

Extract from Hansard

[COUNCIL — Wednesday, 20 September 2023]

p4824d-4840a

Hon Dr Steve Thomas; Hon Stephen Dawson; Dr Steve Thomas; Hon Nick Goiran; Hon Rosie Sahanna; Hon Neil Thomson; Hon Pierre Yang; Hon Dr Brad Pettitt; Hon Darren West

VOICE TO PARLIAMENT

Amendment to Notice of Motion

HON DR STEVE THOMAS (South West — Leader of the Opposition) [1.05 pm]: I seek the leave of the house to move my motion in a slightly amended form, as follows —

That this house —

- (a) supports the importance of the Australian Constitution as the founding document of our nation;
- (b) notes that the Australian Constitution currently treats all Australians as equals;
- (c) supports strong measures to improve the outcomes for Aboriginal people across Western Australia, and
- (d) opposes the federal Labor Party's proposed Voice to Parliament because —
 - (i) enshrining in our Constitution a body for only one group of Australians means permanently dividing Australians; and
 - (ii) it cannot be properly explained by the federal government.

The PRESIDENT: Members, the Leader of the Opposition seeks leave to slightly amend the motion that was on the business program.

Hon STEPHEN DAWSON: President, the motion I have before me is that he seeks leave to move his motion in an amended form. Is that what has happened?

The PRESIDENT: That is what I said. Yes.

Hon STEPHEN DAWSON: I thought you said different words.

The PRESIDENT: The Leader of the Opposition is seeking leave to move his motion in an amended form. Is leave granted?

[Leave granted.]

Motion

HON DR STEVE THOMAS (South West — Leader of the Opposition) [1.07 pm]: I thank the house for its acceptance of the amendment. I move the motion.

It was given to parties in the crossbench yesterday. I hope we can conduct ourselves this afternoon with the dignity that this level of debate deserves. Australians will go to the polls next month on a critically important decision for the future of this nation in a number of ways. However, I have to say the standard of debate around this particular issue has been problematic, with exaggeration and, I guess, almost sections being made up by the extremes of both sides. I hope to bring us back to some fairly basic points today to explain why I think this Parliament and this house should oppose the federal government's intent in this particular regard.

It is not the case that we have not had peak bodies for Aboriginal communities and Aboriginal representation in the past. I will run through a little bit of the history at the start so that people understand what we are dealing with when we get to the referendum and the motion. The first one I could find was the National Aboriginal Consultative Committee, which was introduced in 1973 by the then Whitlam government. It divided Australia into 36 regions, with 36 Aboriginal representatives elected by their own people. Most references say that this was to be a voice to Parliament. It survived for not all that long; it was replaced in 1977 by the National Aboriginal Conference, which was established by the then Fraser Liberal government. There were ultimately 35 representatives on that body. The National Aboriginal Conference continued for some time until things started to go astray in the early 80s. In fact, the replacement of the National Aboriginal Consultative Committee with the National Aboriginal Conference was the work of a Western Australian federal Liberal government minister, Ian Viner. Members may have come across Ian Viner in their interactions. He replaced the National Aboriginal Consultative Committee with the National Aboriginal Conference in 1977, under the then Fraser Liberal government.

That body was ended in the 1980s by, would members believe, the newly elected federal Hawke Labor government. The then new federal Aboriginal affairs minister, Clyde Holding, saw enormous issues with the operations of the National Aboriginal Conference. He was so frustrated with the operations of that body that he appointed an independent investigator to investigate the NAC. The report of the investigation was released in 1985 and recommended the abolition of the National Aboriginal Conference in its entirety, based on the unworkability of proceedings in the years leading up to its establishment.

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There was then no national Aboriginal body for a time and the issue became a little lost until the 1990s, when the Aboriginal and Torres Strait Islander Commission was established. This was still under the Hawke Labor government. It took a while, but that government put in place the new ATSIC body. ATSIC was, again, a body that was supposed to represent the interests of Aboriginal people. It functioned as an advisory body to the government of the day.

ATSIC was abolished in 2005 by the Howard Liberal government, under much controversy, based around the performance of the commission and, particularly, some of its leadership. Some members may remember former Hawke government minister Senator Bob Collins. He was part of a team of three that prepared a report on what was going on in ATSIC. He said, as part of that report, that the organisation had let Aboriginal people down. He was quoted as saying, according to my notes, that —

... looking after Geoff Clark was more important than looking after ATSIC ...

At that point, there were obviously enormous issues around ATSIC. I will not go into details about Geoff Clark; I understand he is facing legal action at the moment in relation to the operations of an Aboriginal corporation in Victoria, the Framlingham Aboriginal Trust. I will not go through a great deal of detail, because there obviously were administrative issues.

After ATSIC was disbanded, a body called the National Indigenous Council was set up by the Howard government in 2004. This was a ministerially appointed body, not an elected body. It did not enjoy great support from Aboriginal communities, but it did exist. Its role was to advise the minister for Indigenous affairs and the Australian government on issues relating to Aboriginal people.

That body continued until 2008, when it appeared to collapse under the Rudd Labor government. We did not then see any great developments in that regard until the National Congress of Australia's First Peoples, which was established in 2010. That was not an elected body as such; there was a membership component. Representatives had to become a member to gain a vote, and tens of thousands of people joined up. That was then defunded by the Turnbull government in 2016. Edith Cowan University did a report on the National Congress of Australia's First Peoples and described it as "the national representative voice for Aboriginal and Torres Strait Islander peoples."

We currently have a body called the National Indigenous Australians Agency. Its website states, in part —

The Executive Order gives the NIAA a number of functions, including:

- to lead and coordinate Commonwealth policy development, program design and implementation and service delivery for Aboriginal and Torres Strait Islander peoples;
- to provide advice to the Prime Minister and the Minister for Indigenous Australians on whole-of-government priorities for Aboriginal and Torres Strait Islander peoples;

There has been a plethora of peak Indigenous bodies. Some collapsed and others were assisted to collapse through a decline in government support, but it is not the case that Australian governments, Liberal or Labor, have not tried to address the issue of Aboriginal disadvantage. The current body gives out grants of \$1.6 billion a year out of its annual budget of \$4.5 million. I note that there is an enormous amount of argument over how much Australia spends on its Indigenous communities and whether it is sufficient. It is difficult to gain an accurate measure. There was a Council of Australian Governments agreement many years ago that the Productivity Commission would produce a report called the *Indigenous expenditure report*. Previous editions of the report were published in 2010, 2012 and 2014; the most recent one was released in 2017. That report is now six years old, and I suspect that federal governments from both sides of politics have decided that it is too embarrassing to print the real story on expenditure and how effective it is because, as we have seen in various reports, despite immense expenditure, Aboriginal disadvantage still exists. There are those who would suggest that additional expenditure on Aboriginal people should not happen. I am appalled at that suggestion. Obviously, we have to spend additionally to try to lift outcomes.

I will run through the 2017 *Indigenous expenditure report*. I will not refer to the whole report, but there are a couple of key points from the executive summary. It states, in part —

- In 2015–16, total direct government expenditure on Aboriginal and Torres Strait Islander Australians was estimated to be \$33.4 billion, a real increase from \$27.0 billion in 2008–09.
- In 2015–16, the estimated direct expenditure per person was \$44 886 for Aboriginal and Torres Strait Islander Australians, around twice the rate for non-Indigenous Australians (\$22 356); a similar ratio to previous years in this Report.

Governments from both sides have spent twice the amount of money per person on Aboriginal and Torres Strait Islander Australians than on non-Indigenous Australians, and that is absolutely appropriate. It should happen so that the best outcomes can be reached. A lot of that expenditure is on normal functioning of government. It provides

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education and health services. That \$33.4 billion of expenditure is not handout money; it is money that is spent to deliver services to lift standards. That is entirely what it is about. There have been some misrepresentations about spending \$30 billion a year on specific things, but that is not the case. It is twice the average of other Australians, but that is a reasonable and fair outcome as long as we are starting to get some results. What is missing in this argument is a discussion of whether we have got the results. There are two questions for the house today: Has the model of an Aboriginal representative Voice, which has previously existed in half a dozen forms, delivered any great or real benefit to the Aboriginal and Torres Strait Islander people of this nation? Has the additional expenditure that was quite rapidly spent for the benefit of Aboriginal people delivered the outcomes that it should have? I think the answer to both of those is no across the board. I think we face the problem that the current federal government is suggesting that there will be a different outcome and a new version of exactly the same thing.

We had a debate on Thursday last week in which I made the comment attributed to Einstein that insanity is defined as doing the same thing repeatedly and expecting a different outcome. I think that is the issue the house faces today. The Constitution of Australia currently treats all people as equals, but if we significantly change that and start to say that there is a difference in treatment, I think we will have a problem. That is not to say that the Constitution of Australia could not recognise Aboriginal Australians as the first Australians. That is not the argument being put forward by the federal opposition. The federal opposition has said it is quite comfortable with that and it would actually hold a second referendum for that particular bit. It is opposed to a body enshrined in the Constitution like the last six bodies that were developed but not enshrined. The problem is that once it is constitutionally enshrined, we cannot do what six governments have done before and significantly alter or remove the body if it becomes a detriment rather than a benefit to the Aboriginal people. Once it is in the Constitution, it will be very hard to shift. Obviously, the comment that it cannot be shifted is not true, but things would have to pass through Parliament for another constitutional referendum to happen. The difficulty of removing it will be as bad as the difficulty of installing it. It is incredibly difficult. The Constitution should treat all people equally and not enshrine a particular organisation in the mode that is being proposed by the current Voice. I think that is probably a huge component of the problem.

I note that I have a very short time frame here, so I will be very restricted in the contribution that I can make. I note that there is a new advertising campaign going on for the Voice. I hope this will be a very respectful debate. I am neither racist nor stupid and I do not think people on the other side are either. I think that we will be able to hopefully conduct ourselves in a better manner than the public debate. I note that the new ad for the Yes campaign is an emotive ad and is cleverly put together. It is authorised by Australians for Indigenous Constitutional Recognition Ltd. It is not authorised by a group such as “Australians for an Indigenous Voice to Parliament”. Nobody is actually opposed to the constitutional recognition bit of the argument. It is incredibly misleading to say that this group is putting forward an argument that is purely about constitutional recognition when it is in fact arguing for something completely different, that is, in my view, highly dangerous. I think we need to watch out. I think it is a good ad. It has a young Aboriginal person speaking. The leading line to pull on the heartstrings is “Will I grow up in a country that hears my Voice?” He continues to ask “Will I live as long as other Australians?” The answer to that is that will depend on how the Aboriginal person engages with the services provided to them. They are provided whether someone is Aboriginal or non-Aboriginal and are additionally provided to Aboriginal people. The question is not whether the services are being provided, it is about how people take up those services. There are some strong individual choices involved in the questions being asked. Living as long as other Australians depends upon as many choices as the individual makes themselves as it depends upon government policy. As we have heard before, governments on both sides are happy to invest significantly more to try to bridge that gap. Living as long as other Australians will depend upon the life choices that the person takes.

The next line is “Will I get to go to a good school?”. Again, I think that the schooling offered across the board by governments to Indigenous and non-Indigenous Australians is generally very good. If the government wants to suggest that Aboriginal people in Western Australia are getting a second rate of schooling compared with everybody else then by all means, but I do not think so. The spokesperson for the government might get up and say, “Well actually, yes, they get a second class of education”, but I do not think that is the case. There are personal choices here to be made about how engaged the person is in their education, whether they see it as critical to building their future, their attendance rate, how they are going and the support that they are getting from their community to engage in the education system currently provided by the Western Australian Labor government.

The next line is “Will I ever be able to learn my people’s language?” I would have thought that largely depends on whether the person’s people will teach it to them. He continues to say “Will I be seen beyond the sports field? Recognised by the decision-makers of our country?” The answer is obviously yes, and that is without having an additional Voice to Parliament enshrined in the Australian Constitution. The answer is yes because every person has their voice heard in what is called a democracy. Democracy is written into the document called the Constitution of Australia. Democracy means that every person is heard. If there are a group of people not heard in Australia, then the Constitution is nonsense. We all get heard and get to vote. The Constitution says that there will be a Parliament and a vote. Everybody gets heard.

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Not only is there a democracy in which everybody gets heard, additional resources go towards making sure that Aboriginal voices are listened to as a part of that. That all exists. However, the Albanese Labor government is trying to insert a difference between people based on race into the Constitution. That is why we should oppose the proposed Voice. I do not care if a person has been here for 60 generations or if they are a first-generation Australian or Western Australian—the Constitution is the thing that empowers everybody to have legal rights and those rights should be held equally. There is a role for people to talk to Parliament and support Aboriginal people, but that is not what is proposed by the Albanese government.

HON STEPHEN DAWSON (Mining and Pastoral — Minister for Emergency Services) [1.28 pm]: I rise this afternoon to make a contribution on the debate on the motion before us and on the upcoming Voice to Parliament referendum on 14 October. It is important to acknowledge that the last referendum that was centred around Aboriginal people was in 1967 when Australians at the time voted overwhelmingly to acknowledge and include Aboriginal people in the counting of our nation's population and to give the Australian government the power to make laws and programs about Aboriginal people. It was a really important milestone in Australia's journey towards reconciliation. This year, many Aboriginal people will vote for the first time in a referendum about them.

Australia's 122-year-old Constitution still does not recognise Aboriginal and Torres Strait Islander people as the First Peoples of this land. The constitutionally protected Voice will give Aboriginal people a direct say in the laws that affect them and will create a pathway for Indigenous Australians to speak directly to the government of the day about the things that work on the ground in their communities.

It is important to acknowledge that although 56 years ago we counted Aboriginal people, we are long, long behind similar countries around the world. In fact, it was in 1840 when the British signed an agreement with the Māori people in New Zealand, the Treaty of Waitangi, and since that time, they have been acknowledged as the First Peoples and the owners of the land. That was 183 years ago, yet in 2023, we are only now having a conversation. We have got more to do.

All state and territory governments support the Australian government to ensure that Australians are afforded a free and fair referendum process. Certainly, the WA government has been happy to come out and strongly support the Voice to Parliament. We are committed to working with the Australian government to make the Voice work and to work with the Australian government on matters that affect or involve local or regional realignment to a national voice.

I want to make it clear that certainly I and indeed my WA Labor colleagues are very proud to support the First Nations Voice to Parliament.

Government members: Hear, hear!

Hon STEPHEN DAWSON: I am very, very proud. I think I can say, collectively, that we think it has been a long time coming. We have a real opportunity to right a wrong on 14 October, which is in 24 days' time.

Our First Nations people have told us that they want more than symbolism. They have told us that they said that that would not be enough. Likewise, I think our First Nations people have asked for substantive recognition and real change. It is important to note that governments have, over past years, been moving to listen more closely to the views of Aboriginal people and rather than government agencies running services or providing services to Aboriginal people, they have been empowering Aboriginal organisations to run services for themselves. A good example of that are the Aboriginal medical services that do amazing work around the state at the moment, providing top-quality health services, GP services and other services to Aboriginal people. It is Aboriginal-led to Aboriginal people. The Aboriginal medical services have been a game changer and a really important step because Aboriginal people are deciding what is best for themselves in this regard and are providing quality services. That has happened in the AMS space and it is happening in other social services spaces at the moment. What we have seen and what we saw during COVID-19 was that those Aboriginal medical services were much more advanced than mainstream services in responding to COVID-19 and in making sure that people were safe and kept safe and alive. In fact, it is a great credit to those Aboriginal medical services, in the regions in particular, that delivered that.

Aboriginal people have told us that they want a constitutionally recognised Voice to Parliament. The call for a Voice has come from decades of Aboriginal activists talking clearly about the need for Aboriginal people to have a say in their programs or the policies and legislation that affect their communities.

The genesis of the Voice to Parliament came about in May 2017 from the delegates at the First Nations National Constitutional Convention that was held over four days at Uluru. Around 250 delegates from around Australia came together and, on the way, consulted with their local people and their communities to come up with a way forward, to try to deal with the social inequities that existed in society, to try to deal with the higher rates of suicide amongst Aboriginal people and to try to deal with issues such as the lower life expectancy of Aboriginal people. They sat.

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They listened. They spoke. They came up with this solution, and that is what the federal government is putting to the people.

The Uluru statement was a Statement from the Heart, and I think we should respect it as such. It was an invitation from Aboriginal and Torres Strait Islander people to walk with them, and I think it was a generous invitation. It is an invitation that I, for one, am very happy to take up because it is an opportunity—not just for well-intentioned white fellas to decide what is best for Aboriginal people moving forward—for us to listen to Aboriginal people. It is an opportunity for Aboriginal people to decide what is best for themselves, and for us to listen and work with them.

I think the change to the Constitution is simple. I think it is fair. I think it is practical. I think it really is a step forward in supporting the self-determination of Aboriginal and Torres Strait Islander people and indeed communities throughout this country. Of course, not everyone will agree on everything and certainly not on all the details, but when it comes to the referendum, I think it can be agreed by all people and by all First Nations people that it is something that needs to be done, and that substantive change must begin.

I think when governments listen to people, they get better outcomes and they use funding more effectively. We have heard in the media, from time to time, and we hear it during this debate, that billions of dollars are spent on providing services in the state or across the country, yet the services do not seem to be turning around those issues of suicide or Aboriginal people living shorter lives than non-Aboriginal people, and so we need substantive change to begin.

The Voice will enable Aboriginal people and Aboriginal communities to have direct input into the matters that affect them in order to deliver better results on the ground, and I do not think anyone could talk against that. We know that the government can have the greatest impact on the issues affecting Aboriginal communities by enabling Aboriginal voices and allowing leadership to sit at the table and be part of the conversation. Certainly, the WA government's support for a national voice builds on our ongoing commitment to work with WA's Aboriginal people for better social, economic, health and cultural outcomes. The WA government is aligned with all Australian states and territories to support a constitutionally enshrined Aboriginal and Torres Strait Islander voice. Following a successful referendum, the Australian government has committed to working with local communities to link the national voice with state voices, state organisations and regional voices through the establishment of local and regional voices. They are investing an initial \$20 million in this critical link to local communities.

Constitutional recognition through a Voice is about two things. It is about recognising and it is about listening. Having been a minister and having dealt with numerous things in my time as a minister, I know how important listening is. If you listen, you get better outcomes. That is what will be an outcome of a successful Voice.

Of course it is important to recognise that for over 65 000 years, Aboriginal people have a shared history and continuous cultural connection to this land, and so I believe that listening to communities leads to better policies and better outcomes. I think establishing a Voice to make sure that we are listening to Aboriginal and Torres Strait Islander peoples on issues that affect their lives is a good thing to do. I think it will pay dividends. Of course, we cannot solve overnight all the challenges that Aboriginal or Torres Strait Islanders face, but we need action now, as well as planning for the long term. That is why we need a Voice, and that is why we need a Voice that cannot be abolished with the stroke of a pen.

The Leader of the Opposition spoke about various incarnations or organisations who spoke for, or purported to speak for, Aboriginal and Torres Strait Islanders previously, but politicians, at their whim, decided that, again, what they thought was best for them was best for them, and they did not always listen to Aboriginal people. What constitutional recognition does and what recognising a Voice to Parliament in the Constitution will do is allow it to stay there and it would need a referendum to remove it. It means that politicians, who might not like the leadership because they are critical or otherwise, could erase it with the stroke of a pen. Including the Voice in the Constitution, will not allow that to happen.

The Leader of the Opposition spoke about the Constitution and Australians being equal in the Constitution, but of course that is not correct because the Constitution already recognises people from states and people from territories and we know that people from territories in Australia have lesser protections and indeed lesser access to members of Parliament, and there are other differences, so there is already a difference in the Constitution.

What the Voice is simply asking for is that the Aboriginal and Torres Strait Islander voice is recognised in the Constitution, because for 122 years, the Constitution has not acknowledged that there were people here before European settlement. This addition will provide recognition in a way that was requested by Aboriginal and Torres Strait Islander peoples. It came from the Uluru Statement from the Heart.

The proposed change to the Constitution says —

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1. There shall be a body, to be called the Aboriginal and Torres Strait Islander Voice;
2. The Aboriginal and Torres Strait Islander Voice may make representations to the Parliament and the Executive Government of the Commonwealth on matters relating to Aboriginal and Torres Strait Islander peoples;

The Voice will have only an advisory role. It will not make or block laws; it will not manage programs. It will not distribute funding. It will only advise the government. I am not sure why anybody can take offence to an advisory body. It will simply give advice to government. Governments will not have to act on the advice. There is nothing in the constitutional changes that say governments, federal or otherwise, have to act on the advice. The changes propose that the Voice be listened to—that they can voice their concerns in the first place, not that the concerns are there to be acted upon. Finally, the proposed change says that —

3. The Parliament shall, subject to this Constitution, have power to make laws with respect to matters relating to the Aboriginal and Torres Strait Islander Voice, including its composition, functions, powers and procedures.

That is, essentially, that the detail of how the Voice works will be determined by the Parliament.

I do not think there is anything here to be afraid of. I think we need to listen to Aboriginal people; listen to those people who were out at Uluru, who made that statement, and act upon it. We have had the Constitution for 122 years, yet we have not made a proper acknowledgement. There is an opportunity for us to do it now. The Treaty of Waitangi in New Zealand acknowledged Māori people in 1840. That was 183 years ago—yet in 2023, we are struggling to do that.

I want to make some other points in terms of this debate. It is disappointing that I do not believe there has been one member of Parliament from the Liberal Party of Western Australia who has said they are in favour of the Voice to Parliament. Of course, that is everybody's —

Hon Darren West interjected.

Hon STEPHEN DAWSON: Anyway, it is up to people to decide for themselves. There certainly have been members of the Liberal Party itself who say they support the Voice. The former foreign minister, Hon Julie Bishop, has been in the media; I saw a story, I think, in *The Australian Financial Review* around 28 August, in which she said —

“I believe that this is an opportunity first to give Aboriginal Torres Strait Islanders their rightful place in the Constitution, but secondly, to give them the right and the risk and the responsibility to come up with policies that will address the problems as they see them and get better outcomes, and I truly believe that this is our opportunity ...

“We’ve done a great deal of research and analysis on the Uluru Statement from the Heart, the yes campaign, the referendum, and we believe that this is an opportunity to get things right ...

I agree with the former foreign minister and former Deputy Leader of the federal Liberal Party. Of course, there are others. I think former Premier Colin Barnett is on the record as saying he supports the Voice. Former Liberal Party leader Julian Leeser, the former shadow Minister for Indigenous Australians, said that although it is not his preferred model, he recognises its value. I attended the rally on the weekend through the streets of Perth, across Matagarup Bridge from the Nicky Winmar statue to East Perth. I saw 10 000 people from across Western Australia participate and show their support. There were undoubtedly members of the Liberal Party, or Liberal Party voters, there on the day. It is disappointing that there are no current leaders in this state, Liberal Party MPs, who have come out.

I draw honourable members’ attention to the change that was made under the Barnett government to the Western Australian Constitution in 2015. It was changed to state —

And whereas the Parliament resolves to acknowledge the Aboriginal people as the First People of Western Australia and traditional custodians of the land, the said Parliament seeks to effect a reconciliation with the Aboriginal people of Western Australia:

That acknowledgement does not divide the Western Australian community. The change was brought before the Parliament by the member for Kimberley at the time, Josie Farrer, MLA. I was a member of what was then, “Her Majesty’s opposition”. I was certainly on the opposition benches, but I had carriage of the issue through the Parliament in here. It was to the credit of Hon Colin Barnett and Hon Michael Mischin and others that allowed the debate to happen. Members in this place, including current members, voted on that. We now recognise Aboriginal people in our state Constitution and the sky has not fallen in. I do not believe the sky will fall in if we recognise Aboriginal and Torres Strait Islanders in the Australian Constitution. We have a great opportunity to right some

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wrongs. We have a great opportunity to be on the right side of history. I would urge this Parliament to support the referendum on 14 October.

Amendment to Motion

Hon STEPHEN DAWSON: With that, I move to amend the motion as follows —

- (1) In paragraph (b) — To delete “currently treats all Australians as equals;” and insert —
does not recognise Aboriginal and Torres Strait Islander peoples;
- (2) To delete paragraph (d) and insert —
 - (d) supports the proposed Voice to Parliament because —
 - (i) it recognises Aboriginal and Torres Strait Islander people in our Constitution; and
 - (ii) it provides a framework for consulting with, and improving outcomes for, Aboriginal and Torres Strait Islander peoples.

The PRESIDENT: The minister has moved that the words to be deleted be deleted. I will allow an opportunity for the amendment to be distributed around the chamber.

Point of Order

Dr STEVE THOMAS: Thank you, President. I might seek your ruling because it would appear to me that the amendment moved by the Deputy Leader of the House has provided a complete reversal of the original motion. In the proposed amendment (2)(d), he has shifted from “opposes the proposed Voice to Parliament” to “supports”. If that is not a direct negative of the motion before the house, I am not sure how somebody would define what a direct negative is. I therefore ask for your ruling on whether that is a complete negative of the motion.

The PRESIDENT: Members, I do not agree with the first part of the point of order that the amendment is a direct negative. The interpretation of a direct negative is that it completely removes the wording, and there are a number of previous rulings in this chamber in relation to that matter. The important point is that the amendment moved by the Minister for Emergency Services seeks to exchange something in the motion that is on the same subject. Therefore, there is no point of order. The question is that the words to be deleted be deleted.

Debate Resumed

HON DR STEVE THOMAS (South West — Leader of the Opposition) [1.50 pm]: In the very brief time I have available to me, I accept that there is a precedent for the ruling. That does not mean that I have to like it, but it exists. There is no doubt that changing a motion from opposing it to supporting it makes it immensely problematic. I fully expected the government to try some sort of stunt in this debate. It is a shame that we have got to this point. This was a civil debate until that point. I listened respectfully and without comment to the minister’s position, and I fully expected him to hold that position. I thought that up to that point we had held a pretty reasonable debate. Obviously, now we will go through something of a farce of a process. Is it worth the opposition debating something in these circumstances? I think it is pretty tough. It is pretty hard. During what I thought was a positive environment—it is not Thursday—we were trying to make this a reasonably positive exchange of views. We have seen once again that that is not possible. The opposition can put forward a proposal that reflects its position, but to have it changed in the way that the government has proposed undermines the argument and the respect that there should have been across the board. It might surprise the government to learn that people are allowed to have a different opinion, and that opinion should be respected. It might surprise the government to know that not everybody who is opposed to the imposition of a constitutionally enshrined Voice to Parliament are racists and stupid.

Hon Darren West: Correct, but you are voting with them.

Hon Dr STEVE THOMAS: There are some interesting people who vote for Labor as well on occasions. The party does not control every person. I started my contribution by saying that there have been misrepresentations on both sides of this argument. I have tried to take a very sensible approach to this. In my contribution today, I specifically said that I do not endorse those people who are probably racist who object to the expenditure on Aboriginal people above and beyond non-Aboriginal Australians. I think that is reasonable. I am happy that we teach some of the terrible things that have been done to Aboriginal people as part of history these days. Some horrible things were done. There were events going back 100 years that looked a lot like ethnic cleansing at the time. Terrible things occurred, but that does not excuse the government today hijacking what was a sensible and civil debate with the stunt it has pulled. I think that reflects badly upon the government and poorly on what was, until that point, a very sombre and sensible discussion. If that is the standard that the government is now going to put in place for serious moral debates like the one we are currently having, it is difficult to see why the opposition should

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take the government seriously. I think this is a stunt. This was unfortunate. This could have been a debate when two different sides of the argument expressed themselves civilly and politely.

Hon Shelley Payne: You still can.

Hon Dr STEVE THOMAS: No. The government has destroyed that with an unnecessary stunt. It is a shame for the Parliament and for the Legislative Council of Western Australia that we have got to this point.

Point of Order

Hon NICK GOIRAN: Is it open to members to amend the amendment?

The PRESIDENT: Yes.

Amendment on the Amendment

HON NICK GOIRAN (South Metropolitan) [1.54 pm]: In which case, I move —

To insert after paragraph (d)(ii) —

- (iii) Premier McGowan twice refused to provide Parliament with the briefing note he received on the proposed Voice;
- (iv) Premier McGowan has broken the law of Western Australia by failing to give notice of this refusal to the Auditor General; and
- (v) replacement Premier Cook has compounded his predecessor's breach of the law by choosing to keep this information hidden from the Parliament, from a parliamentary inquiry and from the people of Western Australia.

The PRESIDENT: Order, members! We are simply pausing for the attendants to circulate the amendment. If you wish to have a conversation, please take it outside.

The question is that the words to be inserted be inserted.

Hon NICK GOIRAN: I have been inclined to move this amendment on the amendment presently before the house in light of the moves by the government to seek to substantially alter the motion put forward by the Leader of the Opposition. I acknowledge that that is the right of the government to do, as it is my right now to move this amendment to the amendment. By way of explanation, there are three limbs to the amendment. The first refers to the former Premier of Western Australia twice refusing to provide Parliament with information he received about the proposed Voice. We know that this information exists. This matter has been inquired into by the Standing Committee on Estimates and Financial Operations. We know that in February this year, that information on the proposed Voice was provided to the then Premier of Western Australia, Mr McGowan. We know that Mr McGowan refused to provide this to Parliament via question time on not one but two occasions. We know that the former Premier, Mr McGowan at the time, when he had the opportunity, never provided notice to the Auditor General or the Parliament about his refusal to do so, contrary to section 82 of the Financial Management Act. We know that the new Premier, Mr Cook, has compounded this by his response to the Standing Committee on Environment and Public Affairs. I quote from the letter from the Premier, Mr Cook on 29 June this year —

Dear Mr Foster

Thank you for your letter of 15 June 2023 relating to the Standing Committee on Environment and Public Affairs (Committee) consideration of Petition No. 088.

I note the content of the petition and advise that the Western Australian (WA) Government has no comment to provide.

Such is the contempt and arrogance of the replacement Premier, Mr Cook, that when some 7 489 Western Australians put their name to a petition that has been inquired into by Hon Peter Foster's committee, he simply says that he has no comment to provide. Members may ask what petition that was. It was as follows —

We the undersigned...

1. Are concerned that Premier McGowan has twice this year refused to provide Parliament with the briefing note he received about the proposed "Voice";
2. Recognise that every Western Australian, including the Premier, is at liberty to campaign in favour of or against changing the Australian Constitution to establish an Aboriginal and Torres Strait Islander Voice, if they so wish;
3. Remind the Premier, however, that he, promised that his Government would adhere to a "gold-standard" of transparency;
4. Consider the Premier's readiness to support the Voice whilst keeping documents secret from Parliament, a gross breach of his promised standard of transparency;
5. Acknowledge that although the Premier last year gave evidence in court that "gold-standard transparency doesn't apply to every ... thing you do", this national debate on a change to our Constitution deserves that standard to be applied and not ignored;
6. Call on

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the Premier to deliver to Parliament, within 14 days of this petition being tabled, all briefing notes and similar documents he received on the proposed “Voice” prior to him making his public declaration of support; 7. Request the Legislative Council examine those documents expeditiously and determine if there is any fair reason why they should not be made public so that all Western Australians might be privy to the same level of detail about the proposed constitutional amendment before making their informed decision later this year.

Time is of the essence. People will cast their vote by no later than 14 October and it is still the case that the McGowan government and the Cook government kept these documents secret.

HON DR STEVE THOMAS (South West — Leader of the Opposition) [2.01 pm]: Thank you, President, for the opportunity to speak to the amendment on the amendment, moved by Hon Nick Goiran. We have gone down this path because once we start down the stunt path it is very hard to pull back out, is it not, guys? I think the government has started us down a path that it does not like.

Several members interjected.

The PRESIDENT: Order! I would encourage members to continue with the debate in the orderly manner in which it started out.

Hon Dr STEVE THOMAS: Thank you, President. They are very sensitive at the moment given where we are, and I understand that. Once you start down the stunt path, it is very difficult to divert from it.

The amendment moved by Hon Nick Goiran refers to the integrity of the McGowan government. I think this is critically important. What is the McGowan government hiding in the advice it received about the Voice? Surely if that advice came back and said, “There are no issues here” and it supported the position of the federal Labor Party, it would have been a public document months ago; it would have been released. The Deputy Leader of the House; Minister for Emergency Services has been reassuring us that there is no issue here. I will have something to say about his contribution at the end of the debate. The issue is that there are many conflicting opinions. I note that in his response, the Minister for Emergency Services said that Aboriginal people want the Voice to Parliament. Guess what, minister? Not all of them do.

Hon Stephen Dawson: Eighty-six per cent do.

Hon Dr STEVE THOMAS: Not all of them do, minister. The minister said Aboriginal people want this. Not all of them do. There is room for dissenting voices within the Aboriginal community, and there should be room for dissenting voices everywhere, except, apparently, in the Legislative Council of Western Australia!

There are many conflicting opinions on this, including highly valued legal opinions that suggest that there are potential problems in the enshrinement of a Voice to Parliament and executive government in the Constitution. There are significant, legitimate concerns from eminent legal minds, not just in Western Australia but across Australia, including those in Western Australia. If this government had no concerns and received advice that said there were no concerns, why would it not table a piece of paper that says that there are no concerns? We suspect it is because there are concerns. It is probably not, as the minister has represented, this glowing reference of “nothing to see here”. I would imagine it received advice that said, at the very least, there are potential impacts and that somebody should perhaps explore the potential impacts. Is that what is written in the document? Has cabinet looked at it and seen that there are potential impacts and decided it will not tell Parliament that, and not answer the questions of my friend Hon Nick Goiran? “We will not tell the people of Western Australia that. We’ll keep that hidden.”

Do not forget that this government promised gold-standard transparency. This is a government that has failed to deliver it yet again. If there is no issue in the advice received by the government, why does it not say so and put it out for everybody to read? Or is it the case that there are potential impacts that the government does not want anybody to know about until well after the event occurs? What is the government hiding? If the amendment from the government is to be supported by the house, surely the amendment from Hon Nick Goiran is equally supportable, because it is simply asking the government for a bit of honesty and transparency, for it to do what it said it would do in 2017 and provide gold-standard transparency. Once again, we find ourselves here in Parliament with a government that is prepared to obfuscate. When the message does not meet what the government wants, it hides, and in its hiding, it gets angry. We have seen that expression of anger in a debate that started out so well, in a debate that started out with respect and in which each side was listened to respectfully. That seems to have disappeared with the stunt pulled by the Minister for Emergency Services. That is a shame. We should support this amendment, because we should demand just a little accountability and transparency from the now Cook Labor government. We seem to be unable to get any of that.

Division

Amendment on the amendment put and a division taken with the following result —

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Ayes (5)

Hon Steve Martin
Hon Tjorn Sibma

Hon Dr Steve Thomas
Hon Neil Thomson

Hon Nick Goiran (*Teller*)

Noes (22)

Hon Martin Aldridge
Hon Klara Andric
Hon Dan Caddy
Hon Sandra Carr
Hon Stephen Dawson
Hon Kate Doust

Hon Sue Ellery
Hon Lorna Harper
Hon Jackie Jarvis
Hon Ayor Makur Chuot
Hon Kyle McGinn
Hon Shelley Payne

Hon Dr Brad Pettitt
Hon Stephen Pratt
Hon Martin Pritchard
Hon Samantha Rowe
Hon Rosie Sahanna
Hon Matthew Swinbourn

Hon Dr Sally Talbot
Hon Darren West
Hon Pierre Yang
Hon Peter Foster (*Teller*)

Amendment on the amendment thus negatived.

Division

Amendment (deletion of words) put and a division taken with the following result —

Ayes (21)

Hon Klara Andric
Hon Dan Caddy
Hon Sandra Carr
Hon Stephen Dawson
Hon Kate Doust
Hon Sue Ellery

Hon Lorna Harper
Hon Jackie Jarvis
Hon Ayor Makur Chuot
Hon Kyle McGinn
Hon Shelley Payne
Hon Dr Brad Pettitt

Hon Stephen Pratt
Hon Martin Pritchard
Hon Samantha Rowe
Hon Rosie Sahanna
Hon Matthew Swinbourn
Hon Dr Sally Talbot

Hon Darren West
Hon Pierre Yang
Hon Peter Foster (*Teller*)

Noes (6)

Hon Martin Aldridge
Hon Steve Martin

Hon Tjorn Sibma
Hon Dr Steve Thomas

Hon Neil Thomson
Hon Nick Goiran (*Teller*)

Amendment thus passed.

The PRESIDENT: Members, the question now is that the words to be inserted be inserted.

Point of Order

Hon Dr STEVE THOMAS: President, can I just check that all the words to be inserted are being inserted in the one question?

The PRESIDENT: Yes, correct.

Hon NICK GOIRAN: Just for clarity, we have just had the question that “the words to be deleted be deleted”. I understand that to mean the deletion of the words “currently treats all Australians as equals;”. Does that question that has just been resolved in the affirmative also include the deletion of paragraph (d)?

The PRESIDENT: Honourable member, the amendment motion was moved as one, but the questions that are put to the house split the amendment into two, so the first question was about deleting those parts of the motion as put before the house. The second question is to insert the words —

does not recognise Aboriginal and Torres Strait Islander peoples;

And to insert —

- (d) supports the proposed Voice to Parliament because —
- (i) it recognises Aboriginal and Torres Strait Islander people in our Constitution; and
 - (ii) it provides a framework for consulting with, and improving outcomes for, Aboriginal and Torres Strait Islander peoples.

Hon NICK GOIRAN: President, further to the point of order —

The PRESIDENT: The process for dealing with the amendment is consistent with standing order 88. It is consistent with every other way in which amendments have been dealt with before this house. There is no point of order. The question —

Hon NICK GOIRAN: I have a further point of order. President, I am happy for this to be taken up on another occasion if you feel that would be appropriate. I want to draw to your attention, President, that, in effect, by virtue of this process, a member is then unable to hold a differing view with regard to the different deletions. The question that was before the house or the amendment that has been moved by Hon Stephen Dawson seeks to delete

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two things. One is to delete the words “currently treats all Australians as equals;”. A member may have a view for or against that.

Secondly, it seeks to delete paragraph (d), on which a member may have a different view. In other words, a member may want to have some words deleted but not others, and that is not possible in line with this process. I do not intend to hold up the house on this any further, but the same point applies to the insertion of the words whereby a member might feel they can support the insertion of—

does not recognise Aboriginal and Torres Strait Islander peoples;

But does not support the insertion of—

(d) supports the proposed Voice to Parliament ...

I draw that to your attention, perhaps for consideration at another stage.

The PRESIDENT: Thank you, honourable member. There is no point of order. The amendment conforms with standing order 88 and the opportunity for members to choose to debate those parts of the amendment arose when the question “the words to be deleted be deleted” was put.

Debate Resumed

The PRESIDENT: The question now is that the words to be inserted be inserted.

Division

Amendment (insertion of words) put and a division taken with the following result—

Ayes (21)

Hon Klara Andric	Hon Lorna Harper	Hon Stephen Pratt	Hon Darren West
Hon Dan Caddy	Hon Jackie Jarvis	Hon Martin Pritchard	Hon Pierre Yang
Hon Sandra Carr	Hon Ayor Makur Chuot	Hon Samantha Rowe	Hon Peter Foster (<i>Teller</i>)
Hon Stephen Dawson	Hon Kyle McGinn	Hon Rosie Sahanna	
Hon Kate Doust	Hon Shelley Payne	Hon Matthew Swinbourn	
Hon Sue Ellery	Hon Dr Brad Pettitt	Hon Dr Sally Talbot	

Noes (6)

Hon Martin Aldridge	Hon Tjorn Sibma	Hon Neil Thomson
Hon Steve Martin	Hon Dr Steve Thomas	Hon Nick Goiran (<i>Teller</i>)

Amendment thus passed.

Motion, as Amended

HON ROSIE SAHANNA (Mining and Pastoral) [2.21 pm]: I stand to support the amended motion, and I support the proposed Voice to Parliament, as it will recognise Aboriginal and Torres Strait Islander people in our Constitution. It will also provide Aboriginal people with the opportunity to be listened to and to provide recommendations on policies that affect them. The Voice will remove the concept of consulting with Aboriginal people as an act of tokenism and will instead reframe this consultation as a commitment that is embedded within a constitutional framework.

What some honourable members fail to acknowledge is that the Voice is being asked for by Aboriginal people; whether it is a majority or a minority, it is being asked for by Aboriginal and Torres Strait Islander people. It might be the federal Labor government that is implementing the referendum on the Voice, but do not for a second think that this is a party political issue, because that is the very last thing it should be. The Voice has been proposed by Aboriginal and Torres Strait Islander people as the best solution for responding to overwhelming disempowerment and disadvantage. I doubt there is anyone in this chamber who would stand here and say that disempowerment and disadvantage does not exist for Aboriginal people, so why is it that there are people in this chamber who will stand and say no to finally giving Aboriginal and Torres Strait Islander people a voice?

I will not speak on the referendum because Minister Dawson already spoke on it and I do not want to repeat what he said.

On 14 October 2023 all Australians will be asked to stand together again. The last time we all stood together was in the 1967 referendum, but on 14 October we will vote for Aboriginal people to be recognised and counted, again; to be listened to, again; and to give our people the right to have a say in the decisions that shape our lives and that are made in response to the issues that our people face—and I say “our” people, because I am an Aboriginal person, first and foremost. No-one knows the issues and challenges, and the changes that are needed for ourselves, but us. We will certainly and absolutely get better outcomes for our people—or, I should say, my people—when we ourselves have a direct say in the issues and solutions that directly affect our lives.

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As far as I am concerned, this is a modest reform. We are being asked to vote on forming a federal advisory board with the intent of that body representing Aboriginal people by informing and consulting with the government on matters that directly impact us. The advisory body cannot invalidate laws or override any existing powers of Parliament, meaning that the government will not be forced to follow the advisory body's advice. We are just asking to have the opportunity to be listened to, again. We have had 235 years of not being listened to, and 122 years of not being part of the Constitution. If that is not long enough, tell me differently.

I asked myself: where is the fear and uncertainty coming from? Those who are saying no to the Voice need to ask yourselves: what are you voting for, if you are voting no? You are voting for no change, or no changes. We cannot just keep doing what we have been doing for years and hope that the outcomes will be different, because they will not be, if we do not have this Voice. A vote for no will mean more of the same: the same policies and the same decisions that are not made by Aboriginal people. More of the same policies, more of the same gaps, and more disadvantage for Aboriginal and Torres Strait Islander people.

It is time for us to recognise the value of listening, and that is the key word: listening to Aboriginal people. How are we ever going to close the gap between Indigenous and non-Indigenous Australians on issues such as health, education, school attendance and even life expectancy, if we are not listening to the right voices?

I will talk about Hon Dr Steve Thomas's comments about the little boy in the ad. The statement made by Hon Dr Steve Thomas baffled me, when he referenced a recent Yes23 ad featuring a small boy asking if he is going to grow up in a country where he will live for as long as other Australians. The honourable member suggested that that would depend on that little boy's outcomes and life choices. I have lived in the Kimberley my whole life, and as someone who has seen firsthand the systemic disadvantage that Aboriginal people face, especially young Aboriginal people, I do not understand why I need to stand here and explain, in infinite detail, why that statement is easier said than done.

It is easy for people to say, "Why don't Aboriginal people take up the opportunities given to them?" We have discussed many times that there is no one solution for solving issues such as youth disengagement or disadvantage. That is why the Voice is so important. It is about recognising the issues and listening to Aboriginal and Torres Strait Islander people on how we can start to get better outcomes for ourselves.

When we are listened to in the formulation of policies and decisions that affect us directly, it makes a difference. For example—Minister Dawson spoke about this—the COVID-19 pandemic started in 2020. I can only speak for the Kimberley, but the Aboriginal health organisations across the Kimberley region took very strong pre-emptive action to work together to prevent devastating effects on remote Aboriginal communities by directly engaging with federal and state governments and local remote Aboriginal communities. This is a strong example of what the self-determination of Aboriginal people can achieve. The response to COVID-19 in those remote communities was led by land councils, Aboriginal health organisations and Aboriginal communities and people themselves. When governments respect self-determination, listen and give Aboriginal communities the resources to address challenges they face, outcomes are achieved.

Another example is the *Bringing Them Home* report, tabled in 1997 on the forcible removal of Aboriginal children from their families. Significant outcomes were achieved from the recommendations detailed in this report, including the national apology to the stolen generation and their families, a national scheme for healing services and funding for Indigenous agencies to record the history of the stolen generations. The government listened to the *Bringing Them Home* report and established good outcomes—but it does not end there. A lot more work still needs to be done. More decisions are needed at both the state and national level, and Aboriginal people need to be consulted on these.

I think a lot of people have on their mind—or maybe do not know—the impact past policies had on Aboriginal people. The Aborigines Act 1905 is just one of them, which removed kids of mixed race from their parents. That is very close to me, because my dad and maternal grandmother were taken away. This legislation is an example of why the Voice is important, so that we can have a say in decisions and policies that are made for and affect us. By having a stand and standing together, we have a good chance of making sure that policies such as the Aborigines Act 1905 never happen again. We cannot change history, but we can learn from mistakes in the past to ensure that they do not happen again.

I am sure members sitting here heard Senator Jacinta Nampijinpa Price's comments last week on the Voice to Parliament. We have all heard her comments on the Voice. I believe everyone on both sides of the referendum has the right to be heard, but when a senator stands in federal Parliament and states there is no ongoing negative impacts of colonisation on Aboriginal people, I stop listening. She has no idea. She has no clue what she is talking about. Statements like that deny the experience of many Aboriginal families who continue to experience trauma and pain as a result of colonisation. We should not be silencing the voices and stories of Aboriginal and Torres Strait Islander people who speak of the ongoing trauma from past policies. It is time for us to listen to Aboriginal people when forming policies so this trauma does not continue. Simply denying that the trauma exists solves absolutely nothing.

Hon Dr Steve Thomas; Hon Stephen Dawson; Dr Steve Thomas; Hon Nick Goiran; Hon Rosie Sahanna; Hon Neil Thomson; Hon Pierre Yang; Hon Dr Brad Pettitt; Hon Darren West

Jacinta Nampijinpa Price's statements open the door to ending the formation of policies such as the Closing the Gap targets that specifically address the disadvantages Aboriginal people face. According to Senator Jacinta Nampijinpa Price, any gaps faced by Aboriginal people must be the result of them not taking advantage of the opportunities provided to them by colonisation. I honestly cannot fathom that logic.

For decades, Aboriginal people were deliberately and cruelly excluded from the Constitution and had their rights completely withheld. Enshrining the Voice is about including Aboriginal people in the governance of this country. We have been talking for 65 000 years, but now someone might finally listen. This will be a historical moment in a long and challenging journey towards reconciliation—a defining moment of a profound united nation when injustices of the past can start to be put right.

History is calling us, so we better make sure we answer in a way that unites us all as Australians, and makes us feel proud of our decisions. We better make sure we create history instead of repeating it. I listened to Hon Dr Steve Thomas's statistics bringing up the past. As far as I am concerned, the past is water under the bridge. He has to get past that. He can call on all the stats he wants, but it does not make any difference. It is about what happens today. It is about what is going to happen on 14 October. I am really disappointed in Hon Dr Steve Thomas.

I will allow others a chance to speak on this, but I end on saying that if we change nothing, nothing changes. Not listening to Aboriginal people for 235 years has clearly not worked. It is time we all start listening. It is a simple request: Aboriginal people are asking for their opinions to be heard when policies that affect them are formed. Please do not say no to us. Have a heart. I firmly believe there are many good people out there who will come on Saturday, 14 October and vote yes. Thank you, President.

HON NEIL THOMSON (Mining and Pastoral) [2.36 pm]: I rise to speak against parts of this motion. I would have spoken for the motion had it not been amended by the government with its numbers. I reflect on the numbers of the vote and in terms of —

Hon Pierre Yang interjected.

The PRESIDENT: Order!

Hon NEIL THOMSON: I reflect on how the numbers of the vote reflect the current polls across Western Australia, because I think there is a problem in the way the Prime Minister has gone about the Voice and how he has used it as a process for his own political advantage. I do not think it has been done in good faith. I outline my reasons why. The goodwill that resides and has resided in our community for a long time could have been a victory for the recognition of Aboriginal and Torres Strait Islanders in our country. I say this in part because I very much doubt this referendum will succeed—I would be very surprised—but I am certain that if a simple question had been put before the people of Australia, there would have been an incredibly unifying moment in which 90-odd per cent of the community supported it. I am certain that even if the Prime Minister thought that the idea of a consultative process or structure of governance called the Voice had the capacity to consult or refer to the executive and Parliament, if it was established, it could easily be done through the legislative process. It could have been a potential road test for the people of Australia to see how it worked and whether it actually resulted in the outcomes being claimed. The problem is that we have seen—I believe in very disingenuous ways—a morphing of these issues into one. I very strongly support the recognition of Aboriginal people and Torres Strait Islanders in our Constitution. I very strongly support better outcomes on the ground for Aboriginal people in health, education and development, and economic outcomes. I will continue to come to this place to speak about the huge problem of rheumatic heart disease in our regions and the under-enrolment of kids at school. I will continue to do that, regardless of what anyone else says and regardless of the factional powerbrokers of the Labor Party and the fighting that goes on between the Maritime Union of Australia and the Australian Manufacturing Workers' Union in my region about who should represent the Kimberley. This is the kind of stuff that goes on in the back blocks of the Labor Party. That is the worry.

The people of Australia are not stupid. I want to digress just a moment because the Minister for Emergency Services came into this place and talked about the treaty in New Zealand. Talk about airbrushing history and the simplistic kind of arguments that are put! The issue is that people should know the history.

Hon Pierre Yang interjected.

Several members interjected.

Point of Order

Hon Dr STEVE THOMAS: I am struggling to hear Hon Neil Thomson. Hon Pierre Yang is incessant with his interjections. I suggest that we try to retain in the chamber some of the dignity that has been thrown out.

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The PRESIDENT: There is no point of order, Leader of the Opposition. I have been attempting to chair the Parliament in a fair and clear way. I also suggest that members need not provoke interjections, as well.

Hon STEPHEN DAWSON: President, I appreciate your guidance, but I think if members made their contributions to you and did not drag others into the debate, it would be a much more harmonious debate this afternoon.

The PRESIDENT: There is no point of order. I encourage all members to treat this debate with fairness.

Debate Resumed

Hon NEIL THOMSON: Thank you, President. I make the point that simplistic arguments will not win over the Australian people. People do read history and understand it. On the point of the treaty in New Zealand, the colonial past had both good and bad. Lieutenant-Governor Hobson struck a treaty in New Zealand, and a series of land wars followed. A series of processes in the 1990s led to the ratification of the treaty and land redistribution. That debate is still ongoing in New Zealand. It is no different from Australia. At the time in Australia, Governor Gipps, the Governor of New South Wales, fought the rapaciousness of squatters. He was the Governor responsible for the establishment of pastoral leases, which underpinned the Wik decision, that enabled the clarification of the non-exclusive possession of pastoral leases. These matters of law were established back in colonial times. They are not necessarily all bad, but neither are they all good. All I am saying is that the points made by the honourable member are simplistic. People are not stupid. In fact, to say so —

Several members interjected.

Hon NEIL THOMSON: Right now, 61 per cent of Western Australians have grave doubts and, according to the polls, they would vote no if asked today. We saw 78 per cent of this place voting yes. I would never reflect on this place in the way that the Prime Minister reflected on the Senate when he called that place something that I will not repeat. In this place, we should be representing our communities and listening to what the people are saying.

Several members interjected.

Point of Order

The PRESIDENT: Hon Pierre Yang, I have not given you the call yet. Could you just wait until you are given the call.

Hon PIERRE YANG: Absolutely.

The PRESIDENT: Hon Pierre Yang, on a point of order.

Hon PIERRE YANG: Thank you, President. I have listened to Hon Neil Thomson intently. Clearly, what he was trying to allude to between the vote of this Council, moments ago, and the polls in the community is a contravention of standing order 41, “Reflections on Vote of Council”. I ask, President, that the member be reminded not to contravene standing orders.

The PRESIDENT: There is no point of order. I will invite the member to come back to the terms of the amended motion.

Debate Resumed

Hon NEIL THOMSON: I think it is really important to understand the sentiment in the community as we cut to the terms of the motion and why I am not supporting it. The concerns and anxieties of the community reflect an underlying problem that has been put in place by the Prime Minister. We saw the Minister for Emergency Services’ simplification when he referred to the constitutional convention at Uluru. That was a perfectly fine process. I am sure it was important, but we saw that the Prime Minister has decided not to go down the normal process.

The people of Australia are very protective of their Constitution and know that their Constitution has held them in good stead and enabled wonderful outcomes like the 1967 referendum. It enabled the wonderful outcomes that we have seen over the transition of time as we have gone forward. The people do not want to change the fundamental nature of our parliamentary democracy. The people of Australia were willing to entertain the idea of a Voice, as I was, but we have seen a successive series of processes that have raised the concerns of the Australian people because they do not seem to be authentic. There seems to be something else driving this.

Over time, we have seen an amazing shift in the polls, which I think might be completely unprecedented. In June 2017, 76 per cent of people, according to the Essential poll, supported the idea of the so-called Voice to Parliament. That peaked in July 2022, not that long ago, when on a binary choice 82 per cent chose to support it when asked. Once the matters were presented, we had the problem because of the way in which the Prime Minister went about it.

I think that is also reflective of some of the processes we see here today; it is the way the government has led the process to amend the motion, the complete disparity in the presentation of our thoughts here and the processes we

see in the thoughts we have in the community. Some of the debates the Minister for Emergency Services presented were very reflective of some of the debates that were put when the opposition had an open mind about the Aboriginal heritage act. It was the same thing, but again we saw the government going about it in the wrong way. It rammed the process through using the urgent bill provisions and in a way that would neither cultivate the confidence of the people of Western Australia nor build the confidence of the opposition—even though, at the time, we in good faith did not oppose that bill. This is the same journey, folks, as the process we see with the referendum. Goodwill has then been exercised in a way that does not actually relate to reality.

That is where the people of Australia have an amazing radar. The people of Australia can see when people are not being authentic. I make a prediction here today that regardless of whether this motion is supported or whether we agree that the motion provides a frame to consult with, and improve the outcomes of, Aboriginal and Torres Strait Islander people—there are legitimate question marks on whether the Voice will actually do that, but everybody in this place believes it has the intent to do so—this motion will be defeated and that is an extremely sad thing. It will mean that the other part of this motion, which supports a Voice for Aboriginal and Torres Strait Islanders in our Constitution, will get put back years, if not decades.

For members who were around for the republic debate, this debate is really reminiscent of that. I think John Howard’s process was outstanding. John Howard’s process was a constitutional convention. I have shared in this place, potentially to my detriment, that I supported making Australia a republic. I voted for it because I think we should have an Australian head of state. The underpinning problem is that the people rightly chose not to have Australia become a republic. Today, Paul Kelly of *The Australian* summed up what is really problematic about the proposed Voice, despite the reassurances, simplifications and airbrushing of history. He said —

Success for the voice will shatter one of our deepest political orthodoxies—that the Constitution transcends contemporary and popular renovation and exists as a protective shield against “the demands of the present” ...

That does not mean to say that we have not been able to get constitutional change up; we have. We have done some amazing things, but every time, it is always about the inclusion of something such as the 1967 referendum on the Constitution but does not touch on the governance issues about the primacy of our Parliament and democracy. That is the issue. Why does this governance model need to be in the Constitution in the way that it is being proposed?

I go back to the proposed constitutional amendment, which states —

Chapter IX Recognition of Aboriginal and Torres Strait Islander Peoples 129 Aboriginal and Torres Strait Islander Voice

In recognition of Aboriginal and Torres Strait Islander peoples as the First Peoples of Australia —

It starts off great —

1. There shall be a body, to be called the Aboriginal and Torres Strait Islander Voice —

People are asking what that will mean because in the dissonance of some of the discussions in this place we hear about how people can speak and there was reference to Jacinta Price, who is an amazing and powerful voice for people in the Northern Territory despite what some of the people on the other side think. There are people out there who speak on behalf of Aboriginal people. We have my honourable colleague here who also speaks on behalf of Aboriginal people, and we attempt in our best way to do so in line with the theme of a Reconciliation Australia, which called upon us all, both Aboriginal and non-Aboriginal, to speak up and be voices for Aboriginal people. That was the theme of Reconciliation Australia. I could not believe that I was criticised for saying that. I was just putting into practice what Reconciliation Australia had asked us to do, and I will continue to do so.

The next paragraph of the constitutional amendment reads —

2. The Aboriginal and Torres Strait Islander Voice may make representations to the Parliament and the Executive Government of the Commonwealth on matters relating to Aboriginal and Torres Strait Islander peoples;

It may make it. Why was that not road-tested through legislation? It could have easily been done to allay people’s concerns. People are naturally conservative. They are very protective, and rightly so, of our Constitution and the primacy of the Parliament. They are very protective of our longstanding democracy. Again, we have the airbrushing of history saying, “That was established in 1901.” I hear this. We all hear it. We had radicals like Mr Mayo who acknowledged the Communist Party, which did the most damage for the case. The guy should have been sacked from the committee because he caused so many problems. It drove a wedge right then and there. We saw the radical agenda behind that person’s motivation in the clip that was circulated in which he acknowledged the wonderful nature—I am paraphrasing, but I know there has been paraphrasing going on about Jacinta Price—of our democracy and said how great the Communist Party was. Apparently, the ABC lauded him for being a great architect of the

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Voice. That in itself I think just about killed it right then. That was it. People said, “What is going on here? What is the agenda behind this?”

The constitutional amendment mashed together these things instead of putting a simple question to the people of Australia. Of course, then all the details started coming up, and people asked, “What matters will the body consult on?” Then we see some of the Yes people saying, “Yes, the body will have to be consulted on about AUKUS; it will have to be consulted on foreign affairs.” Goodness me! Suddenly, people get nervous about this, and as a former public servant, I can see how difficult this could be for those people in the executive who will have to put processes in place that duplicate the consultation processes that are already happening.

We heard comments about the tokenism of consultation. You guys are in government—listen! We do not need more voice; we need more ears. We need more listening to what the problems are. We need more speaking up about the real issues without fear or favour from those factional groups within the Labor Party—the Maritime Union of Australia or the Australian Manufacturing Workers’ Union. Let us get on with it and start focusing on the issues and be prepared to speak—sometimes even critically of our own side—on behalf of the communities we represent.

This is why the polls have collapsed. The federal government and those in the Yes campaign should reflect on this, and they will after the October vote when I am sure that lots of excuses will be made. There will be all that. We will become disconnected and rely on the tens of millions of dollars of investment from those people on the boards in the back rooms of the multibillion-dollar companies, which have their own agendas. The people of Australia do not like that. Sadly, the Australian Labor Party has gone so far from its roots now. I say that honestly because in another life I probably could have been a member of the Labor Party.

Hon Stephen Dawson: Thank God you’re not!

The PRESIDENT: Order!

HON DR BRAD PETTITT (South Metropolitan) [2.58 pm]: I will be brief so that everybody else has a chance to speak. I do want to stand in support of the amended motion. I think we all agree that we find ourselves in a frustrating and, frankly, disappointing place. I reflect, going back not very far, on when we had cross-party support across this place. I remember thinking that WA is unique and we have something really amazing here: the Liberals, the Nationals, the Greens and the ALP are all willing to stand together in support of the Voice. The Voice and the proposition have not changed.

Hon Dr Steve Thomas: That is not correct.

Hon Dr BRAD PETTITT: It is correct. It is so correct that there was a photo planned with Libby Mettam, Mia Davies, Mark McGowan and myself—all four leaders standing together. Do members know what? I really wish that photo had been taken because I suspect if that had happened, the ability to back out on what should be a unifying thing would have become much more difficult.

To paraphrase one of Hon Neil Thomson’s comments that jumped out at me: we need more listening and fewer voices. The one thing that really stands out to me in the Uluru Statement from the Heart is that it is an extraordinary coming together to say that what we want is a voice and, ultimately, truth and treaty. I think that the very least we can do is take a small step and acknowledge and respect that. I want to make it really clear that this should be an amazing opportunity. I hope that in these next few weeks, people can coalesce around the idea, because it is by listening to the Voice that will get us there.

HON DARREN WEST (Agricultural — Parliamentary Secretary) [3.00 pm]: I am mindful of the time. I had planned to read out the Uluru Statement from the Heart because I think some members need to hear it. Perhaps they can look it up themselves and find out where it came from and why it is important. I was disappointed to learn of this motion. I do not think I am the only one on this side of the house who is disappointed in Hon Dr Steve Thomas today. However, I thank him because it gave us the opportunity to be in the chamber and witness Hon Rosie Sahanna’s speech. It gave us the opportunity to sit here and hear those words. Just think about that. What I also noticed when I sat here and looked very carefully was that there was not lot of listening going on by members on the other side of the house. The two Agricultural Region colleagues at the back, to their credit, listened intently, but no-one else did. Hon Dr Steve Thomas’s head was in his computer and others were on the phone and did not want to listen. I just make that ironic point. When Hon Rosie Sahanna gave that speech, which was and always will be one of the great speeches in the Legislative Council, members opposite were not listening.

I want to make a couple of points. Hon Dr Steve Thomas made the point that not everyone who votes no is a racist, and he is right. Not everyone who votes no is a white supremacist. The member is right. Not everyone who votes no is a Nazi. You are right, but you are voting with them. That is who you are voting with. This is important.

Withdrawal of Remark

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Hon NEIL THOMSON: The implication is that we are somehow aligned with Nazis. I find that deeply offensive. What an absolute disgrace. I ask that the member be asked to withdraw that statement completely in every way.

The PRESIDENT: Honourable member, like everything in this place, it depends on context. I absolutely did not hear members referred to as Nazis.

Several members interjected.

The PRESIDENT: Order! Nevertheless, I ask the honourable member to withdraw his comments.

Hon DARREN WEST: I am happy to withdraw, President.

The PRESIDENT: The member has withdrawn the comments. Hon Darren West.

Debate Resumed

Hon DARREN WEST: All I would say is —

Point of Order

Hon Dr STEVE THOMAS: Are we not having a right of reply in the last five minutes?

The PRESIDENT: I am just about to get to it.

Hon Dr STEVE THOMAS: Thank you, President.

The PRESIDENT: Does the honourable member wish to have a right of reply?

Hon Dr STEVE THOMAS: Yes, President.

The PRESIDENT: The Leader of the Opposition has the right of reply.

Debate Resumed

HON DR STEVE THOMAS (South West — Leader of the Opposition) [3.03 pm] — in reply: Thank you, President. I consider this the mercy rule. I will address some of the comments that were made. Obviously, the amended motion is very different from the one that I proposed at the beginning —

Hon Stephen Dawson: Which you will not reflect on.

Hon Dr STEVE THOMAS: — which I will not reflect on. I will address some comments. The first is from Hon Dr Brad Pettitt who said that all four parties agreed that it is not the case. That has been perpetrated —

Several members interjected.

Hon Dr STEVE THOMAS: Be quiet. That lie has been perpetrated far too many times. The state Parliamentary Liberal Party has not supported the Voice and the federal Parliamentary Liberal Party has not supported the Voice. The member needs to get his facts right.

Hon Darren West has been proven wrong as well because I was listening very intently to Hon Rosie Sahanna, as I was to the Minister for Emergency Services. They said a couple of very interesting things. Both members reflected on the very good work done by the Aboriginal Medical Health Service during the COVID pandemic. That is absolutely true. Guess what? It did that very good work without a constitutionally enshrined Voice to Parliament and the executive. It was not required. The parliamentary Voice to Parliament was not required for that very good work to be done, so I am very pleased that they brought that up. I am also very pleased that Hon Darren West brought up the Uluru Statement from the Heart. He did not have time to read all of its many pages. He was probably going to jump to the one page that suited his purpose. I have to say that, unfortunately, the comment that I found —

Several members interjected.

The PRESIDENT: Order! Settle in the chamber, please, members.

Hon Dr STEVE THOMAS: The comment that I found most interesting was from Hon Rosie Sahanna when she said to not bring up history. That is what she said to me. She said that she was very disappointed and said, “Don’t bring up history.” I would have thought that if she wanted to debate the position of Aboriginal people in Australia, that was an interesting and unfortunate statement to make because the history is very important. Your history is very important, but all the history is very important. When members suggest that only selected history matters, they start to move the question dramatically.

Hon Rosie Sahanna interjected.

Hon Dr STEVE THOMAS: That is what the member said. She said to me, “Don’t bring up the history.”

Hon Rosie Sahanna: You have no idea. You don’t stand there and say that.

The PRESIDENT: Order!

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Hon Rosie Sahanna: You have no idea. You're not an Aboriginal person. It doesn't affect you.

The PRESIDENT: Order, member! I encourage the Leader of the Opposition to stay focused on the amended motion.

Hon Dr STEVE THOMAS: I think the history is important. I think all the history is important and that all those things matter. The point I was making in my original contribution was that there is more than one way to deal with the issues faced by Aboriginal people, and this is the one that the government has proposed. The motion has now been amended to say that this chamber should support the federal government's position. I understand that that is the position of those opposite.

Hon Stephen Dawson: It is the position of the chamber.

Hon Dr STEVE THOMAS: It is now the motion before the house, but it is also the position of members opposite. I do not think I have disrespected the chamber by suggesting that members opposite supported it.

Hon Stephen Dawson: And Brad.

Hon Dr STEVE THOMAS: Sorry. Yes, there were other members who voted for it. But it does not undermine my argument. I understand that is the position that the government has taken, but I do not understand why the government is attempting to denigrate the alternative voices. I do not understand why, in the last three minutes that I have been trying to respond, I have been subjected to the torrent of abuse that normally I am quite happy to absorb on a Thursday morning during robust debate. I thought this conversation might have been better than that. I thought that we could have all treated each other with respect. I have proven that I listened to Hon Rosie Sahanna and Hon Darren West. I listened to everybody. I listened to all members opposite and I did it quietly without subjecting members to the sorts of things that I have just been subjected to, and that is the greatest shame to the Legislative Council of Western Australia.

Division

Motion, as amended, put and a division taken with the following result —

Ayes (23)

Hon Martin Aldridge
Hon Klara Andric
Hon Dan Caddy
Hon Sandra Carr
Hon Stephen Dawson
Hon Kate Doust

Hon Sue Ellery
Hon Lorna Harper
Hon Jackie Jarvis
Hon Ayor Makur Chuot
Hon Kyle McGinn
Hon Shelley Payne

Hon Dr Brad Pettitt
Hon Stephen Pratt
Hon Martin Pritchard
Hon Samantha Rowe
Hon Rosie Sahanna
Hon Matthew Swinbourn

Hon Dr Sally Talbot
Hon Dr Brian Walker
Hon Darren West
Hon Pierre Yang
Hon Peter Foster (*Teller*)

Noes (5)

Hon Steve Martin
Hon Tjorn Sibma

Hon Dr Steve Thomas
Hon Neil Thomson

Hon Nick Goiran (*Teller*)

Question thus passed.