



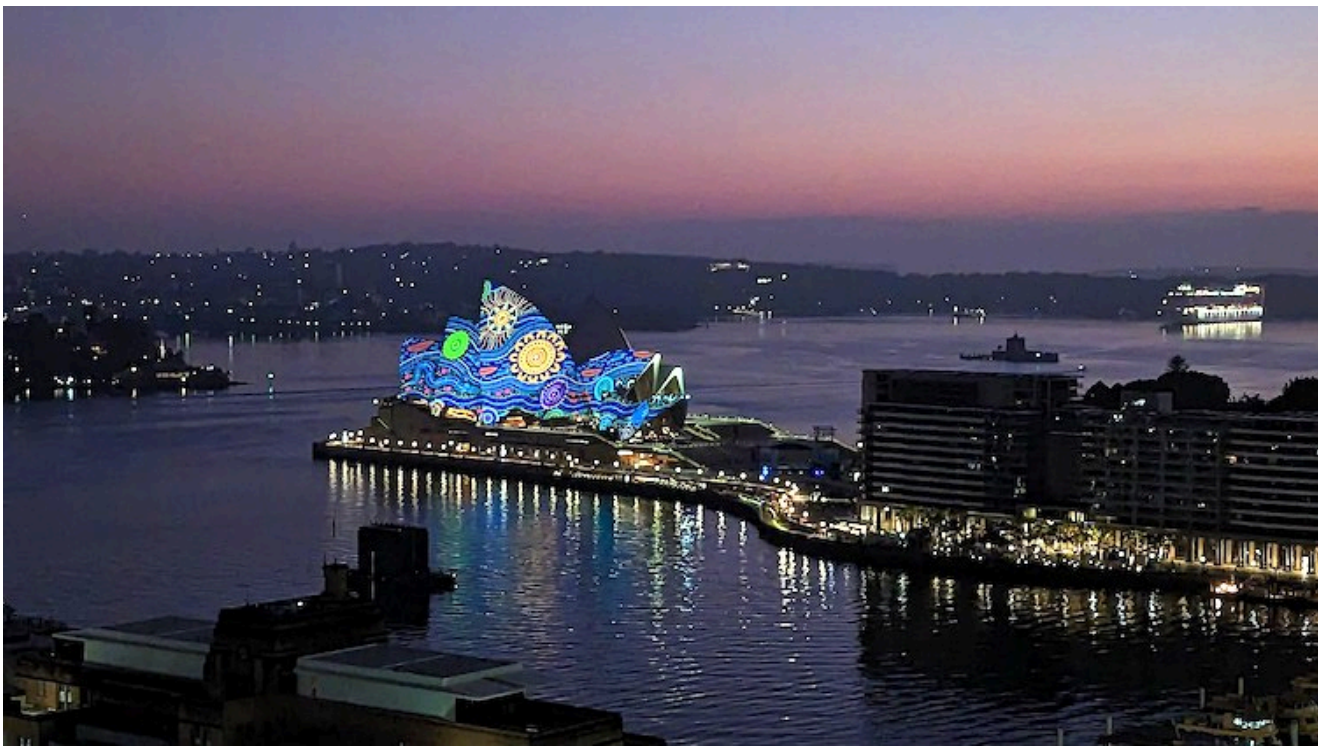
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Goal 8



Heated Debate on Giving a Constitutional Voice to Indigenous Australians By Kalinga Seneviratne SYDNEY (IDN)

— Each year on January 26, Australians celebrate “Australia Day”, a national holiday that marks the day Captain Arthur Phillip sailed into Sydney Cove in 1788, planted the Union Jack and proclaimed the continent for the British Crown. Later it was enshrined in the Australian constitution that it was “terra nullius” (unoccupied land). But Australia’s Indigenous People claim otherwise, and they have protested in growing numbers in recent decades, calling it the “Invasion Day”. Writing in the Sydney Morning Herald (SMH), Theatre Director David Berthold noted that Australia is the only nation on the planet that takes the beginning of colonization as its national day. “That’s just weird,” he said. Weird or not, a heated debate has been taking place here leading up to this year’s national day because the government of Prime Minister Anthony Albanese has proposed a referendum later this year to enshrine a permanent “Voice” for the First Australians in the Australian constitution, which could well abolish this national day and create a more unifying national day instead. In his election day victory speech in May 2022 year, Albanese committed his Labour Government to deliver the so-called “Uluru Statement from the Heart” by indigenous leaders five years ago, which called for a stronger voice for the First Australians. “We can embrace the Uluru Statement from the Heart,” he said to cheering party supporters. “We can answer its patient, gracious call for a voice enshrined in our constitution. Because all of us ought to be proud that amongst our great multicultural society, we count the oldest living continuous culture in the world.”

Referendum While the government is preparing legislation to hold the referendum later this year to get the endorsement of the Australian people to move an amendment to the constitution, opposition to this move is gathering momentum led by federal opposition leader Peter Dutton and the Christian Right movement that is growing in influence across the country. The referendum will seek Australians’ approval to add three sentences to the constitution in recognition of Aboriginal and Torres Straits Islanders as the First Peoples of Australia. The sentences will pave the way to create a body known as the “Aboriginal and Torres Straits Islander Voice” that would have powers to make recommendations to Parliament and Executive Government on matters relating to Indigenous Australians. The recognition of Aboriginal and Torres Straits Islanders as the First Peoples of Australia very much relates to The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which is an international instrument adopted by the United Nations on September 13, 2007, to enshrine (according to Article 43) the rights that “constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.” The UNDRIP protects collective rights that may not be addressed in other human rights charters that emphasize individual rights, and it also safeguards the individual rights of Indigenous people. The Declaration is the product of almost 25 years of deliberation by the UN. Member states and Indigenous groups. The opposition camp led by Dutton claims that the referendum question lacks details, and he is capitalizing on a current law and order situation in Uluru (Alice Springs) that involves indigenous youth and is calling on federal police officials to be sent there. Albanese meanwhile argues that the “Voice” would ensure that indigenous people

would be consulted on policies such as education, health and housing that lead to such law-and-order issues. A Christian Rights group calling themselves 'Australian Christians' in a statement on their website claims that Indigenous people are already 'over-represented' in Parliament, making up 4.8 per cent of elected lawmakers, but they make up only 3.3 per cent of the Australian population. They argued that the Voice "risks creating a de facto third chamber of Parliament and would further entrench racial division in Australian society, instead of unity". SMH's chief political correspondent David Crowe in a commentary, warned that the case for the Voice is being lost in slow motion among a divided group of campaigners who are struggling to convince the Australians of their cause. "They have been complacent about the popular support for their side. They have dismissed their opponents at the very time their opponents have gained ground," he noted. SMH reported on January 24 that according to research done by a political monitor group, support for an Indigenous Voice in parliament has fallen from 53 to 47 per cent following the political row created by the opposition on how it would work. The referendum question needs to be approved by a majority of voters in each of the six States in Australia, and that vote though is still in the majority, but by the time of the vote, it may not hold. Answering the question of why there is a need for a constitutionally enshrined Indigenous Voice in parliament, Indigenous academic Associate Professor Sandra Phillips of the Indigenous Australian Studies School of Humanities and Communication Arts at Western Sydney University told IDN that "a Constitution hastily designed to 'keep' Australia White was never going to cut it for Indigenous futures (because) the Australian electoral system will never deliver a critical mass of Indigenous parliamentarians". Scepticism and Hope "A Royal Commission hasn't stemmed deaths of our peoples in custody, an Inquiry hasn't kept our children at home, and federal legislation has seen too little land title recognition," she noted. "Responsible government demands Indigenous Voice to parliament, and that Voice needs to be enshrined in the Constitution beyond government or electoral whim, and beyond piecemeal policy-making." Veteran Indigenous Australian activist and historian Professor Gary Foley of Victoria University, speaking on 7 AM podcast recently argued that there is a long history of Australian governments setting up institutions supposedly to serve indigenous people but only to be abolished later. "There's been a succession of attempts to enable Aboriginal people to have some sort of voice in Parliament, but the essential problem remains through them all, and that is a lack of recognition of Aboriginal sovereignty and a lack of genuine self-determination in the sense of political and economic independence," he argues. "Because governments of all political persuasions have always only allowed Aboriginal people a voice when the Aboriginal people were saying what governments wanted to hear." Foley is still sceptical about the 'Voice' working this time around. "They'll accept your advice until they don't like that advice and then they'll get rid of you. It's a long, historical sort of sequence," he notes. But Crowe is more hopeful this time around, and he believes there is no need for Albanese to win Dutton and his supporters to his cause. "Australians want the Voice to succeed even if they are not sure about how it would work," he argues, adding, "there is support for the idea of giving the First Nation People a more powerful say in national affairs in the hope it can lead to practical gains such as closing the gap on indigenous health and education". Referring to Dutton's argument that the government should be concentrating on addressing lawlessness in Alice Springs, Crowe says, "the answer should be that the best policy response needs consultation with First Australians—the very thing Voice is meant to deliver". [IDN-InDepthNews — 25 January 2023] Image: "Dawn Reflections" Indigenous art projected on the Sydney Opera House to kick off Australia Day, 26 January 2023. CC BY-SA 4.0

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Referendum

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Scepticism and Hope

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