

22 October 2023

To the Prime Minister and every Member of the House of Representatives and the Senate of the Commonwealth Parliament

This is an open letter which will be circulated to the Australian public and media.

Aboriginal and Torres Strait Islander peoples have observed a week of silence across Australia since the outcome of the Referendum last Saturday 14 October 2023. Aboriginal and Torres Strait Islander flags have flown half-mast and we have refrained from media commentary, even as politicians, governments, media commentators and analysts have spent a week exonerating – and indeed, lauding – the nobility of the 60.8 per cent of Australians who voted to reject Constitutional Recognition of Aboriginal and Torres Strait Islander people as the First Peoples of Australia.

These are the collective insights and views of a group of Aboriginal and Torres Strait Islander leaders, community members and organisations who supported Yes:

1. Aboriginal and Torres Strait Islander peoples are in shock and are grieving the result. We feel acutely the repudiation of our peoples and the rejection of our efforts to pursue reconciliation in good faith. That people who came to our country in only the last 235 years would reject the recognition of this continent's First Peoples – on our sacred land which we have cared for and nurtured for more than 65,000 years – is so appalling and mean-spirited as to be utterly unbelievable a week following. It will remain unbelievable and appalling for decades to come.
2. We thank the 5.51 million Australians who voted Yes to recognition. This represents approximately 39.2 per cent of Australian voters on 14 October 2023. At the 2022 Federal Election the Australian Labor Party received support from 32.58 per cent of voters, the Liberal Party 23.89 per cent, the National Party 3.6 per cent and One Nation 4.96 per cent. We thank those Australians who gave Yes more support at this Referendum than they did to any political party.
3. We acknowledge the resounding Yes vote in discrete and remote Aboriginal and Torres Strait Islander communities. The high levels of support for Yes in our communities exposes the No Campaign's lies, taken up by the media even in the last week of the campaign. The situation of these communities needs to be addressed sooner rather than later.
4. Australia is our country. We accept that the majority of non-Indigenous voting Australians have rejected recognition in the Australian Constitution. We do not for one moment accept that this country is not ours. Always was. Always will be. It is the legitimacy of the non-Indigenous occupation in this country that requires recognition, not the other way around. Our sovereignty has never been ceded.
5. The Constitution still belongs to those who the founding fathers originally intended it for and remains unchanged in our exclusion. We were asked to be recognised over a decade ago; we sought to be included in a meaningful way and that has been rejected. In refusing our peoples' right to be heard on matters that affect us, Australia chose to make itself less liberal and less democratic. Our right to be heard continues to exist

both as a democratic imperative for this nation, and as our inherent right to self-determination. The country can deny the former but not the latter. A 'founding document' without recognition of First Peoples of this country continues the process of colonisation. It is clear no reform of the Constitution that includes our peoples will ever succeed. This is the bitter lesson from 14 October.

6. The support for the referendum collapsed from the moment Liberal and National Party leaders, Mr Dutton and Mr Littleproud, chose to oppose the Voice to Parliament proposal after more than a decade of bipartisan support. The proposal was tracking 60 per cent support compared to 40 per cent opposition for several years until the National and Liberal parties preferred wanton political damage over support for some of this country's most disadvantaged people. There was little the Yes campaign could do to countervail this.
7. Lies in political advertising and communication were a primary feature of this campaign. We know that the No campaign was funded and resourced by conservative and international interests who have no stake or genuine interest in the lives of Aboriginal and Torres Strait Islander people. We know this funding supported multiple No campaigns that intentionally argued in varying directions to create doubt and fear in both non-Indigenous and Indigenous communities. This included resurrecting scare campaigns seen during the 1990s against land rights, but the scale of deliberate disinformation and misinformation was unprecedented, and it proliferated, unchecked, on social media, repeated in mainstream media and unleashed a tsunami of racism against our people. We know that the mainstream media failed our people, favouring 'a false sense of balance' over facts.
8. There has always been racism against First Nations people in Australia. It increased with multiple daily instances during the campaign and was a powerful driver for the No campaign. But this campaign went beyond just racism. 'If you don't know - Vote No' gave expression to ignorance and licensed the abandonment of civic responsibility on the part of many voters who voted No. This shameful victory belongs to the Institute of Public Affairs, the Centre for Independent Studies and mainstream media.
9. Post-referendum commentaries that exculpate those who voted No were expected as the usual kind of post-election approbation of the electorate. The truth is that the majority of Australians have committed a shameful act whether knowingly or not, and there is nothing positive to be interpreted from it. We needed truth to be told to the Australian people.
10. We will maintain the vision of the Uluru Statement from the Heart. We will continue to uphold the outcomes of the Uluru Dialogues to which more than 1,200 Aboriginal and Torres Strait Islander people from across the country contributed – culminating in the Uluru Statement signed by 250 people on 26 May 2017. It is evident that many Australians are unaware of our cultures, our histories, or the racism imbued in the Australian Constitution. That so many Australian people believe there is no race or division on race in the current Australian Constitution speaks to the need for better education on Australian history and better civics education. We have faith that the upswelling of support through this Referendum has ignited a fire for many to walk with us on our journey towards justice. Our truths have been silenced for too long.

11. We want to talk with our people and our supporters about establishing – independent of the Constitution or legislation – an Aboriginal and Torres Strait Islander Voice to take up the cause of justice for our people. Rejection of constitutional recognition will not deter us from speaking up to governments, parliaments and to the Australian people. We have an agenda for justice in pursuit of our First Nations rights that sorely need a Voice – we will continue to follow our law and our ways, as our Elders and Ancestors have done.
12. We will regather in due course and develop a plan for our future direction. While this moment will be etched into Australia's history forever, today we think of our children, and our children's children. Our work continues as it has always done. We will continue to fight to seek justice for our peoples. We are three per cent of the population, and you are 97 per cent.