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**Who will the Voice ‘designed to appease conservative opinion’ speak for?**

[**Peter Boyle**](https://www.greenleft.org.au/glw-authors/peter-boyle) [Australia](https://www.greenleft.org.au/country/australia) August 1, 2023 Issue [1387](https://www.greenleft.org.au/glw-issues/1387) [Analysis](https://www.greenleft.org.au/sections/analysis)

No pride in genocide: a placard at Gadi/Sydney's Survival Day protest in January.

One of the concerns of First Nations activists in the progressive No camp is that the Voice will not be truly representative. They have reason for concern.

First Nations activists, including Djab Wurrung Gunnai Gunditjmara [Senator Lidia Thorpe](https://www.greenleft.org.au/content/djab-wurrung-gunnai-gunditjmara-senator-lidia-thorpe-ill-be-continuing-fight-justice), have described the Voice as “appointed” or “self-selected” by its chief architects, including Marcia Langton and Noel Pearson.

[Official Yes and No cases for Voice referendum reveal two conservative agendas](https://www.greenleft.org.au/content/official-yes-and-no-cases-voice-referendum-reveal-two-conservative-agendas)

[The Blak Sovereign Movement on the Voice referendum](https://www.greenleft.org.au/content/blak-sovereign-movement-voice-referendum)

[Djab Wurrung Gunnai Gunditjmara Senator Lidia Thorpe: 'I'll be continuing to fight for justice'](https://www.greenleft.org.au/content/djab-wurrung-gunnai-gunditjmara-senator-lidia-thorpe-ill-be-continuing-fight-justice)

The official Yes case is silent on how the Voice will be selected. It only says that the Voice will have “representatives from all states and territories, the Torres Strait Islands and remote communities” and will “include young people and a balance of men and women”.

The Anthony Albanese Labor government says the legislation, yet to be presented to parliament, will contain the details about the Voice’s composition.

The July 2021 [final report](https://apo.org.au/sites/default/files/resource-files/2021-07/apo-nid316024.pdf) of the Indigenous Co-Design Committee, headed by Tom Calma and Langton, expressly recommends that the National Voice not be directly elected by First Nations people. They want it to instead be appointed by 35 regional Voice assemblies (themselves also not directly elected) and partly appointed in liaison with governments.

Under the system proposed by the Calma-Langton report, it is hard to imagine how First Nations people who are not bureaucratically entrenched at the regional level would be elected to the national Voice.

If any grassroots activists somehow get through that hurdle, an “ethics committee” is then proposed to vet those wanting to be appointed to the national Voice.

Being convicted under the draconian anti-protest laws, now in force in all states, might well be grounds for exclusion from the Voice.

Further, the Calma-Langton report recommended that the process of setting up regional Voice structures (which would encompass existing Aboriginal institutions) might take about three years before the first “interim Voice” be appointed.

This approach is very different from previous advisory bodies.

First Nations people directly elected two of the previous national advisory bodies — the National Aboriginal Consultative Committee/National Aboriginal Conference (NACC/NAC) (1973–1985) and the Aboriginal and Torres Strait Islander Commission (ATSIC) (1990–2005).

When these former advisory bodies mustered the confidence, or leadership, to challenge the government of the day, the fact that they were directly elected by First Nations people gave them political authority. Coalition and Labor governments, alike, hated this.

Emeritus Professor Tim Rowse pointed out in his [review](https://aph.org.au/2022/03/review-of-the-the-indigenous-voice-co-design-process-final-report-to-the-australian-government/) of the Calma-Langton report that it was shaped by “concessions to conservative opinion”.

“The Final Report addresses conservative caution in several ways: explicitly denying the National Voice an ‘inquisitorial’ role; refusing to propose a model of funding that would insulate the Voice from the annual budget; plotting a slow implementation plan that requires much intergovernmental cooperation; and subjecting the 35 Local and Regional Voices to a process of government evaluation before recognition.”

Rowse said the committee had proposed steps to address the conservative fear that the Voice might have too much political authority.

“As Paul Kelly pointed out in several articles in *The Australian* in 2018 and 2019, the conservative fear that the National Voice to Parliament would be a ‘third chamber’ is best understood as a reasoned apprehension of the moral authority of National Voice,” Rowse noted.

“To act contrary to advice issued publicly by the National Voice could be politically costly for any government.”

To address this conservative fear, the Calma-Langton report proposed that parliament and the government would only be expected to “consult on proposed laws and policies that have a significant or distinctive impact on Aboriginal and Torres Strait Islander peoples”.

Further, Rowse said the Calma-Langton report proposed that the Voice have no right to challenge the decision of the government in a court.

“The Final Report then goes on to recommend that no court should ever be allowed to rule on whether a government was meeting these obligations and expectations. That is, the ‘consultation standards’ must be non-justiciable,” Rowse explained.

If major concessions to conservative opinion like these were necessary for the Voice to get up, what will the Voice be good for? And who will it represent?

[This is the second in a series by Peter Boyle on the Voice. The first part is [here](https://www.greenleft.org.au/content/official-yes-and-no-cases-voice-referendum-reveal-two-conservative-agendas).]

**Questions:**

1. According to First Nations activists, what concerns do they have about the representativeness of the Voice? Why do they hold these concerns?
2. How does the article describe the process of appointing members to the Voice, as suggested by the Indigenous Co-Design Committee's final report? Why might this process raise concerns among some First Nations people?
3. What is the significance of the term "ethics committee" in the context of the Voice? How might being convicted under anti-protest laws impact an individual's eligibility for the Voice?
4. Compare the approach proposed by the Calma-Langton report for setting up regional Voice structures with the previous advisory bodies. How does the Calma-Langton approach differ, and what implications might this have for the authority of the Voice?
5. According to Emeritus Professor Tim Rowse, how does the Calma-Langton report address conservative caution regarding the Voice's authority? Explain the specific recommendations or proposals mentioned in the article.
6. Why does the article suggest that some conservative individuals might view the National Voice to Parliament as a potential "third chamber"? How does the Calma-Langton report attempt to address this perception?
7. What limitations does the Calma-Langton report propose for the Voice's role in challenging government decisions? How might these limitations affect the Voice's effectiveness in representing Indigenous peoples' interests?
8. How does the article highlight the tensions between making concessions to conservative opinion and ensuring the Voice is effective and representative? Discuss the potential trade-offs involved in this context.
9. In your opinion, based on the information in the article, what are the main challenges and considerations in designing a National Voice that adequately represents the interests of Indigenous communities while also addressing conservative concerns?
10. Reflecting on the overall content of the article, why might some Indigenous activists and scholars be critical of the Voice proposal as presented by the Calma-Langton report? What are the potential implications of these critiques for the success and impact of the Voice?

**Answer Sheet**

1. First Nations activists are concerned that the Voice will not be truly representative. They believe that the Voice will be "appointed" or "self-selected" by its chief architects, including individuals like Marcia Langton and Noel Pearson. This raises worries about the authenticity of representation and the potential exclusion of grassroots activists.
2. The article describes the Indigenous Co-Design Committee's recommendation that the Voice members should not be directly elected by First Nations people. Instead, the Voice would be appointed by 35 regional Voice assemblies, which are also not directly elected. This process, combined with potential government involvement, raises concerns about the inclusivity and representativeness of the Voice.
3. The term "ethics committee" refers to a proposed body that would assess and vet individuals wanting to be appointed to the national Voice. Convictions under anti-protest laws could potentially be used as grounds for excluding someone from being a part of the Voice.
4. The Calma-Langton report's approach for setting up regional Voice structures involves a multi-year process, potentially taking about three years, before the first "interim Voice" is appointed. This contrasts with previous advisory bodies, such as the National Aboriginal Consultative Committee/National Aboriginal Conference (NACC/NAC) and the Aboriginal and Torres Strait Islander Commission (ATSIC), where members were directly elected by First Nations people, providing them with political authority.
5. Emeritus Professor Tim Rowse explains that the Calma-Langton report addresses conservative concerns by explicitly denying the National Voice an "inquisitorial" role, not proposing a funding model independent of the annual budget, plotting a gradual implementation plan requiring intergovernmental cooperation, and subjecting Local and Regional Voices to government evaluation before recognition.
6. Some conservative individuals view the National Voice as potentially becoming a "third chamber," indicating a fear that it would have substantial political authority. The Calma-Langton report attempts to address this perception by proposing limitations on the Voice's role in challenging government decisions.
7. The Calma-Langton report suggests that the Voice's role should be limited to "consulting on proposed laws and policies that have a significant or distinctive impact on Aboriginal and Torres Strait Islander peoples." Additionally, the Voice would not have the right to challenge government decisions in a court. These limitations aim to prevent the Voice from challenging government authority in legal contexts.
8. The tension between making concessions to conservative opinion and ensuring the Voice's effectiveness and representation lies in the compromises made to address fears of excessive political authority. Balancing these concerns is challenging and may impact the Voice's ability to truly represent Indigenous communities.
9. Designing a National Voice involves addressing the need for genuine representation of Indigenous communities while also addressing conservative concerns about potential political authority. This requires finding a balance between inclusivity, effectiveness, and maintaining government cooperation.
10. Indigenous activists and scholars might be critical of the Voice proposal as presented by the Calma-Langton report because of the compromises made to appease conservative opinion. These compromises could potentially weaken the Voice's ability to advocate for Indigenous communities and challenge government decisions effectively.