



Voice to Parliament

THE IMPORTANCE OF YES

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Where did this conversation come from?

Australia's First Nations people have been asking for a say in their affairs since the first years of colonisation.

In 2017, following a series of regional dialogues held across the country, more than 250 Aboriginal and Torres Strait Islander representatives published the Uluru Statement from the Heart. It represents strong Indigenous support for substantive Constitutional recognition.

By overwhelming consensus, First Nations' representatives called for:

The establishment of a First Nations Voice enshrined in the Constitution (*Voice*), the establishment of a Makarrata* Commission to supervise a process of agreement-making between governments and First Nations (*Treaty*) and truth-telling about our history (*Truth*).

It was a profound, unifying moment for First Nations people and a gift to all Australians who wish to close the gaps in life outcomes and create a better future or, in the words of the Uluru Statement, reach Makarrata, “a coming together after a struggle”.

The Voice to Parliament is a direct outcome of the Uluru Statement from the Heart.

**Makarrata is a Yolngu word describing a process of conflict resolution, peacemaking and justice.*

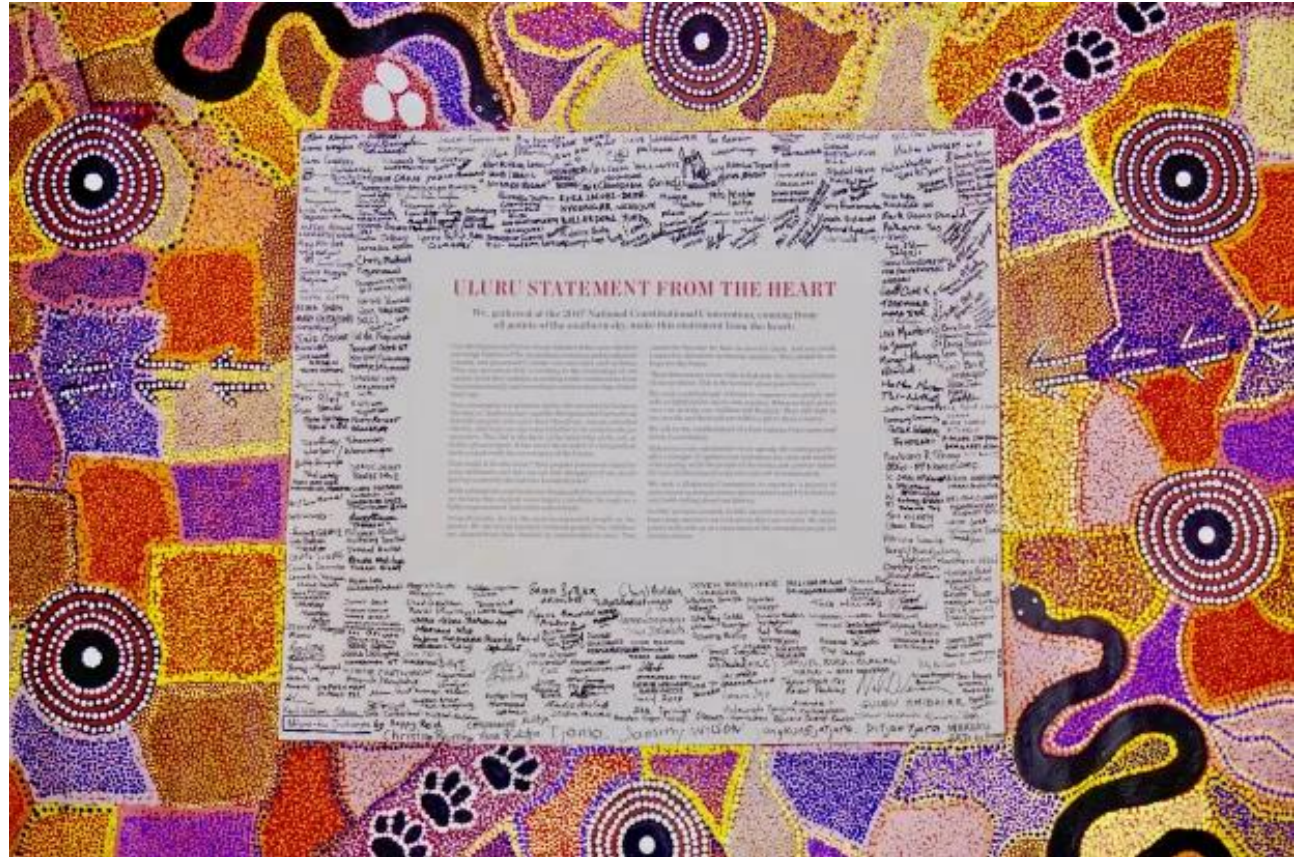


What is the Uluru Statement From The Heart?

“The Uluru Statement from the Heart is an invitation to the Australian people.

We ask Australians to accept our invitation to walk with us in a movement of the Australian people for a better future.

We call for the establishment of a First Nations Voice enshrined in the Constitution and a Makarrata Commission to supervise a process of agreement-making between governments and First Nations and truth-telling about our history.”



What is the Voice to Parliament?

- A Voice to Parliament (The Voice) requires a change to the Constitution, which is the legal document that outlines the structure and powers of the Government of Australia.
- The Voice will provide permanent representation and recognition for Aboriginal and Torres Strait Islander peoples in the Constitution and give Indigenous Australians the means to inform policy and legal decisions that impact their lives.
- The Voice will be an elected committee of Aboriginal and Torres Strait Islander people to provide advice to Parliament and Government on issues that affect First Nations' communities.
- On 14 October 2023, all eligible Australian citizens will be required to vote in the Referendum, to indicate their support for this change.

Did you know...

A **'double majority'** must vote **'yes'** to the proposed changes for a referendum to be successful.

A double majority is:

- a national majority of voters in the states and territories
- a majority of voters in at least 4 out of 6 states.

Watch video clip here:

[Voice Referendum - YouTube](#)

Proposed Referendum

On 30 July 2022, Prime Minister Anthony Albanese announced draft words for a constitutional amendment for an Aboriginal and Torres Strait Islander Voice.

The draft words to be added to the Constitution are:

1. There shall be a body, to be called the Aboriginal and Torres Strait Islander Voice.
2. 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.
3. 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.

What will it look like in practice?

WHAT WILL THE VOICE DO?

- ✓ Give independent advice to the Parliament and Government
- ✓ Be accountable and transparent
- ✓ Work with existing organisations and traditional structures
- ✗ Stop or amend legislation (known as veto power)
- ✗ Manage money or deliver on services and programs

WHAT WILL THE VOICE LOOK LIKE?

- ✓ Chosen by Aboriginal and Torres Strait Islander people
- ✓ The development of a First Nations advisory body, to provide advice and guidance on laws and policies that effect Aboriginal and Torres Strait Islander People.
- ✓ Empowering, community led, inclusive and culturally informed
- ✓ A 4-line alteration to the constitution

Myth and misconceptions

Voice to Parliament: Debunking 11 myths and misconceptions

1. It will amount to a third chamber of Parliament and therefore impact parliamentary sovereignty, a fundamental element of our constitutional system of government.	<p>The proposal is a Voice to Parliament, not in Parliament. The passing of legislation continues to be by our elected representatives in the House of Representatives and the Senate, as prescribed by the Constitution.</p> <p>The proposed Constitutional amendment states that the Voice “may make representations” to Parliament. It will be up to Parliament to decide what it does with those representations. The proposed Voice to Parliament is a very conservative change to our Constitution.</p>
2. It will be a lawyers’ picnic, and lead to many High Court challenges.	<p>How Parliament responds (or does not respond) to any representations made by the Voice would be non-justiciable – that is, it could not be subject to any court challenge. This is because the courts have always been reluctant to interfere with the internal workings of Parliament.</p>
3. It will not help to close the gap or have a positive impact on the lives of First Nations peoples.	<p>The Voice will provide advice to the Parliament on proposed laws affecting First Nations peoples. A better-informed Parliament will lead to better laws that will have a positive impact on the lives of First Nations peoples.</p>
4. It will give First Nations peoples special rights.	<p>The Constitutional Expert Group comprising nine experts (including former High Court judge Kenneth Hayne) and chaired by the Commonwealth Attorney-General has advised that a First Nations Voice will not give First Nations peoples special rights. All Australians have the right to make representations to Parliament, which is guaranteed by the constitutional implied Freedom of Political Communication. The First Nations Voice is simply a permanent one.</p>

Myth and misconceptions

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5. Australians should be allowed to see all the proposed legislation establishing the Voice before voting in the referendum.	There is a detailed report that sets out what a legislated Voice could look like: Indigenous Voice Co-design Process Final Report . The Uluru Statement from the Heart website also contains a set of design principles .
6. There's no need to enshrine the Voice in the Constitution.	By enshrining the Voice in the Constitution, it will be protected from the whims of Parliament, in contrast to the Aboriginal and Torres Strait Islander Commission (ATSIC) which was dismantled in 2004. An enshrined Voice will provide frank and fearless advice. Its composition, powers and procedures will, however, be determined by the Parliament.
7. It will divide the nation	The Voice to Parliament will unite the nation. It will mean the Australian people have emphatically said that we want Parliament to listen to First Nations people, thereby signalling that we have accepted the invitation in the Uluru Statement from the Heart to walk together for a better future.
8. Indigenous Australians are divided over the Voice, therefore it shouldn't be supported.	A significant proportion of First Nations people support the Voice. An IPSOS poll conducted in late January 2023 found that 80% of First Nations people support the Voice. There are some high-profile Indigenous Australians who do not support the Voice (such as Jacinta Nampijinpa Price, Warren Mundine and Lidia Thorpe).

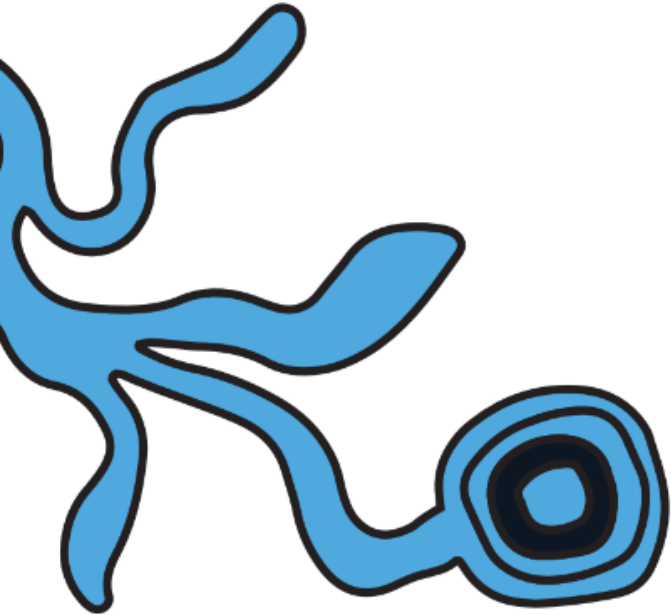


Myth and misconceptions

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<p>9. It offends the notion of equality that underpins the Constitution and our democracy.</p>	<p>Our Constitution actively allows for racially discriminatory laws by virtue of s 51 (xxvi) (the race power). Further, the race power has only ever been used to make laws for Aboriginal and Torres Strait Islander peoples, laws that are not required to be beneficial laws. Amending the Constitution to provide First Nations peoples with a Voice to Parliament acknowledges the finding of the High Court in Mabo v Queensland (No. 2) that “Their dispossession underwrote the development of the nation”.</p>
<p>10. The history of referendums in Australia means that it is likely to fail.</p>	<p>The most successful referendum in Australia’s history of referendums was in relation to Aboriginal people (1967). More than 90% of Australians voted ‘yes’ to amending two sections of the Constitution to ensure that Aboriginal and Torres Strait Islander peoples would be counted as part of the population, and that the Commonwealth would be able to make laws for them.</p> <p>In the lead up to the Voice Referendum, polling showed relatively consistent support with approximately 90% of the first 2554 submissions to the Co-design Process in favour of the Voice being constitutionally enshrined.</p> <p>Although bipartisan political support would be preferable (and has been crucial to the success of previous referendums), it’s arguably not the determining factor due to the changing political and social media landscape. For example we can look to the result of the marriage equality postal survey, where Australians voted “Yes” despite a lack of bipartisan support.</p>
<p>11. The Uluru Statement from the Heart is a 26-page document, with policies including reparations for First Nations peoples.</p>	<p>False. The Uluru Statement from the Heart is a one-page document, as confirmed by its authors. Papers released under FOI contain the statement, but also include 25 pages of minutes of meetings held with Indigenous communities, which are not part of the Uluru Statement from the Heart.</p>

The Yes Case



- It will allow First Nations' peoples to be directly involved in closing the gap on life expectancy, employment and educational outcomes.
- Aboriginal and Torres Strait Islander peoples know and understand how to deliver real and practical change in their communities.
- Politicians have so far failed to create meaningful change for First Nations' peoples.
- The Voice is a simple, fair and practical step on the path to true reconciliation.
- Aboriginal and Torres Strait Islander peoples have had limited opportunity to contribute to policy development.

The No Case

- A “yes or no” question is binary & oversimplifies issues. It can silence those who have reservations.
- First Nations’ peoples want more than a “tokenistic” advisory committee, as it does not go far enough to deliver real change.
- The recommendations of the Voice don’t have to be followed.
- The vote may divide Australia by race.
- There is a significant cost involved in the process

**Australians will be required to vote
Yes or No to the question :**

**A proposed law : To alter the constitution to
recognize the First Peoples of Australia by
establishing an Aboriginal and Torres Strait
Islander Voice.**

Do you approve the proposed alteration?

How to get involved

What can I do?

Referendums don't come around often, so it's important to talk to your friends, family and colleagues and follow the campaigns on social media. Kitchen table conversation are what will make the difference, so use the information available to you to speak to those in your family and friendship groups.

For the change to the Constitution to be successful we need every Australian to understand why constitutional recognition through a Voice is important.

You can also find out more and sign up as a volunteer for the campaigns outlined below that are currently operating ahead of the referendum later this year.



Indigenous Constitutional Recognition through a Voice



20 Minute Learning Journey



[A Voice to Parliament - Overview \(wpengine.com\)](http://wpengine.com)

Resources

- Australian Government – Aboriginal and Torres Strait Islander Voice - <https://voice.gov.au/>
- Australian Government – The Voice Community Toolkit - <https://voice.gov.au/community-toolkit>
- Uluru Statement from the Heart - <https://ulurustatement.org/>
- Common Ground - <https://www.commonground.org.au/>
- Yes 23 - <https://yes23.com.au/>
- Together, Yes - <https://togetheryes.com.au/>
- Recognise a better way - <https://www.upholdandrecognise.com/>
- Fair Australia - <https://www.fairaustralia.com.au/>
- Referendum Disclosure for Members - https://www.aec.gov.au/Parties_and_Representatives/referendum_disclosure/

