

The Aboriginal and Torres Strait Islander Voice Referendum

Submission to the Joint Select Committee Inquiry on the Aboriginal and Torres Strait Islander Voice Referendum on the Constitutional Alteration (Aboriginal and Torres Strait Islander Voice) 2023 Bill

April 2023

About ACOSS

The Australian Council of Social Service (ACOSS) is a national voice in support of people affected by poverty, disadvantage and inequality and the peak body for the community services and civil society sector.

ACOSS consists of a network of approximately 4000 organisations and individuals across Australia in metro, regional and remote areas. ACOSS is a partner of Allies for Uluru, which comprises around 180 partner organisations.

Our vision is an end to poverty in all its forms; economies that are fair, sustainable and resilient; and communities that are just, peaceful and inclusive.

Summary

ACOSS thanks the Committee for the opportunity to make this submission, supporting the Bill to recognise Aboriginal and Torres Strait Islander Peoples.

ACOSS supports the wording of the proposed change to the Constitution, which will give meaningful recognition of Aboriginal and Torres Strait Islander peoples and establish a Voice to make representations to the Parliament and the Executive Government.

This Bill offers an opportunity for the people of Australia to both change the way we see ourselves, and the way that the rest of the world sees us.

Discussion

It is time to update our Constitution to recognise Aboriginal and Torres Strait Islander peoples

65,000 years of culture, and a 122-year-old Constitution

It has taken many years of consultation, development, and discussion to bring a shared understanding, with widespread support, to the proposed referendum questions.

ACOSS accepts the invitation of the Uluru Statement from the Heart, to walk with First Nations' peoples for a better future, in which Aboriginal and Torres Strait Islander peoples have a say on the policies and laws that affect them and their communities.

A successful positive vote on those questions will give constitutional recognition to Aboriginal and Torres Strait Islander peoples as the First Nations of Australia, valuing their 65,000-year-old cultures.

Recognition without a Voice is not enough

Constitutional recognition is important but, on its own, governments may continue to introduce programs and policies for First Nations people without consultation. For that reason, a referendum that does not give Aboriginal and Torres Strait Islander peoples the Voice will largely be symbolic.

There is broad agreement by constitutional law experts that the Voice is legally sound¹, and it has broad support from around 80 per cent of First Nations Australians². Giving Aboriginal and Torres Strait Islanders the constitutional right to make representations to the Parliament and the Government on laws that affect them should not be controversial.

¹ This includes recently released advice from the Solicitor-General, and the law professors and justices comprising the referendum's Constitutional Expert Group (Kenneth Hayne, Megan Davis, Noel Pearson, Asmi Wood, Anne Twomey, George Williams, Greg Craven and Cheryl Saunders).

² Ipsos poll commissioned by the Uluru Dialogue January 2023. The poll also found that 10 per cent of Aboriginal and Torres Strait Islander respondents were opposed to the Voice to parliament and a further 10 per cent remained undecided.

The Voice reflects parliamentary agreement that new solutions are needed to support Aboriginal and Torres Strait Islander peoples

It is well understood by the Parliament and community that not enough progress has been made in closing the gap. No party or government has introduced programs, policies or laws that have effectively addressed the challenges faced by Aboriginal and Torres Strait Islander people. First Nations people are best placed to understand their own challenges and develop solutions that work in their own communities.

There has been a bipartisan commitment, since 2007, to recognising Aboriginal and Torres Strait Islander peoples in the Constitution. There is also broad agreement that self-determination is important in alleviating poverty and disadvantage in First Nations' communities. While the Coalition parties have adopted a position to oppose a Voice in the Constitution, it is the mechanism and form that has been asked for by Aboriginal and Torres Strait Islander peoples, making it a crucial element of self-determination.

Recommendation

The current Bill should be passed without amendment, as it can achieve:

- Meaningful symbolic recognition of Aboriginal and Torres Strait Islander peoples as the First Peoples of Australia in the Australian Constitution
- practical recognition through the Voice to Parliament and the Executive Government
- the recognition that First Nations' people have long sought, in the form they have requested.

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