

*“Did not your father have food and drink?  
He did what was right and just, so all went well with him.  
He defended the cause of the poor and the needy, and so all went well.  
Jeremiah 22:15*

Australia has embarked upon a journey towards a referendum to enshrine in our constitution a First Nation’s Voice to Parliament. When it comes to our relationship with the First Peoples of this land ours is a history of tears, silence and avoidance, this is a referendum that presents a powerful opportunity for us to do what is right and just.

What then makes this a just cause that demands our attention and our commitment? For me, justice is about an honest and truthful reckoning with our history. With just foundations we can then truly transform our governance – the way in which we make decisions for the nation - so that we can stand as a mature society that continues to prosper for the benefit of all, and at last recognise the unique standing of the First Peoples as the original and continuing custodians.

Yet we know how difficult it is to change the constitution and, we know that the history of our nation is contested – at least in where we place the focus of our storytelling: often avoiding telling the truth of the vicious acts directed at First Nation’s people for the greater part of our history.

So, for the Voice referendum to be successful – and I sincerely hope it is – we need to provide more than simple rhetoric or appeal to inherent goodwill, because a deliberate and intense campaign to oppose the Voice will focus on any and all the imagined pitfalls and distractions to undermine confidence and create enough uncertainty for some to vote no.

And so, what to do? Well let’s begin with acknowledgement.

It has become accepted practice regardless of political ideology, for non-Indigenous people to begin gatherings with an acknowledgement of country, paying their respect to Traditional Custodians of the land.

This is good.

We know how important it is for people to be acknowledged and after centuries of ignoring Indigenous people in this country and actively excluding them, this gesture is a small step on the journey to right relationships between First Peoples and non-Indigenous Australians.

But given the respect declared in this acknowledgement it must come with good intent; with sincerity; and, with – most importantly – action.

So, when we say the words, ‘we pay our respects to Elders past and present’ what does it mean to ‘pay respect’? For me, it has to be a two-fold response: first it is about active engagement with the issues confronting Indigenous people and the opportunities they are pursuing. We need to get alongside Aboriginal people. Know their context, learn our shared history, do the work and take action. The second response is structural reform, which I’ll come to later.

Active engagement really means committing to a deeper understanding and connection. It's only then that we may have the ability to contribute to those issues Indigenous people seek to have addressed. Remembering that we create the best chance for success when we engage with the people affected by the decision in the making of the decision.

So, the practical, day-to-day policies and programs affecting Indigenous people – be they of governments or business or community groups – are best informed by the daily experience of Indigenous people.

And what has been the collective experience of First Peoples across more than two hundred years? Trauma. This is not to say Indigenous peoples exist in a perpetual state of anxiety, but rather the consequences of our history for many First Peoples means that underlying their daily walk is the weight of history, known clearly to them but for so long actively hidden and avoided by the rest of the nation. We as non-Indigenous people need to be reminded of this history, not so that we are in a constant state of retrospective guilt, but so we might comprehend in some small way what First Peoples carry.

Hear this passage from the journal of Henry Meyrick in 1846:

*“The blacks are very quiet here now, poor wretches. No wild beast of the forest was ever hunted down with such unsparing perseverance as they are. Men, women and children are shot whenever they can be met by those who are daily getting their cattle speared, but what they can urge in their excuse to shoot the women and children I cannot conceive. I have protested against it at every station I have been in Gippsland, in the strongest language, but these things are kept very secret...”<sup>i</sup>*

“But these things are kept very secret” – so they are. But as the Western Australian Coroner found in 2019 when she investigated a cluster of 13 deaths in the state's Kimberley region, including 5 of children aged 10 – 13, these secrets and the many other incidents of harm, damage and pain inflicted over 234 years generate “the crushing effects of intergenerational trauma”.<sup>ii</sup>

North American Jane Middleton-Moz who was adopted by a Native American family describes this connection between history and trauma when she says, *“We have to face the reality of cultural trauma. We have to understand that these unresolved historical remnants break out as lateral violence – violence that goes sideways, against friends, family and the self, because it cannot resolve itself vertically. It cannot deal with the real cause of the problem – the cause that's pressing down from on top – the burden of a tragic history set in place and often held in place by powerful interests.”<sup>iii</sup>*

And it's this power imbalance that the Voice proposes to challenge. It is not proposing to dismantle these powerful interests, simply to bring the voice of First Peoples to government policies and programs in a way that has never been done before.

So, our acknowledgement begins with active engagement to understand our shared history and recognise the traumatic experience of First Peoples and its continuing effects. But this is where acknowledgement can fall short. If all we do is say, ‘isn't it terrible’, ‘we are sorry’, ‘we mustn't let this happen again’, and then stop there, we have failed. Equally, when we only invite First Peoples to contribute to specific policies and particular programs, we are missing an opportunity to go deeper.

And so, the second response must be structural reform. Changing how we govern and make decisions so that the shameful chapters in our history are not repeated.

The system of governance for our nation is complex. We may have a relatively small population but we exist on a vast continent. This continent is inhabited by descendants of the ‘Aboriginal and Torres Strait Islander tribes that were the first sovereign Nations’ of Australia; it is now home to the descendants of the British who began arriving in 1788 followed by waves of migrants from all corners of the globe.<sup>iv</sup> These peoples reflect a multiplicity of local and global cultures who in 2023 have instant connections across the planet. The wealth of our land, its resources and its people, has created the conditions for a successful modern nation whose status on the world stage is well beyond what its size and its location to the great powers of the world warrants. All of this is governed by overlapping local, state and federal governments who often work valiantly though inelegantly to allow its citizens to thrive.

When you consider this complexity, it becomes more apparent how single, well-intentioned initiatives and policies – even those designed by or with First Peoples – are limited in their ability to affect systemic change.

We have a structural problem. Our federal government has powers to enact laws for Aboriginal people as overwhelmingly endorsed in the 1967 referendum; it has the most far-reaching policy impact and funding to effect change and so it is at the national level that a First Nations Voice is critical.

So, let’s understand what is being proposed.

At the Garma Festival this year, Prime Minister Albanese laid out “*a recommendation to add three sentences to the Constitution, in recognition of Aboriginal and Torres Strait Islanders as the First Peoples of Australia:*

1. *There shall be a body, to be called the Aboriginal and Torres Strait Islander Voice.*
2. *The Aboriginal and Torres Strait Islander Voice may make representations to Parliament and the Executive Government on matters relating to Aboriginal and Torres Strait Islander Peoples.*
3. *The Parliament shall, subject to this Constitution, have power to make laws with respect to the composition, functions, powers and procedures of the Aboriginal and Torres Strait Islander Voice.”*

He went on to say, “*alongside these provisions, I would like us to present the Australian people with the clearest possible referendum question...something as simple, but something as clear, as this: Do you support an alteration to the Constitution that establishes an Aboriginal and Torres Strait Islander Voice?*”<sup>v</sup>

Let us note, the proposed new wording reaffirms the role of Parliament in making laws and that the Voice is only proposed to “*make representations*”.

However, to the question of detail, it is fair to say that many of us have not read the extensive material that successive governments have commissioned and received.

Since 250 Indigenous representatives met at Uluru in 2017 to discuss, draft and share the Uluru Statement from the Heart, there have been three major reports that have responded to the call for a First Nations Voice. Each of these reports has undertaken extensive consultation with both Indigenous and non-Indigenous peoples. Each of these reports has been made available publicly and the authors have provided briefings to member of parliament – from all political parties.

These reports have progressively provided more detail on what a ‘Voice’ could do and how it could be structured.

They offer hundreds of pages of advice, reflecting tens of thousands of peoples input and considered recommendations on the design and structure of a Voice.

The current government has accepted these reports as the primary sources of guidance for the legislation to establish a Voice. Such legislation would follow a successful referendum and be subject to the proper and usual parliamentary processes and ultimately a vote of the parliament.

So, to be clear, we the people must first agree to support an alteration to the Constitution that establishes a Voice. That’s our job. We then expect our government to prepare legislation, refined and debated by all members of Parliament, which creates the structures that give the Voice a presence in our nation’s governance. That’s the responsibility of our government.

Ultimately, the Voice has no power to make decisions for government; it has no veto right over government decisions; it will not deliver programs or have funding powers; and, it will have local, regional and national representation to ensure it truly reflects the people for whom it is a voice.

Given the measured and moderate proposition that the Voice represents it is disappointing to hear critics of the Voice tell us we need to address the immediate harms affecting First Nation communities and dismiss the need for constitutional reform. They suggest that the Voice is a distraction and not relevant to the lives of First Peoples, or that the Voice isn’t the priority when there are other such pressing concerns for First Peoples. The language of those who have already decided to oppose the Voice can suggest a cautionary approach cloaked as care and concern which in reality is about limiting and avoiding genuine empowerment of First Nation’s people through structural reform that puts them in a position to advise on matters that affect them.

This simply ignores the fact that we can ‘walk and chew gum at the same time’. We don’t avoid major and costly investment in future defence capability because we have pressing military obligations. The Coalition government acted swiftly to implement an entire new institution in the Australian Building and Construction Commission to address issues in the construction industry, despite having existing regulatory regimes that could target specific issues or concerns.

Others suggest the Voice is symbolic rather than substantive. Apart from the obvious impact of national policy making on the daily lives of Australians (consider how John Howard’s brave policy on gun reform led to the amnesty on firearms and the destruction of thousands of deadly weapons), the symbolism of recognising First Peoples in our constitution is important and it has an effect.

About a decade ago I sat in a board room with a panel of coalition MPs including Senator Nigel Scullion, soon to become the Minister for Indigenous Affairs, he was asked what he thought of the apology to the Stolen Generation. In summary Scullion said, he underestimated the power of the apology. He had thought it was only symbolic, but he acknowledged that the act of saying sorry – sincerely and honestly – had a huge, positive effect on Aboriginal people, including many in his own electorate. For those that say the referendum is symbolism writ large, clearly that is misleading. But equally the symbolism of acknowledging First Peoples in our constitution alongside structural reform has the potential to change lives.

To the critics and their varied arguments and protestations, I say we are a far more creative, industrious nation than their narrative suggests and the opportunity of this referendum is to demonstrate how reform brings a just, stronger and more prosperous nation.

We can also point to recent achievements in Victoria to show how structural reform can be achieved.

In February 2016 the State Government of Victoria hosted a “self-determination” forum of 500 Aboriginal people from across Victoria who called on the government to talk Treaty. In March 2016 the government announced it would commit to pursuing a Treaty with First Peoples.<sup>vi</sup>

Since then, as the Uluru Statement was crafted and debated, Aboriginal Victorians have worked tirelessly to create the conditions for Treaty. From community dialogue to robust negotiation to legislation, Victoria has put in place the structures – largely with bi-partisan support – to establish new governance structures for the state.

It began with the 2018 Treaty Act as the first legislation in Australia to create the framework to enable the treaty-making process. It is supported by the establishment of the First Peoples’ Assembly of Victoria as a permanent representative voice for Aboriginal Victorians. As with the Uluru Statement’s call for truth-telling, Victoria established the Yoorrook Justice Commission, with the powers of a Royal Commission as Australia’s first truth-telling commission inquiring into systemic injustice against First Peoples. A Treaty Authority was set up to act as an independent umpire for the treaty-making process alongside a Treaty Negotiation Framework to guide the process of treaty-making. To ensure First Peoples have access to financial resources, independent of the State, to achieve ‘equal standing’ in Treaty negotiations a Self-determination Fund has been created.<sup>vii</sup>

All this has been achieved over six years of deliberate and respectful negotiation. It is structural in nature and it has complemented existing governance arrangements of the State creating an environment to allow for the ultimate step to Treaty. It gives First Peoples in Victoria a Voice and has been done without detracting from existing programs and initiatives that are the responsibility of government.

As a nation we can draw inspiration from this work and the persistent and proud struggle of First Nations people over hundreds of years to bring us to this moment, primed for change.

When the people of the oldest continuing culture on earth who have survived the brutal colonisation of their land propose a shared future through proper acknowledgement and

structural reform to achieve a “fuller expression of our nationhood” it would seem short sighted in the extreme to not grasp this opportunity.

When the First Peoples of this nation are enduring the ongoing effects of disadvantage that is a consequence of dispossession, but still find it within themselves to invite us to walk together in a movement of the Australian people for a better future, how can we consider anything but accepting this chance to do what is right and just, so that future generations might say, “all went well with them”.

Mark Dingle

*Reflections on a First Nation's Voice to Parliament*  
St Andrew's Uniting Church of Alphington/Fairfield, Wurundjeri Country  
22 January 2023

---

<sup>i</sup> Quoted in Watson, Don (2016) *A single tree: voice from the bush – compiled by Don Watson*, Penguin Random House, pp. 253-25

<sup>ii</sup> <https://www.abc.net.au/news/2019-02-07/kimberley-child-suicides-blamed-on-inter-generational-trauma/10783016>

<sup>iii</sup> Alistair MacIntosh (2001) *Soil and Soul*, Aurum Press, p. 49.

<sup>iv</sup> Commonwealth of Australia (2017), Final Report of the Referendum Council, p. 1

<sup>v</sup> Address to Garma Festival 30 July 2022 <https://www.pm.gov.au/media/address-garma-festival> (Accessed 20 January 2023)

<sup>vi</sup> <https://www.theage.com.au/national/victoria/victoria-begins-talks-about-australias-first-ever-treaty-with-indigenous-people-20160226-gn52f1.html> (Accessed 19 January 2023)

<sup>vii</sup> <https://www.firstpeoplesrelations.vic.gov.au/treaty-process> (Accessed 19 January 2023)