



## White Noise Podcast – Transcript

### Episode Seven – The Referendum Special: How are we feeling about the Vote on the Voice?

*\*Intro music: White Noise soundtrack\**

**Eddie Cubillo:**

Hello everyone. This is the White Noise podcast, the podcast of the Indigenous Law and Justice Hub at Melbourne Law School.

I'm Eddie Cubillo – a Larrakia, Wadjigan and Central Arrente man and the Director of the Hub.

**Jaynaya Dwyer:**

And I'm Jaynaya Dwyer and I'm a settler a woman. My mother is a migrant from India and my dad is a settler of Irish heritage. I'm a lawyer and teacher at the hub.

We're speaking to you from Wurundjeri lands, land of the Kulin Nation – we pay respects to elders past and present, and to all Aboriginal and Torres Strait Islander people listening to this podcast at this time of particular violence in the colony.

Today we are recording a special episode of White Noise on the Vote on a Voice to Parliament – and particularly how a referendum is *feeling* for the people in and around the Hub.

It's a time capsule, of this moment.

A particularly difficult moment for many of us –and you can access support resources in our show notes.

**Eddie Cubillo:**

It's also a wealth of tips and reflections to add some extra context. We encourage you to listen closely to the extra context, and take these knowledges into your conversations.

You will hear a report from student's providing education on the Voice, campaigning tips from leading advocates such as Tarneen Onus Browne, reflections from visiting academics like Professor Eve Tuck and reflections from Senior executives of the past Advisory body, the Aboriginal and Torres Strait Islander Commission, Mr Mick Gooda and Mr Geoff Scott.

**Jaynaya Dwyer:**

But first -some sense of how our collaborators are feeling this week–

Part 1: Bracing

**Sana Nakata:**

Hello, I'm Associate Professor Sana Nakata, I'm a Kulkaigal woman from the Torres Straits and I am current Principal Research Fellow at the Indigenous Education and Research Centre, James Cook University.

How am I feeling today? To be honest I'm feeling quite vulnerable. It's not a nice feeling to think about the rest of the Country voting on our business, taking up the mantle of what they think is good to us. It

strikes like a reversion to old-school paternalism to be honest, and so I feel really vulnerable, and I think a lot of Aboriginal and Torres Strait Islander peoples are feeling that too.

I also know that after the marriage plebiscite that we had a few years ago that for a gay and queer friends and family around us were feeling that too and that's all the more for queer, gay and non-binary people and friends without our own mobs. They know this feeling well. So, it's a really daunting moment and it's not a nice feeling. That said, for the next days ahead of October 14 I'm trying to keep my faith in the Australian people, who I believe understand that governments are not the answer, that so often governments are the problem. And that if we want good solutions, that we will find that in the power of people. I really do believe that most Australian's when they get into the ballot box will understand that those who are affected by decisions should have a role and a say in the making of those decisions, because that is what results in better outcomes.

**Rueben Berg:**

Nyatta, my name is Rueben Berg. I'm a proud Gunditjmara man and I'm one of the Co-Chairs of the First People's Assembly of Victoria. Today, in the lead-up to the referendum I'm feeling really positive. I'm seeing lots of really amazing support out there for the Voice and I know the more that the more we have conversations with people and talk about this simple proposal, which is just about recognition and listening, the more we get support for this so I'm actually feeling pretty positive.

**Eve Tuck:**

My Name is Eve Tuck, and I'm Unungaux from St Paul island in Alaska. My mum, myself and my children are members of the Aleut community in St Paul Island Alaska. My Dad is a white guy, was a white guy from Hershey Pennsylvania, and I always say that if you are what you eat I am chocolate and seals. Nobody else thinks that's funny but me so thanks.

**Eddie Cubillo:**

In Australia there's been no Treaties, your visit to these indigenous lands at a very important time where we're going to a referendum, and where the Nation will decide whether we should be allowed to have an Aboriginal and Torres Strait Islander advisory body to government in our Constitution, and as a former elected member of the previous Commission, which was abolished, I know we need a Voice, but the pain communities are going through with the campaign is immense.

What do you recognise of what you've seen here and what feels different?

**Eve Tuck:**

I have tried to learn as much about the referendum and the "yes" vote in particular, but also the larger context of The Voice as a person living in Canada and prior to coming to Australia, and I just have to say - even as a person actively trying to seek out really good media coverage and really great discussions by Indigenous people - it is those, those media messages are not getting to other places in the world. That is our fault, that's our fault as being other places in the world. It's not your fault. It's just like we're operating in a media context that means that some stories are picked up and others are not, but it's it kind of gives me, it breaks my heart a little if you're feeling lonely in this experience from other people, from other Indigenous communities around the world.

So, I can say that I have spent time with Indigenous people here who are bracing for that, for October fourteenth, or talking about how they're going to spend that day, and the kind of caretaking practices that they'll take for that day.

**Eddie Cubillo:**

I've got Family, who are talking about what they do the next day and getting together, and really, if it's a no or yes vote, where they going. So it's playing a really big, you know, on Indigenous peoples, communities as well as individuals.

**Eve Tuck:**

While I've been here, I've tried to read as much as I can. It's just really different what I can read here and definitely having this week to talk to people here has been an education of a lifetime. So I'm so grateful to everybody who's been talking with me.

I understand that this has come out of a process; A process that people feel like has been a good process. And again, I'll just raise that idea that sometimes what we think, what we know that we are doing as Indigenous people, is really different than what they think we are doing.

And so, I think about my own communities, Treaty with the US Federal Government, which is called ANCSA, The Alaska Native Claims Settlement Act, that's from 1971, so it's from before I was born and I, as a scholar, have written things that question the terms of that Act, and that's hard to do - That's hard to do as a younger person from my community - to ask questions about the decisions that were made in order to come to a settlement with the Federal Government. And I see that as maybe a helpful story to offer those of you who perhaps prefer for treaties to be made prior to The Voice, or wish that things had happened in a different order.

**Eddie Cubillo:**

Can I then just say, first of all, thanks for going outside your parameters to get more info than just mainstream media. As we all know in this Country, Indigenous content doesn't really make the front page unless it is to put us down. I could hear through your voice, and that that was real sensitive, and something that which up all Indigenous people can relate to, and we can feel that, so I really appreciate that. Thank you.

\* soundtrack music\*

**Josie Mortimer:**

I'm Josie Mortimer and I'm a proud Neambah and Wiradjuri woman. I'm also a second year law student and a facilitator with Naarm Law Students on Voice.

In the beginning I was excited about people coming together and empowering mob to make representations about ourselves, our lives and our futures, but also have constitutional recognition of us as the First Peoples of Australia. I knew this would be somewhat divisive, but the response and racism that has been enabled in this debate has been really frightening. It feels positive nonetheless to participate in educating others, as I know understanding the law and the constitution isn't accessible to a lot of people.

**Niamh Whitford:**

My name is Niamh Whitford, I'm a Nyul Nyul woman from Western Australia and I'm a facilitator working with Naarm Law Students on Voice.

In the upcoming referendum it's been tough honestly, the closer we get I think the more everybody feels it, the wear and the exhaustion perhaps, but for me my mother always says we are eternal optimists, and I carry that with me- regardless of the outcome there is, there must always be hope for us, so that's my model thoughts for how I feel about the referendum.

**Eddie Cubillo:**

Take this time to think about how you can stay well this week. What care strategies can you take at this time, and what care strategies can you offer others?

**Jaynaya Dwyer:**

Part 2: Feeling confused

In some ways, the idea of a Voice – a permanent Aboriginal and Strait Islander Advisory is so simple, but there is also quite a lot of detail to understand and misinformation abounding.

Through Naarm Law Students on Voice our students and collaborators have been entering schools, workplaces, clubs and community spaces to talk about the legal nuts and bolts of the Voice referendum.

In their words:

**Kaitlin Jempson:**

Leading up to this referendum that our friends and our family had lots of different questions about what it was actually about. And given that there's quite a lot of opinions, potentially misinformation that's been flying around, particularly in the media, we thought it was really important to be able to address this as law students. So for a start, it's pretty hard to identify facts from fiction, um, with an example being that there's no requirement that the yes or the no campaigns are fact checked. And so Naarm Law Students on Voice was born from this.

My name is Kaitlin and I'm one of the facilitators of Naarm Law Students on Voice. I'm currently in my third year of the Juris Doctor at Melbourne Law School and I'm a settler woman of European heritage.

Overwhelmingly the feedback in our sessions, which also overwhelmingly great and people have been grateful for it, is that prior to the session people didn't know that they were voting for the Voice to be in the Constitution and what that Constitutional status meant in terms of security to that Voice, and I think this lack of knowledge is something which is very easy to take advantage of even in terms of groups of people who want to do the right thing and fall on the right side of history.

So my experience of facilitating the sessions has been overwhelmingly positive, but also pretty varied in terms of the group that I have presented to, their knowledge base and their receptiveness to the information surrounding the referendum. So Some individuals and groups have come to Naarm Law Students on Voice to get a more informed perspective on the referendum and that is because they are wanting to get help in terms of having conversations with other people, and these groups tend to be pretty nervous because they tend to be pretty worried in terms of what will happen if the referendum doesn't pass and they're really wanting to do their part in that process. Some groups I'm finding are a little more cautious and a little bit less willing to volunteer their opinion and they tend to more in a workplaces, and that is understandable also in a workplace context. And I do personally feel a little bit more nervous in front of these groups, particularly if it is a more corporate environment, just because these groups have tended to ask challenging, and more cynical questions – the sort of trying to call you out questions – and I definitely feel I need to win these groups over – in terms of presenting the issues to them in a way where they are actually willing to listen and take things on board and maybe critically reflect a bit. With that said, when most of these groups learn about how the Voice would practically work and actually from a legal perspective, I find that they tend to be a bit more receptive to the idea, a little less fearful and more able to engage in that conversation. I've also been really impressed with the school groups – and although there have been a few students who have given some strongly worded and misinformed perspectives or questions – which somewhat worryingly I suspect come from their parents or the adults in their lives. Overall the school groups have been the most curious, the most engaged and they have actually asked some of the most intelligent and genuine questions out of all of the groups that I've spoken to.

In terms of the types of questions coming up they have been pretty varied in complexity. Some people haven't known, I guess at the simpler end of the questions.

Some people haven't known what a Veto power is; They don't know why the Territories aren't counted like a State for the purposes of counting that double majority; and they don't know what a Treaty is, and even what the differences would be between a Treaty and the Voice. And In fairness I don't think I would have known many of those things if I hadn't actually taken subjects at law school which cover this in detail, and particularly classes with Eddie and Jaynaya.

And lots of people have asked us to give arguments for and against the Voice and at that point in the presentation we have often gained their trust as people who they know are going to give a factual and neutral answer in terms of what is the information that is circulating around.

And a lot of these people are wanting to do the right thing by Aboriginal and Torres Strait islander peoples.

In terms of the most unique, or the questions which are standing out to me the most, its overwhelmingly and maybe surprisingly or not surprisingly coming from High Schoolers – at one of my most recent presentations a student asked me to clarify suggestions by the ‘No’ campaign that would give the High Court more power than Parliament in the context of the High Court having jurisdiction to determine issues surrounding the Constitution, which I thought was just a really good example of someone who had read through both arguments in the AEC booklet, and had also critically reflected on what she knew about the legal system, and was worried about that but was also comfortable asking that question. High-Schoolers have also been really worried that the AEC doesn’t have the power to fact-check the Yes and no booklets, and that is a consistent theme throughout all of the presentations that we do when we point that out to people. It is something they are pretty worried about given that every household received those pamphlets

**Niamh Whitford:**

My name is Niamh Whitford, I’m a Nyul Nyul woman. Usually the mood kind of changes from this, you know politely interested, to sort of what I would say is apathetic. There’s been, over the course of the sessions the most frequent question has been well what’s to stop the Government from not doing this, what stops the Government from not recognising this, and you know questions of this nature. It’s interesting to people see the lack of limitation, or where we currently are in the discussion, and how this might shake their former understanding.

**Mckenzie- Jane Stephan:**

I’m Mckenzie, I’m a law student and settler woman working with Naarm Law Students on Voice. So far I have mostly facilitated sessions with people in their late teens and early twenties. The mood in the room is mixed but overall very sober. While most people, at least in Victoria seem to be behind a ‘Yes vote’, they have very little faith in the government actually following through with anything useful following the referendum. I’ve definitely had a lot of questions about ‘well what’s stopping parliament just ignoring every suggestion from the Advisory or cutting their funding, or completely legislating away the advisory can advise on.’ Again, they’re not saying they don’t want a body, they want one – they just find it hard to trust the government to let it be successful, which I’ve found really interesting to listen in on. There is also a lot of discussion about why Voice is coming before Treaty and people feeling conflicted about what Indigenous Voices they should be listening to – the ones for Yes or the ones for No. I’ve definitely found that people want every Indigenous person to be on the same page before they vote and as soon as you say ‘well do you expect all white people to vote the same’ you see the moment of realisation that this doesn’t work like that.

**Josie Mortimer:**

My name is Josie Mortimer, and I am a proud Ngiyampaa and Wiradjuri woman. So far I have only facilitated one session at a college. We had a great turn-out with lots of students turning up but from my perspective I think that while most students were receptive and open to learn but reasonably so, with all of the misinformation being shared, they were very confused. They were confused about what the result will be for Indigenous and non-Indigenous people if a yes vote goes through, but also if a no vote goes through. The students were asking lots of questions, but I think that the main one that stood out to me was if a ‘yes’ vote doesn’t succeed will this impact a possibility of a Treaty. This stood out to me because among the media one of the arguments is that having a Voice will impact a Treaty, not the other way around.

**Jaynaya Dwyer:**

The full Naarm Law Students for Voice information session- 20 mins of the legal proposal you need to know - is available on our website now.

\*Soundtrack music\*

**Eddie Cubillo:**

Part 3: Feeling determined

The Voice is something which can really enhance Australian democracy and outcomes for First Nations people – here, we take a look at some of the messages which resonate to shift the conversation.

**Sana Nakata:**

The messages which are resonating with me, and I think the friends and family around me at the moment is a shared understanding that politicians are the problem, and people are the solution. I think most Australians understand that the closer the people are to politicians who make decisions, the better outcomes we get in our communities, and I think Australians recognise that whether we are First Nations Peoples or not.

I think also there is an understanding and recognition that the Voice to Parliament is something that ultimately brings us together. I come from a really multicultural family - we know that we can't be divided by race, we know that this proposal actually remedies systemic and structural forms of racial division that characterise the relationship between Aboriginal peoples and Torres Strait Islanders and non-Indigenous Australians in this place. I think there is a recognition, despite the rhetoric we are hearing from the 'no' campaign, that voting yes is an opportunity which this Country may well never have again, and it's an opportunity to take up the invitation from the Uluru Statement from the Heart, an invitation for all people to walk together with Aboriginal and Torres Strait Islander people in the important and difficult, but also beautiful and joyful work we do in upholding our communities.

**Rueben Berg:**

As someone who has been involved in the Victorian Treaty Process for a long time the referendum is I think a really powerful opportunity for the work we're doing here in Victoria to progress Voice Treaty and Truth, for that work to have an effect across the whole nation. We here in Victoria have had a Voice here in Victoria of some form, around Treaty, for the last four years, and we would love for all people around Australia to have a Voice; For First peoples to have a Voice, for us to have a say on the issues that affect us.

The Assembly I think has been able to demonstrate a really powerful model for what the Voice at a federal level could look like. We are a democratically elected group of First Peoples from across the State, we've got diversity, we've got regional representation and we are accountable to our communities, so I think that is a really powerful model of what a Voice might look like at a Federal level.

**Justin Mccaul:**

My name is Justin Mccall. My mob are Barabaram people of far North Queensland and I'm currently doing a PhD at the Australian National University in Canberra. So the way I'm feeling a week or so out from the referendum is really, I guess, anxious that if the polls are correct and the proposal for a Voice is rejected or fails to get up - I guess what I'm concerned about is that it makes, I guess, other issues that are important to our people about Treaty, a right to self-government, recognition of sovereignty - makes those things, I think, a little bit harder to achieve if we can't seem to convince enough Australians to support the idea of, you know, an advisory body to the government.

Look, I think the message from the Yes campaign about the need for a Voice and how it will improve outcomes, you know, for Aboriginal and Torres Strait Islander People. I don't think it's been a problem for those who support the Voice to understand why a voice to Parliament is necessary and how it will work and what benefits I guess it would give for Aboriginal and Torres Strait Islander People in terms of influencing lawmaking and policymaking in the Federal Parliament.

I don't have a problem with any of the messages that the Yes campaign has put out publicly. I guess what's been pretty obvious is that despite, you know, the positive spin on a lot of the 'yes' messaging and the way it's resonated strongly, I guess with supporters of the voice. It's still struggled to counteract on the gate a lot of the 'no' campaigns messaging at times it's quite very negative and outlandish in some of its claims about how, you know, 'it'll undermine democracy, divide the country, all land in Australia would become Native Title Land' - And some of these claims which are really hard to sustain rationally, but nonetheless, they've cut through with some segments of the Australian population. And I think that's been, one of the problems with the 'yes' campaign is that I just don't feel like, you know, the messages supporting the Voice have really cut through the 'no' campaigns negative messaging.

**Eddie Cubillo:**

Now we will turn to the powerful words of Tarneen Onus Brown – bringing message research from Australian Progress' Passing the Messagestick project.

**Tarneen Onus Browne:**

Hello, my name is Tarneen Onus Browne and I'm a proud Gunditjmara and Yorta Yorta through my mum and I am a Bindal And Miriam persons through my father. I live on a Wurundjeri Country and I just wanted to acknowledge the Country that I'm on and the Country that I'm recording this from today, and I want to acknowledge that it's spring here on Wurundjeri Country and it's beautiful and the birds have been waking me up. I feel like a deep sense of responsibility to this community in this Country and I'm really grateful that Wurundjeri people allow me to live on this land as well. I work at Australian Progress. We have a project in partnership with Get Up and also Auntie Jackie Huggins, and this is a project called Passing the Messagestick. Part of the message research is that I guess we talked about how much words are important, and the way we talk about things are important. We did one on the referendum message research that took about six months to eight to do about how should talk about the referendum. I will talk a little bit about that and just give an overview of what's important, what messages do stick like in this moment. We are less than a week out. This year will be a defining moment for the First Nation's advocacy. We have a window to shift public narrative and build on the legacy of our elders and lay foundations for transformative and long term change. Regardless of your view on the referendum, it is important - is a moment where there's a spotlight on issues that affect our community. And I guess why messaging matters is that when we get the right message delivered by the right messengers to the right audience at the right time, we win campaigns, and over time we also generate a sustained attitude shifts that mean the next campaign is easier to win. This builds on momentum for long term change.

The lessons that are in our past and what our communities have done before works. But our message has changed. We've stepped into the deficit frame to appeal to government. What we found is there's three voices. Things that we set like, we say, we've framed them in this way.

We do negation, and that can look like 'we are not innately criminal.' 'It is not because we don't love our children.' We say these things negate the negative conceptions and also that these negative ideas and negate saying we are not just like such a small word. When people hear it and see it, they don't hear the knot, they just hear it – 'We are innately criminal.'

We also use a passive voice that can look and sound like this: 'The gap between Indigenous and non - Indigenous people's health outcomes is widening.' That's not showing what's happening and who's responsible. Another thing we found is hedging. Hedging can look and sound like this. 'We seek to address the underlying causes of offending among Aboriginal women, that leads to the over representation in the criminal justice system'. So there's lots of words; it's really wordy and again, it's not showing who's responsible for that.

What we found is, we need to start from our strength, our capability, because when people believe we are strong and capable of making good decisions, it makes sense that we should have

more control. The good news is we can shift people to believe we're strong and capable very quickly. People are not used to hearing strength based messages at all. We say a message is like a baton and it gets passed on by people. People pass that baton around, and these messages really stick with people and people share that. The seven key recommendations that we found from the Passing the Message stick report and the findings was the number one was start with a message with a shared value. Two, it's time to reclaim our strength. The third one was name the unfair barrier that we face and who is causing the harm. We need to combine truth with action. Five is create a collective 'we' -we need to show this country that we need to listen to Aboriginal people about issues that affect them. Also, the sixth one is unpack the big concepts. Seven is never negate and don't repeat the opponent's message.

So, when you structure your message, you start with a shared value to hook your audience. Then you describe the villain who's creating the unfair barrier for us. And name their intention, who is involved, what they are doing, and what's their motive. Next you share your victory or a clear ask and solution grounded in strength and capability, showing that we know what's best for our communities. Finish with a vision of a positive and hopeful future.

So I'm going to read out a message that does resonate with lots of people.

Everyone deserves to be treated with equal respect and dignity. That's your value that you start with.

But today we still have a racist system that unfairly targets people based on their colour and blocks them from setting their own course.

but today we have a racist system that unfairly targets people based on their colour and blocks them from setting their own course. We have an aggressive policing of Aboriginal children, controls on what Aboriginal people can spend their pensions on, and discrimination when applying for jobs. That is the villain; The system is the villain.

We need to work together, whether we've been here for five years, five generations or 5000 generations, to design things, it's fair for everyone. That is the victory part of the message with a system that reflects the values we all share. Everyone, no matter who they are, can be treated equally. That is the vision for the future. When we structure things like this, we're starting off with that value. We're saying what the barrier is, that's the villain, the victory, and also the vision for the future. I think those are definitely the big things that I guess is missing in lots of messaging about First Nations people because we are seen as we need charity and we are the most incarcerated. The health gap is so big and we need to close that. This doesn't say who's responsible for that and who's continued to fail Aboriginal people over the years. It's really important that we do talk about First Nation's strength and leadership and capability because we know that First Nations people deserve control over our own affairs. And that is one of the strongest messages that resonates with our community as blackfellas, but also for people that are in the middle and people in our base that support us.

**Eddie Cubillo:**

Thanks very much to Tarneen and everyone sharing that wisdom. Take on those tips you mob! Especially lawyer types – we're not going to win this just talking about how the constitution works.

**Jaynaya Dwyer:**

Part 4: Feeling Nostalgic

Eddie I remember having brunch with you and our friend and colleague Nick Espie earlier in the year and you spoke about how this proposal felt like 'begging for scraps' as you would never get what you had with ATSIC again.

That was referring to the Aboriginal and Torres Strait Islander Commission, a representative body running from 1989 to 2004, which you were elected onto to represent the Darwin region on the Yilli Reung Regional Council.



Its true – the Voice is a narrower proposal than ATSIC -the Voice will only have the representative function – and will not be responsible for funding delivering programs as ATSIC was – but there are resonances in the role ATSIC played in representing Aboriginal and Torres Strait Islander people to government.

I thought it was important that we would visit some clips from a conversation on Jagera Country that you and I had with former senior leaders in ATSIC Mick Gooda and Geoff Scott.

Mick Gooda, Gangulu and Yiman man and former CEO of ATSIC shares some words.

**Mick Gooda:**

Lots of people signed up because we believed in local decision-making. We believe that if people were empowered to make decisions about their lives at the local level, that what would change our world.

The one thing I think that's changed is whichever way we did it in DAA and ATSIC We represented the Aboriginal and Torres Strait Islander view to government. We tried, and we did a really good. Now what we see is people in the system have to represent the government's view to Aboriginal and Torres Strait Islander people. And that's a fundamental difference we've got right now. I'm an old-fashioned public servant. I love being a public servant. I think I'll keep on saying to people to go back to the literal meaning of public servant - We serve the public and our public is Aboriginal and Torres Strait Islander people. I'm still really proud of being a public servant, because we can do things the private sector can't do, and we can do things that community sector can't do it because we can influence government. What we miss in what we had was the centre of their universe in Woden, that was the power - every blackfella, would be there in Woden and we'd be out in the food halls and you'd see mob from all over Australia, you'd sit and then you'd talk to them about what they're doing there. And there was this really great thing. And I grieve for it. I dead set grieve for it.

**Jaynaya Dwyer:**

*Now Geoff Scott speaks, a Wiradjuri Man and former deputy CEO of ATSIC*

**Geoff Scott:**

Coming to ATSIC I was one of the original Regional Managers when ATSIC came into being. It was a bit of a trial. We were on a train, which was smelly and nobody knew what we're gonna do and the destination was unclear. But we were there for the ride. But ATSIC one of the most innovative administrative initiatives I've ever seen in my life and still I think, lauded by the rest of the world. And we should never lose sight of that. And before I get onto this, what happened in that Commission with some of the issues, were? ATSIC was something that was continuing to evolve. Its life was cut short by indolent, opportunistic politicians at a time when we needed leadership, and the country was devoid of it. And that's what happened itself. And it was maybe assisted by some Aboriginal people in our own immature politic. But we've got to hope we learn from that and we move on. The point of being at ATSIC was always to make a better life for our children and our children's children. And that was the thing that drove us.

**Jaynaya Dwyer:**

*And now you Eddie speaking about his experience of being a Regional Chair representing the Yilli Reung Regional Council of Darwin.*

**Eddie Cubillo:**

I look back and both the two gentlemen here who I look up to really big time, were really high positions that you still don't see. I mean, you see one or two now, but back then that was, that was, that was a significant era where as aspiring young people, you could look up and you see people in key roles making key decisions. And whether that's a local or at a national level, you had all these beliefs that you could, you could possibly get there. That's sort of been lacking again, on a journey in Regional Council, you had people nurturing you and advising you how to understand the whole thing around our advocacy because

they showed you have to show respect and show respect and then gain respect. We've missed that for a while. And hopefully we can regain that.

**Mick Gooda:**

And it was so brilliant, it was so good then we have recalcitrant Regional Councils- one or two, but the majority would just getting on with it and they were evolving. That's why I think Geoff your terminology is so brilliant about what we had was immature leadership. And that was at the top level. But the people on the ground with changing. And I remember seeing this in Arnhem Land when all them elders who really set back from ATSIC and watched. In the last election, the elders, the law men and women were starting and put their hands up to be on the Regional Council. So I like our mob sat back and sit back and wonder what's going to happen here, and it's gammin and all that. But in the end, our mob were doing it. And the minute, we do that – the minute we take power, the government will do something to destroy it.

**Geoff Scott:**

The reason why I actually support wholeheartedly the Voice being enshrined in the Constitution protected is because all these bodies head for years. It had been abolished in a whim of government. We have various Ministers who wake up having epiphany and become our saviour and think they know what the answers are. It's happened time after time. We can't rely on the good graces of parliament, the good graces of the government of that day anymore, we have to have a protected Voice. Which actually can be brave and be courageous and make those points and that's how we get it. I think we have to move forward with the voice itself. Right now. We have to get that into the Constitution and move to a referendum quickly and sell the idea, not the detail. You never sell your detail through a referendum. You sell a concept, an idea or a vision and a passion. That's where we're going to work the rest out later because you'll have the various options which committees to work out the details of how structured, how it works. That's stuff that's for later. But I think it's a great opportunity – the Voice is a way forward. I think, I think the sequence is very important as well. You're not going to get appropriate Treaties. You're not going to get truth telling, if we don't have someone who's leveling the playing field, we have to have someone who's in a position to actually influence- who's not compliant. Who will step-up and challenge what government's doing. Not to the point of being obstructive or being confrontational and combative, but actually working together to make better lives for people. I think a Voice needs to do that. And again, lessons from ATSIC, we got to learn about how that works in the workings of government. And I think many of our people have they been through that, the learning from what happened then and what frustrations were, and I think we're ready for it.

**Jaynaya Dwyer:**

I've been thinking its so important to look back – As settler people we so often adopt this narrative of history being linear progress forward, and things being on a path to improvement – which of course is tied up in settler-Colonial values – we can question that we haven't been here before – but also attend to the lessons from that time

So what important word to sit with right now - You can hear that conversation on ATSIC in full on episode one of White Noise.

\*soundtrack\*

**Eddie Cubillo:**

Part 5: Feeling Misrecognised

There are many conversations that don't sit quite right.

**Sana Nakata:**

There have been messages in the Yes campaign that don't sit comfortably with how I see myself as a Torres Strait Islander, or the kinds of politics and claims which are important to me. Two in particular is that recognition in and of itself has never been a particularly motivating politics. I don't need or desire

the recognition of the colonial state in my day-to-day life. That said, I understand it as an important campaign point in persuading the rest of the country. There is a reality also that the non-recognition of First peoples in the Constitution has been a significant source of harm and I do think that needs to be remedied, even if the overarching message is not one which sits closely with me.

I think the other message that has been hard, and we have seen this in some recent ads is the turn towards depicting our experiences of inequality and disadvantage. Those stories are true, those histories are real and there is a real suffering and hardship that exists for a lot of our mob in a lot of places, both urban and remote. I don't like seeing it depicted and it's certainly not the narrative that I have been raised in as an Islander who understands their place in the world, and our strength, and our creativity and our agency in effecting our politics and continuing to assert the right to determine our own futures. And at the same time, and this is the politics scholar in me who understands what is required to win a vote, and a majority of vote nationally and a majority of states, is that there are so many Australians who still don't understand what the conditions of our disadvantage and inequality have been over the last 235 years and still are today, so yeah those are a couple of messages which don't particularly resonate with me and how I see ourselves, but I understand for many Australians understanding the importance of recognition, understanding the real circumstances in which so many of us and our loved ones live could be what is needed to move the vote to yes.

**Eddie Cubillo:**

Revisiting the words of Unangax scholar from Turtle Island – Professor Eve Tuck speaking at Melbourne Law School last week.

**Eve Tuck:**

I'm going to stay with the referendum and the campaign for "Yes", what it's taken is, it has taken an approach to yes, to getting the yes, that has meant saying like, "say yes, in order to save us". "Say yes, in order to rescue us" - and that's the part that I think feels awful, it feels already like a bad hangover, and where people anticipate to appeal on the basis of morality for our white people to give up power is a gross thing to have to do when you know exactly where your power comes from, and that's from your cosmologies. That's from your understanding and relation, that's from song lines that's from your understanding from your community of the way that the world works, not from this outcome of this vote.

**Eve Tuck:**

And understand that there is no settler government that has ever kept any of its promises to Indigenous people.

And so all of this heartache, all of this work for a potential "No", just to learn that Australia is racist is what you're opening, you're putting yourselves out there for, putting your hearts on the line for, and you know, creating even some potential hard conversations or divides within families, among Indigenous families.

And so you're in - you're in a tough spot. It's tough to have what feels like your future be determined by white people in Australia who've never met an Indigenous person and who are very unlikely to feel like a Voice is urgent.

But what I can say is, I'm so heartened by this idea from Scott Lyons about an "X" mark, and he writes in the context of the "X" marks that ancestors made in order to make treaties with various governments and that for settler governments, the "X" mark that an Indigenous person is making in a treaty is in order to settle something. It's in order to say, this is the permanent agreement, and then they break it anyway. We know that that's true.

But for Indigenous peoples an "X" mark, a "Yes" vote, is a way of keeping a future alive while we're working on all the other things. The "yes" vote is what is for the legitimacy of a settler government. This is about that government, but Indigenous futurities and Indigenous governance and Indigenous relations to Country - those are permanent, those are abiding, those are not changed by whatever the outcome of this vote is. Those are not changed by that.

**Jaynaya Dwyer:**

And now, Adjunct Professor Janine Mohamed speaking as a Narrunga and Kurna woman and CEO of Lowitja, speaking about the relationship between Voice, healing and listening.

**Janine Mohamed:**

I think healing is very different for everyone and that's what equity is, right? Equity is not about giving everyone the same. Nursing will often say that - 'but I treat everyone the same'. That's not equity because it won't give you the same outcome for everyone. You actually have to meet people where they're at and that means building a relationship and then being able to offer individual solutions and that's what gives us equality. Healing for me when you said that, when you asked that question, really it begins with what you already see move this nation. And that's truth telling. I was on the steps of Parliament, right beside the Torrens River when Kevin Rudd gave the apology. As symbolic as what people may describe that as, for me as an individual that meant people were heard for the first time, that their stories were believed, that there was a bit more trust gained. Always at the centre of healing, I think is trust, and if you've ever listened to one of my talks, one of my coin phrases is will even move at the speed of trust. Yeah, I think healing for me starts with truth telling. There's a big decision coming up in Australia about voice, treaty, and truth processes and Uluru statement from the heart. Of course, Lowitja Institute our patron is Pat Anderson, one of the lead conveners of the Uluru statement. I think that, if we get a yes outcome, I think that that will be another step forward in our healing process.

**Eddie Cubillo:**

Thank you for listening to this special episode of White Noise -

Our show notes for this episode include neutral information on the referendum proposal from Naarm Law Students on Voice.

Our show notes for this episode also include some supports you can access if this episode has raised difficult feelings for you.

Take care and vote wisely.

We leave you with words from my friend - Wardi man, Tony McAvoy

**Tony McAvoy:**

Friends. My name is Tony McAvoy. I'm a Wardi man. I'm also a barrister. I'm working, at the moment on a Native Title case in Kalgoorlie. I was on the Referendum Working Group. I have voted 'Yes' in this referendum because I think there is an opportunity for all of us, the whole country, to move forward in a way that is more respectful, that treats everybody with dignity. That allows my people, my family, Aboriginal peoples all over this Country to move out of the entrenched disadvantage that we have. It's an opportunity for Australians to embrace in the founding documents of this Country and say, we will listen to you! We know that what we are doing is not working, and we will listen to you. That is what the Voice is. It's an advisory body to the Parliament that allows us to be heard and allows better decisions to be made. I trust that you all will do your best to understand what's happening and vote accordingly.

***\*Outro Music: White Noise soundtrack\****