into the destruction of Juukan Gorge found that First Nations people must be involved in the reform of the laws that should be protecting Australia's cultural heritage.^{xvii} This is exactly the kind of thing the Voice could do.

Meaningful Recognition

The Voice will help Australia meet its obligations under the United Nations Declaration on the Rights of Indigenous People,^{xviii} and bring our nation into line with our international peers. In Norway, Sweden and Finland, Sami parliaments provide Indigenous people with a voice in decision-making that affects their communities.^{xix} In Canada, constitutional recognition of "aboriginal and treaty rights"^{xx} has led to the establishment of 25 Indigenous self-government agreements.^{xxi} New Caledonia has a Customary Senate that represents the indigenous Kanak people and which, "must be consulted by the territorial authorities on issues relating to Kanak identity, particularly in matters of customary civil status, and customary lands."^{xxii} In the United States of America, federal law protects the rights of certain Indigenous peoples to be consulted about programs and policies that affect them.^{xxiii} The parliaments of India^{xxiv} and New Zealand^{xxv} reserve seats for Indigenous people. New Zealand also has the Waitangi Tribunal, a permanent commission of inquiry on issues affecting Māori people.^{xxvi}

Clearly Australia has some catching up to do, but our states and territories are already leading the way. The ACT,^{xxvii} South Australia^{xxviii} and Victoria^{xxix} all have bodies designed to represent the interests of First Nations people to state government which are similar to the proposed federal Voice.

Western Australia's South West Native Title Settlement^{xxx} has been described as Australia's first treaty,^{xxxi} but it is unlikely to be the last. Queensland,^{xxxii} the Northern Territory^{xxxiii} and Victoria^{xxxiv} have all made steps towards state-based treaties with First Nations people.

The Australia Institute has been supporting the campaign for a constitutionally enshrined Voice. Our National Integrity Committee of former judges penned an open letter urging support for the Voice. They argued that:

"...it will both enrich our democracy and increase the likelihood of governments making correct decisions about matters that affect Indigenous peoples. It will also, and very importantly, give Indigenous Australians their due recognition in our Constitution as this nation's first peoples."

We have also had the honour of hosting Megan Davis and Pat Anderson AO – the Co-Chairs of the Uluru Dialogue Professor and co-recipients of the 2021-22 Sydney Peace Prize – who participated in our webinar series. Other Indigenous leaders fighting for better health and justice outcomes have also participated. This has included health professionals from Aboriginal-controlled community health organisations (ACCHOs) – whose response to the pandemic was the 'best in the world' according to epidemiologist and former Australian of the Year Professor Fiona Stanley – and experts from Change the Record, Australia's only national Aboriginal-led justice coalition of legal, health and family violence prevention experts. Change the Record aims to end the over-representation of Aboriginal Australians in the justice system, including deaths in custody, and to get children as young as ten years old out of prison by raising the age of criminal responsibility.

In the course of this journey, we have been reminded that Australia cannot keep doing the same things and expect a different result. Whether the issue is health, heritage, or the over-incarceration of Indigenous people, it is clear that when Aboriginal people and communities have a Voice, things get better. But the more fundamental reason that the Australia Institute supports a constitutionally enshrined Voice is because that is what First Nations Australians have asked for.

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- ^{iv} The Uluru Statement (2023) *Design principles*, <https://ulurustatement.org/education/design-principles/>
- ^v Australian Government (2023) *Aboriginal and Torres Strait Islander Voice*, <https://voice.gov.au/>
- ^{vi} Coalition of Peaks (2023) *A Voice to parliament*, <https://www.coalitionofpeaks.org.au/a-voice-to-parliament>
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- ^{ix} Department of the Prime Minister and Cabinet (2019) *Closing the gap report 2019*, <https://www.niaa.gov.au/sites/default/files/reports/closing-the-gap-2019/sites/default/files/ctg-report-20193872.pdf>
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