

## By Ian Hamm

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What is the 'The Voice' Referendum about? To answer that question, let's first deal with what it's not about – in no particular order, it is not about the following:

Sovereignty and the not ceding of it, Bla(c)k advocacy, Parliamentary chambers, the High Court and litigation, UNDRIP, conferring of rights above other Australians, who can speak to whom (and about what), who members of parliament do or do not represent, the finer points of the Australian constitution, detail, representational structures, costs and budgets, Alice Springs, unlimited rice pudding ..... etc, etc, etc

Well, it's a bit about some of these things – a little, but mostly not.

So, if it's not about those things, what is it about then? Being a simple bloke, I've translated all this into terms and things I understand; how I interpret the world. I think it's how most Australians are trying to understand all this, because, while we like to project that we are a sophisticated and worldly bunch, we are in fact, a pretty simple lot, who like things simply put. It helps clear the BS.

Firstly, what is a referendum? A referendum is technically many things that I'll let the experts and constitutional lawyers explain. But, in the Australian context, a referendum is a rare and uncomfortable moment. Why? Because it is a moment that thankfully doesn't come around that often. It's a moment that makes us ask "who are we – really?"; what

do we really stand for? It makes us nervous because, deep down, we know the real underlying questions of a referendum is not something we can hide or runaway from.

Case in point – the 1967 referendum. A bit of an obvious one, but it's probably the best example of the real underlying question. The proposal and the ballot paper had 2 propositions, these being – i) should Aborigines be counted in the reckoning of the population (the census) and ii) should the Commonwealth be able to make laws in relation to Aborigines. I'm sure people with greater expertise than me will say I haven't got this technically right, but you get the gist.

However, these weren't the real and underlying questions that Australia had to confront. Given the well-known and appalling history of Aboriginal and non-Aboriginal relations, Australia had to ask itself the real questions – Do the Aborigines belong in this country? Do they have a place in future of this nation? Yes or No.

No qualifiers, no detail, no 'what if' implications of what might occur, no where to run, no where to hide. Only Yes or No. And Australia said Yes.

What does this mean for the referendum of 2023? It means looking beyond all the noise, the leaders, the lawyers, the experts and the commentators and getting to what the ordinary punter wants to know – what is this really about? What is the real underlying question? If it's not really about the 3 propositions put forward by the Prime Minister, that is i) there should be an Aboriginal voice; ii) it will advise parliament and government and, iii) parliament will work out the detail, then what is at its heart.

What it really is about is this – Should the Aborigines be able to speak? Should the Aborigines be allowed to talk about things that affect them? Or should we maintain the silence of the blacks?

Tough, uncomfortable, confronting stuff – especially as there is nowhere to run and nowhere to hide. Australia, our nation, our country and each of us as voters, standing naked in front of the mirror of truth, unable to distract its judgement with the deceptive cloak of ‘more detail’ or fog it up with the hot breath of litigation, parliament or executive, or blind its gaze by throwing the blanket of ‘treaty or nothing’ over it – just a single question burning on our national and individual souls. Should the Aborigines be able to speak – Yes or No.

Why a Voice at all? Most Australians know of the appalling life measures for Aboriginal people – shorter lives, poorer health, greater poverty, inequality before the law etc. But many Australians don’t why. Fair enough, because it is beyond the world they know, they live in. There are many reasons why we have worse life experience than our fellow Australians, but one of the main ones is that parliaments, governments, ministers and bureaucracies can sometimes make really rubbish decisions. And they do so without taking the time to talk with us. Decisions about us, without bothering to talk to us. Would any other part of Australian society tolerate this? Probably (and hopefully) not. They would be outraged and demand the right to be heard. And yet, this situation has continually occurred when its Aboriginal people. Imagine if they did talk with and listen to us though – we may find that government makes better decisions that contribute to improvements in our lives.

But what about all those Aboriginal peak bodies and organisations? Don’t they represent Aboriginal people? Well, yes and no. Yes, they bring a focus to many of the issues affecting Aboriginal people, but it’s through the portfolio lens of what the organisation is about – for example, NACCHO sees things through the lens of health, SNAICC through the lens of children in care, NAILS through the lens of the legal and justice system. These are all valid and absolutely necessary. The work of the Coalition of Peaks in developing a Closing the Gap Framework that actually works is best example of this.

The organisations however don't pick up issues or concerns beyond their remit – and neither should they. They have enough to do without also having to be representatives of broadly everything. This is what the Voice is for – a mechanism to articulate the things that ordinary Aboriginal people want to talk about. Beyond the things that are bad about being Aboriginal, beyond the deficits as if that is all that we are, and the programs to address them. It will allow us to talk about what's good about being Aboriginal, what our hopes, dreams and aspirations are, what we can contribute to the nation and, most importantly, what the Commonwealth parliament and government can do to support us make all these things a reality.

Can't we make the Voice exist through legislation? After all, it would be much easier, wouldn't it? Yes it would, but it also make it easy to 'unexist' it as well. The real reason for the Constitution? Back to the mirror of truth – naked and all, and this is probably the most difficult and uncomfortable question of all. Can we trust ourselves, as a people, as a nation and through our Commonwealth parliament and government, not to screw to the Aborigines over – again? I think we all know the answer to that one, truthfully (and shamefully), in our heart of hearts. All it would take is a desperate PM or an overly excited and ambitious Opposition Leader appealing to the worst in the electorate, in pursuit of a few shabby votes, to throw us under the bus – again.

The Constitution can't guarantee what a Voice looks like or how effective it would be, but by having it named in the document, it means that the parliament and the government will have to deal with – one way or another. No-one would be able to pretend it doesn't exist. And the part about being able to talk to the executive government as well as the parliament? Anyone who know anything about government know that the real business is done with ministers on behalf of the government, with cross benchers and the Opposition, and balance of power holders well before legislation goes before the House and the Senate.

In truth, the ‘parliament’ only becomes relevant after the substantive work is done. The idea that the Voice wouldn’t talk to the Executive Government is a novel one – because it would make Aboriginal people the only ones in Australia who couldn’t provide advice to ministers! I wonder what the ACTU, IPA, BCA, AMA, or any other one of the myriad of representative bodies would make of it if they were constitutionally forbidden from talking to Executive Government? I can hear them flipping out from here!

Michelle Obama speaking at the Democratic Party convention in 2012, in support of her husband’s bid for a 2<sup>nd</sup> term, said of the US presidency, that it doesn’t change who you are, it “reveals who you are”. Australia is at a moment in time, a clinch point, where the outcome of this referendum will not change who are – it will reveal who we are. A people, a nation, coming to terms with it’s past, embracing a better future and bringing a maturity that includes the First Australians – or not.

In the simple mind of simple bloke - Yes or No?