

## Racism and the 2023 Australian constitutional referendum



Published Online  
September 28, 2023  
[https://doi.org/10.1016/S0140-6736\(23\)01954-2](https://doi.org/10.1016/S0140-6736(23)01954-2)

On Oct 14, 2023, Australians will vote in a national referendum. A Yes vote will change the Australian Constitution to acknowledge 60 millennia of Indigenous history and establish an Aboriginal and Torres Strait Islander Voice to Parliament and the executive Government. The referendum honours the current Australian Government's commitment to implement the 2017 Uluru Statement from the Heart, which calls for a Voice, Treaty, and Truth telling.<sup>1</sup> The statement was the culmination of a nationwide consultative process, involving more than 1200 Indigenous Australians across 12 regional dialogues. A subsequent Voice co-design process engaged with 9400 Indigenous and non-Indigenous people and organisations.<sup>2,3</sup> Indigenous leaders sought more than constitutional symbolism. Many conservative politicians would not accept the inclusion of rights in the Australian Constitution. The compromise position for Indigenous leaders was to enshrine the principle of an Indigenous Voice to Parliament, strengthening the right to be heard. However, there are early signs that the referendum process itself is causing Indigenous Australians to experience higher levels of racism.<sup>4,5</sup> We posit that this is partly because the referendum process taps into a deep well of historical racism that originated on the Australian frontier when Indigenous peoples "were violently dispossessed from their lands by the British".<sup>6</sup>

This history has shaped the 2023 referendum and an increasingly divisive campaign between those advocating a Yes and a No position. A Yes vote will require the Australian Parliament to legislate for structures that enable Aboriginal and Torres Strait Islander peoples to advise the Government and the Parliament on laws or policies that affect the lives of Indigenous peoples.

The Yes campaign points out that Australian governments have shut down Indigenous advisory bodies when their proposals were at odds with government interests or policy. Enshrining the Voice in the Constitution would ensure that an advisory body would not be disbanded, regardless of the views of the government of the day. The Yes campaign also argues that having Indigenous voices in the development of programmes can improve outcomes on issues that matter to Indigenous Australians,

such as land management, Indigenous cultural heritage, or health care.<sup>7</sup> To illustrate this view, from January, 2020, to January, 2021, the number of cases of SARS-CoV-2 infection was six-fold higher for non-Indigenous Australians than for First Nation Australians. It was argued that this difference was due to the early engagement of Indigenous peoples and organisations, at a national and local level, to drive the COVID-19 pandemic response within their communities.<sup>8</sup> However, we also note the higher rates of severe infection among Indigenous Australians during the phase of the pandemic with omicron SARS-CoV-2 variants. This difference was most likely due to the higher burden of chronic disease in Indigenous Australians.<sup>9</sup>

Health champions who are campaigning for the Yes campaign will argue that Indigenous voices will provide the Australian Government with advice on addressing structural racism and on the social determinants of health, such as education, poverty, and housing. A large body of research shows that interpersonal and institutional racism is associated with greater psychological distress and poorer physical health for Indigenous peoples.<sup>10,11</sup>

The No campaign argues that a Voice to Parliament will be racially divisive. They argue it will be racist as it confers special privileges on Indigenous Australians.<sup>12</sup> This argument is factually incorrect. There are many business bodies, trade unions, and statutory bodies—representing



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a range of interests across the Australian community—that regularly provide advice to the Government. It is also an argument that is not supported by more than 100 ethnic advisory bodies, which are all advocating for the Yes vote.<sup>13</sup> Nonetheless, there is also a progressive No campaign that argues an Indigenous Voice to Parliament is not sufficient to effect real change in outcomes. Citing past government failures to respect Indigenous self-determination and sovereignty, these campaigners are concerned that the proposal does not go far enough. They are calling for stronger forms of self-determination, such as designated Indigenous seats in Parliament.<sup>14</sup>

Since the referendum was announced, there has been a substantial rise in threats, abuse, vilification, and hate speech against Indigenous peoples, both in person and online. The Australian e-Safety Commission reported in late May, 2023, that there had been more than a 10% rise in the proportion of complaints made by Aboriginal and Torres Strait Islander peoples about online cyber abuse, threats, and harassment.<sup>4</sup> Furthermore, the First Peoples' Assembly of Victoria has gone from blocking two people a day for racist abuse on social media to blocking about 50 people, citing the national debate on an Indigenous Voice as the reason for this escalation.<sup>5</sup> Similar discrimination was experienced by the LGBTQIA+ community during the plebiscites in the USA and the 2017 Australian Marriage Law Postal Survey plebiscite.<sup>15–20</sup>

The Voice referendum process creates a substantial cultural load for Aboriginal and Torres Strait Islander peoples. Indigenous peoples are being asked, and expected, to engage in conversations around this topic and, often, are then challenged to defend their position.

To address these stressors, the Australian Government has allocated AU\$10 million to the National Aboriginal Community Controlled Health Organisation (NACCHO) to support the mental health of First Nations peoples during the campaign.<sup>21</sup> NACCHO represents Indigenous-led comprehensive primary care services that were established in the 1970s to strengthen Indigenous self-determination. As front-line services, the organisations represented by NACCHO draw on community strengths to respond to emerging trends and challenges such as racism.

To mitigate risk to mental health and wellbeing, there needs to be respectful discourse that counters the misinformation that is emerging about the Voice and Indigenous aspirations. This discourse requires all forms of media to commit to controls that prevent racial

abuse. Public information campaigns, such as that of the Australian Election Commission, are also needed.<sup>22</sup> It will also require services and supports for Indigenous Australians during the referendum process and after the outcome is announced.

Speculating on the post-referendum situation: a No vote will have a profoundly negative effect on those in the Indigenous world who have walked a journey of reconciliation with politicians, business leaders, and Australian communities for nearly two decades. Australian governments have withdrawn their support for Indigenous self-determination before. No doubt Aboriginal and Torres Strait Islander peoples will continue to strive for justice. Even if the vote is for Yes, Indigenous peoples will need to work very closely with the Australian Parliament to ensure the Voice legislation realises their ambitions for greater control over their lives. A voice does not guarantee outcomes. A voice provides a stronger platform through which governments can work more effectively with Indigenous Australians at a regional and national level. The 2020 National Agreement on Closing the Gap in Indigenous outcomes brought Indigenous voices to the decision-making table through a coalition of Aboriginal peaks.<sup>23</sup> They represented local Indigenous services from across sectors, such as justice, housing, childcare, employment, and education. It was not a health agreement, but it addressed the social and cultural determinants of Indigenous health. Reform priorities included addressing racism and improving Indigenous control of data. The agreement built on Indigenous capability and strengths to avoid a narrow focus on Indigenous deficits.<sup>23</sup>

Despite divergent positions, campaign groups identify this to be the most consequential referendum in the history of the Federation of Australia.<sup>24,12</sup> Whatever the result, it will have a profound effect on the future relationship between Aboriginal and Torres Strait Islander peoples and other Australians.

IA was Deputy Secretary for Indigenous Affairs in the Department of Prime Minister and Cabinet (2017–20). ML is an advisory member of the Australian Government's Referendum Working Group and the Referendum Engagement Group (2023). RL received funding from the Australian Government to monitor Indigenous mental health and racism during the referendum period. TC is an advisory member of the Australian Government's Referendum Working Group and the Referendum Engagement Group (2023). YP declares no competing interests. We are all Indigenous peoples; IA is palawa, YP is Wakaya, ML is Yiman-Bidjara, RL is Ngijampaa (Wongaibon), and TC is Kungarakan and Iwaidja.

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