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## **Theatre and Referendums: The Case of the Indigenous Voice to Parliament**

Proportionally, we are the most incarcerated people on the planet. We are not an innately criminal people. Our children are alienated from their families at unprecedented rates. This cannot be because we have no love for them. And our youth languish in detention in obscene numbers. They should be our hope for the future. These dimensions of our crisis tell plainly the structural nature of our problem. *This is the torment of our powerlessness.* We seek constitutional reforms to empower our people and take *a rightful place* in our own country. When we have power over our destiny our children will flourish. They will walk in two worlds and their culture will be a gift to their country.<sup>1</sup>

On 14 October 2023, a referendum held to change the Australian constitution to include an Aboriginal and Torres Strait Islander Voice to Parliament was rejected. The national vote was, approximately, 60/40% against constitutional reform. Each state vote followed that percentage breakdown with, at either ends of the spectrum, the state of Victoria rejecting reform by a smaller margin of 54/46% and the state of Queensland rejecting it by a larger margin of 70/30%. Only the Australian Capital Territory, containing the nation's capital, Canberra, the seat of Federal government, reversed the trend voting 60/40% in favour of constitutional change.<sup>2</sup> I am an Australian citizen of European heritage resident in the UK since early 2007. I am currently Professor in Community Performance in the Department of Communications, Drama and Film at the University of Exeter. My analysis here will focus on theatre and referendums,

<sup>1</sup> *Uluru Statement from the Heart* in M. Davis, G. Williams, *Everything You Need to Know about the Voice*, Sydney 2023, p. 193.

<sup>2</sup> For a numerically exact breakdown of the results of the 2023 referendum see: <https://results.aec.gov.au/29581/Website/ReferendumNationalResults-29581.htm> [accessed: 2025.08.7].

with a focus on the Indigenous Voice to Parliament referendum. First, I outline what the Voice is. I then discuss my position as a non-participating citizen, based on my understanding of historical and recent acts of voting in referendums in Australia and the UK. Third, I examine literature on theatre and referendums before engaging in a brief analysis of the Voice referendum. I argue that the Voice went beyond tragedy to become a "Theatre of Cruelty" (with apologies to Antonin Artaud<sup>3</sup>) in so far as it failed to address the structural basis of Indigenous disadvantage in Australia that leaves too many First Nations people – both older and younger – incarcerated and/or in detention.

## 1. What is the Indigenous Voice to Parliament?

Aboriginal and Torres Strait Islander peoples have been custodians of the huge land mass more recently known as Australia for around 60,000 years. Unlike in other parts of the former British Empire (New Zealand and Canada, for instance), there were no agreements or treaties created between First Nations people and British colonialists when they claimed land for the British, as Captain James Cook did aboard the *Endeavour* in 1770, and established a penal colony at Botany Bay (New South Wales) in 1788. In a case brought to the High Court of Australia, Eddie Mabo asserted traditional ownership rights of the Meriam people to islands in the Torres Strait. The 1992 Mabo decision overturned the legal fiction of *terra nullius*, asserting that no-one owned the land claimed by the British, and acknowledged traditional rights of Torres Strait Islander peoples to their land. In 1993, the Australian government introduced Native Title legislation to reflect Indigenous rights to land including on the Australian mainland. The continuity of First Nations culture in the country is powerfully stated in the declaration that "sovereignty was never ceded."

A federation of colonial states became a Commonwealth nation in 1901. At the point of Federation, the Australian Constitution came into force. Megan Davis and George Williams note that First Nations peoples were "excluded from the political settlement that brought about the new nation."<sup>4</sup> Indeed, they state that:

[...] there is no record of Aboriginal and Torres Strait Islander peoples playing any role in the drafting of the Constitution or the process that led to the creation of the Australian nation. Nor did they take part in the delegation that travelled to Britain to have that document enacted. Nor is there any record of Indigenous people being consulted about this, or their consent being sought to bring about a new nation on their ancestral lands. Instead, the Constitution was drafted to exclude Aboriginal people, who many of the colonists viewed as a "dying race."<sup>5</sup>

<sup>3</sup> A. Artaud, *The theatre and its double: essays*, Montreuil 2001.

<sup>4</sup> M. Davis, G. Williams, *Everything You Need...*, p. 33.

<sup>5</sup> *Ibid.*

While Federation granted citizenship rights to most of the population of the new nation, this foundational moment was experienced differently by those who had survived the frontier violence of the colonial settler period.<sup>6</sup> After Federation, Indigenous Australians were forced from their traditional, ancestral lands onto state government and missionary run reserves. There, as Davis and Williams note: "Every aspect of their lives was regulated, from marriage, employment and freedom of movement, to regulation of their work and how pay from that work was to be spent."<sup>7</sup> Often surrounded by wire to maintain separation between Indigenous inhabitants and the rest of society, these missions or reserves resembled open prisons. Despite being known as the Protection Era, because it was "distinguished by special, seemingly benevolent legislation aimed at protecting Aboriginal people from the 'worst effects of contact with Europeans,' including diseases and violence,"<sup>8</sup> the era was characterised by "overtly discriminatory laws in which Aboriginal people were denied equality in almost every aspect of their lives."<sup>9</sup> Additionally, in this period, assimilationist policy was enacted and Indigenous children were forcibly removed from their families to be integrated into so-called mainstream society. Along with the Immigration Restriction Act (1901), introduced shortly after Federation and which excluded non-British/European peoples from settling in Australia, assimilationist policy aided the creation of a racialised – "white" – nation. The state-sanctioned and widespread practice of forced removal of children became known as the Stolen Generations, documented in the *Bringing them Home* report<sup>10</sup> by the Australian Human Rights and Equal Opportunity Commission after a National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families. Labor Prime Minister, Kevin Rudd, issued a National Apology to the Stolen Generations in 2008.

The political project to reverse historical exclusion and to achieve First Nations' constitutional recognition has been a long-lasting one. I omit here a significant amount of complex history, for brevity's sake. However, the project gathered ground again in around 2015.<sup>11</sup> After representations to government by forty-odd Indigenous leaders, the Liberal/National Coalition Prime Minister, Malcolm Turnbull, with the bipartisan support of Labor opposition leader, Bill Shorten, established a Referendum Council to undertake public consultation on constitutional reform, including a concurrent

<sup>6</sup> See H. Reynolds, *The Other Side of the Frontier: Aboriginal Resistance to the European Invasion of Australia*, Sydney 2006. See also Professor Lyndall Ryan's mapping of frontier wars *Colonial Frontier Massacres in Australia, 1788–1930*, <https://c21ch.newcastle.edu.au/colonialmassacres/map.php> [accessed: 2025.08.7].

<sup>7</sup> M. Davis, G. Williams, *Everything You Need...*, p. 34.

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*

<sup>10</sup> National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families (Australia) & Wilson, Ronald, Sir, 1922–2005 & Australia. Human Rights and Equal Opportunity Commission, *Bringing them home: report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families*, Sydney 1997, <http://www.austlii.edu.au/au/special/rsjproject/rsjlibrary/hreoc/stolen/> [accessed: 2025.06.7].

<sup>11</sup> For a more comprehensive historical timeline see *ibid.*

process of Indigenous designed and led consultation. A series of First Nations Regional Dialogues took place under the auspices of the Referendum Council. These dialogues, according to Davis and Williams, aimed “to discuss options for constitutional reform, and to ensure that Aboriginal decision-making is at the heart of the reform process.”<sup>12</sup> The process culminated in a three-day national Indigenous Constitutional Convention held at Uluru in the Northern Territory in May 2017. The Convention “gave rise to a national Indigenous consensus position on how Indigenous people want to be constitutionally recognised.”<sup>13</sup> This majority position was powerfully expressed in the Uluru Statement from the Heart (2017). The rather poetic statement (see an excerpt quoted above) issued the call for a constitutionally entrenched First Nations Voice to Parliament, and a Makarrata commission to oversee a process of treaty-making and truth-telling. In other words, it called for Voice, Treaty, and Truth. Although the Turnbull government rejected the call for Voice, Treaty, and Truth, work continued to develop the Voice to Parliament via a Joint Select Committee of Parliament, chaired by Senators Patrick Dodson and Julian Leeser, and through the work of the then Minister for Indigenous Australians, Ken Wyatt. In 2021, an interim report on the Indigenous Voice Proposal was released initiating a feedback process as part of the second stage of a co-design process.<sup>14</sup> In 2022, Anthony Albanese became Labor Prime Minister after a general election. In his winning speech, he committed to implementing the Uluru Statement from the Heart.

## **2. Voting Acts: on not voting in the Voice referendum**

When the new Labor Prime Minister committed his government to implementing the Uluru Statement from the Heart in his election acceptance speech in May 2022, I rechecked the rules of electoral franchise in Australia. My check confirmed that as an Australian citizen resident in the UK since 2007 (for seventeen years), I am ineligible to vote in Australian elections. I exceed the short-term period (six years) within which a citizen living/working overseas can remain enrolled to vote. It was upsetting to re-confirm what I already knew; that I was not able to vote in the referendum on the Voice. I would not be taking part in Australian history, via this second referendum to remedy the foundational act of exclusion of First Nations peoples from the Constitution. I longed to participate in a referendum like the one in which 91% of the Australian electorate voted in favour of changing the Australian constitution to include First Nations peoples as had been the case in 1967, after a long campaign led by First Nations leaders and aligned to the civil rights movement in Australia. But was that the

<sup>12</sup> *Ibid.*, p. 14.

<sup>13</sup> S. Morris, *Insights for design of direct public participation: Australia's Uluru process as a case study*, p. 2, [https://law.unimelb.edu.au/\\_\\_data/assets/pdf\\_file/0007/3230377/MF19-Australia-paper.pdf](https://law.unimelb.edu.au/__data/assets/pdf_file/0007/3230377/MF19-Australia-paper.pdf) [accessed: 2025.08.7].

<sup>14</sup> M. Davis, G. Williams, *Everything You Need...*, p. 14.

case: what was the 1967 referendum? And, would the Australian electorate back up that vote for constitutional recognition for First Nations people in 2023, some fifty-six years later? My hope, even without my participation, was that the referendum for the Voice to Parliament, the first step in implementing the triumvirate of Voice, Treaty, and Truth, would succeed.

In relation to the first question on the 1967 Referendum, Davis and Williams state, "exactly what the [1967] referendum achieved has long been the subject of debate and misunderstanding. Indeed, the vote has attained somewhat of a mythical status that far exceeds the legal changes it brought about [...]."<sup>15</sup> They go on to explain that it is a common misconception that the 1967 referendum "dealt with fundamental questions of justice and Aboriginal rights, such as their status as citizens and ability to vote. These misconceptions have sometimes been accompanied by the myth that the referendum overrode a Flora and Fauna Act by which Aboriginal people were treated as part of Australia's native wildlife. No such Act has ever existed."<sup>16</sup> Countering common misconception and myth, Davis and Williams explain that the 1967 referendum "deleted two sets of words from the Constitution. First, it removed an exclusion from the races power in section 51 (xxvi) that had prevented the federal Parliament from enacting laws for Aboriginal people. Second, it repealed section 127, which had prevented Aboriginal people from being included in 'reckoning the numbers of the people of the Commonwealth'."<sup>17</sup> It was a positive thing that the referendum was upheld since "both provisions referred to Aboriginal people in negative ways, either by way of removing them as a subject of federal power, or by excluding them from the count of the people of the Commonwealth used for determining representation in the federal Parliament."<sup>18</sup> So, in fact, the 1967 referendum changed the Constitution to include Indigenous Australians in the census and gave control of Indigenous affairs to the Commonwealth government rather than the states. In terms of the latter, centralisation promised more consistent and better funding of Indigenous affairs as well as relief from discriminatory state legislation. However, due to the deletions, there remained a lack of substantial reference to and recognition of First Nations in the Constitution (that is, it remains exclusionary). Yet a myth grew, falsely, that the 1967 Referendum conferred rights and recognition, which it most certainly did not, possibly precluding the need for further change. With the historical precedent of 1967 somewhat more circumscribed, the next question to address is: Would the yes vote succeed?

I have voted in two notable referendums. In 1999, the Australian government held a referendum to alter the Constitution to establish the Commonwealth of Australia as a republic with the Queen and Governor-General being replaced by a President. As a second point, there was a proposition to insert a preamble to the constitution which included (weak) acknowledgement of Indigenous Australians amongst other things. In 2016, the UK government called a referendum to vote on UK membership

<sup>15</sup> *Ibid.*, p. 35.

<sup>16</sup> *Ibid.*, p. 47.

<sup>17</sup> *Ibid.*, p. 35.

<sup>18</sup> *Ibid.*, p. 36.

of the European Union. I am eligible to vote in UK parliamentary (and local English) elections as a “qualifying Commonwealth citizen” over eighteen, with a local address, and not currently serving a prison sentence nor being a peer in the House of Lords. The Australian electorate rejected the proposal for Australia to become a republic and rejected the insertion of a preamble. The then Prime Minister, John Howard, had acknowledged the growing republican movement by calling a referendum and, at the same time, created unnecessary division around whether the President of a putative republic would be elected by popular vote or by parliament. In the end, the core issue of republic versus constitutional monarchy became bogged down in debate about who should elect a future president and how. The question finally put to the people specified that the President would be “appointed by a two-thirds majority of the members of the Commonwealth Parliament” thus, perhaps, repelling republican voters who disagreed with this mode of electing a president. The disaffected increased monarchists’ numbers. The preamble, similarly, was written by the PM with an Australian poet and then First Nations Senator (from the Australian Democrats party). An early iteration mentioned “mateship” as a core Australian value, thus alienating many female and progressive voters. The pre-amble only offered weak recognition of First Nations peoples and certainly did not acknowledge custodianship of country for six millennia.

The 2016 referendum on UK membership of the European Union came two years after the vote on Scottish independence, in which uncertainty about Scotland’s position within the EU after independence was one lever used to pressure Scottish voters to remain within the United Kingdom. Conservative Prime Minister, David Cameron, called a referendum on EU membership in 2016 to appease Eurosceptic elements in his own party. He was unsettled by the increasing popularity of the United Kingdom Independence Party (UKIP) led by Nigel Farage. There were multiple groups representing the positions of remain and leave. However, the EU referendum has since been described by the Electoral Reform Society as “dire” with “glaring democratic deficiencies.”<sup>19</sup> In contrast to the Scottish independence referendum, “which for all its faults undoubtedly featured a vibrant, well-informed, grassroots conversation that left a lasting legacy of on-going public participation in politics and public life,” the Electoral Reform Society noted that the EU referendum left far too many people feeling “ill-informed about the issues [...] The polling also shows that voters viewed both sides as increasingly negative as the campaign wore on. Meanwhile, the top-down, personality-based nature of the debate failed to address major policies and subjects, leaving the public in the dark.”<sup>20</sup> The referendum vote was, approximately: 52% leave, 48% remain. The Electoral Reform Society subsequently published a report, *It’s Good to Talk: Doing Referendums Differently*,<sup>21</sup> which I refer to below.

<sup>19</sup> Electoral Reform Society, *Doing referendums differently* [Press release], 2016, <https://www.electoral-reform.org.uk/doing-referendums-differently/> [accessed: 2025.08.9].

<sup>20</sup> *Ibid.*

<sup>21</sup> Electoral Reform Society, *It’s Good to Talk: Doing Referendums Differently* [Report], 2016, <https://www.electoral-reform.org.uk/latest-news-and-research/publications/its-good-to-talk/> [accessed: 2025.08.1].

Based on these acts of direct democracy and with the 1967 referendum in better context, my confidence in and hopes for a yes vote reduced considerably. I was in Australia in July/August to visit family over the Northern hemisphere school summer holidays. We were aware there was going to be a referendum on an Indigenous Voice to Parliament. Bookshop shelves contained sections on the Voice. I picked up and read a couple of books to be better informed: Charles Prouse's *on the Voice to Parliament* offered a very moving personal perspective from a Nyikina man (from north-west Western Australia).<sup>22</sup> Davis and Williams's *Everything You Need to Know about the Voice to Parliament* provided invaluable and extremely knowledgeable information on Australian constitutional law, reform, and the case for recognition.<sup>23</sup> Both co-authors are constitutional law experts, and Davis, a First Nations woman, was intimately involved in Uluru Statement and Referendum processes. The same authors also produced the outstanding *Everything You Need to Know about the Uluru Statement from the Heart* (2021). Both texts proved critical in understanding the full context to the Voice. I am relying heavily on Davis and Williams (2023) here.

In August 2023, Albanese attended the Garma festival, a festival celebrating traditional cultures and knowledges of the Yolngu peoples of East Arnhem Land. There he gave an address outlining a "starting point," recommending the addition of three (draft) sentences to the Constitution:

There shall be a body, to be called the Aboriginal and Torres Strait Islander Voice.

1. The Aboriginal and Torres Strait Islander Voice may make representations to Parliament and the Executive Government on matters relating to Aboriginal and Torres Strait Islander Peoples.
2. The Parliament shall, subject to this Constitution, have power to make laws with respect to the composition, functions, powers and procedures of the Aboriginal and Torres Strait Islander Voice.<sup>24</sup>

The referendum date of 14 October 2023 was announced on 30 August 2023, as we headed back to the UK.

### **3. Reviewing theory and practice: theatre, theatricality, performativity, and referendums**

While there were numerous books on the Voice (the publishing industry was in full production mode), I wondered about theatre especially in relation to the referendum, and also more generally given recent UK events. Google turned up one return for theatre on the Voice referendum: *Facing Up* by Lynden Nicholls, performed at Theatre

<sup>22</sup> Ch. Prouse, *On the Voice to Parliament*, Australia 2023.

<sup>23</sup> M. Davis, G. Williams, *Everything You Need...*

<sup>24</sup> *Address to Garma Festival*, <https://www.pm.gov.au/media/address-garma-festival> [accessed: 2025.06.7].

Works, an independent theatre in Melbourne, Victoria, in May 2023. On further investigation, I found that the play was first developed and performed in 2018/2019 in Ballarat (regional Victoria). Nicholls is a non-Indigenous playwright and was inspired by the Uluru Statement from the Heart (2017) to create the piece. The play is documentary-based and places alternating focus on Federal Policy on Indigenous issues and the parallel First Nations protest since 1901. That is, the play juxtaposes statements on historical record from Australian Prime Ministers, played by a white/European male actor, against political and personal First Nations histories enacted by two female First Nations actors. The play was performed in theatre and community spaces in Ballarat, including the Botanical Gardens, which features an avenue displaying the bronze busts of former Australian Prime Ministers. It also played as part of national Indigenous festivals such as NAIDOC (National Aborigines and Islanders Day Observance Committee) and Reconciliation weeks. A substantial teachers' pack was prepared to support school visits to the production.<sup>25</sup> Theatre Works explicitly linked the production to the Voice:

This powerful production explores Australian Federal policy and attitudes towards First Nations people from federation to the present, delving into both the official history and the rarely acknowledged Indigenous protest. The Indigenous Voice to Parliament, a proposed constitutional amendment, seeks to establish an Aboriginal and Torres Strait Islander Voice. If approved, this Voice would advise the Australian Parliament and government on matters relating to the social, spiritual, and economic wellbeing of Aboriginal and Torres Strait Islander people.

The Voice to Parliament proposal highlights the need for better representation and consultation with First Nations people, making *FACING UP* an eerily timely and pertinent production.<sup>26</sup>

Far more common than live performance created or, in fact, booked to play in relation to the Referendum, were statements on the Voice released by theatre companies on organisational websites or linked-in pages: Actnow Theatre (South Australia), Belvoir St Theatre (Sydney, NSW), Sydney Theatre Company, Melbourne Theatre Company, and Black Swan State Theatre Company of Western Australia.<sup>27</sup> First Nations founded and led organisations, Ilbijerri Theatre Company (established in 1990 in Melbourne,

<sup>25</sup> Reviews are available here: Stage Whispers, <https://www.stagewhispers.com.au/reviews/facing> [accessed: 2025.06.7] and Lilithia Review, <https://www.lilithia.net/facing-up-lynden-nicholls/> [accessed: 2025.06.7].

<sup>26</sup> I. Nicolls, *Facing up*, <https://www.theatreworks.org.au/2023/facing-up> [accessed: 2025.06.7].

<sup>27</sup> Actnow Theatre, <https://www.actnowtheatre.org.au/news/we-say-yes-to-the-voice> [accessed: 2025.06.7]; Belvoir St Theatre, <https://belvoir.com.au/posts/2023/06/19/belvoir-st-theatre-the-voice-statement/> [accessed: 2025.06.7]; Sydney Theatre Company, <https://www.sydneytheatre.com.au/about/yes-statement> [accessed: 2025.06.7]; Melbourne Theatre Company, <https://www.mtc.com.au/discover-more/about-us/statement-on-the-voice/#~:text=We%20say%20yes.,made%20for%20and%20about%20them> [accessed: 2025.06.7]; Black Swan State Theatre Company, [https://www.linkedin.com/posts/black-swan-state-theatre-company\\_on-14-october-2023-a-referendum-will-be-a-activity-7102562344664276992-q\\_JN/?trk=public\\_profile\\_like\\_view](https://www.linkedin.com/posts/black-swan-state-theatre-company_on-14-october-2023-a-referendum-will-be-a-activity-7102562344664276992-q_JN/?trk=public_profile_like_view) [accessed: 2025.06.7].

Victoria) and Bangarra Dance Theatre (established in 1989 in Sydney, NSW), released powerful “yes statements” which I reproduce here:

We, The First Peoples of this land, have lived sustainably here for over 65,000 years. Despite the disruption of 235 years of colonisation we are still here and our connection to this land is unbroken. Our culture is rich and woven through everyday life on this continent and the things that all Australians enjoy – story, art, music, sport, science, knowledge.

For over 30 years, ILBIJERRI Theatre Company has supported, facilitated and amplified First Peoples’ voice through the medium of theatre.

We believe that a constitutionally enshrined Voice to parliament to advise Government on matters affecting our people is a modest step in the right direction.

In principle: the Voice acknowledges that Aboriginal and Torres Strait Islander Peoples are best placed to design the programs and policies that impact them. It’s a chance to listen, to give agency, and ultimately address the ever-widening gap of health, education, employment, incarceration, – the inequalities that diminishes us all.

We encourage everyone to vote for a better future that celebrates First Peoples and their cultures. A future in which we are all enriched – and to acknowledge what an incredible privilege and honour it is to live on this stunningly beautiful country and actually how truly “lucky” we are. If the Voice is empowered to function well, it will unite us and move us forward as a country, together.

Do we know exactly how it’s going to work? Well, actually there’s a proposal at [voice.gov.au](https://voice.gov.au) that you can read. But actually – we’ve never done this before – we’re trying something new! This is exciting! And besides – whatever we’ve been doing up until now isn’t working. So let’s give it a go. We’ve got nothing to lose, and everything to gain.

Here, now, is a rare moment for this country to STEP UP – let’s not crumple under fear mongering and toxic misinformation. Let’s take this small easy step together. Let’s make a stand for a better future together with the First Peoples of this land.

One small step for you, a giant leap for our country. So vote yes.<sup>28</sup>

For over three decades, Bangarra Dance Theatre has been privileged to be entrusted with sharing the powerful voices of the world’s oldest living Cultures – the Aboriginal and Torres Strait Islander Cultures of this nation.

The stories we tell have awakened a national consciousness to the deep scars of our colonial history, and the legacy of unseen trauma left in its wake. We attend to this knowing that by carrying Story, we also carry a responsibility to give insight into our experiences, promote understanding, and effect change. But is this enough?

Like our artform, truth telling has the profound ability to set a course of action that emboldens and steers us towards a future that otherwise lay unimagined – until now.

Bangarra Dance Theatre fully supports voting “Yes” in the national referendum for the Constitutional Recognition of Australia’s First Peoples. By supporting the vote for “Yes,” we not only pay respect to the truth of the past, we state our vision for our future as a nation that values equity and fairness and acknowledges the rights of Indigenous Peoples.

<sup>28</sup> Ilbijerri Theatre Company, *Our Stance on the Voice to Parliament*, <https://www.ilbijerri.com.au/voice-to-parliament/> [accessed: 2025.06.7].

We encourage everyone to inform themselves, listen with an open mind, and trust that they are participating in a process that gave us the Uluru Statement from the Heart – a process that has been collaborative, careful and intensely thorough.

We also recognise and respect the importance of empowering our Aboriginal and Torres Strait Islander artists and storytellers to define and communicate their individual views on this issue.

We hope for a peaceful and constructive process towards change, and that the resilience and courage that has underscored the survival of our First Nations Peoples inspires all Australians to step forward and walk together in the spirit of truth, reconciliation, and equality for all.<sup>29</sup>

There is little scholarship on theatre in relation to the Voice or the performativity of these company/organisational “yes statements” (I could not find any “no statements”). The timeline for theatres to develop new work in response to a mooted referendum no doubt bears on this lack, and any critical reflections are probably forthcoming/in press (like this one). Theatre and performance studies academics have engaged with similar happenings such as the 2000 Walk for Reconciliation,<sup>30</sup> the 2008 apology,<sup>31</sup> and the then government’s rejection of the Uluru Statement from the Heart.<sup>32</sup> Gay McAuley offers insight into the Apology from the perspective of “being there” at a gathering of people, including Indigenous groups, on the lawns of Parliament.<sup>33</sup> She examines unofficial social performances that supplemented the official apology that took place inside Parliament. Her analysis reveals the rich and sometimes unsettling complexities involved in acts of apology as part of processes of reconciling Indigenous and non-Indigenous Australians. Theron Schmidt has examined “the theatricality at work in examples of publicly performed discourse including Kevin Rudd’s official apology in 2008.”<sup>34</sup> Helena Grehan has studied “the performative qualities of both the ‘Uluru Statement from the Heart’ (2017) [...] and the Government’s response to this invitation via their Media Release and subsequent interviews.”<sup>35</sup> She analyses “modes of address, the language used, and the aesthetic and ethical questions raised by each text” giving her “insight on the politics of speaking and listening in the current Australian political climate.”<sup>36</sup> Interestingly, Casey’s examination of the symbolic act of walking across

<sup>29</sup> Bangarra, *Bangarra Statement on the National Referendum for the Constitutional Recognition of Australia’s First Peoples*, 2023, <https://www.bangarra.com.au/media/mfrbnswu/2023-bangarra-statement-the-voice-referendum.pdf> [accessed: 2025.06.7].

<sup>30</sup> M. Casey, *Referendums and reconciliation marches: What bridges are we crossing?*, “Journal of Australian studies” 2006, vol. 30, no. 89, pp. 137–148.

<sup>31</sup> G. McAuley, *Unsettled Country: Coming to Terms with the Past*, “About Performance” 2009, vol. 9, pp. 45–65; T. Schmidt, ‘We Say Sorry’: *Apology, the Law and Theatricality*, “Law Text Culture” 2010, vol. 14, pp. 55–78, <https://ro.uow.edu.au/ltc/vol14/iss1/5> [accessed: 2025.06.7].

<sup>32</sup> H. Grehan, *First Nations Politics in a Climate of Refusal: Speaking and listening but failing to hear*, “Performance Research” 2018, vol. 23, no. 3, pp. 7–12.

<sup>33</sup> G. McAuley, *Unsettled Country...*

<sup>34</sup> T. Schmidt, ‘We Say Sorry’..., p. 55.

<sup>35</sup> H. Grehan, *First Nations Politics...*, p. 7.

<sup>36</sup> *Ibid.*

Sydney Harbour Bridge, which a quarter of a million people did in protest against the Howard government's stance on Reconciliation, reveals that popular (press) sentiment celebrating the walk as a performative act was more white virtue signalling than an expression of a desire for real or tangible political – that is, constitutional – change. Her in-depth analysis is prescient of events in 2023. These examples indicate that it is possible to study not only theatre performances, such as *Facing Up*, but (official and unofficial) social performances and the theatricality at work in performative acts (for instance, saying sorry, making yes statements, walking/protesting, and so on).

Wider examination of the field of theatre and referendums revealed literature on the Scottish referendum on independence and Brexit. In relation to Brexit, there is scant evidence of theatre about the referendum on UK membership of the EU in advance of the vote. After the dire campaign and close result, which led to the resignation of a Prime Minister, The Royal National Theatre of Great Britain (NT) responded directly with *My Country: A Work in Progress* directed by the theatre's artistic director Rufus Norris. The piece opened in London in February 2017 before a national tour.<sup>37</sup> In contrast, there is plentiful evidence that Scottish theatre makers engaged with the subject of independence in advance of the 2014 referendum. Sila Güvenç states that "members of the Scottish theatre community played a vital role in the Scottish independence referendum of 2014. They organized and took part in meetings, campaigns, and debates following its announcement. Though it is apparent that the majority of those involved were in favour of independence, plays on the subject addressed both sides of the argument..."<sup>38</sup> Participating theatre makers and researchers Laura Bissell and David Overend concur stating that theatre performances about Scottish independence, many of which took place in the final six weeks before the referendum itself, "were a constituent part of a wider social movement, which included performances of opinion across the country and beyond."<sup>39</sup> They assert that theatre "offered a space and time for both politicised spectacle and dialogue around political issues."<sup>40</sup> There was a high level of theatre activity in advance of the 2014 Scottish referendum that simply was not evident in advance of referendums elsewhere.

<sup>37</sup> M. Zaroulia, *After the British EU referendum: When the theatre tries to do "something"* [in:] *The Routledge Companion to Theatre and Politics*, eds. P. Eckersall, H. Grehan, 1<sup>st</sup> ed., Abingdon & New York 2019, pp. 17–20.

<sup>38</sup> S.Ş. Güvenç, 'Yae, Nae, or Dinnae Ken': *Dramatic Responses to the Scottish Referendum and Theatre Uncut*, "New Theatre Quarterly" 2017, vol. 33, no. 4, p. 383.

<sup>39</sup> L. Bissell, D. Overend, *Early Days: Reflections on the Performance of a Referendum*, "Contemporary Theatre Review" 2015, vol. 25, no. 2, p. 250.

<sup>40</sup> *Ibid.*

#### 4. Adversarial acts

Elections are story-telling contests in which the *demos* comes to be represented by identifying with competing and contested narratives about itself.<sup>41</sup>

Once the Liberal/National Coalition Opposition veered from bipartisan support with the Albanese government for First Nations constitutional recognition, the Voice referendum became a narrative contest between opposing and competing sides: yes and no. An instance of truth-telling theatre and plentiful “yes statements” by theatre companies were contested in and across multiple media spaces (traditional and social media, on T-Shirts, posters, stickers, etc.). A familiar negative narrative became much more appealing and powerful than the affirmative one. Leading the Yes vote was the Prime Minister himself. Cast against Albanese was a younger, First Nations woman from a remote town in central Australia, Jacinta Nampijinpa Price. Despite also being a politician and Shadow Aboriginal Affairs Minister, she was significantly junior to the Prime Minister and played a well-pitched role as the younger, Indigenous, female underdog taking it to the older, white, powerful man. With Price fronting the campaign, the no vote undermined the yes position by characterising it as government-led change from the top down: a powerful and elite ruse led by the usual (Indigenous and non-Indigenous) cast of educated, political activist, cultural elites concentrated in capital cities. This narrative gained ground even though the Voice was not an idea that emerged from Canberra or from bureaucrats. It was an Indigenous idea, that emerged from Indigenous dialogues held across Australian regions, and which congealed into a majority consensus expressed by the 2017 Uluru Statement.

Campaign scripts opposed “yes statements” to more popular slogans: “If you don’t know, vote no”; “vote no to the voice of division.” The first/former script enacts a retreat to popular or folksy wisdom which takes a very binary view of the world divided into people who know and people who do not know. If you are one of the latter, it is assumed that it is better to vote no than be hoodwinked by the powerful and knowing. This “wisdom” also enables disinformation to flourish by refusing to challenge confusion and obfuscation. Rather than pick through truths and untruths or gain knowledge, voters are encouraged to simply vote no. Equally damaging was the call to “vote no to the voice of division.” The no campaign held that the creation of a representative and consultative Indigenous body was an act that divided Indigenous and non-Indigenous Australians. It claimed that the case against the Voice promoted unity with all Australians held together in radical equality within the one nation. Of course, this version of nationalism – a unity of different equals ultimately subsumed into a singular oneness – holds together only if history is ignored, which it was. The racially discriminatory laws and practices of the past, which have been documented in the Royal Commission into Aboriginal Deaths in Custody<sup>42</sup> and the Australian Human

<sup>41</sup> S. Coleman, *Elections as Storytelling Contests*, “Contemporary Theatre Review” 2015, vol. 25, no. 2, p. 169.

<sup>42</sup> Australia, Royal Commission into Aboriginal Deaths in Custody & Johnston, Elliott (1998), *Royal*

Rights and Equal Opportunity Commission's National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families,<sup>43</sup> were glossed over. The connections between racialised laws and practices of the past and structural disadvantage in the present were denied. The no case promoted, instead, an unproblematic patriotic present.

The tragedy of the Voice referendum was also a Theatre of Cruelty in which the role of theatre was extremely marginal. Even though the Scottish referendum for independence was rejected 55/45%, there was a sense of theatre having engaged in a movement for change, opening spaces for dialogue, presenting both sides of the debate and, thereby, enabling (con)testing of positions and deliberation. New affirmative identities and affective relationships were forged in and through the prolific and deliberate activities of Scottish theatre and performance makers.<sup>44</sup> The cruelty of the Voice referendum is that there was a consensus amongst First Nations peoples in terms of Voice, Treaty, and Truth. That majority consensus was traduced by the referendum. The result excluded possibilities for Indigenous-led solutions to disadvantage manifest, not least, in high rates of incarceration and youth detention.

Political theorist Stephen Coleman, cited above, asks theorists of theatre and performance what our shared objectives should be in theorising and practicing "democratic performativity" and whether they are "helping to inject popular narrative into the over-determined script of electoral democracies; encouraging the noisiness of democratic voice; helping people say what it feels like to be them; democratising democracy; or, putting some feeling into an atrophying performance."<sup>45</sup> Theatre could do all of the above, and more. The Scottish independence referendum indicates how theatre-makers might participate in processes of direct democracy. However, theatre tends to reflect or respond to political culture: it does not drive it. In the aftermath of the EU referendum, the Electoral Reform Society produced a report to improve the conduct of referendums as a tool of democracy. The report suggests that the government needs to carefully lay the groundwork for "a political system that can tolerate the divisive aspects of a binary referendum debate."<sup>46</sup> as well as ensuring better (factual) information and more vibrant deliberative, rather than combative, debate.<sup>47</sup> Given the high stakes, the Albanese government leading the yes vote in the Voice referendum should have anticipated an adversarial or negative campaign. I would much rather be writing about theatre that flourished over the course of a long campaign that featured well informed citizens debating constitutional issues, than

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*Commission on Aboriginal Deaths in Custody [electronic resource]*, Council for Aboriginal Reconciliation Sydney.

<sup>43</sup> National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families (Australia) & Wilson, Ronald, Sir, 1922–2005 & Australia. Human Rights and Equal Opportunity Commission, *Bringing them home...*

<sup>44</sup> L. Bissell, D. Overend, *Early Days...*

<sup>45</sup> S. Coleman, *Elections as Storytelling Contests...*, p. 176.

<sup>46</sup> Grehan H., *First Nations Politics...*, p. 9.

<sup>47</sup> *Ibid.*, pp. 9–11.

characterising the short referendum campaign, dominated by personalities rather than issues, and falling back on patriotic tropes of nationalism, as a Theatre of Cruelty.

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## Summary

*Kerrie Schaefer*

### Theatre and Referendums: The Case of The Indigenous Voice to Parliament

This article reflects on the opportunity for constitutional change that was lost when the referendum on the Indigenous Voice to Parliament that took place in Australia on 14 October 2023, was rejected. This reflection is partly personal, written by an Australian citizen of European descent. It also seeks to examine the role of theatre/performance in relation to acts of direct democracy. In May 2022, the Australian Prime Minister elect signalled that his incoming government would implement the 2017 *Uluru Statement from the Heart* (Voice, Treaty, Truth), which would require constitutional change. Ultimately, a six-week period was given to prepare the electorate for the Voice Referendum. While theatre organisations' responses were limited, mainly, to affirmative ("yes") statements, populist performatives of division and disinformation were abundantly evident. The short lead in time to the Voice referendum and a lack of leadership in the space of (un) democratic performativity mean that positive and meaningful political change for Indigenous Australians will take longer to achieve.

**Keywords:** Indigenous Voice to Parliament, constitutional change, referendums, direct democracy, theatre, performance/performativity.

## Streszczenie

*Kerrie Schaefer*

### Teatr i referenda – o Głosie Rzeczypospolitej Ludności w Parlamencie

Niniejszy artykuł podejmuje refleksję na temat utraconej szansy na zmianę konstytucji, gdy referendum w sprawie uznania Głosu Rzeczypospolitej Ludności w Parlamencie, które odbyło się w Australii 14 października 2023 r., zostało odrzucone. Refleksja ta ma częściowo charakter osobisty, ponieważ została napisana z perspektywy obywatelki Australii pochodzenia europejskiego. Jednocześnie autorka podejmuje próbę analizy roli teatru i performance'u w kontekście aktów demokracji bezpośredniej. Ma również na celu zbadanie roli teatru/performance'u w odniesieniu do aktów demokracji bezpośredniej. W maju 2022 r. premier elekt zasygnalizował, że jego nowy

rząd wdroży deklarację Uluru z 2017 r. (Głos, Traktat, Prawda), co wymagałoby zmiany konstytucji. Ostatecznie wyznaczono sześciotygodniowy okres na przygotowanie elektoratu do referendum wyborczego. Podczas gdy odpowiedzi organizacji teatralnych ograniczały się głównie do stwierdzeń twierdzących („tak”), populistyczne performatywy podziału i dezinformacji były bardzo widoczne. Krótki czas oczekiwania na referendum w sprawie głosowania oraz brak przywództwa w przestrzeni (nie)demokratycznej performatywności oznaczają, że osiągnięcie pozytywnych i znaczących zmian politycznych dla rdzennych Australijczyków zajmie więcej czasu.

**Słowa kluczowe:** Głos Rdzennej Ludności w Parlamencie, zmiany konstytucyjne, referendum, demokracja bezpośrednia, teatr, performance/performatywność.