

Why Indigenous Australians must have their say

Chris Kenny



Shaylene Yarrick with her five children and other kids that sleep inside their two bedroom Mornington Island house that regularly hosts twenty residents. Picture: Brian Cassey

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Soon there will be another long running issue vying for attention against the pandemic, our China conflagration, and the endless climate catastrophism in our national debate. It is the proposal to formulate and legislate an Indigenous voice to parliament and government.

From the time Cape York leader Noel Pearson convinced me of the usefulness of this proposal five years ago, I have been confident that people would embrace it. This is because apart from recognising a sensible, practical, and worthwhile idea, Australians also have a well-honed and generous sense of what amounts to a “fair go”.

Despite a maelstrom of activism, distraction, partisanship and furphies, the fair go can still win out. Next year presents a chance for some good history.

Back in 1967, Australians voted overwhelmingly in favour of giving the federal government the power to make laws specifically relating to Indigenous Australians. Looking back, it seems an oversight not to have included a mechanism for Indigenous people to have some say over how that “race power” might be exercised.

Former prime minister Tony Abbott — a leading opponent of the voice, to be sure — neatly argues that recognition of Indigenous Australians would not alter the constitution so much as complete it. This is true because the constitution brought together six groups — the peoples of six colonies — and the people it overlooked as partners or participants were the original inhabitants.

There is a symbolic sense to this, but it rings true in the practical as well. Given the widely endorsed reform of 1967, surely the provision for a “voice” under the constitution would complete the document in a far more meaningful and useful way. Still, constitutional enshrinement of a voice is off the table for now; Scott Morrison says it will not be considered.

The compromise (if a nonnegotiable edict can be described in that way) has been for Morrison and Indigenous Affairs Minister Ken Wyatt to seek to design and legislate a voice, without any constitutional reference.

This imposes a divorce between the issues of Indigenous constitutional recognition and the voice — a divide between the symbolic and the practical. The recognition debate, even though it provided the impetus for the voice, has been pushed to one side and the focus, for now, is the shape and workings of a legislated voice.

Appointed late last year as one of a few non-Indigenous members of the government’s senior advisory group, I have been part of this process. Without breaking the confidences of this group, I can tell you it has been exhaustive work, led by co-chairs Marcia Langton and Tom Calma, made more difficult because the pandemic plunged it into the virtual world, where frank exchanges across divergent views have worked towards common ground.

A final report has gone to government and soon, we expect, options will be released for public consultation. The design models and the consultation processes will appear complicated to some, but at heart they come back to the fundamental proposition of what represents a fair go, a fair say, for Indigenous Australians.

Will this be a panacea? Of course not. But will it help? The chances are extremely high, if done properly.

Previous attempts in this space have failed, most noticeably the service delivery model of the Aboriginal and Torres Strait Islander Commission. But failure should not halt progress; it should inform it. To my mind, if a government has special powers to make laws about a group of people then, at the very least, that group of people ought to have an established process to provide input on those matters. Will this be a panacea? Of course not. But will it help? The chances are extremely high, if done properly.

As a nation, we continue to wear the obvious stain of Indigenous disadvantage. The militant activism of the Black Lives Matter movement and the toxicity of identity politics worry me greatly, but we need to ignore those who would hijack an important process for extremist aims — they should not be allowed to dissuade people of goodwill.

A well-organised voice will not be a capitulation to a radical agenda, rather it will provide a proper forum where mainstream and grassroots Indigenous views have the chance to drown out the protesters and focus on practical outcomes. We are not doing so well on Closing the Gap (we are doing terribly) that we can close ourselves off from new approaches.

If a voice were to be legislated and we were to see it run successfully, it may well clear the way for a reference to be specifically mentioned in the constitution when we eventually vote on constitutional recognition. That is no certainty, but it is possible.

Still, even if that never happens, the constitutional authority for the voice already exists under the “race power” and an esteemed, national advisory body, selected and empowered by Indigenous people, should help parliament focus on the right priorities for the advancement of first peoples. This objective, this project, lifts all Australians. It matters to all of us and deserves broad support.

So when the options are publicised and the debate begins, please get involved, read about it, discuss it and consider it.

There will be disagreements, a thousand distractions and contradictions, but that is the stuff of public debate. Even a well constructed voice will be messy, confused and sometimes driven by personal ambitions and vendettas; that is the way of representative politics.

What it will not be is a “third chamber” — the damaging tag given to it by those who seek to elevate the proposal in order to shoot it down. (Barnaby Joyce was one who used this tactic but then admitted the term was nonsense and should not be used to undermine the proposal). The voice will be strictly advisory, limited in scope, and focused only on Indigenous issues.

A voice is not about perpetuating a victim mentality; rather it is about asserting self-reliance.

It is all too easy, especially for those of us who are not in daily contact with disadvantaged Indigenous communities, to harden our hearts, talk about all the spending and programs invested in this area, point to the opportunities available for all in this nation, and dismiss the entire issue as mere special pleading.

It is harder to think of the differing prospects for two children born in this country today. The Indigenous child faces significantly lower prospects of surviving to adulthood, completing an education, getting a job, staying out of jail, enjoying good health and living into old age than the non-Indigenous baby. These are the gaps we must close. Parliaments and governments must find a way, and it is not too much to ask that a formal Indigenous representative body gives them some guidance.

If you give it a moment’s thought, you can see how unreasonable it would be to deny them that voice. Especially when many Indigenous advocates have compromised to find consensus.

The poor decisions in this national trauma do not all belong to governments and heartless bureaucrats. Some Aboriginal people do daily harm to themselves and their communities at greater rates than people in non-Indigenous communities.

We should not blame the victims, sure, but neither do we want to absolve people of personal responsibility. Where is the opportunity to accept responsibility if Indigenous people do not even have a clear say on their issues.

For an insight into the complexities, let me suggest the autobiography, published last year, by singer-songwriter Archie Roach. In *Tell Me Why* we meet a bright, privileged and loved Indigenous teenager living with a caring, non-Indigenous foster family in suburban Melbourne. Archie was given a good start in life; this is where, for instance, he first learned music. But it turned out Archie had parents all along; he had not seen them since he was taken away at two years of age, and when he learned the news it was all too late, they had died. Yet there were siblings to find.

He tells his story with crushing and simple honesty. Although airing only gratitude and respect for those who raised him, Archie was nonetheless discombobulated by the discovery of his past.

He wanders, he finds family, and he reconnects, but he plummets into alcohol, drugs and hopelessness. To read his story, which we know ends in redemption and success, is to gain some insight into the brutal injustices that can reverberate in Indigenous lives, knocking them off course.

This is not about excuses, or apportioning blame; it is about accepting reality. We need to do better as a nation at healing these wounds and giving all our children a decent shot at the boundless opportunities in this continent we share. A voice is a fair go.

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