RECONCILIATION AUSTRALIA

Committee Secretary
Joint Select Committee on the Aboriginal and Torres Strait Islander Voice Referendum
PO Box 6201
Parliament House, Canberra ACT 2601

21 April 2023

RE: Inquiry into Constitution Alteration (Aboriginal and Torres Strait Islander Voice) 2023

Reconciliation Australia thanks the Committee for the opportunity to provide a submission to the Inquiry into Constitution Alteration (Aboriginal and Torres Strait Islander Voice) 2023 Bill.

The proposed amendments contained in the Bill are balanced and give effect to the calls in the Uluru Statement from the Heart for a Voice of Parliament. As such, Reconciliation Australia supports the Bill in its current form. The following sections outline the importance of constitutionally enshrined recognition and self-determination.

Background
Reconciliation Australia is a member of the Australian Reconciliation Network of national, state and territory Reconciliation bodies. Reconciliation Australia and the Australian Reconciliation Network stand firm in the belief that answering the calls in the Uluru Statement from the Heart is a critical step path to a reconciled nation. The Statement calls for a constitutionally enshrined Voice to Parliament, and a Makarrata Commission to supervise a process of agreement-making between governments and First Nations, and truth-telling about Australia's history.

As part of our work on the Reconciliation Action Plan Program, we have seen public statements of support for a constitutionally enshrined Voice to Parliament continue to increase from organisations across a breadth of industries and sectors. This includes corporate, legal, health and medical, sporting, religious and multicultural organisations. A coalition of nine diverse peak religious organisations have signed a joint resolution letter, 38 Local Council mayors have signed a joint statement of support, and more than 180 social sector organisations have formed The Allies for Uluru Coalition.

The Uluru Statement makes clear the reason that reform of the Constitution is needed. Australia's Constitution is 122 years old and still does not recognise Aboriginal and Torres Strait Islander peoples as Australia's First Peoples. Such constitutional recognition has a practical benefit: giving Aboriginal and Torres Strait Islander people a say over the things that affect them, while respecting and maintaining the position and decision-making position of Parliament and the Executive, ameliorating legal and systemic ambiguity. Both our work and research show there is strong support for this change.

The proposed *Constitution Alteration (Aboriginal and Torres Strait Islander Voice) 2023 Bill* gives effect to the calls in the Uluru Statement for a constitutionally enshrined voice to parliament and is the result of consultation and design process with the First Nations Referendum Working Group. This process included significant advice from Constitutional law experts.



Recognition
A significant aim of the amendment is to provide recognition of Aboriginal and Torres Strait Islander peoples in the Constitution. First Nations peoples, who have lived on this continent for more than 60,000 years, have never been recognised in the Australian Constitution, . While the symbolic importance of recognition is central to our sense of ourselves, it also has a practical benefit to the health and wellbeing of First Nations peoples.

Constitutional recognition in the proposed form will ensure appropriate acknowledgment of Aboriginal and Torres Strait Islander Peoples as the First Peoples of Australia. It will address a history of exclusion of Aboriginal and Torres Strait Islander peoples in the life of this nation and represents a critical step towards health and healing for Aboriginal and Torres Strait Islander peoples.[1]

It will also promote increased respect and understanding amongst broader Australian society for the special place and history of Aboriginal and Torres Strait Islander peoples in this country. In turn, the foundations of positive relationships and progress on reconciliation will be supported and advanced by this change.

Self Determination
(i) *there shall be a body, to be called the Aboriginal and Torres Strait Islander Voice;*

Over the last six years, the Australian Reconciliation Barometer – Reconciliation Australia's nationally representative survey of attitudes and perceptions towards reconciliation – has shown the public's understanding of the importance of First Nations peoples having a say in matters that affect them. There has been continued strong public support for the establishment of a representative Indigenous Body to achieve this, as well as increasing understanding in the community of how such a Body could help realise better outcomes and close the gaps in areas of disadvantage for Aboriginal and Torres Strait Islander peoples.[2]

(ii) *the Aboriginal and Torres Strait Islander Voice may make representations to the Parliament and the Executive Government of the Commonwealth on matters relating to Aboriginal and Torres Strait Islander peoples;*

A fundamental element of the Voice will be representations made to both Parliament and Executive Government. Access to the Executive Government and Parliament will improve the effectiveness of policy decisions and legislation that impact on Aboriginal and Torres Strait Islander peoples, as well as to Parliament. It is a standard feature of the work of executive government that stakeholders can engage with members of the executive to ensure they understand the impact of policy deliberations.

The right of Aboriginal and Torres Strait Islander peoples to have a voice in the decisions and policies that affect them as articulated in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) leads to better outcomes, and is a principle supported by the broader community. The 2022 Australian Reconciliation Barometer shows that 93% of Australians believe it is important for Aboriginal and Torres Strait Islander people to have a say in matters that affect them.[3]

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[1] Lowitja Institute (2023) Why constitutional recognition of Aboriginal and Torres Strait Islander peoples matters for health, https://www.lowitja.org.au/page/services/policy-and-advocacy/why-constitutional-recognition-of-aboriginal-and-torres-strait-islander-peoples-matters-for-health

[2] Reconciliation Australia (2022), Australian Reconciliation Barometer https://www.reconciliation.org.au/publication/2022-australian-reconciliation-barometer/

[3] ibid

Importantly, the Barometer shows most Australians (79% general community and 87% Aboriginal and Torres Strait Islander people) believe it is important to protect such a Body within the Constitution, so it cannot be removed by any government. Enshrining the Voice in the Constitution will provide a safeguarded, systemic process for realising self-determination.

Indigenous-led organisations and initiatives with strong Indigenous governance practices have proven to be essential instruments for self-determination. These organisations provide a means for Aboriginal and Torres Strait Islander peoples to have meaningful control over their own lives and cultural wellbeing. The strong outcomes are evident:

1. *The **South Australian West Coast ACCHO Network (SAWCAN)** is a community-led partnership representing five Aboriginal Community Controlled Health Organisations across rural and remote South Australia. Together, the five member ACCHOs provide comprehensive primary health care to over 5,500 Aboriginal peoples, working collaboratively to tackle issues and promote positive health outcomes for Aboriginal communities. SAWCAN's in-depth knowledge of community needs has enabled the network to address common challenges and gaps in services by working in partnership to deliver key projects to improve regional outcomes in the disability, aged care, child and maternal health and community services space.*

2. ***Wungening Aboriginal Corporation** is an Aboriginal Community Controlled Organisation based in Perth. The organisation developed as an Aboriginal community-led response to concerns about how mainstream services were not effectively responding to community needs, particularly around alcohol and substance abuse. Wungening is now a leading community-controlled not-for-profit with ten locations and managing over 200 staff to further its vision of a healthy, safe, strong First Nations community.*

First Nations communities, people and organisations are best placed to provide solutions to meet their own needs. Self-determination must be at the heart of addressing issues of inequality, systemic racism, and instances where the rights of Aboriginal and Torres Strait Islander peoples are ignored, denied or reduced.

It is a necessary pre-requisite to closing the social and economic gaps in outcomes. The Aboriginal and Torres Strait Islander Voice will provide a mechanism to support this. The proposed Voice to Parliament has been designed by and for First Peoples. It was the subject of extensive consultation and community engagement.

Function of Parliament and Executive
(iii) *the Parliament shall, subject to this Constitution, have power to make laws with respect to matters relating to the Aboriginal and Torres Strait Islander Voice, including its composition, functions, powers, and procedures*

Where the Voice will support self-determination and provide an avenue for advice to be provided on "matters relating to Aboriginal and Torres Strait Islander peoples", we acknowledge that the Parliament retains power to legislate and determine the details of what the Voice looks like and how it will operate. The process of developing legislation should be enacted within the spirit of the Voice and be determine in close partnership with Aboriginal and Torres Strait Islander peoples.

Conclusion

This submission endorses the proposed alteration to the Constitution of Australia to recognise Aboriginal and Torres Strait Islander peoples as the First Peoples of Australia as contained in the Bill, as well as the establishment of a representative Voice which can advise Parliament and the Executive on matters relating to Aboriginal and Torres Strait Islander peoples.

The proposed wording that the Voice “may make representations” to the Parliament and the Executive Government of the Commonwealth is clear, reasonable, and meaningful. It communicates a vitally important process whereby Aboriginal and Torres Strait Islander peoples will be able to provide advice and expertise about law and policy-making processes that affect their lives. It will improve policy and legislation, and its impact.

The Constitution Alteration (Aboriginal and Torres Strait Islander Voice) 2023 Bill gives effect to the aspirations of the Uluru Statement process and the ambitions of First Nations peoples in relation to a Voice to Parliament. Reconciliation Australia supports the constitutional amendment as presented and believes the Bill is the right one to support the nation proceeding to a referendum on the Voice.

We thank you again for the opportunity to make a submission.