

## **Speaking to Voice Indigenous Australians and the Quest for Truth-telling, Treaty and Sovereignty**

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### **Abstract:**

The referendum on the Voice has gone and appears to have left an, at least, temporary vacuum. A void of silenced voices, a void on a way forward to reconciliation or dual sovereignty, a void on the way forward to remove racist passages from the Constitution and a void on how to Close the Gap on Indigenous Australian disadvantage. In recognition of this silence, this article revisits the campaigns on the Voice. It will steer clear of the rabbit holes of disingenuous debate, hate speech and blunt accusations with no evidence provided, though it is important to remember this also characterised the debate. Instead it examines one of the public arenas where informed public debate remains at least a goal. The National Press Club in the months leading up to the referendum offered the podium to seven prominent Indigenous Australian representatives who spoke about their campaigns, and in the process also revealed how they understood not only what the referendum was about, but more importantly how they understood and envisioned past, present and future Indigenous and non-Indigenous Australia. The article analyses the speeches across this entangled, political—and politicised—terrain. My concern lies with how Indigenous Australian public figures responded to the proposal for a Voice, and in that process also addressed truth-telling, treaty and sovereignty.

**Keywords:** Indigenous sovereignty; nationhood; reconciliation; Voice referendum.

I can understand why people are confused if you are bombarded with all kinds of messages coming your way ... and you don't have a good foundation in terms of Australian history, or the history of colonization and settlement and its brutality. If you don't understand the frontier wars. If you don't understand the dispossession that has taken place. If you don't understand how people were put into missions and reserves and denied access. If you don't understand the Stolen Generations and kids being taken away, and that amounting to genocide. If you don't understand the significance of the High Court decision that terra nullius was a legal lie upon which our settlements were grounded... If you don't understand some of those basic things, then of course it becomes difficult for people to see forward.

Pat Dodson, National Press Club conversation, October 2023.

### **1. Introduction**

The Australian Indigenous Voice Referendum was held on October 14, 2023. It asked voters to amend the Australian Constitution to recognise Indigenous Australians in the Constitution and to prescribe an Indigenous Voice to parliament to make representations on matters pertaining to Indigenous Australian lives. The referendum was rejected by a solid majority across Australia, but carried among Indigenous Australians.

In the last of seven Indigenous Australian appearances at the National Press Club (NPC), Patrick Dodson gave the response opening this article to a question from a journalist shortly before the Voice Referendum. The rest of the club were sitting in the usual venue in Canberra. Dodson, recovering from cancer treatment, was sitting with SBS's chief political correspondent, Anna Henderson, in Broome. Dodson's health issues made live-from-Broome the only viable option for the conversation. But transmitting live from the heart of the Kimberley also represented a notable partial re-staging of venue, given the divisive debate over who could speak from where, and on behalf of which Indigenous communities. The Voice referendum campaigns pitted city-based Indigenous Australians against remote communities, in a familiar rerun of the perceived dichotomy between city spaces and rural/bush/remote communities<sup>1</sup> that has characterised recent Australian political debates, a dichotomy that flattens both city and the vast hinterland into two oppositional and paradoxically homogeneous spaces of presumed sameness. Unfortunately, the contradictions inherent to the claim are often left unchallenged due to fears of being aligned with the views of 'elitist inner city-dwellers.' In the referendum debate such individuals apparently could now also be Indigenous Australians.

I begin this article with Dodson's statement, because it encapsulates what enables misinformation, bots and robots to get away with what they and their puppet string masters do: Steer people away from considered approaches to the issue at hand. Yet, had there not been the profound ignorance amongst non-Indigenous Australians of Indigenous life and culture (Taylor and Habibis 2020) coupled with a lack of desire to explore settler colonial Australian history (Maddison 2012) the debate on the Voice would not have been able to unfold the way it did.

An article, such as this, could thus explore what enables the history of ignorance to reproduce itself in a society otherwise obsessed by marking and celebrating selective versions of historical 'achievements.' Yet what interests me here is not "the architecture of settler colonialism" (Slater 2018, 3), or at least not from a non-Indigenous perspective. Nor is my concern with the extent to which referendums and elections are reflections of engaged and/or informed debates about societal directions. My concern lies with how Indigenous Australian public figures respond to the proposal for a Voice that its advocates claim represents the beginning of the dismantling of the architecture of settler colonialism, as is clear from Dodson's observation. The architecture that has enabled obscene incarceration rates, abysmal suicide rates, entrenched cycles of violence, structural disadvantage and the disturbing rates of discrimination and racism encountered by Indigenous Australians throughout the country. All of which is underpinned by a fundamental and foundational lack of recognition.

## **2. Voice and Voices**

There are several reasons for singling out Indigenous Australian voices. The primary is captured in the slogan "nothing about us, without us" (Morse 2023), which may be said to be an echo reverberating through all the addresses. Lack of Indigenous Australian self-determination, questions of Indigenous Australian forms of sovereignty before and during settler colonialism, and the lack of political representation within settler colonial Australia have a long history in scholarly literature in Australia (Wolfe 1999; Haebich 2011; Curthoys and Mitchell 2018; Cronin 2021). These studies ask how recognition and *re-*

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<sup>1</sup> For a discussion of the uses and abuses of "remote" in Australian culture, see Jensen 2022.

*presentation*, in Spivakian terminology (2010), can operate if not by listening to Indigenous voices? Then there is, of course, the contention that in their capacity as *representing* Indigenous Australian views they are already compromised (Spivak 2010), because systems of representation operate inside the architecture of settler colonialism, including the federal parliament. The referendum itself was inevitably a vote, or a representational verdict, on how contemporary Australians understood the relationship between the nation and its past. The Yes campaign was premised on the appeal of the First Nations to be recognised as that, but it was also the appeal on behalf of the 3 per cent to be listened to by the 97 per cent, a demographic conditioned by the settler colonial project. In turn, the No campaign was split into two: One camp advocating that Indigenous Australians already are represented, and the other camp arguing settler colonialism needs to be dismantled before any representation can be said to take place.

A second reason for selecting Indigenous Australian public figure speeches is that focusing on Indigenous voices creates at least one coherent frame—Indigenous Australians talking about their and Australia's past, present and future. Even if there was one Yes campaign and two No campaigns spearheaded by Indigenous Australians this does not undermine such a framing. It merely reflects that Indigenous Australians also hold a range of views on the past, present and future, though it reverses the focus to examine how Indigenous Australians imagine their and Australia's future, outside the non-Indigenous gaze. Thus, all speakers draw upon their own Indigenous experience. A third point would be to avoid entering into the terrain of the 'Canberra bubble' in the Australian federal parliament characterised by political point scoring and disingenuous debate. It is important to note this is not an isolated Australian phenomenon. Western democracies generally appear to be struggling to convince themselves of their claim to exist outside increasingly hollowed out political rituals in parliamentary theatres. Indigenous politicians also engage in this, it is after all the biggest—and not infrequently—the only game in town. But they also had other opportunities to present their views, goals and imaginings outside the confines of the parliamentary bubble. The NPC is also a parliamentary venue, but seeks to position itself in opposition to the debate form in the parliament. Thus, while it would be naïve to imagine the NPC as a forum that completely avoids the political football trail, it does create a terrain where informed debate and discussions are happening. And in this case a debate premised on listening to Indigenous voices addressing the question of the referendum and underlying broader agendas.

### **3. The Setting**

The NPC is a prestigious platform for engaging with current major issues. It hosts prime ministers and opposition leaders, foreign dignitaries and prominent public figures. The NPC is a national space, the nation's show window to itself, and the physical audience, apart from those invited by the speakers, is predominantly Anglo-Australian white. On its website the NPC does not list expectations to be met by speakers. Speakers are proposed by members of the public and the only hint suggesting an ethos informing who gets to address the forum and why, is the question placed above the proposal form asking: "Who should the National Press Club invite to speak?" (NPC, "Propose A Speaker"). In lieu of providing an answer to this question, the NPC states below: "Those who stand behind the National Press Club of Australia lectern, possess an unparalleled breadth of ideas. Nominate the person of influence that you would like our nation to hear from."

Six Indigenous Australian leaders delivered thirty-minute speeches (followed by thirty-minute Q&As) in the months leading up to the referendum, and one, Patrick Dodson's address, took the form of a conversation with a journalist. The speeches were opportunities for the campaigners to advocate for their position on the referendum, yet conventions informing NPC addresses invited or prompted the speakers to both reflect and broaden their views and perspectives away from campaign messaging—with some degree of success. In chronological order the speeches were given by Linda Burney (July), Lidia Thorpe (August), Marcia Langton (September), Warren Mundine (September), Jacinta Nampijinpa Price (September) and Noel Pearson (September). As in the Australian federal parliament one could argue that if Indigenous Australians were only there as Indigenous representatives, they are demographically over-represented at the NPC, particularly in the lead-up to the Referendum on the Voice, but also in the years prior to the referendum.<sup>2</sup> What this speaks to, however, is not demographics, but about how Indigenous 'affairs' are simultaneously a continuous national conversation over the failures of settler colonialism, or its success, depending on your perspective, but more than anything it speaks to how Indigenous Australia continues to sit at the heart of the nation's conversations about itself. However, even when Indigenous Australians are speaking, they are framed by the architecture of settler colonialism.

It is often claimed that many non-Indigenous Australians have never met an Indigenous Australian. It is also often claimed that they have, but did not realise this. I find it more interesting, however, that it is virtually impossible to find a non-Indigenous Australian who does not have an opinion, and through this a preconceived conceptualisation, of what an Indigenous Australian is. Only very rarely is this opinion backed up by more than half-baked knowledge (Wood 2013).<sup>3</sup> Seldom is it spurred by a genuine interest in Indigenous Australians that would begin by listening to them, rather than starting up by professing opinions or assertions about them. And then of course the tenor of the conversations might change if they were simply premised on the fact that they are taking place on Country.<sup>4</sup> Country, as a concept, but also an inalienable fact, exists outside the confinements of settler colonialism's utilitarian and exploitative logics. Country also refers to the fact that Indigenous sovereignty predates colonisation, and though repressed during settler colonialism cannot be extinguished and is the premise on any future national arrangement recognising Indigenous Australia.

It is in this context that listening to the voices of Indigenous Australian leaders who spoke at the NPC is critically important. There are thus reasons and rationales behind selecting these speeches. One is that they cover a broad spectrum across the Yes campaign and the two No campaigns. Another is that the speakers are all prominent interventionists/leaders in their respective campaigns. Thus, the campaign centres were largely vacated by non-

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<sup>2</sup> The list includes Rachel Perkins, Megan Davis & Pat Anderson (2022); Pat Turner (2020); Marcia Langton, Pat Dodson, Ken Wyatt (2019) and Ken Wyatt (2017).

<sup>3</sup> The statistics on the viewings of the speeches are in themselves revealing of how non-Indigenous Australians choose to inform themselves about the Voice: Price (271,347), Mundine (68,597), Langton (27,133), Dodson (12,199), Burney (11,579), Thorpe (3,738) and Pearson (1,645). Andrew Bolt's predictable attack on Lidia Thorpe has attracted 503,644 viewings on Sky. Data collected on March 6, 2024.

<sup>4</sup> 'Country' has become a ubiquitous Indigenous term for the inalienable relationship between the mobs, or clans, and their environment. This rises above the question of ownership that is only a settler colonial practice of referring to land in terms of its extractivist potential.

Indigenous Australians, obviously partly for strategic reasons. The No campaigns both claimed the Voice was divisive and blamed the Yes campaign. But then why did the non-Indigenous political leaders championing the conservative No campaign not appear alongside Mundine and Price, if Australians are just Australians? The Yes campaign also pursued a contradictory strategy. Prime Minister Albanese wanted the Voice to be championed by Indigenous Australians, yet the Voice was a pledge he had himself taken to the election. Had he intervened more directly, it could have been said to make the campaign disingenuous, because it was led by a settler colonial prime minister. There is thus a question hovering over who speaks and whose voices count—and on what premises. Focusing on Indigenous Australian speeches shifts the focus from this question to instead consider what visions the speeches project for an Indigenous and non-Indigenous Australian future and the tools to make it happen.

#### **4. The Speakers and their Interpretation of the Situation Informed by the Voice**

In my short summaries of the speeches below I have sought to concisely, but not uncritically, render their positions and look for how speakers envision the past, present and future. This means also leaving out a lot of material dealing more specifically with claims and counterclaims about what Voice and constitutional representation is about, as well as leaving out personal occasional open attacks; at times quite personal, at times operating as a vindication of a participant's own position.

##### **Linda Burney**

The first Indigenous Australian addressing the referendum was Linda Burney, a Wiradjuri woman,<sup>5</sup> speaking as the Minister for Indigenous Australians (NPC, “The Hon Linda Burney MP”).<sup>6</sup> She begins by acknowledging the land of the Ngunnawal and Ngambri peoples and speaks of the unfinished business that the Voice is meant to redress. She references a number of historical political moments, from the Australian Constitution, Keating's Redfern address (1992) to Kevin Rudd's apology (2008), as moments of seismic change. As the minister and spearhead of the Yes Campaign, she spends most of her address appealing to Australians to vote yes, to criticise the No campaign, and to convince the audience and viewers that the campaign is on track. She speaks mainly about the specific requirements for Closing the Gap<sup>7</sup> and how the Voice will be a very practical instrument to achieve this, in a direct response to No campaigners claims that a Voice would not achieve practical outcomes. She criticises the “structural disadvantage” faced by Indigenous Australians who also have, as she says, “dreams and aspirations.” She outlines four areas where she as minister would be seeking advice and ideas from an Indigenous Voice: health, education, jobs and housing. She also refers to both Galarrwuy Yunupingu and former Coalition Minister for Indigenous Australians Ken Wyatt's comments that politicians and bureaucrats “do not listen because they do not have to.” And she puts forward the common argument from the Yes campaign that if the Voice is legislated instead of passed in a referendum, it can be abolished by another government as happened with ATSIC (Behrendt 2005). In other words, the Voice needs protection

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<sup>5</sup> In my presentation of all speakers, I have largely followed how they present themselves on the list of speakers, on the NPC website.

<sup>6</sup> The whole speech and Q&A can be viewed online, see ABC News, “Linda Burney Reveals Key Details.”

<sup>7</sup> For details on Closing the Gap, including its history, see the official website: <https://closingthegap.gov.au>.

from becoming a political football. To think whether this is a likely scenario one needs to look only at the refugee/asylum seeker and climate change debates in Australia and how destructive those discourses have been for the public domain. This has in turn had grave consequences for the ability to have informed discussions and impacted negatively on legislation that has become hostage to moral panics (Cunneen 2008; Martin 2015).

### **Lidia Thorpe**

Lidia Thorpe is a DjabWurrung, Gunnai and Gunditjmara woman who was originally elected to the Australian Senate for the Greens but left the party for the Blak Sovereign Movement (NPC, "Lidia Thorpe's Address"). She starts by acknowledging the traditional owners of the Canberra area, but as the only speaker she also recognises the people from the Tent Embassy.<sup>8</sup> This ties in with her campaign on behalf of the Blak Sovereign Movement, as the Tent Embassy itself was established to make continuous Indigenous sovereignty visible.<sup>9</sup> She then lists the consequences for traditional owners in Victoria of settler colonialism, which she poignantly notes is the cost "for the privilege you all have here today." She illustrates the history with her own tribal background—"70 down to 7 clans"—and connects the frontier wars directly to the present: "The frontier wars have never ended, same war different weapons." She talks about incarceration, taking children away and dispossession, with examples from across Australia, but contrasts this with resistance and survival. Then she turns to consider what Indigenous Australia offers Australia: "I invite all Australians to come on a journey and look through the lens of First Peoples and how we care for Country." She situates Indigenous Australians and their duty to care for Country in a global context, saying "Indigenous peoples across the world protect 90 per cent of the planet's remaining biodiversity." She contrasts the "romanticised" Uluru Statement with "real political sovereign power." Her argument rests on the fact that sovereignty has to be ceded, if Indigenous peoples' existence is to be recognised within the settler colonial confinement of the Australian Constitution. She steers clear of talking of ownership as this is an alien concept to an Indigenous understanding of Country. She does, however, argue implicitly for comparison with reference to Indigenous Australians having "the oldest constitution on the planet" and accuses the settler colonial constitution of Australia of not following the laws of Country. She makes an unconditional claim for restoring "blak" sovereignty: "The only thing we lack is the power to enforce it without interference by the colonial government." She points out that the right to self-determination is defined and protected by the UN, arguing the Voice would not deliver on the actual right to self-determination as it does not empower Indigenous Australians. She calls for a fundamental change of society that begins with "truth-telling, implementing the recommendations of the Royal Commission into Aboriginal Deaths in Custody, as well as in the Bringing them Home report to stop the children from being taken away, implementing the UN Declaration of the Rights of Indigenous People... and treaty." She criticises present and past governments for inaction even in implementing recommendations from its own commissions. She uses the same track-record to fundamentally challenge the notion that settler colonial governments have acted in good faith, although she does argue that truth-telling and a treaty will lead to a better common future. This can only mean she believes in the ability of settler colonial Australia to reform itself. Yet given her critique it is difficult to see how this could

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<sup>8</sup> For a history of the Tent Embassy and its significance, see Iveson.

<sup>9</sup> For information on the Blak Sovereign Movement campaign, see the official website: <https://blaksovereignmovement.com/>.

happen. Finally, she addresses settler colonialism not as a historic injustice but as an ongoing process of dispossession. She connects this to how settler colonialism in her view currently perceives its own project: "Right now there is an ongoing colonization but no colonizer. Racism but no racists." And she finishes the Q&A by summarising the two other campaigns: "There is this outright racism ... with the racist No. And there is this underlying racism with the Yes."

### **Marcia Langton**

Marcia Langton is a descendant of the Iman people (ABC News). She co-authored (with Tom Calma) the *Indigenous Voice Co-Design Process: Final Report to the Australian Government* (2021) that laid the foundation for the work leading to the Uluru Statement. She opens with her acknowledgement of the local traditional owners and the statement that Indigenous Australians arrived in Northern Australia at least 65,000 years ago. She connects this to research into Indigenous Australian knowledge and laws establishing that not only did the British colonise lands that were already inhabited, they also took over lands that were already tenured. Langton, here in a similar vein to Thorpe, argues that Indigenous Australia is about care for and protection of Country. But in contrast to Thorpe, she argues the law of the land is also there to protect humans from themselves, because humans are "imperfect." Thus she generates an image revealing overlaps between human weakness everywhere, rather than understanding it as a contrast between settler colonialism and Indigenous practice. She emphasises that Indigenous Australians "were almost wiped from the surface of the Earth by British colonisation," but rather than seeing this as integral to the settler colonial project, she suggests a pathway for settler colonial Australians not to align themselves with a legacy of British colonisation, but instead aim to co-exist with Indigenous Australians in a shared future. Even as she details more recent incidents of racism as part of a "sustained warfare," including her own experience of growing up "under racist laws" in Queensland. She posits the referendum as the last hope for her people, a stark depiction that also seems to stand in contrast to what she calls "the winds of change blowing across our continent," as that statement can both be taken as an indication of a groundswell of support for recognition but could equally refer to the toxic right-wing politics bent on demolishing the movement for recognition, rights and sovereignty.

Langton argues the 1901 constitution in effect racialised Indigenous Australians, who she says were peoples with different languages, not "a race" and not speaking varieties of the same language. Here she aligns impreciseness and ignorance about Indigenous Australian cultures with a settler colonial racist agenda. She then moves on to the 1967 referendum to point out how the alterations in the position of Indigenous Australians failed to address the racist clauses in the 1901 Constitution: "Now the Australian Parliament has the power to make laws that may cause us harm." Langton here makes an important constitutional point but also one that indirectly undermines her view that if Voice is to work, it must be premised on the idea that governments are willing but unable to make the right decisions, not premised on rejecting and undermining actual change. If racism is an ongoing phenomenon, what guarantee is there that governments are in fact interested in working for improving the conditions of Indigenous Australia? Or phrased slightly differently, when did an Australian government embark on the deconstruction of the architecture of settler colonialism that both Keating's Redfern speech and Rudd's apology to the Stolen Generations point to?

Langton shifts her focus to the Uluru Statement claiming it has a firm base in Indigenous communities, but she also combines this with the reassurance of its limited scope, underlining that it poses no threat to non-Indigenous Australia. She also argues that the abolition of ATSIC, the only government body where Indigenous Australians were formally involved, led to one-sided agreements between governments and Indigenous communities and connects this directly to the 2007 Northern Territory Intervention (see also Ottley; Jensen). Closing the Gap has not delivered as her statistical references show. She again emphasises that what needs to change is the lack of Indigenous Australian trust in governments and their bureaucracies. She also argues the No campaign's claim that the Voice creates racial division belies the fact that there is no Indigenous Australian race, but rather varied communities who will all be consulted on policies impacting their lives. She refers to her co-authored report with Tom Calma to support her claims with facts on the ground drawn from their and other reports. Calma and Langton's report emphasises the enormous regional diversity among Indigenous communities, including as a case example Torres Strait Islanders living on the mainland. She cites the successful avoidance of infection, hospitalisation and deaths amongst Indigenous Australians during the Covid pandemic as a result of Indigenous leadership and dedication and an illustration of what can be achieved when Indigenous Australians take charge of issues affecting their communities. She closes her speech with "Vote yes so we thrive not just survive."

### **Warren Mundine**

Warren Mundine is a member of the Bundjalung First Nation (ABC News, "Warren Mundine Addresses"). In my perusal of his address I have left out the at times vitriolic, accusatory language, because I am here interested in his ideas about the negotiation of past, present and future, not the operation of lateral violence. Mundine, along with Price, does not begin with an acknowledgement of the local traditional owners, a clearly strategic, but ultimately disregardful choice. He asserts a dichotomous view that the country is facing a stark choice between moving forward together as a country of equals or being "a country divided by race permanently in conflict with each other over facts of history that cannot be altered." If the facts speak for themselves, however, how do conflictual views arise? He refers to historical grievances, cordoning them off from present continuities including Closing the Gap. Referring to his Catholic faith he criticises the focus on apologies to Indigenous Australians, and the lack of attention to Indigenous Australians who also need to "forgive Australia as a nation." This paradoxically situates Indigenous Australians outside the Australian nation, although his established premise is they are already in, and recognised by, the nation. He acknowledges that many Indigenous Australians "feel angry about past wrongdoings, but these events cannot be undone." Consequently, Indigenous Australians, in Mundine's view face a choice between continuing to "feel aggrieved, or to draw a line on that history and not be captive of that past." In a series of unambiguous sentences, he builds his vision of Australia in contrast to the Uluru Statement that he accuses of holding a "view on Indigenous Australians as steeped in victimhood and oppression, not free or able to make their own decisions." Against what he asserts is a negativity and grievance narrative, he posits his own positive view of Australia: "I can't think of any nation that has overcome its conflicts and injustice of its past better than Australia... We have built a nation where everyone is equal."

Thus, apparently there is in this section of the speech no Gap to be Closed, since Australia is a beacon of social mobility. Discrimination and racism are fleetingly mentioned in his account and are relegated to the period prior to the 1967 referendum and hence way before



Closing the Gap. This serves two intertwined purposes. As historical it is situated outside the present, but it can still be drawn upon as personal experience in relation to his own family history. The fluctuating absence/presence of racism in his narrative creates paradoxes. For example, he outlines examples of structural racial discrimination, but also says colonial segregation was put in place by well-meaning people, “who thought Aboriginal people could not take care of themselves.” He accuses the government of putting race back into the Constitution with the referendum but omits to mention the racialised provisions that currently exist in the Constitution. Finally, he erects four pillars to match the Yes campaign’s pillars: accountability (in relation to funding allocated to Indigenous areas), education (getting disadvantaged Indigenous children to school), economic participation (which he reduces to Indigenous willingness) and social change (abuse/lateral violence in Indigenous communities).

### **Noel Pearson**

Noel Pearson is an Indigenous Australian from the Guugu Yimithirr Community (NPC, “Noel Pearson’s Address”). He opens by acknowledging the traditional owners and talks about love of Country as something which unites all Australians: “We need to recognise our mutually shared loved for the land.” “Land” should probably be capitalised because he uses it as an Indigenous inspired vision that all Australians can align themselves with and articulate in their own way. He argues the referendum will uphold the Constitution, saying it is constitutionally “safe.” Recognising Indigenous Australians as custodians since “time immemorial” is simply “the truth.” He claims many non-Indigenous Australians do not know Indigenous Australians because they are so demographically few. He refers to New Zealand as the country that has united Māori and Pākehā. According to Pearson, what is missing in Australia are shared narratives. He speaks of Indigenous Australians as having much to contribute if they are given the opportunity and maintains that listening is the premise of success in all areas of cultural exchange. He explains that he has learned “the devastating consequences of wilful deafness.” He uses the specific case of rheumatic heart disease as a preventable disease that disproportionately affects Indigenous Australia. He claims that the failure to reduce this disease among Indigenous Australians is evidence of a failure to listen to First Nations about the solutions and that a yes would change the way in which diseases like this are dealt with. He refers to former Prime Minister Whitlam’s statement that Australia can never heal before its Indigenous peoples are recognised. He explains, “We want our right to take responsibility.” He argues the yes is a middle road to peace away from “confected war” and talks about a path to a “new settlement.” He asserts that, “We can be a beacon of light to the world” in contrast to Mundine’s claim that Australia already is. He says the 97 per cent offer the Australian democratic constitution while the 3 per cent offer “millennial heritage,” thus positing a collaboration around introduced settler colonial governmental institutions and an enduring Indigenous culture. Citing Keating’s Redfern Speech, Pearson says, “We were victims of history but our victimhood ends with our empowerment,” and adds, “The referendum is testing the idea that a nation conceived in the lie of Terra Nullius, a continent empty of owners, can come to a new understanding of who we are.” He identifies three pillars for a nation coming into being, including the millennia old history of Indigenous Australians, the British-derived constitutional democracy and the “multicultural triumph” of recent years. He ends on a note of hope saying, “We can draw a line on the colonial past, because we choose to make it our history rather than our legacy.”

### **Jacinta Nampijinpa Price**

Jacinta Nampijinpa Price is a Warlpiri/Celtic woman (ABC News, “Jacinta Price Addresses”). She opens her address without acknowledging the local traditional owners, but speaks of the first time she appeared before the NPC (alongside Marcia Langton) to address the “scourge of domestic violence in Indigenous communities.” She explains how she disagreed with Langton who warned against drawing a “correlation between domestic violence and traditional culture.” Price claims, “My experience screamed otherwise.” Price here frames Langton’s position as strategic and her own as authentic. She speaks of an unwillingness to sugarcoat what was unpalatable—so causes become singular and objections to singularity is reduced to an unwillingness to listen. Then she moves to link this with racial abuse and vilification directed against herself, because she is a whistleblower on the abuse of children in Indigenous Australian communities. She says it is wrong to divide the nation when it has been growing ever more cohesive. She argues that “our marginalised deserve better than this, they deserve the truth,” yet fails to specify who counts as marginalised and what produces marginalisation. She wields combative accusatory language when she states it is “a lie” to claim Indigenous Australians do not have a voice or are not listened to. She says it is “offensive” to her and other elected representatives that they cannot represent Indigenous Australians but only their constituents. But how can she decide what is offensive to elected Indigenous Australians, when Yes campaigners argue for the Voice precisely because their own voice in parliament is not the same as the Voice? She claims all the Indigenous Australian parliamentary representatives and even Eddie Mabo are examples of nation building and not nation division, a remarkable claim since Mabo made a claim on the basis of Indigenous sovereignty having never been ceded. The Mabo case was at its core about the sedimented nature of division at the heart of the nation. Mabo and others she claims to speak for were rebelling in different ways against racial segregation and settler colonial structural disadvantage. Her vehement denial of any structural component in the disadvantage of Indigenous Australians puts her at odds with a broadly endorsed view in Australian society, but more problematically, places historical Indigenous figures such as Eddie Mabo in a camp where they did not see themselves as belonging. Her argument leaves only one place to ascribe culpability and that is with Indigenous culture itself. More specifically she identifies the problem as a failure of some Indigenous Australians to join the modern Australia she upholds as an ideal society. This also applies to the colonial legacy, when in the Q&A she flatly denies “colonialism has any ongoing impact on Indigenous Australians,” and that “It had positive impact, absolutely. We now have running water and food... Violence in remote communities is the result of young girls being married off to older men.”

### **5. Discussion: The Speakers and the Broader Issue of Treaty and Sovereignty**

How may we envision the terrain covered by the addresses? The divisions in their views are at times stark, even mutually exclusive and openly hostile to each other, and the premise of the conversation about Voice, truth-telling and treaty clearly antagonistic. The Yes campaigners and Thorpe acknowledge the traditional owners, the Ngannawal and Ngambri peoples, linking them with their own tribal backgrounds, while the conservative No campaigners ignore the traditional owners, preferring instead to speak of the vilification they themselves have been subjected to.

The speakers unsurprisingly differ in their position on the Voice, truth-telling and treaty. The Yes campaigners are largely silent on the issues of truth-telling and treaty. While this may be due to well-founded fears of distortion and fear-mongering enabled by a broadening of the discussion, it still exposes their project to accusations of being potentially dangerous, because what follows the referendum is deliberately left open. The rationale is clear: A Yes vote would hinge on negotiations with Indigenous Australians about the way forward and it would depend on the legislative process subsequently in parliament. It feeds into a distrust of politicians and of the genuineness of Indigenous Australian representatives. Ultimately, such reservations also reflect a deep-seated fear in settler colonial Australia. Renegotiating the past reveals dispossession as the driving mechanism of settler colonialism and exposes the continuous attempt to contain the parameters of renegotiation, that is, settler colonialism premises its belonging on the prerogative to rule over Indigenous Australia and its peoples. The suspension of this right entails the collapse of the legitimacy of settler colonial Australia. It is clear from Mundine and Price's fierce defence-attack approach that the legitimacy of settler colonial Australia itself is under attack, but this is also a strategy to make a Yes unpalatable to more voters. Hence even the symbolic recognition of the traditional owners whose land they stand on is impossible for them to utter, despite the fact that 'traditional' can signify original and continuous thus the commitment to land rights is not derived from naming the traditional owners.

Truth-telling and treaty as the logical consequence of the Voice is also simply ignored by Mundine and Price, although Mundine does at least acknowledge the "bad history," where Price in the Q&A stridently defends settler colonialism as unequivocally good for Indigenous Australians. This may be seen as one of the areas that would have prompted Thorpe's view of this No campaign as "openly racist." The same reasoning prompts Thorpe to argue treaty and truth-telling should replace the Voice, because the latter would merely inscribe Indigenous Australians into the settler colonial infrastructure. She sees the Voice as a further step in alienating Indigenous Australians from their rights, not as a step in the direction of rectifying their alienation through recognition in the settler colonial constitution.

The Yes campaign was trapped. On the one hand, they wanted to recognise Indigenous Australians on their own terms, but also as a group whose integration process into the broader Australian community needs to be brought forward. The conservative No campaign offers instead barely masked assimilation and little insight into what Indigenous Australia may offer the rest of Australia. On the one hand, they see the Voice campaign to be orchestrated by questionable Indigenous Australians, using dismissive conservative language, such as "urban elites." On the other hand, they see Indigenous Australians in remote communities as only belonging to the nation to the extent they are prepared to leave traditional culture behind. Paradoxically, they also seem to advocate for remote (that seems to be a poorly masked substitute for 'authentic') Indigenous Australians to define their own future and suggest they are already active in the process of being listened to.

The Yes campaigners do not want to invite people to consider that if the basis of settler colonial Australia rests on the recognition of other people/s as entitled then negotiation can only take place on the basis of dual sovereignty, as Thorpe argues it should. Where they do partially align with Thorpe is in relation to the point that negotiations must deal

with the three aspects—Voice, truth-telling and treaty, although they cannot accept Thorpe's advice to reverse the sequence. This is partially for strategic reasons, as it would be usurped by the other No campaign as threatening inalienable settler colonial sovereignty. This is also because their vision of a future Australia is built on gradually overcoming Indigenous Australian disadvantage in concrete, or practical ways. But sovereignty, whether singular or plural is not ultimately about practicalities—it is a principle and a premise and about socio-political-cultural justice.

The Yes campaign does envisage a future Australia in terms of recognition and a relationship defined also by the interests of Indigenous Australians, but always within a terrain circumscribed by the view that settler colonial Australia can overcome its alien and imposed structure through a renegotiation of the Indigenous Australian presence. All the crises seen in Australia over the last decades are indisputable evidence that settler colonial Australia remains built on avoidance of dealing with existential crises: Climate change, land clearing, mining and other forms of extractivism, all of which impact negatively on Indigenous Australian ways of life, remain off-limits for negotiation. However, Indigenous Australia cannot ignore the off-limit areas, because as Thorpe says, it is anathema to Indigenous Australia's duty of care—to protect Country. An approach that permeates all Indigenous Australian aspects of life. It is a sad irony that settler colonial Australia can also not exist if it continues to ignore the environmental destruction caused by its way of organising society.

Another central aspect of the issue is clearly that of racism and what it does to people. Vitriolic, racist language directed against them is an experience shared amongst Indigenous Australians, yet how the speakers refer to it is markedly different. Mundine and Price speak about racism as an individual experience, and primarily about what they themselves (Mundine also mentions two co-campaigners and Price's mother) have experienced, and see it as part of a broader attack on their campaign. By ignoring the racist experiences of those in other campaigns they privilege a self-victimisation narrative through the denial of any structural element in how racism operates in Australia. Of course, for them, the structural element cannot really exist, once you have decided, in particular in the case of Price, that colonialism was a good thing for Indigenous Australians, and that race is something which the Yes campaign wants to insert into the Constitution (as Mundine argues). Despite her supposed hostility to racism Price does not address the sections referring to race already in the Constitution. Mundine, following a similar line of argument, says that it disappeared with the referendum in 1967, and the rest is an argument over stolen wages, that, as he says, should be returned to the individuals, because they are not "lazy, they weren't bludgers." Yet, stolen wages were directly linked to land rights, most famously in the Gurindji strike ("Wave Hill Walk-Off"). Mundine instead appears to be suggesting the recovery of stolen wages is an argument about deserving individuals, not the result of structural racism.

The problem for Price and Mundine is that to sustain their argument that assimilation is the best way forward, Indigenous Australians need to become the victims of self-oppression, otherwise they would be advocating assimilation into an oppressive society. Simultaneously, Price and Mundine produce a narrative where remote communities are also the victims of both government control and Indigenous city-based elite, though obviously this does not include themselves. For the Yes campaigners, racism is primarily a legacy either of British colonisation or historical settler colonial Australian racism, and

here they waver in their emphasis on its origins. This means that racism is a remnant rather than a continued practice of racial segregation. Yet, the commissions and their reports—*Aboriginal Deaths in Custody* (1991)<sup>10</sup> and *Bringing them Home* (Human Rights and Equal Opportunity Commission, 1997)—<sup>11</sup> speak not primarily to remote colonial history, but to events unfolding through time and up until the moment the reports were composed. As Thorpe points out Indigenous children are removed at an alarming rate today and the deaths in custody continue unabated. Thus, she argues, racism is structural and not vanishing or weakening. This brings her to the point that the Voice is not only wrong because it would arrive before sovereignty has been ceded, but also because it de facto operates as if sovereignty had been ceded—otherwise there would be nothing for non-Indigenous Australians to recognise, because their constitution simply is not Indigenous Australia’s constitution, which has existed “since time immemorial.”

To Thorpe, the Voice proposal is also problematic because the pillars identified by Linda Burney as what the Voice should focus on were already identified in commissioned reports’ recommendations. Why then deal with recognition and Voice when the government already has a mandate from the experts on what to put in place to improve the indisputably appalling record? The Yes campaign would argue that the Constitution needs to recognise Indigenous Australians because it does not, but Thorpe asks why recognition needs to be sought from the settler colonial state and inserted in a settler colonial constitution. Similarly, the Yes campaign also argues there needs to be a Voice architecture, otherwise it will not be possible to ensure that Indigenous voices are actually heard. Yet Thorpe questions whether this does not once again frame the “Indigenous question” from the perspective of government and parliament. Once again Indigenous Australians become responders rather than articulators of their own positions with desires and dreams for a future both with and without non-Indigenous Australia. The conservative No campaign does not even entertain a future. The past is disconnected from the present. The future dies in the present. The present is conditioned by Scott Morrison’s infamous dictum— “nothing to see here—time to move on” (Twomey).

## **6. Conclusion**

This article has examined speeches given by Indigenous Australian leaders at the National Press Club in the months leading up to the Voice Referendum. I have sought to do justice to the issue of the Voice as articulated in the referendum, but also to the broader question of voice as representing different positions on the referendum. I have also sought to do justice to Indigenous Australian voices by presenting the views of different representatives, even as I clearly also have a view of the Voice. This view inevitably appears in the preferencing of some voices over others and also in prioritising some aspects of the Voice over others. This is most clearly seen in my attention to what the Voice might mean and what it might entail for a future Indigenous Australia. It is difficult to see this outside the broader questions implied by the Voice—of representation/representation to reinvoké Spivak, of truth telling and of treaty. Without raising these fundamental questions, a discussion of the Voice referendum can only be a repeat exercise of the past, present and future of Indigenous and non-Indigenous Australia as a flattened landscape, not the hilly, undulating landscape of change through which all societies pass.

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<sup>10</sup> A short summary of the report, its findings and the dismal record of inaction that followed can be found online, see ANTAR.

As the architecture of settler colonial Australia cannot conceive of a future, because it is unable to recognise the consequences of the injustices of its past and their reproduction in the present, settler colonial Australia can also not sustain and nourish itself. However, change will come and it will come harder, if you try to ignore it rather than deal with it and embrace it.

## References

- ABC News. "IN FULL: Indigenous Australians Minister Linda Burney Reveals Key Details on Voice." *YouTube*, 5 July 2023, [youtu.be/iDgCse32mjY](https://youtu.be/iDgCse32mjY).
- ABC News. "IN FULL: Marcia Langton AO on the Indigenous Voice to Parliament at National Press Club." *YouTube*, 6 September 2023, [youtu.be/kkIbnuDKMCg](https://youtu.be/kkIbnuDKMCg).
- ABC News. "IN FULL: Senator Jacinta Price Addresses National Press Club | ABC News." *YouTube*, 14 September 2023, [youtu.be./hrinfhtFDlc](https://youtu.be./hrinfhtFDlc).
- ABC News. "IN FULL: Warren Mundine Addresses the National Press Club Ahead of the Voice Referendum." *YouTube*, 26 September 2023, [youtu.be./JAKzeVw\\_KL4](https://youtu.be./JAKzeVw_KL4).
- ANTAR. "Deaths in Custody." 12 December 2023, [antar.org.au/issues/justice/deaths-custody/](https://antar.org.au/issues/justice/deaths-custody/).
- Behrendt, Larissa. "The Abolition of ATSIC. Implications for Democracy." Australian National University, Canberra: *Democratic Audit of Australia*, November 24, 2005, pp. 1-7, [web.archive.org/web/20130419013515/http://democratic.audit.anu.edu.au/papers/200511\\_behrendt\\_atsic.pdf](https://web.archive.org/web/20130419013515/http://democratic.audit.anu.edu.au/papers/200511_behrendt_atsic.pdf).
- Blak Sovereign Movement. *BSM response to the Yes and No Cases*. [blaksovereignmovement.com/](https://blaksovereignmovement.com/). Accessed 24 October 2024.
- Commonwealth of Australia, National Indigenous Australians Agency. *Indigenous voice co-design process: final report to the Australian Government*. Canberra, 2021, [apo.org.au/sites/default/files/resource-files/2021-07/apo-nid316024.pdf](https://apo.org.au/sites/default/files/resource-files/2021-07/apo-nid316024.pdf).
- Closing the Gap*. 2008, [closingthegap.gov.au](https://closingthegap.gov.au). Accessed 24 October 2024.
- Cronin, Darryl. *Trapped by History: The Indigenous-State Relationship in Australia*. Rowman & Littlefield, 2021.
- Cunneen, Chris. "Riot, Resistance and Moral Panic: Demonising the Colonial Other." University of New South Wales Faculty of Law Research Series, Paper 29, 2008, [law.bepress.com/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1104&context=unswwps-flrps08](https://law.bepress.com/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1104&context=unswwps-flrps08).
- Curthoys, Anne and Jessie Mitchell. *Taking Liberty: Indigenous Rights and Settler Self-Government in Colonial Australia, 1830-1890*. Cambridge University Press, 2018.
- Haebich, Anna. "Forgetting Indigenous Histories: Cases from the History of Australia's Stolen Generations." *Journal of Social History*, vol. 44, no. 4, 2011, pp. 1033-1046.
- Human Rights and Equal Opportunity Commission. *Bringing Them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*. 1997, [humanrights.gov.au/our-work/projects/bringing-them-home-report-1997](https://humanrights.gov.au/our-work/projects/bringing-them-home-report-1997).
- Iveson, Kurt. "'Making Space Public' through Occupation: The Aboriginal Tent Embassy, Canberra." *Environment and Planning A: Economy and Space*, vol. 49, no. 3, 2017, pp. 537-554.
- Jensen, Lars. *Remotely Australian: Environment, Migrancy, Sovereignty, Nation (Re)-building and Rim*. Mt. Hopeless Products, 2022.

- Langton, Marcia, and Tom Calma. "Indigenous Voice Co-Design Process: Final Report to the Australian Government." National Indigenous Australians Agency, 12 July 2021, [apo.org.au/node/316024](https://apo.org.au/node/316024).
- Maddison, Sarah. "Postcolonial Guilt and National Identity: Historical Injustice and the Australian Settler State." *Social Identities*, vol. 18, no. 6, 2012, pp. 695-709.
- Martin, Greg. "Stop the Boats! Moral Panic in Australia over Asylum Seekers." *Journal of Media and Cultural Studies*, vol. 29, no. 3, 2015, pp. 304-322.
- Morse, Callan. "There is Nothing About Us, Without Us." *National Indigenous Times*, 5 June 2023, [nit.com.au/05-06-2023/6239/there-is-nothing-about-us-without-us-national-naidoc-committee-affirms-support-of-voice](https://nit.com.au/05-06-2023/6239/there-is-nothing-about-us-without-us-national-naidoc-committee-affirms-support-of-voice).
- National Museum of Australia. "Wave Hill Walk-Off." [nma.gov.au/defining-moments/resources/wave-hill-walk-off](https://nma.gov.au/defining-moments/resources/wave-hill-walk-off).
- National Press Club of Australia. "IN FULL: Noel Pearson's Address to the National Press Club of Australia." *YouTube*, 27 September 2023, [youtu.be/vOExgOIE\\_Ns](https://youtu.be/vOExgOIE_Ns).
- National Press Club of Australia. "IN FULL: Senator Lidia Thorpe's Address to the National Press Club of Australia." *YouTube*, 18 August 2023, [youtu.be/EN4rMlvD-cY](https://youtu.be/EN4rMlvD-cY).
- National Press Club of Australia. "IN FULL: The Hon Patrick Dodson's Address to the National Press Club of Australia." *YouTube*, 11 October 2023, [youtu.be/KfiuJmc\\_6-w](https://youtu.be/KfiuJmc_6-w).
- National Press Club of Australia. "Propose A Speaker." *NPC*, [npc.org.au/propose-a-speaker](https://npc.org.au/propose-a-speaker). Accessed 24 October 2024.
- National Press Club of Australia. "The Hon Linda Burney MP Minister for Indigenous Australians: Address to the National Press Club of Australia." *NPC*, [npc.org.au/speaker/2023/1182-the-hon-linda-burney-mp](https://npc.org.au/speaker/2023/1182-the-hon-linda-burney-mp).
- Ottley, Brooke. "Contemporary Consequences of the 1967 Referendum." *NEW: Emerging Scholars in Australian Indigenous Studies*, vol. 5, no. 1, 2020, pp. 1-8.
- Slater, Lisa. "Introducing Anxieties of Settler Belonging." *Anxieties of Belonging in Settler Colonialism. Australia, Race and Place*, Routledge, 2018, pp. 1-30.
- Spivak, Gayatri. "'Can the Subaltern Speak?'" *Can The Subaltern Speak? Reflections on the History of an Idea*, edited by Rosalind C. Morris, Columbia University Press, 2010, pp. 21-66.
- Taylor, Penny Skye and Daphne Habibis. "Widening the Gap: White Ignorance, Race Relations and the Consequences for Aboriginal People in Australia." *Australian Journal of Social Issues*, vol. 55, no. 3, 2020, pp. 354-71.
- Twomey, Anne. "'Radical' Morrison's Poisonous Legacy Is more Distrust in Government." *Sydney Morning Herald*, August 23, 2022. [smh.com.au/politics/federal/radical-morrison-s-poisonous-legacy-is-more-distrust-in-government-20220823-p5bc3t.html](https://smh.com.au/politics/federal/radical-morrison-s-poisonous-legacy-is-more-distrust-in-government-20220823-p5bc3t.html).
- Wolfe, Patrick. *Settler Colonialism and the Transformation of Anthropology. The Politics and Poetics of an Ethnographic Event*. Cassell, 1999.
- Wood, Asmi. "Book Review: *Indigenous Australia for Dummies*." *International Journal of Critical Indigenous Studies*, vol. 6, no. 2, 2013, pp. 53-54.

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