

Aboriginal and Torres Strait Islander Voice to Parliament Position Paper



**WA Primary
Health Alliance**
Better health, together

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COUNTRY WA

An Australian Government Initiative

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Acknowledgement

WA Primary Health Alliance acknowledges, and pays respect to, the Traditional Owners and Elders of this country. We recognise their diversity and significant importance of their cultural heritage, values, beliefs and self-determination in contributing to the positive health and wellbeing of the whole community.

Background

More than 15 years ago, John Howard became the first Australian prime minister to promise constitutional recognition of the special status of Aboriginal and Torres Strait Islander Australians. In 2007, Howard told parliament that Australians were eager for progress on meaningful Aboriginal and Torres Strait Islander reconciliation and pledged to move within 18 months to hold a referendum if he won the upcoming election. History shows it never happened.

In 2008, prime minister Kevin Rudd made a formal apology to Aboriginal and Torres Strait Islander peoples, particularly to Stolen Generation whose lives had been affected by past government policies of forced child removal and assimilation. Successive prime ministers Tony Abbott, Malcolm Turnbull and Scott Morrison, promised to significantly advance reconciliation, and recognition, but made little progress.

Following Labor's victory at the May election, Anthony Albanese has been determined to seal the historic reform. Albanese has made support for the Voice one of the major reform promises of Labor's first term in government and plans to hold a referendum in the second half of 2023.

The Voice to parliament was a key recommendation of the Uluru Statement from the Heart, which was a 12-paragraph document written and endorsed by Aboriginal and Torres Strait Islander leaders in 2017 to change the Constitution to improve the representation of Aboriginal and Torres Strait Islander Australians. The petition called for an advisory body, called "the Voice", to advise parliament and the federal government on Aboriginal and Torres Strait Islander policy matters, including health, education, economic disadvantage and social matters.

Beyond that general concept, the exact remit and scope of the Voice will be left up to MPs, if the Australian public votes to pass the referendum. While the Voice would have the ability to table documents and formal advice to parliament on policy issues related to Aboriginal and Torres Strait Islander communities, it would not act as a "third chamber" of parliament. Unlike the Senate and House of Representatives, it would not have a decision-making role, nor the power to veto legislation or government decisions. The third chamber concept has been used by opponents of the plan.

Albanese and Indigenous Australians Minister Linda Burney say the Voice would help close the Aboriginal and Torres Strait Islander disadvantage gap by allowing Aboriginal and Torres Strait Islander people to help determine policy that affects their communities. They argue that by offering advice, on-the-ground perspectives and traditional knowledge, the Voice would guide government policy across a range of areas such as life expectancy and child mortality, enrolment and progress in school, employment levels, reduction in incarceration rates, and reduction in family violence – and would give constitutional recognition to Aboriginal and Torres Strait Islander Australians, the oldest living civilisation on earth. Burney says the Voice has a clear ambition: “It is about improving the lives and the outcomes which are completely unacceptable at the moment of Aboriginal and Torres Strait Islander people. But it will also be about telling the truth in our nation’s birth certificate and recognising that this country has the extraordinary gift of 65,000 years.”

The government has put forward a simple referendum question for us all to vote on and unveiled the final wording of the constitutional amendment.

The question:

A Proposed Law: to alter the Constitution to recognise the First Peoples of Australia by establishing an Aboriginal and Torres Strait Islander Voice.

Do you approve this proposed alteration?

The proposed alteration to the constitution would be:

Chapter IX Recognition of Aboriginal and Torres Strait Islander Peoples 129 Aboriginal and Torres Strait Islander Voice

In recognition of Aboriginal and Torres Strait Islander peoples 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 the Parliament and the Executive Government of the Commonwealth 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 matters relating to the Aboriginal and Torres Strait Islander Voice, including its composition, functions, powers and procedures.*

The government has convened a working group and an engagement group to plan the next stages of the debate and the Voice model. Changes to the question and constitutional amendments are possible.

The vote is likely to occur between October and December 2023. The government has promised a public education campaign before the referendum, to answer common questions about how the process will unfold, but it will not fund either the yes or no campaigns.

The referendum requires a majority of votes in a majority of states to succeed. If the vote is successful, parliament will then design the Voice via legislation.

The government has also reformed the Referendum Machinery Act, bringing the process into line with the electoral laws governing federal elections. The reforms will include donation disclosure rules, and public funding for campaigns to mitigate misinformation around the referendum process.

Official pamphlets will be provided to voters outlining both the yes and no campaign positions.

A report on design of the Voice, led by Aboriginal and Torres Strait Islander academics Marcia Langton and Tom Calma, recommended a 24-member panel, with gender parity and two members from each state, the ACT, Northern Territory and Torres Strait, plus five members representing remote communities and one representing Torres Strait Islanders living on the mainland. The body would have two co-chairs, and members would serve a maximum of two four-year terms. Local and regional Voice groups would provide input to the national body, and two advisory groups would be established on disability matters and youth. As an advisory body, the Voice won't deliver services or government policy, in contrast to the former Aboriginal and Torres Strait Islander Commission, abolished in 2005.

Albanese's moves have been widely welcomed by Aboriginal and Torres Strait Islander groups and supporters of constitutional recognition, including major business groups.

The Nationals became the first political party to oppose the Voice last month, saying it would not effectively represent Aboriginal and Torres Strait Islander Australians outside the capital cities. Opposition Leader Peter Dutton and the Liberal Party have formally opposed the federal government's model for a Voice, while still supporting recognition of Aboriginal and Torres Strait Islander peoples in the constitution, instead proposing a local and regional voice to listen to local Elders. The Greens' party room has agreed to support the Aboriginal and Torres Strait Islander Voice to Parliament.

After announcing his proposed question at the Garma Festival in July, Anthony Albanese pledged to hold the referendum next financial year – sometime between July 2023 and June 2024. It is now likely the vote will occur between October to December. Holding a referendum in the second half of next year would require a political full court press from the government after the summer break. Legislation setting out the proposed changes to the Constitution will have to be passed by parliament two to six months before the vote.

Campaigners say privately and publicly that they believe there is broad majority support. However, general support for the Voice in polls might mask the fact is it unlikely to be a top priority for most Australian voters. The referendum would likely take place amid a growing cost of living squeeze, as many households face rising interest rates, the economy weakens and unemployment rises. Independent of the politics, referendums in Australia are also rarely successful. There have been 44 held since Federation. Only eight have resulted in changes to the Constitution. Referendum questions must be approved by a "double majority". It requires a national majority of voters in the states and territories and a majority of voters in a majority of the states. ACT and Northern Territory voters count towards the national majority only.

WA Primary Health Alliance position

WA Primary Health Alliance unwaveringly supports an Aboriginal and Torres Strait Islander Voice to Parliament enshrined in the Australian Constitution. Constitutional recognition is vital to protect the rights and aspirations of Aboriginal and Torres Strait Islander peoples. An Aboriginal and Torres Strait Islander Voice, constitutionally enshrined, is a manifestation of the right to self-determination, which, at a minimum, entails the entitlement of peoples to have control over their destiny and to be treated respectfully. This includes peoples being free to pursue their health, economic, social and cultural development.

The right to self-determination applies to all peoples but was given special resonance in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which represents an authoritative common understanding, at the global level, of how governments should engage with and respect the rights of indigenous peoples. Australia formally announced its support for the UNDRIP on 3 April 2009.

The human rights of Aboriginal and Torres Strait Islander peoples continue to be undermined in this country through socioeconomic disadvantage, poorer health and education outcomes, and alarming rates of incarceration and child removals, as well as the destruction of their cultural heritage. The discrimination and intergenerational trauma that Aboriginal and Torres Strait Islander peoples face on a day-to-day basis cannot be alleviated unless and until their rightful place in this country is recognised and the legacy of colonialism confronted.

A Voice enshrined in the Constitution would provide an effective representative body for Aboriginal and Torres Strait Islander people through which this work might begin with Parliament. WAPHA recognises the considerable strength, endurance, dignity and leadership of Aboriginal and Torres Strait Islander peoples in defending their human rights and putting constructive and achievable ways forward to the nation so that these can be better respected, protected and fulfilled into the future. The Uluru Statement from the Heart was made six years ago. WAPHA's position is that it is time for governments to allow Aboriginal and Torres Strait Islander peoples to take the lead on the issues that affect them.

How can WAPHA staff support the Uluru Statement from the Heart in our workplace?

1. Read the Statement

Read the Uluru Statement from the Heart and encourage colleagues to do the same. Here are some resources if you're interested in learning more:

- Listen to Professor Megan Davis read the Uluru Statement for the first time at the First Nations Constitutional Convention.
- Read 'Everything you need to know about the Uluru Statement from the Heart', a book by Professor Megan Davis and George Williams.
- Listen to Dean Parkins TedX talk, '[The Uluru Statement from the Heart – an idea whose time has come](#)'.

2. Share your support

Share your support through your networks, tell people about your support for a Voice to Parliament. Share the Statement with your colleagues and run events explaining why it is important and how they can show their support.

Add the Uluru Statement logo to our website and email signature with the following text:

WAPHA accepts the invitation of the Uluru Statement from the Heart and supports an Aboriginal and Torres Strait Islander Voice to Parliament enshrined in the Australian Constitution. <https://ulurustatement.org>

Share "I Accept" and "It's Time" posts on social media platforms (tiles and banners templates available).

3. Learn more about the traditional custodians of your local area

Search your area online and you can find out who the traditional custodians are. This map is a great resource. First Languages has also provided an interactive map of language groups in Australia.

Visit WAPHA's [Aboriginal Engagement page](#) on Wallace, for resources and guidance on how you can find out more about the Traditional Custodians of your local area or region.

4. Acknowledgement of Country

An Acknowledgement of Country is a way of showing awareness of, and respect for the Traditional Custodians of the land in which a meeting or event is taking place.

What does an Acknowledgement of Country look like in WAPHA's workplace?

- Do an Acknowledgement of Country before meetings and presentations to show your respect for Traditional Owners. See [WAPHA's Welcome to Country and Acknowledgement of Country Policy](#) for suggested phraseology.
- Understand the difference between an Acknowledgment of Country and a Welcome to Country.
- Inclusion of an Acknowledgement of Country, and the Aboriginal countries we are working on, within our website and email signatures:

"WA Primary Health Alliance acknowledges, and pays respect to, the Traditional Owners and Elders of this country. We recognise their diversity and significant importance of their cultural heritage, values, beliefs and self-determination in contributing to the positive health and wellbeing of the whole community".

5. Encourage our workplace to learn about cultural competency and its importance

This will help our staff members build an understanding of Aboriginal and Torres Strait Islander knowledge, history, culture, and values, and allow us to effectively interact with people with cultures different to our own. This is embedded in WAPHA's Aboriginal Cultural Competency and Capability Framework and [Aboriginal Health Strategy](#).

6. Implement workplace activities to encourage learning

- To learn more about Australia's shared history, Aboriginal and Torres Strait Islander cultures, and the land that we're on, staff members can implement knowledge-building activities into our workplace. Explore resources and stories created by Aboriginal and Torres Strait Islander people. Host a viewing at lunchtime of an Aboriginal and Torres Strait Islander film or documentary, or share a short video at a staff meeting.
- Learn more about Aboriginal and Torres Strait Islander perspectives related to our industry. There may be relevant conferences, workshops, webinars, or training sessions that staff can attend. Indigenous Allied Health Association, for example, provides workforce support, training, consulting and hosts conferences in the health sector.

- Incorporate discussion or reflections around Aboriginal and Torres Strait Islander topics or news items into our staff meetings (make sure we include things that are written or produced by Aboriginal and Torres Strait Islander peoples).
- Host a yarning circle. Yarning circles are a place to talk, share, discuss, educate, have a yarn together, and build respectful relationships. Aboriginal and Torres Strait Islander Peoples have been using yarning circles for thousands of years.
- To show your continued support, partner with Aboriginal and/or Torres Strait Islander businesses as contractors, suppliers, and producers. To find out more about Aboriginal businesses within your local area visit Supply Nation.

7. Mature WAPHA's Reconciliation Action Plan

WAPHA's Reconciliation Action Plan (RAP) gives our organisation a framework to contribute to the national reconciliation movement. WAPHA's RAP focuses on delivering tangible and substantial benefits to Aboriginal and Torres Strait Islander peoples and improving cultural safety within the workplace by:

- Working with Aboriginal people, communities and organisations to co-design, co-produce and implement culturally appropriate solutions, services and policies,
- Building organisation cultural competency by fostering a culture of learning, understanding and respect, and
- Providing opportunities for Aboriginal people to participate equally in education, employment and health opportunities.

Read WAPHA's Innovate RAP and Reconciliation Position Statement to find out more about WAPHA's commitment to reconciliation.

8. Challenge racism, unconscious bias and negative stereotypes of Aboriginal and Torres Strait Islander people

Increase your awareness of the many potential biases, as well as preventative actions that you can adopt by watching WAPHA's 'Unconscious Bias Unplugged' webinar and reading the workshop slides.

References

1. Campaign brand motif is copyright artwork by Birra Gubbi artist Lara Watson incorporated.
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2. <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>
3. <https://www.youtube.com/watch?v=xB-31jD4XcA>
4. <https://ulurustatement.org/>
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Staff Resources

1. <https://waphanfp.sharepoint.com/sites/wallace/SE/SE/SitePages/Aboriginal-Engagement.aspx>
2. <https://waphanfp.sharepoint.com/sites/wallace/DMS1/Forms/AllItems.aspx?id=%2Fsites%2Fwallace%2FDMS1%2FStrategy%20%26%20Engagement%2FSTE%20Stakeholder%20Engagement%2FWelcome%20to%20Country%20and%20Acknowledgement%20of%20Country%20Policy%2Epdf&parent=%2Fsites%2Fwallace%2FDMS1%2FStrategy%20%26%20Engagement%2FSTE%20Stakeholder%20Engagement>
3. https://www.wapha.org.au/wp-content/uploads/2022/10/WAPHA_Aboriginal-Health-Strategy.pdf
4. https://waphanfp.sharepoint.com/:b:/r/sites/StrategyEngagement/Stakeholder%20Engagement%20%20Internal/Administration/SE%20SharePoint/Aboriginal%20Engagement/191007_WAPHA%20Talking%20Stick%20Protocols%20Final%20V2.pdf?csf=1&web=1&e=PbUNuL
5. <https://www.wapha.org.au/wp-content/uploads/2022/02/Innovate-Reconciliation-Action-Plan-21-23.pdf>
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Acknowledgement

WA Primary Health Alliance acknowledges and pays respect to the Traditional Owners and Elders of this country and recognises the significant importance of their cultural heritage, values and beliefs and how these contribute to the positive health and wellbeing of the whole community.

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