***Bills***

**Constitution Alteration (Aboriginal And Torres Strait Islander Voice) 2023**

***Second Reading***

**Mr PASIN (Barker) (11:44):** I want to take this place to a different place, at a different time. It's a small hall in a small regional community. It's March 1977. The small hall is the Institute in Mount Gambier, and the town Mount Gambier. There were two relatively-soon-to-be new Australians sitting in the front row of a civic ceremony conducted by the then mayor of the town. Those people were my parents. They were sitting there nervously, excited about making their pledge to become Australian citizens—something they considered long and hard because it was at a time when they had to give up their rights to Italian citizenship. They made that choice and, after it, full of pride my father commented to my mother, 'I'm now as Australian as Gough Whitlam, as Don Bradman, as Albert Namatjira.'

I attend citizenship ceremonies in that same hall. Not 50 years later, I'm given the great privilege, as the member for Barker, of speaking on behalf of the minister for immigration. I take the opportunity to speak to prospective Australian citizens there, waiting as my parents did—nervously, excitedly—to make two really important points. The first point I make is that ours is a welcoming nation, and I prove that by pointing to my own family history. My parents sat exactly where those prospective citizens sit, and not 40 years later—in fact, barely over 30 years later—their son has been given the great privilege of representing the people of Barker in this place—the ninth person since the Australian Federation to do so. If that's not a statement about how welcoming our nation is, I don't know what is.

The second point I make is the most powerful, and that is that once they take their pledge, given that there are no classes of Australian citizenship, they are as Australian as Bob Hawke, Cathy Freeman, Albert Namatjira—the list can go on. This is important because while I'll be able to continue to say our nation is a welcoming one, I'll never be able to make that statement again should we, as a nation, decide to amend the Australian Constitution to include a chapter called 'The Voice'.

The truth will be that there will be two classes of Australian citizens: there will be those Australian citizens who can trace their heritage to Australia's First Peoples and there will be others, like me, who can point only to their parents. Now that, with respect, will be a great travesty. Because, whether it's our national anthem or other tunes that people like to refer to colloquially as our national anthem, we talk about being one, but we will no longer be one, and that is the truth.

I want to take this opportunity to ask the Prime Minister to pause and to consider seriously what he's about to do. We should take every opportunity in this place to bring Australians together and to unite Australians. He has an opportunity right now to pause and to reconsider this trajectory. He knew, on assuming the prime ministership, that he had choice. He could pursue the Voice to Parliament, or he could accept a different proposal. In 1967 we were talking about a referendum to end the racial divide in this country and to recognise our Indigenous Australians. I can't believe we're in a position where we're now considering doing the exact opposite. That's where we find ourselves.

Right now, the Prime Minister should, for fear that this proposal fail, pause and accept the proposal that we, effectively, amend the preamble to the Constitution. If he were to do that, our nation would unify behind him and we would get a 1967-style resolution—I anticipate that the 'yes' vote in that situation would exceed 90 per cent—and we would be taking a significant step towards the continued unification of the Australian people.

Personally, I've a preference for the phrase 'Indigenous heritage, British foundation and an immigrant character'. I think those words are elegant but speak to all of us. What a great way to describe the Australian journey. If the Prime Minister were to do that, he would show himself to be the statesman that Australia needs right now.

The alternative is to rush headlong into this proposal, which he seems committed to, and we will end up with a divided Australia irrespective of the outcome, I suggest respectfully to you, Mr Deputy Speaker. Let's imagine a circumstance where there's a slim victory by the 'yes' campaign—a 52-48 result and just over the line in relation to the number of states required. That won't bring Australians together. It won't. Equally, a slim victory by the 'no' campaign will not bring Australians together.

Instead, what needs to happen right now is we need to put partisan politics aside. We don't need, with respect, contributions like the one I just heard about how this is about politics. We need to say: 'You know what? We're not going to make Australians choose in a situation that ends in them sadly divided. We're going to pursue an option that will bring all Australians together, like the great leaders of this country did in 1967.' Now, it's an offer. I'd love to think that the Prime Minister will be inclined to accept it. I think we'd be a stronger, more united nation if we did it, and who knows where that would take us?

By the way, I would support consideration of legislating a voice at the same time, because the concern I have is not this mechanism but where it's going to be placed. This proposal is to put the Voice in the Australian Constitution permanently. There's no opportunity to amend that. There's no opportunity to tinker with the proposal. It's uncertain. It's risky. I get all that, but the biggest concern I have is that it's permanent. It's that permanency that I have a real problem with.

The reality is that when we developed the Australian Constitution over 120 years ago there were nationwide debates. They were open debates. We didn't have the internet to socialise those discussions back then, so the debates were transcribed and shared with Australians. It took a decade to come up with a world-leading document which has solidified our democracy, as I said, for 122 years. Compare that to this process. There have been meetings behind closed doors; there was, I think, a 2½-week committee process; and there was a proposal, a proposal that hasn't led to bipartisanship, because we haven't had constitutional conventions like those which we had in the lead-up to the republic debate. None of that has happened.

So this process, instead of being one that's trying to bring Australians together and get Australians to vote at a very high level on an agreed position, is one where Australians are thrust into tribes.

The member opposite said that the detail has been out there for years. Well, no—the Calma-Langton report certainly hasn't been around for years. But even the report itself talks of 'options'. Right now, I can't tell my electorate whether the 24 members of the Voice would be individuals elected or selected.

I think that's a pretty fundamental thing. Indeed, when the original authors of the Australian Constitution sat down, I can't imagine they would've accepted this: 'Oh, look, we'll put a proposal to the Australian people; it's going to establish a parliament and a judiciary. We'll have dual chambers in our parliament. But I don't know whether we've decided yet whether the members of parliament will be elected or selected.' That's ludicrous to even think of.

Those opposite say: 'Oh, look, it'll just be a voice—an advisory body.' The Prime Minister himself has said that it would take a 'brave' government to act in defiance of the Voice.

The reality is: a constitutionally enshrined voice to parliament will almost inevitably be interpreted by the High Court as having an implied obligation on behalf of the parliament to listen. Even the Prime Minister himself has said that it would be a brave parliament that would act in defiance of a recommendation of the Voice.

I am proud to be a member of this place where, across both houses, we have 11 members of parliament elected to serve, dutifully, their constituencies. That is a great thing, and I hope that we see more of that—just as I hope we see more Australians from Italian descent and more Australians from the other threads that make up the great tapestry of multicultural Australia. But, with respect, we are going to end up in a circumstance where our Australian government is hamstrung, if we continue down this route.

Now, the Prime Minister loves to refer to this as a 'modest' change. Well, effectively, there are three operational chapters of the Australian Constitution. There's the judiciary, there's the parliament and there's the executive. And yet it's a 'modest' change, it is suggested by the Prime Minister, to include another chapter. Now, this is a full chapter in a document where every word has meaning and where there is jurisprudence from 122 years providing the interpretation of every single word in that document. This is no modest change. Be under no illusions: this is a big deal, and it is the single most significant proposed change to the Australian Constitution in 122 years. Its proposed impacts are the most significant of any proposal put to the Australian people, and I'd be much more comfortable if this had come about following a well-tried-and-true constitutional convention type process—or, better still, after we had unified the Australian people around changing the preamble to the Australian Constitution and we had implemented a voice via legislation, which is, as I've said, capable of amendment.

Instead, I've got to be honest and I'm going to call it for what it is. This is a blatant political attempt to create a wedge between those opposite and those who sit on this side of the place, so that the Prime Minister can have his Redfern moment. You know what? Dividing the Australian people is not worth that. If he wants to be exalted as a statesman, he should stop this process right now and he should tell the Australian people he's going to join with his opponents to propose changing the preamble in the Australian Constitution. That will bring Australians together.