

7 June 2023

Hon Peter Foster MLC
Chair, Standing Committee on Environment and Public Affairs
Harvest Terrace, Parliament House
PERTH WA 6000
By email: env@parliament.wa.gov.au

Dear Peter,

**PRELIMINARY SUBMISSION REGARDING PETITION NO. 88 – GOLD-STANDARD TRANSPARENCY
OWED ON THE VOICE**

We refer to your letter dated 12 May 2023 requesting a written submission regarding this petition tabled on 9 May 2023.

Request for Advice

This Petition follows the pledge of support from then Premier McGowan for the “Voice” to the federal Parliament ahead of this year’s referendum on the subject. Despite Mr McGowan’s promise that his Government would adhere to a gold-standard of transparency, he continuously refused to provide the WA Parliament with any briefing notes he received about the proposed “Voice”.

How can all Western Australians, make a fully informed decision regarding an issue we will be expected to vote on later this year if we are not afforded the same access to critical information as the Premier? Changing our Australian Constitution is an important matter on which all Western Australians are entitled to be fully informed.

We therefore submit this preliminary submission requesting that the Committee obtain any advice received by Mr McGowan about this proposed “Voice”, after which we will make a more comprehensive submission.

Inconsistent Standards

It is worth noting that Aboriginal people are recognised in the Western Australian Constitution following legislation introduced during the Barnett Liberal-National Government in 2015. Our State also has an Aboriginal Advisory Council (AACWA) which is established separately under section 18(1) of the *Aboriginal Affairs Planning Authority Act 1972* (WA). The AACWA meets up to six times per year to provide advice “on matters relating to the interests and well-being of persons of Aboriginal descent”.

In effect, Western Australia already has its own “Voice” and has demonstrated that such a body does not need to be enshrined in the WA Constitution. As stated by the WA Government in a Media Statement released in 2019, the members of the AACWA “represent a diversity of regions, organisation types, areas of expertise and genders, confirming the leading role they will play in terms

of a genuine partnership approach to engagement with the State Government”.¹ In 2022, the Government also stated that the AACWA “is a strategic partner of the WA Government and provides critical contribution to the development of State priorities and policies relating to Aboriginal Affairs”.²

It is also worth noting that Mr McGowan had been criticised for refusing to commit to a State “Voice” to the WA Parliament and instead promised to engage more with the group, being the AACWA, that effectively already performs that role. We note that the AACWA also claimed that it felt “unheard” by the McGowan Government.³

It is understandable that Western Australians are asking questions given that the then Premier believed that a statutory enshrined “Voice” in our State is sufficient and yet now supports enshrining a similar body in the Australian Constitution.

Conclusion

It appears Mr McGowan had a sudden change of mind regarding the necessity to constitutionally enshrine a “Voice”, which we can only reasonably assume arose as a result of advice received by him in this regard.

As such, by way of this preliminary submission, we urge the Committee to:

1. Note that time is of the essence with this inquiry given that the public release of these documents will be redundant if released after the referendum has occurred;
2. Seek, within 14 days, the delivery to the Committee of all briefing notes and similar documents that any Government departments or State statutory authority provided to Mr McGowan on the proposed “Voice” prior to him making his public declaration of support as Premier; and
3. Provide us an opportunity to inspect those documents in closed session so that we may make a more comprehensive submission on the public interest reasons for those documents to be made public by the committee.

Thank you for the opportunity to lodge this preliminary submission and we look forward to hearing back from the Committee.

Yours sincerely,

Dr Sherry Sufi and Hon Nick Goiran MLC

¹ Government of Western Australia, ‘Appointments to the refreshed Aboriginal Advisory Council announced’ (Media Statement, 22 October 2019).

² Government of Western Australia, ‘New members appointed to the Aboriginal Advisory Council’ (Media Statement, 4 July 2022).

³ Rebecca Le May, ‘Aboriginal Advisory Council lauded for Voice to Parliament but ‘feeling unheard’ by McGowan Government’, *The West Australian* (online, 24 February 2023) < <https://thewest.com.au/news/indigenous-australians/aboriginal-advisory-council-lauded-for-voice-to-parliament-but-feeling-unheard-by-mcgowan-government-c-9773614>>.