The Voice: Some thoughts as Council considers its position
Chris Ayles, May 2023

Background

If only one side of an issue is presented to a mature audience, they are likely to recognise what is happening. They may in turn become suspicious, resentful or dismissive, resulting in the desired outcome being lost to them. Consequently, I have tried to make myself conversant with a range of views on this question. I have looked at interviews and read papers advocating both the No and Yes cases and also listened to commentators who have tried to present both sides in an impartial and informative manner.

Discussion

The Yes case

By most important parameters, health, education, employment and imprisonment, our Aboriginal and Torres Straight Island people suffer measurable disadvantage and have done so since white settlement. Recognition in the constitution of their prior occupation of the Australian continent and the Voice to parliament are a positive move by the Federal Government to address former wrongs and provide a way to correct disadvantage. By establishing a mechanism through which the Executive Government and Parliament will receive advice direct from a body comprised of Aboriginal and Torres Straight representatives, we will be providing the best chance of finding solutions which enhance reconciliation and contribute to Closing the Gap. [*Criticisms of this proposal are raised by those promoting the No case.*]

The No case

As I understand it, there are two elements to the No case. Generally, its proponents do not object to the recognition in the Constitution of Aboriginal and Torres Straight Island people and culture pre-dating white settlement. Their objections relate to the constitutional requirement for the establishment of a consultative body with direct access to parliament and executive government. They make several claims, one being that one racial group within the community being given such preferential treatment is racist. [*In another context this might be called affirmative action.*] They also assert that a Canberra based group will not adequately represent remote communities. They further claim the body will add another level of bureaucracy to Federal Government. Together, these factors will result in a waste of taxpayer's money. [*They want Aboriginal and Torres Straight Island opinions to be heard by government, but do not propose a process or structure that would enable this, or the cost of enabling it.*] There is also a claim that a representative consultative body being entrenched in the constitution will bring on a host of High Court cases. [*Similar claims were made in the past in relation to major high court decisions in respect of Aboriginal land rights, but they failed to materialise. This claim also fails to recognise the manner in which matters can be brought before the High Court.*

Another criticism of the Yes case is the lack of detail in explaining how the consultative body will be established and how it will operate. [*This is how a representative government works. The different parties propose policies without detailed explanations, we vote on them at elections, then the government puts the details to parliament for debate, possible amendment then enactment.* In one television clip a prominent leader of the No proponents states "If you don't know, vote no." [*Surely it would have been better to say "If you don't know, find out or learn about it". His suggestion hardly seems like an encouragement to engage in informed debate.*]

Conclusion

In summary it seems to me that the No case is primarily negative in that it wants Aboriginal voices to be heard by Federal Parliament but fails to describe an alternative process by which this could happen. Furthermore, much of the criticism it levels at the proposed design of "The Voice" is baseless or even scare mongering. The Yes case is based on the recognition of past injustices and, while perhaps leaving some questions unanswered, is a positive attempt to provide a means for healing division and building a better future for all Australians.