



Public Health Association
AUSTRALIA

**Public Health Association of Australia
submission on Inquiry into the Aboriginal
and Torres Strait Islander Voice
Referendum: Constitution Alteration
(Aboriginal and Torres Strait Islander
Voice) 2023**

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The **Public Health Association of Australia** (PHAA) is Australia's peak body on public health. We advocate for the health and well-being of all individuals in Australia.

We believe that health is a human right, a vital resource for everyday life, and a key factor in sustainability. The health status of all people is impacted by the social, commercial, cultural, political, environmental and economic determinants of health. Specific focus on these determinants is necessary to reduce the root causes of poor health and disease. These determinants underpin the strategic direction of PHAA. Our focus is not just on Australian residents and citizens, but extends to our regional neighbours. We see our well-being as connected to the global community, including those people fleeing violence and poverty, and seeking refuge and asylum in Australia.

Our mission is to promote better health outcomes through increased knowledge, better access and equity, evidence informed policy and effective population-based practice in public health.

Our vision is for a healthy population, a healthy nation and a healthy world, with all people living in an equitable society, underpinned by a well-functioning ecosystem and a healthy environment.

Traditional custodians - we acknowledge the traditional custodians of the lands on which we live and work. We pay respect to Aboriginal and Torres Strait Islander elders past, present and emerging and extend that respect to all other Aboriginal and Torres Strait Islander people.

Summary

The Public Health Association of Australia wholeheartedly supports the referendum provided for in the *Constitution Alteration (Aboriginal and Torres Strait Islander Voice) 2023 Bill* and will be advocating strongly for a 'Yes' vote. This referendum will be the culmination of years of Aboriginal and Torres Strait Islander led advocacy towards recognition of Indigenous peoples, and if successful it will be an historic turning point for our nation. It will also be a first step towards a full realisation of the vision of 'Voice, Treaty and Truth' expressed by the *Uluru Statement from the Heart*.

A successful passing of the referendum motion will affirm a broad societal support for Aboriginal and Torres Strait Islander recognition and equity and will be a powerful social determinant for the better health and wellbeing of all Aboriginal and Torres Strait Islander peoples, with collateral effects for every Australian.

The Voice institution that would be created will also bring new life to the challenge of addressing practical and policy challenges in Indigenous wellbeing and is wholly consistent with fundamental public health principles. Experience has shown that when Indigenous communities are empowered – such as through Aboriginal Community Controlled Health Organisations – beneficial results follow (1). We can confidently expect that an elected, legitimate representative Voice for Aboriginal and Torres Strait Islanders peoples will advance the health and livelihoods of the First Peoples of Australia in many ways.

Public health and equity

Equity is a key goal for the Public Health Association of Australia, and a key outcome sought by the public health community worldwide (2).

The PHAA policy position on Aboriginal and Torres Strait Islander health affirms the key principle of self-determination – that Aboriginal and Torres Strait Islander health should be in Aboriginal and Torres Strait Islander hands (3).

Our society suffers from major inequities in health outcomes for Aboriginal and Torres Strait Islander peoples, involving a range of historical, political, and social factors (4, 5). However, this cannot be overcome if efforts are made in the health system alone, as many drivers of health inequities lie outside of the healthcare system, including in governance and policies (6).

Another key principle of public health is ensuring that communities are involved in the development of interventions (7). As health and wellbeing are influenced by factors across the whole of society, a constitutionally enshrined Voice to Parliament, supported by local voices as envisaged in the plans already developed (8), would help ensure that the relevant communities can make representations to government on policies that affect them. This should be in addition to, not in replacement of, community engagement on decisions and service provision at the local level (9).

PHAA also advocates for the engagement of Aboriginal and Torres Strait Islander peoples and their organisations during policy development (3) and a constitutionally protected Voice to Parliament, as defined in the *Constitution Alteration (Aboriginal and Torres Strait Islander Voice) 2023*, as this will enable community engagement not just in the health system, but in all aspects of policy related to Aboriginal and

Torres Strait Islander peoples' lives. A constitutionally enshrined Voice to Parliament ensures that these communities have a seat at the table.

Supporting the Uluru Statement from the Heart

Structural, institutionalised racism and discrimination has been pervasive in the colonised history of Australia (10, 11). Intersectoral factors have unquestionably negatively influenced the health and livelihoods of Aboriginal and Torres Strait Islander peoples (4, 5). As the *Uluru Statement from the Heart* emphasises, Aboriginal and Torres Strait Islander peoples can be enabled to flourish through reforms that ensure they have power of their destiny (12). A constitutionally enshrined Voice to Parliament, that ensures input from Aboriginal and Torres Strait Islander peoples in any policies related to them, is a step towards this goal, and a step away from structurally discriminatory policies of the past.

PHAA is a supporter of the *Uluru Statement of the Heart*, including the full enactment of all three of its recommendations, including a constitutionally enshrined Voice to Parliament (12, 13). We recognise the opportunity the Voice to Parliament presents to improve the health of Aboriginal and Torres Strait Islander peoples, by providing a constitutionally enshrined, more permanent form of representation compared to those that have been established in the past through legislation, which is more easily reversible following changes in government (9).

As noted in the *Uluru Statement from the Heart*, the First Nations of Australia have for time immemorial been the first sovereign Nations of the Australian continent and islands (12). Yet institutions designed to give Aboriginal and Torres Strait Islander peoples representation have repeatedly been established only temporarily (9). This could be solved by updating the Australian Constitution to ensure a permanent representative body for the First Nations of Australia, which is a step on the path toward reconciliation (14).

Provisions of the Bill

We support the provisions listed in the Bill on the *Constitution Alteration (Aboriginal and Torres Strait Islander Voice) 2023*.

We note that there is a live debate about changing the wording of the proposed addition to the Constitution in regard to what entities the Voice should be empowered to make representations to, with some sensitivity around whether the words 'executive government' should be included (15). This is somewhat surreal; of course, the Voice should be free to make representations to government, as well as to Parliament. Thousands of individuals, organisations and agencies make representations to government (and to Parliament) on public policy issues every single day. Any suggestion that the Voice should not be able to make these representations should be dismissed. The Voice was conceived to be a representative entity; there should be no limit on to whom it should be able to make representations to. The risk that the Voice might influence official decision-making is merely an ordinary issue of administrative law, which remains the province of Parliament to legislate for. The advice of the Voice will not overrule ordinary legislation. We urge the Committee, as it fields debate around wording, not to adopt any form of words which limits the capacity of the Voice to address itself to government in any capacity or on any given issue.

Conclusion

For all these reasons, PHAA supports the proposed changes to the Constitution listed in the *Constitution Alteration (Aboriginal and Torres Strait Islander Voice) 2023*.

The time has come for constitutional recognition of Aboriginal and Torres Strait Islander peoples and will be a step towards deconstructing the pervasive structural determinants of health inequity that have dominated in the past. A Voice to Parliament is a simple proposal that is an opportunity to start the drive toward long-term change in Australia's society, and equity for Aboriginal and Torres Strait Islander peoples. Over time, the Voice will provide an historic opportunity to help close equity gaps in areas including health, housing, education, the justice system, and more. Strengthening Aboriginal and Torres Strait Islander peoples' ability to make representations on all matters related to them will, over time, allow the possibility of correcting the disadvantages to health and wellbeing established since colonisation.

As our President, Adjunct Professor Tarun Weeramanthri and PHAA Chief Executive Adjunct Professor Terry Slevin stated in 2021, "A Voice can help put culture and country into the heart of the nation – as it once was – in a way which can enrich the future of all people" (13).

The PHAA appreciates the opportunity to make this submission to the Joint Select Committee on the Aboriginal and Torres Strait Islander Voice Referendum.

Please do not hesitate to contact me should you require additional information or have any queries in relation to this submission.



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Public Health Association Australia
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