

The Voice

The referendum concerns this change to the Constitution.

Section 129 Aboriginal and Torres Strait Islander Voice.

In recognition of Aboriginal and Torres Strait Islander peoples as the First Peoples of Australia:

- *There shall be a body, to be called the Aboriginal and Torres Strait Islander Voice;*
- *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;*
- *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.*

Under the *design principles* discussed so far,

- The Voice would make representations to and be able to respond to requests for representations from, the Parliament and the Executive Government on matters relating to Aboriginal and Torres Strait Islander peoples.
- Members of the Voice would be selected by Aboriginal and Torres Strait Islander communities, and serve for a fixed period, to ensure regular accountability to their communities. They would be chosen from each of the states, territories and the Torres Strait Islands and be representative of Aboriginal and Torres Strait Islander communities, gender balanced and include youth.
- They would work alongside existing organisations and traditional structures.
- They would not have a program delivery function.
- They would not have a veto power.
- The current model suggests 24 members on the body, elected by local and regional elected bodies.

The details of the model won't be determined until, or unless, the referendum is approved.

The following information may be of interest:

Daly River elder, educationalist and artist, Miriam-Rose Ungunmerr-Baumann - Click [here](#)

Geoffrey Blainey, one of Australia's senior historians - Click [here](#)

A statement from the Catholic Bishops about the Voice - Click [here](#)

Jesuit lawyer, Frank Brennan SJ inspired by Catholic social teaching - Click [here](#)

Overviews from SBS - Click [here](#)

A summary from the ABC - Click [here](#)

An education kit on the Statement from the Heart – Click [here](#)

Miriam-Rose Ungunmerr-Baumann

“My people are not threatened by silence. They are completely at home in it. They have lived for thousands of years with Nature’s quietness. My people today recognise and experience in this quietness the great Life-Giving Spirit, the Father of us all. It is easy for me to experience God’s presence. When I am out hunting, when I am in the bush, among the trees, on a hill or by a billabong; these are the times when I can simply be in God’s presence. My people have been so aware of Nature. It is natural that we will feel close to the Creator. Our Aboriginal culture has taught us to be still and to wait. We do not try to hurry things up. We let them follow their natural course – like the seasons. We watch the moon in each of its phases. We wait for the rain to fill our rivers and water the thirsty earth... When twilight comes, we prepare for the night. At dawn we rise with the sun.

We watch the bush foods and wait for them to ripen before we gather them. We wait for our young people as they grow, stage by stage, through their initiation ceremonies. When a relation dies, we wait a long time with the sorrow. We own our grief and allow it to heal slowly.

We wait for the right time for our ceremonies and our meetings. The right people must be present. Everything must be done in the proper way. Careful preparations must be made. We don’t mind waiting, because we want things to be done with care.

We don’t like to hurry. There is nothing more important than what we are attending to. There is nothing more urgent that we must hurry away for.

We wait on God, too. His time is the right time. We wait for him to make his word clear to us. We don’t worry. We know that in time and in the spirit of dadirri (that deep listening and quiet stillness) his way will be clear.

We are river people. We cannot hurry the river. We have to move with its current and understand its ways.

We hope that the people of Australia will wait. Not so much waiting for us – to catch up – but waiting with us, as we find our pace in this world.

If you stay closely united, you are like a tree, standing in the middle of a bushfire sweeping through the timber. The leaves are scorched and the tough bark is scarred and burnt; but inside the tree the sap is still flowing, and under the ground the roots are still strong. Like that tree, you have endured the flames, and you still have the power to be reborn.

Our culture is different. We are asking our fellow Australians to take time to know us; to be still and to listen to us.”

~ Miriam-Rose Ungunmerr-Baumann
(Aboriginal activist, educator, artist and 2021 Senior Australian of the Year)

BEFORE WE VOTE, LET'S GET ALL OUR FACTS IN ORDER - Geoffrey Blainey

The Uluru Statement from the Heart is a vulnerable document. It is sometimes silent when Aboriginal failures are visible, but vocal in condemning Australian people for misdeeds that never happened.

Without doubt, the Indigenous people have had many legitimate grievances about their sufferings and slights ever since British convicts and marines arrived in 1788. Hosts of Aboriginal people were killed in frontier conflict, though the historians' statistics of death tend to contradict each other. Most Indigenous people died from diseases to which they had no immunity, and such deaths far exceed those suffered in warfare since 1788.

Countless Aboriginal people died from the excessive consumption of alcohol: rum and brandy rather than beer and wine were their temptation. Moreover, most Aboriginal people preferred novel foods such as sugar, flour and mutton rather than the plants they had skilfully gathered during an ingenious way of life that also kept them fit. The sight of so many overweight Aboriginal people today would confound their lean ancestors, if by chance still alive.

The loss of their lands, their "dispossession", of course created resentment. But Aboriginal leaders tend to think they were the world's only such sufferers. In fact, the ancestors of most mainstream Australians painfully lost their lands in some faraway era and received no compensation.

Thus in 1066 the Norman Conquest of England and the actual killing or enslavement of so many people, and the raping or castration of others, was probably as devastating as the British conquest of Australia. In contrast, no Aboriginal people were turned into slaves. English people who suffered severely from the consequences of the Norman invasion in 1066 must have outnumbered the Aboriginal people who suffered severely from the conquest of Australia in, say, the 70 years after 1788.

Likewise, ancient Aboriginal people themselves were champions at dispossessing their neighbours, and one day that fact should be taught in Australian schools. In every known part of the world the semi-nomadic hunters and gatherers had been deadly in their tribal warfare.

Inside the Uluru statement, two major accusations are expressed in one pithy sentence: "In 1967 we were counted, in 2017 we seek to be heard." The Aboriginal leaders who met at Uluru believed their kinsfolk were not even deemed worthy of being counted – until the referendum of 1967 raised their political status. Anthony Albanese himself, while understandably basking in his political honeymoon, affirmed this accusation, and continues to do so in parliament. If true, the accusation is a serious blemish on the Australian nation during the past century and a half. But it is not true.

In his many overseas trips Albanese has performed calmly and courteously. But at home, on the question that is now his very first priority, he seems sometimes to be at sea. It is fair to say he went overboard when in the Marrickville town hall on October 14 last year he told a packed gathering that Australia since 1788 had a "brutal" history, full stop. We all make unwise or sweeping statements from time to time.

Albanese's favourite message is that Australia is "the world's oldest living culture". But New Guinea was occupied by human beings at about the same time as – or earlier than – Australia, and accordingly it also might be the world's oldest living culture. Aboriginal people on the whole now have the higher quality of life, but wide is the gap between most city and big-town residents and that minority struggling in the outback communities. Closing the Gap has several meanings.

We learned how determined Albanese was when he affirmed, alongside the Uluru statement, that Aboriginal people were crippled by “powerlessness”. Now he is scaling the Mount Everest of Australian politics by seeking a drastic change to Australia’s Constitution. Thereby he will empower Indigenous people and simultaneously reduce the power of the great majority of Australians. But what if the Uluru statement, with its errors and omissions, does not justify an upheaval in Australia’s democratic system?

The Uluru statement is militant. It offers no sentence of respect or gratitude to the Australian people. Yet it is hailed by Albanese as warm hearted and generous. He even announced in a memorial lecture in Adelaide recently that it was an invitation extended “to every single Australian in love and grace and patience”.

A disciple of Bruce Pascoe, Albanese admires his nonsensical Dark Emu theory. Pascoe believes Aboriginal Australia was the first real democracy in the world and for 80,000 years a haven of peace and prosperity. Albanese believes this utopia – in fact, it never existed – can in some ways be honoured if Indigenous people are compensated with special powers and rights.

Parliament in its recent debate did nothing to validate the Uluru accusation that mainstream Australians had refused for generations even to count Aboriginal people. In fact, these proud people were being counted before any one of us was born.

We can appreciate the sense of hurt in young, politically active Aboriginal people when they hear the myth that they, their parents and grandparents had not been deemed worthy of being counted in a census. More insulting, the young are led to believe that the sheep had been counted regularly – as undoubtedly they were – but not the Aboriginal people.

In parliament last month Tanya Plibersek mistakenly announced, in an otherwise informative address, that in 1901 the “Aboriginal people weren’t counted in the census or commonly allowed to vote”. Her ministerial colleague Catherine King told parliament that Aboriginal people – in the words of one informant – were powerless “simply because we were never identified as humans”. That can’t be true.

Day by day, all shoppers at Coles supermarkets receive on their printed receipts a highly selective message based on Uluru. The directors of Coles Group do not seem to realise that, through the years, their own executives – in recommending places where the next dozen stores might or might not be opened – must have known where most Aboriginal people lived.

Linda Burney, born in a small Riverina township, is deservedly praised for making her way from a humble Aboriginal home to become a cabinet minister in Sydney and now in Canberra. But she has mistakenly insisted that as a young girl she was never in a census. “The notion that you weren’t worthy of being counted was very painful,” she exclaimed in July 2017. She once misinformed parliament that until the age of 10 she was not even a citizen. Instead, she claimed she was merely ranked under “the flora and fauna act” of NSW. Such a policy did not exist.

The first census to be conducted by commonwealth officers was in 1911, and the federal attorney-general instructed them to count “full-blood Aboriginals”. Understandably, the officers had to retreat when they reached remote areas where local inhabitants had seen no white person or heard a word of English. But tens of thousands of Aboriginal people were actually counted, often with enormous effort, in the accessible regions.

For a logical but slightly complicated reason, they were not – after the actual counting – included in the final tally of population. For instance, in apportioning a share of the federal customs revenue to each state, the smallish Aboriginal populations were not “reckoned” when finalising the payments to each state. Helen Irving’s book *To Constitute a Nation* neatly explains the reasons and the practice.

Today, visitors to the National Museum in Canberra are informed that not until 1971 were “Aboriginal and Torres Strait Islander peoples counted in the Australian census”. On the contrary, they had been counted in every federal census since 1901, and counted moreover in the face of obstacles confronted by few other national statisticians. Thus the state officials then in charge of that 1901 census specifically counted them. They set up a special category that comprised “full blood Aboriginals” and those “nomadic half castes” who were living with them. In the five mainland states they totalled 41,389. An even larger number could not be counted, being nomadic and too far distant.

There were precise censuses even before 1901, thus contradicting Albanese and the Uluru leaders. For example, South Australia, holding a census on Sunday, April 2, 1871, recorded the exact districts and towns where more than 5000 Aboriginal men and women lived.

Eye-opening was the census held on the same Sunday in gold-rich Victoria, where 731,528 people of all races were counted. Conducted by Henry Hayter, the census commanded respect from leading overseas statisticians. The main results were in the hands of parliamentarians barely two months later – a feat that is unimaginable in the age of fast computers.

Of those Victorian officials who took part in the detailed census, 918 went on horseback and 650 on foot. They investigated remote townships, huts and tents where only one or two Aboriginal people could be found. That the tally of these people had fallen since Victoria’s previous census in 1861 was evident, and it would continue to fall.

Four out of every 10 of the Victorian Aboriginal men said they were following a paid occupation; and that was a higher proportion than can be found in many remote Aboriginal settlements today. In Victoria, two of every five Aboriginal children of school age could read but fewer could write. Five Aboriginal adults were recorded as blind, and seven were over the age of 70, according to the census teams.

Hayter was meticulous. In the big printed edition of the census report he added a minor correction to the tally of 61,000 “Chinese and Aborigines” who had been separately counted: please “take 1 from the males and add 1 to the females”. Generally, the Aboriginal populations had considerably more males than females.

Across the globe most people alive in 1871 had not yet been counted officially. It is therefore remarkable that Aboriginal people in various towns and regions of Australia were systematically counted.

Other of our censuses were held before 1871, the year Albanese’s own ancestral land of Italy held its first nationwide census. One generation later, in 1897, the initial census in Russia’s vast empire at last enumerated famous individuals such as Finnish composer Jean Sibelius and Russian writers Leo Tolstoy and Fyodor Dostoevsky.

Unfortunately, the allegation – “a people not worth counting” – is now endorsed by some of the biggest business houses, by the football leagues and even by universities that are world-ranked for their research.

The leaders at Uluru insisted that their people had been powerless for generations. This lament is also far-fetched.

In stressing the “torment of our powerlessness”, they did not know that in the late 1850s, in the three populous Australian colonies, most Aboriginal men were allowed to vote. This was a momentous event: most of Europe’s tens of millions of men had not yet won the right to vote. Indeed, a forgotten man of Aboriginal and convict ancestry won the rural seat of Young in NSW in 1889.

Another landmark – unknown to Uluru – was a general election held in 1896 in South Australia. This was probably the first government in the world to allow women not only to vote but also to stand for parliament. New Zealand women already had the first right but not the second.

In this same 1896 election in South Australia, even more revolutionary was the sight of Aboriginal women attending the polling booth. Martin Luther King might well have shaken his head in surprise if he had known of it.

Just pause and ponder for one minute: South Australia’s innovation occurred when 99 per cent of the women in the world did not have a vote. In renowned cities such as Paris, Berlin, London, New York, St Petersburg, Tokyo and Beijing, not one woman had the privilege now exercised by female Aboriginal voters in South Australia. Five years later in the first federal election various Aboriginal women must have voted – an election in which no white woman in the four eastern states was entitled to vote. These triumphs contradict the Uluru manifesto.

Indigenous people hope to gain a major say in shaping a beneficial treaty with the Australian nation; they demand a truth-telling tribunal dominated by the Indigenous; and they call for the right at times to influence vital spheres such as foreign policy. They will also break the golden rule of democracy: one person, one vote.

Meanwhile, their cry of “powerlessness” is a kind of crocodile tear. In the past half-century Aboriginal groups have been handsomely recognised by their acquisition – under the Fraser and Keating governments – of ownership or certain rights and interests in 55 per cent of the Australian land mass. Few Australian voters know this fact. It constitutes one of the largest peaceful transfers of land in the history of the modern world.

Historian Geoffrey Blainey is the author of more than 40 books. His recent memoir is called *Before I Forget* (Penguin).



AUSTRALIAN CATHOLIC BISHOPS CONFERENCE

STATEMENT REGARDING AN ABORIGINAL AND TORRES STRAIT ISLANDER VOICE TO PARLIAMENT

Aboriginal and Torres Strait Islander Peoples have lived in this land for many thousands of years. Their custodianship, however, is not recognised in the Australian Constitution. This is an omission which needs to be rectified. A constitutionally enshrined Indigenous Voice to Parliament is proposed as a way to achieve this.

We acknowledge that a Voice is not the only possible way of recognising Aboriginal and Torres Strait Islander Peoples in our Constitution, but it is the way requested by those who gathered at the historic meeting at Uluru. This could be a significant step towards a more just and equitable Australia.

The wording to change the Constitution and establish the Voice is currently being discussed. We will soon have the opportunity to examine the precise wording and we will be asked to vote on the proposal towards the end of the year. We want to encourage all Australians to educate themselves as well as possible concerning the proposal to establish the Voice.

This is an important moment in the history of the nation, and it can help us to move towards a deep and just reconciliation. It also offers a mechanism to improve the lives of Aboriginal and Torres Strait Islander Peoples.

We urge all Australians to engage in the debate productively, respecting each other and accepting that people may, in good faith, have differing concerns and perspectives. We are an open democracy, and this is a moment to use our democratic institutions to produce a high-quality debate shaped by a genuine concern to do justice and bring healing to First Nations Peoples.

We ask those drafting the changes to the Constitution to work together in a spirit of cooperation, so that the proposal presented to the Australian people will appeal to a wide range of the population.

To guide all Australians at this important time, we encourage everyone to read and discuss the Uluru Statement from the Heart, which we endorsed in 2021 and the Fifth Plenary Council of Australia endorsed in 2022.

In particular, we recommend that Catholic parishes, schools and agencies arrange opportunities for people to come together to read and discuss the Uluru Statement.

Access the Uluru Statement at: <https://ulurustatement.org/the-statement/view-the-statement/>

May 11, 2023

Fr Frank Brennan SJ: How to vote on the Voice

By Fr Frank Brennan SJ, 18 April 2023

What are Catholics to think about the proposed referendum on the Voice to Parliament?

During the first year of his pontificate, Pope Francis in his Apostolic Exhortation *Evangelii Gaudium* said:

“An authentic faith – which is never comfortable or completely personal – always involves a deep desire to change the world, to transmit values, to leave this earth somehow better than we found it.

“We love this magnificent planet on which God has put us, and we love the human family which dwells here, with all its tragedies and struggles, its hopes and aspirations, its strengths and weaknesses. The earth is our common home and all of us are brothers and sisters.”

Pope Francis then quoted with approval his predecessor Pope Benedict XVI, who wrote in his encyclical *Deus Caritas Est* that “the just ordering of society and of the state is a central responsibility of politics,” and that the Church “cannot and must not remain on the sidelines in the fight for justice.”

Pope Francis added this observation: “All Christians, their pastors included, are called to show concern for the building of a better world. This is essential, for the Church’s social thought is primarily positive: it offers proposals, it works for change and in this sense it constantly points to the hope born of the loving heart of Jesus Christ.”

Our recent Australian Plenary Council endorsed the Uluru Statement from the Heart and encouraged, “engagement with processes for implementing the statement, including local, regional, and national truth-telling efforts.”

I suggest ten steps for Catholics inspired by our Catholic social teaching when approaching the forthcoming referendum. I couch these suggestions in terms appropriate for those of us who are not Indigenous.

We are all invited into constructive dialogue. We must strive to listen to community leaders who know what is good for their communities just as those of us who are not Indigenous know what is good for ourselves and our loved ones.

1. Be attentive to the voices of Aboriginal and Torres Strait Islander people. Stop telling them what is good for them. Start listening to them. Accept that they know what is good for them, just as we know what is good for us and our loved ones.

2. Don't expect all Aboriginal and Torres Strait Islander people to agree about legal, political and constitutional questions. It's called living in a democracy.
3. Form respectful relationships with Aboriginal and Torres Strait Islander people and engage in respectful conversations with those who are your friends.
4. Having heard a range of Indigenous voices, make your own decisions about what Aboriginal aspirations are morally justified. What would be right and proper for Australia in the 21st century? For example, the Commonwealth Parliament has power to make special laws about First Nations people. Many Aboriginal people now say, "No special laws without us!"
5. Know your history; know the Aboriginal history. The Australian Constitution does not even mention Aborigines or Torres Strait Islanders. They belong in the Constitution. Their belonging should be explicit and particular.
6. The Constitution belongs to all the people. It cannot be amended except with an overwhelming majority of the people. Educate yourselves about the Aboriginal aspirations at Uluru and be ready to discuss those aspirations at the family meal, the workplace BBQ or the local club.
7. Do something to get this issue of constitutional recognition on the right track. Speak to your local member. Ask that the parliament set up a process so everyone can have their say and so that the major political parties can own whatever is proposed. This is not just a matter for Indigenous leaders. It is not just a matter for the government. It involves all of us.
8. Having decided which Aboriginal aspirations are justified, you then need to make a wise decision about which of those aspirations are politically achievable. Don't be afraid to talk to people with varying views when making that decision.
9. Having decided which Aboriginal aspirations are not only justified but achievable, you then need to decide to act. You need to put some skin in the game. You need to decide what concrete and just actions you will take. It's not enough just to vote when the referendum comes around. You need to get on

board urging the parliament to put the right proposition to the vote, and helping your fellow citizens make an informed choice.

10. Be respectful and attentive to those who disagree with you, but don't be afraid to demand that they be respectful and attentive to you. Any national Voice worth its salt will have an elaborate system of local and regional ears to hear the local and regional voices which are needed to give credibility to any national Voice. That will be complex. There will be plenty of room for disagreement.

Whatever the politics of this referendum, we all need to take to heart Noel Pearson's chilling observation about his people: "We are a much unloved people. We are perhaps the ethnic group Australians feel least connected to. We are not popular and we are not personally known to many Australians. Few have met us and a small minority count us as friends."

Fr Frank Brennan SJ is the Rector of Newman College, Melbourne, and the former CEO of Catholic Social Services Australia (CSSA). He was appointed a peritus at the Fifth Plenary Council of the Australian Catholic Church. Fr Frank's latest book is *An Indigenous Voice to Parliament: Considering a Constitutional Bridge*, Garratt Publishing, 2023.