

## Submission to Indigenous Voice Co-Design Process Interim Report to the Australian Government

### Women's Reconciliation Network (WRN)

The Women's Reconciliation Network (WRN) is a network of representatives from women's groups and individuals across Sydney (<https://www.facebook.com/WomensReconciliationNetwork/>). It was founded in the early years of the reconciliation decade which was a government led initiative arising from one of the recommendations from the Royal Commission into Aboriginal Deaths in Custody (1991). Some of the founding members of WRN campaigned during that Royal Commission period. Since that time, we have worked alongside our First Nations sisters in educational and advocacy projects for justice and truth for our First Nations people. We conducted public meetings in the early years of conversations on Constitutional recognition of Aboriginal and Torres Strait Islander peoples and have published a number of educational resources, the most recent being truth telling videos of our esteemed Aunty Elders: ([https://www.youtube.com/watch?v=IP\\_qWW7PX3o](https://www.youtube.com/watch?v=IP_qWW7PX3o;); <https://www.youtube.com/watch?v=cO0sWM4t7II>).

During these two (2) decades we have expanded into a 300 strong database network of fellow Australians committed to working towards equality and justice for all First Nations people.

### WRN response to the Interim Report

The Indigenous Co-design Process Interim Report builds on the work of previous expert panels / bodies - in particular, the 2018 Joint Select Committee on Constitutional Recognition relating to Aboriginal and Torres Strait Islander Peoples. Once again, an expert body, largely Indigenous citizens, has produced a remarkably detailed document of two alternative models of a Voice, elaborating functions, roles, membership eligibility, ethical and accountability measures, and mechanisms for the flow of communication between local, regional voices and a national voice. There appears to be flexibility for growth/ development in many aspects of these models. In its detail and reach it appears faithful to a key theme reported in the regional dialogues that preceded the Uluru convention: namely that participants wanted to be heard by governments in matters relating to their lives. The Report's nine (9) guiding principles enunciate very deeply held First Nations cultural values that give all of us hope that the contents of this report will be listened to and will form the basis of a reliable, ongoing seat at the table of government for our First Nations Peoples so long excluded.

The WRN does not feel equipped to offer critiques of the breadth and depth of detail of these Voice models. We hope and expect that our Indigenous sister and brother organizations will respond to this Report with more authority and experience than we can. In our laypersons' view, *Model 1* seems more inclusive of embracing a diverse range of voices at the different levels and we stress the importance of having a wide range of previously unheard voices from all regions of the country. There are already well-known voices, a strong pan-Indigenous leadership and a wide range of existing Aboriginal and Torres Strait Islander stakeholder bodies working across the country. We express concern that incorporation of existing First Nations stakeholders is not done at the expense of embracing previously unheard voices.

We acknowledge that the issue of numbers and gender balance per jurisdiction is vexed but it does not seem fair, for example, that Tasmania could have the same allocation as the Northern Territory or WA based simply on demographics? We welcome the ethics guidance of eligibility but do not wish to see stricter constraints operating

for this group than with other groups in our society – particularly in light of the reality of the disproportionate number of Indigenous citizens bearing the burden of incarceration histories.

We welcome accountability measures directed at the government such as the Tabling of advice on issues referred to the National voice, establishing a Parliamentary committee and Statement of consultation to be provided with bills (p.16). We are most concerned however at the potential lack of accountability in determining what is understood by the terms, *government obligation and /or expectation* to consult. We are also concerned at the apparent blurring of the lines between Voice to government and Voice to Parliament and fear government intention to weaken the operation of a Voice.

### **Learning from past iterations of First Nations consultative bodies**

The *Report* provides an excellent historical review of previous Aboriginal and Torres Strait Islander consultative groups to government from 1957- to the present (pp.119 ff). All have come and gone on the judgement of government alone. The *Report* offers a telling evaluation of the National Indigenous Council, 2004- 2007, (an all-Indigenous body of experts) stating that:

*The legitimacy of the Indigenous Voice will depend on whether it is seen as independent and robust in its advice delivered as a result of consultation and analysis. This was one of the most critical failures of the NIC – it was seen to deal with an agenda set entirely by the Australian Government.*

WRN asks the current national Coalition government to remember that in 2015, it directed the Referendum Council members to specifically ask Indigenous Australians, *what does constitutional recognition look like to them?* We ask the national Coalition government of 2016, to remember that it immediately rejected outright the peoples' answer as formulated in the Uluru Statement from the Heart. One journalist writing in 2019 describes the press release that confirmed the rejection of the Uluru Statement, as:

*land{ing} like a bag of stale flour thrown from a mission manager's rations table.*

(<https://www.themonthly.com.au/issue/2019/may/1556632800/stephen-fitzpatrick/fresh-canvas-indigenous-politics#mtr>).

The contemporary question of some official form of recognition of Australia's First people is now entering its second decade. It is the case that the most recent decade since conversation on Constitutional recognition was resurrected by PM Gillard 2011, has also seen the people's trust in government severely eroded. For Australia's First peoples and their non-Indigenous allies this erosion of trust even despair, is due to the absence of national leadership willing to articulate commitment to substantial structural change to better the status of First Nations People.

Immediately prior to the 2019 election the Treasurer *announced that there would be a referendum on a voice to parliament under a Coalition government... "once a model has been settled"*

(<https://www.themonthly.com.au/issue/2019/may/1556632800/stephen-fitzpatrick/fresh-canvas-indigenous-politics#mtr>).

The *Interim Report* has surely signalled the settling of a model, but government rhetoric does not now speak of constitutional change, but rather a legislated Voice. The Interim Report's own highlighting of the last 70 years of establishing and abolishing government approved 'Voices' underscores this reality (Interim Report pp.119 ff). And First Nations people's experience of the last 233 years have shown them the fate of legislated Voices.

### Looking ahead: Women's Reconciliation Network position

In 2017 WRN members were invited by The Uluru Statement from the Heart, *to walk* {with our First Nations Peoples} *in a movement of the Australian people for a better future*. This is still our position in 2021, namely, to support a constitutionally entrenched Voice to the Parliament, a Makarrata Commission for agreement making and truth-telling of our shared history.

In conclusion **WRN** respectfully requests the *Interim Report* authors to convey to the Australian government that we believe the pathway of substantive constitutional change in relation to Voice is fair, offers practical change, is supported by increasing numbers of Australians and offers a most precious unifying opportunity to heal the wounds of our past.

Further we ask that:

- the government honour its election commitment to a referendum once a model for the Voice has been settled;
- the government allows and supports the people to make a choice for constitutional entrenchment of a Voice as the first step **prior** to enabling legislation about the details of implementation and finally;
- the membership model for the National Voice must be inclusive- that is, it must ensure previously unheard Aboriginal and Torres Strait Islander people have the same chance of being selected as established leadership figures.

To all members of the three (3) Co-Design committees, we thank you sincerely for your work on our behalf and for the opportunity to communicate with our national government in this way.

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