

## Answering some key questions about The Voice to Parliament

*By Wiradjuri man, Rev Canon Associate Professor Glenn Loughrey -  
Chair, National Aboriginal and Torres Strait Islander Anglican Council*

### What power does the Voice to Parliament have?

- It is **not** a third chamber or an addition to the House of Representatives and Senate.
- It **cannot** veto and **does not** have the capacity to say, 'you can't do that'.
- It **cannot** make any laws or decisions that the Government is then obliged to implement.
  
- It **IS** an advisory body that can advise Parliament and Government from an Aboriginal and Torres Strait Islander perspective.
- It **CAN** only say to them, 'here are our comments and our advice on this piece of legislation' or 'we think you need to think about this in a better way for Aboriginal and Torres Strait Islander peoples' or that 'there's an alternative way'.

### Why does it need to be enshrined in the Constitution?

Enshrining The Voice into the Constitution allows our people to look further than the three-year electoral cycle. We can begin to plan on processes that resolve those kinds of issues discussed in the Closing the Gap program, over a long period of time.

There are no quick fixes, The Voice will not provide a quick fix, but it will provide us the opportunity to look down a long view and begin to get past the constant changes in Governments which stop us from successfully dealing with any of those major issues.

A lot of the money goes into those changes, restructures and shifts, and consequently doesn't get down to our people. By having this locked into the Constitution it allows us to have a long-term view and we can go 'yes, this is where we're going' without disruptions and upheavals. Governments will then get used to that idea, be less scared of that idea and be able to make long-term planning for themselves and ultimately save money.

The Government asked in the Referendum Council in 2015, 'how would Aboriginal and Torres Strait Islander people like to be recognized in the Constitution?' and we said, 'We want to be heard for what we've said.'

It is important that any advice be listened to early in the process so that we're not coming to legislation that already exists and realizing that changes need to be made and then have to go back and rewrite the whole legislation. We want to get it right first, if we can and if the advice goes in early, it gives everyone a chance to work it through together.

### But not all Indigenous voices are in favour of The Voice – Why?

This should not be an obstacle. Bear in mind the polls suggest that over 80% of Indigenous people are in favour of The Voice. But we don't expect everyone to agree, which is true for pretty much everything else in society. This continent doesn't represent one group of Aboriginal people, it is made up of 100s of varying nations and The Voice will do its best to represent all those nations as The Voice to Parliament. Different experiences will mean different responses. And those that aren't in favour have that right to express their own opinion.

### **How can I be expected to vote for something when I don't know all the detail?**

The process of deciding to add a Voice to Parliament is a principle – and although there is some detail when you look at the proposed structure, the finer details are still to be worked out.

The trade and tax laws are a great example. All the details regarding trade and the paying of taxes are not enshrined in the Constitution. For example:

*Section 51: Legislative powers of the Parliament*

*The Parliament shall, subject to this Constitution, have power to make laws for the peace, order and good government of the Commonwealth with respect to:*

- i. trade and commerce with other countries, and among the States;*
- ii. taxation; but so as not to discriminate between States, or parts of States;*

In the same way, the details on the mechanics of The Voice are to be left to Parliament to decide. The details for how it functions, who is represented and how they are elected is then to be legislated in Parliament, which of course contains its own democratic checks and balances.

### **We've had things like this before and we've spent so much money. They don't work, why is the Voice different?**

First, I would say that the five bodies we've had before weren't ineffective. They have all done good work. The problem was they weren't locked into the Constitution, they were legislated. Then, when Governments changed, and ideologies changed, we lost those bodies over time. All the work that has gone before has been leading up to this moment, in order to ensure that the Voice of Aboriginal and Torres Strait Islanders, is upheld no matter who is in Government.

### **What will change for Indigenous people?**

This will be a landmark for Indigenous people – it is the first step of hope in what we know will be a long-term journey around a circle of voice, treaty and truth telling, leading toward genuine reconciliation, equality, and relationship with all Australian peoples. As the Uluru Statement from the Heart states, ‘We seek constitutional reforms to empower our people and take a rightful place in our own country. When we have power over our destiny our children will flourish. They will walk in two worlds and their culture will be a gift to their country.’

### **There are many other minority immigrant voices who would like to be heard, why should Indigenous people have precedent?**

First peoples are First Peoples, not immigrants. They suffered through a time when Australia had a White Policy, when the nation was seeking to create a ‘whites only’ population. First Nations people will bear those scars and the ramifications of that for a long time yet. Although that policy started being dismantled in the 1960s it was only officially renounced as recently as 1973. Immigrants arrive here and benefit from a land from which First Nations people were dispossessed. We have a connection to the land that we believe, if heard and understood more fully, can benefit all those who dwell on this continent.

### **How does listening lead to reconciliation? Who do we listen to?**

Listening is vital to this process. Listen to us. And listen to the majority of tribes and nations who signed the Uluru Statement from the Heart.

One of the things I find when I’m doing presentations, that generally when I come to the Q&A section, people make statements, they don’t ask questions because they haven’t heard my voice. Everyone in this process can help by learning to listen and allow your critical thinking to help you understand what is and isn’t right. The Government asked in the Referendum Council in 2015, ‘how would Aboriginal and Torres Strait Islander people like to be recognized in the Constitution?’ and this is what we said. We want to be heard for what we’ve said - you asked us how we would like this to work, so here we are.