

By Stewart Gill

In *The Quarterly Essay* (Issue 87, 2022) Waleed Aly and Scott Stephens reflect on the increasing lack of civility in civic debate and our failure to listen to the other. Aly and Stephens use an example of the Australian government's response to the *Uluru Statement from the Heart*, which was a government initiative to consult with our Indigenous people as to what form constitutional recognition should take. At the centre of what was decided was a Voice to Parliament which, in turn, was so quickly dismissed by successive governments. Aly and Stephens describe this as patronising contempt.

As we now enter into a national debate in the lead-up to a referendum on an Indigenous Voice to Parliament, Professors Langton and Calma have produced an outstanding report which, if read in detail, answers most of the key questions raised by those who oppose it. The membership of the various consultation committees—from the senior advisory group, through the national co-design group, to the local and regional co-design group—demonstrated a sensitivity to a diversity of views within the Indigenous and white communities and recognising political difference across a wide spectrum. To be sure the co-design process created an opportunity for a civil debate about what will become historically a major nation-building issue.

I have always been interested in comparative history, particularly teaching and writing in Canadian studies while living in Australia. Relations between Canadian governments at all levels (federal, provincial, territorial and local governments)

with Indigenous peoples have always been complex. While First Nations, Inuit and Metis are all constitutionally recognised in Canada and the treaty system has been extensive since the earliest of days, acknowledging land rights, nevertheless there have been ongoing issues of interpretation. As in Australia, Indigenous peoples in Canada have ranked poorly on socio-economic indices.

The Canadian *Constitution Act* of 1982 provided legal protection for Treaty negotiations. It also confirmed that self-government is an inherent right and invited negotiations regarding self-government. A Canadian government guide of 1995 stated

...the Aboriginal Peoples of Canada have the right to govern themselves in relation to matters internal to their communities, integral to their unique cultures, identities, traditions, languages and institutions, and with respect to their special relationships to their land and resources.

This approach by the Canadian Government illustrates that self-government and self-determination for Indigenous communities within a settler society such as Canada is possible. The closest that we have come within Australia was the establishment of the Aboriginal and Torres Strait Islander Commission, which also had responsibility for funding and delivery of programs. The Voice will not administer funding, but be advisory to Parliament that recognises the diversity of our Aboriginal population and, not before time, provide that direct opportunity to offer advice to Parliament.

My own involvement with our First Nations dates back to the mid-1990s when I was visiting Indigenous communities particularly in the Warburton Ranges and the Kimberley and attending the “Stolen Generation” hearings in Perth. While there has been some progress since that time and a number of milestones achieved, there is still much to do in health, education and housing, particularly in some of our more

remote communities. It is time to take a step towards recognition and provide our First Nation communities the opportunity to advise on and contribute directly to the formation of policy that impacts on them. I wholeheartedly support an affirmative vote in the referendum; it is timely and it is time.

Stewart Gill