



2 April 2023

Committee Secretary
Joint Select Committee on the Aboriginal and Torres Strait Islander Voice
Referendum
PO Box 6201
Canberra ACT 2600
BY Email jscvr@aph.gov.au

Dear Secretary,
Re: The Voice

In the form currently published I will be voting against the inclusion of the voice in the Australian Constitution. My reasons are:

*the proposal is "racist" in that it will place within the Constitution a voting qualification and opportunity that will apply to only one group of Australians who are defined by their ethnic group and racial background.

*this opportunity will confer a hereditary right on a particular class or group of Australians for no other reason than the existence of a remote ancestor will entitle the holder to have a deeper participation in the system of government in Australia that is not and will not be available to any other Australian citizen

*the method of qualification for this hereditary entitlement is vague and subjective and will become more contentious over time as has been evidenced by the ever increasing numbers who claim such ancestry in the last 3 national census conducted by the ABS. Should the proposed referendum be successful it can be expected that the numbers of Australian citizens claiming aboriginal or Torres Strait Islander heritage will continue to increase. This is totally at odds with the claimed situation of shorter life spans for people claiming this hereditary background than for all Australians.

*a member of the Referendum Working Group, a Professor Megan Davis has stated that the voice should be, and will be active across a wide range of issues that are not directly or intimately related to matters affecting aboriginal and / or Torres Strait Islanders. Megan Davis was quote in an article written by her in the Weekend Australian 31 March-1 April 2023 as saying that "Parliament will not be able to shut the voice up"

*The Calma-Langton Co-design report does not specifically detail the actual method of selecting who will form part of the local and regional voices but it makes clear that elections are not proposed. Further it appears that the weighting of areas from which members of the voice will be chosen that the areas of greatest need including remote and very remote locations will be

disadvantaged as compared to area where highly educated and well-paid, powerful inner-city activists reside.

*the referendum as proposed is misleading in that it the question to be put to the Australian voter only canvasses one aspect ..the voice of the items included in the Uluru Statement From The Heart and is totally silent on the other main demands in that document of truth telling and treaty. In fact one of the current 11 indigenous members of the current parliament, Senator Lydia Thorpe insists that the order of matters listed from the Uluru Statement From The Heart should be reversed and that treaty, truth telling and reparations payable from an unspecified person or group to what she describes as the true owners of the land of Australia should occur first.

*The Calma-Langton Co-design report is misleading in that the Report at page 18 states: "All of the elements (of the voice) would be non-justiciable". This has been repudiated by both Prof Marcia Langton and Prof Megan Davis who both insist that "of course the voice is litigable".

*in view of the contentious nature of the proposal, and the disputation over the extent to which the High Court will supplant parliament in controlling the voice and the highly activist intentions of many of its key proponents, it would be ill-advised to embed the voice in the constitution until all matters that are in contention have been clarified.

*this is a matter which should have been the subject of a full-blown Constitution Convention involving all interested parties where the details could have been debated and determined in a manner that all Australians could be proud of and lean-into.

*there is widespread support for recognition of indigenous and Torres Strait Island people, their history and their culture in the Constitution. Recognition is not the problem. I would suggest such a question with no other strings or conditions or aims tied to it would pass with a substantial majority. But what is proposed is not recognition. It is control of 97% of the Australian people and the Australian continent by 3% of the population on racial grounds, on a permanent basis. This is not only wrong, but it would also breach the UN Declaration of Human Rights which clearly states that any such recognition of an indigenous people should not be on a permanent or continuing basis.

*as a country and a people Australia does need to do better and do more to assist the proportion of Aboriginal and Torres Straits Island people who have not been beneficiaries of the wealth, health and education received by most Australian's. But this is a relatively small proportion, less than 180,000 from information provided by ABS of the 812,000 or thereabouts people who claim Aboriginal or Torres Strait Island heritage. This should not be the problem it seems to be.

*we are advised that there are more than 2,000 organisations administered by some 70 plus statutory bodies and authorities who have around \$32billion available to them each year to address shortcomings amongst aboriginal and Torres Strait Island people. There is a Minister of the Crown, who sits in Cabinet responsible for that task. What appears to be the lead organisation..The National Indigenous Australians Agency (NIAA) has as its

stated purpose: **works in genuine partnership to enable the self-determination and aspirations of First Nations communities. WE lead and influence change across government to ensure Aboriginal and Torres Strait Islander people have a say in the decisions that affect them.**

*why is another body needed. If the NIAA is not performing the Minister should address and fix this. If the NIAA is undertaking fully the role it states it has why is the voice necessary?

*the Calma-Langton Co-design report insists that all of the current organisation, authorities and body's administering the \$30billion provided each year will be maintained "although duplication should be avoided" So by extension the organisation and the bureaucracy to activate all the decisions of the voice will be another layer of cost and confusion.

*the Calma-Langton report at 284 pages would appear to have been designed to ensure that ordinary Australians would not read and understand all its implications. Otherwise, there would have been an Executive Summary provided. It is very apparent that the imposition of the voice upon all levels of government will be like "throwing sand into the gears driving the wheels of Australia" and lead to a bureaucratic nightmare and substantial additional costs to be paid out of government resources with no offsetting income.

*the voice if successful will act like a co-governance structure which, with the increasing cry for sovereignty will lead to an irreparable division within Australian society. Reconciliation will be destroyed as the 97% of the population realise how they will be governed and controlled in the future.

I recommend that the voice not be included in the constitution. It is a flawed concept that does not warrant inclusion in legislation.

Recognition of Aboriginal and Torres Strait Islander people, their history and their culture should be included in the Preamble to the Australian Constitution. That would address the cry of the majority although it would disappoint the activists.

Yours sincerely



Cc: Alex Hawke MP Member for Mitchell