



mental health community coalition ACT

Representing the community-managed mental health sector in the ACT

21 April 2023

Joint Select Committee on the Aboriginal and Torres Strait Islander Voice Referendum
PO Box 6201
Canberra ACT 2600

By email: jscvr@aph.gov.au

Dear Secretary,

RE: Inquiry into the Constitution Alteration (Aboriginal and Torres Strait Islander Voice) 2023

The Mental Health Community Coalition ACT (MHCC ACT) thanks the Committee for the opportunity to provide a submission to the Inquiry into *Constitution Alteration (Aboriginal and Torres Strait Islander Voice) 2023 Bill*.

This submission endorses the proposed constitutional alteration, which recognises First Nations peoples in the Constitution by requiring Parliament to establish an Indigenous Voice that can advise Parliament and the Executive Government on matters relating to Aboriginal and Torres Strait Islander peoples.

The case for a constitutionally enshrined Voice to Parliament is clear and compelling. A constitutionally guaranteed Voice is necessary to meet the aspirations expressed in the Uluru Statement from the Heart, and is the culmination of a long and comprehensive history of First Nations peoples' representations to successive governments. As highlighted in the Explanatory Memorandum for the Constitution Alteration, "constitutional recognition in the form of a Voice brings together two long-standing calls from Aboriginal and Torres Strait Islander peoples – for an enduring representative body and to be recognised in the Constitution".

Enshrining the Voice in the Constitution provides long overdue recognition of Aboriginal and Torres Strait Islander peoples in the nation's foundational document, while affirming their status as the first peoples of Australia. Importantly, it also provides substantive recognition by creating and entrenching an advisory institution. As stated in the Explanatory Memorandum:

By addressing the need for such an institution, this proposed constitutional amendment provides a form of recognition that is practical and substantive. It both ensures that the Constitution reflects the historical truth of Aboriginal and Torres Strait Islander peoples' long-standing and continuing place in Australia, and provides for an institution to improve their lives.¹

¹ Explanatory Memorandum, Constitution Alteration, p.4.

As the peak body for the community-managed mental health sector in the ACT, MHCC ACT knows how important it is for the voice of lived experience to be included in the creation of policies and laws that affect individuals and communities. Better outcomes are more likely to be achieved when the experiences of those living the reality of policy decisions are heard in the policy-making process. Yet since colonisation, governments have systematically failed to incorporate Aboriginal and Torres Strait Islander peoples in decision-making processes that affect their lives. This has resulted in poorly designed policies and programs, as well as perpetuating the ‘torment of powerlessness’ that underlies poorer mental health, health, social and economic outcomes.

The Voice, as outlined in the proposed alteration to the constitution, is our nation’s opportunity to change how policy is made, by ensuring that decisions are made *with* Aboriginal and Torres Strait Islander people, as opposed to being made *for* them. Further, enshrining the Voice in the Constitution will ensure an enduring mechanism for input that cannot simply be dissolved based on the political whim of the government of the day.

While the case for the Voice is clear and compelling, MHCC ACT also believes the specific wording of the proposed constitutional amendment reflects the sentiments articulated in the Uluru Statement from the Heart. First, given the Australian Constitution is a principles-based document, it is appropriate the proposed amendment articulates the principles and powers underlying the Voice, leaving details of the structure and function to be determined by Parliament in consultation with communities. These details should be determined through comprehensive consultation with Aboriginal and Torres Strait Islander people and subject to the democratic Parliamentary process.

Second, the proposed wording that the Voice “may make representations” to the Parliament and the Executive Government of the Commonwealth “on matters relating to Aboriginal and Torres Strait Islander peoples” is clear, reasonable, and meaningful. Discretion in the scope of the Voice’s advice is important given the most practical benefit will arise where the Voice is able to advise not only on matters that directly affect First Nations peoples, but also on laws and policies that indirectly and unintendedly impact Indigenous communities in a unique way.

Further, if advice to the Executive is removed from the constitutional amendment, then advice on policy will not be required in any enduring way, undercutting the practical substance of the Voice proposal. Parliament generally deals with statutory frameworks. The Executive is where much of the important decisions and implementation of government policies are made. Many of the decisions that affect Aboriginal and Torres Strait Islander peoples – including their social and emotional wellbeing – come from policy and implementation, which is the domain of the Executive. It would be a less effective Voice if it only informed the Parliament. Aboriginal and Torres Strait Islander peoples deserve a Voice that will have impact, and we believe this is appropriately encapsulated in the proposed wording.

In summary, MHCC ACT supports the proposed alteration to the constitution. It is long past time for Aboriginal and Torres Strait Islander peoples to be recognised in our Constitution. The proposed wording will provide this recognition, as well as ensuring an enduring mechanism for First Nations peoples to have a say in the policies and laws that affect their lives. Enshrining the Voice in the Constitution provides recognition of the unique and sovereign place Aboriginal and Torres Strait Islander people hold in Australia’s history, and gives the Voice legitimacy, stability and permanency.

We recognise that the establishment of the Indigenous Voice to Parliament is just one step in a larger journey towards reconciliation, and that alongside Treaty and Truth there must be meaningful action and a sustained commitment to addressing the systemic issues that continue to impact First Nations peoples. But we firmly believe that, by voting Yes in the upcoming Referendum, Australians will be taking a vital first step toward a fairer nation, a better governed nation, and a more honest nation that accepts its history and is prepared to shape its future in the interests of all its citizens.

Yours sincerely,



Corinne Dobson

Acting CEO, Mental Health Community Coalition ACT