



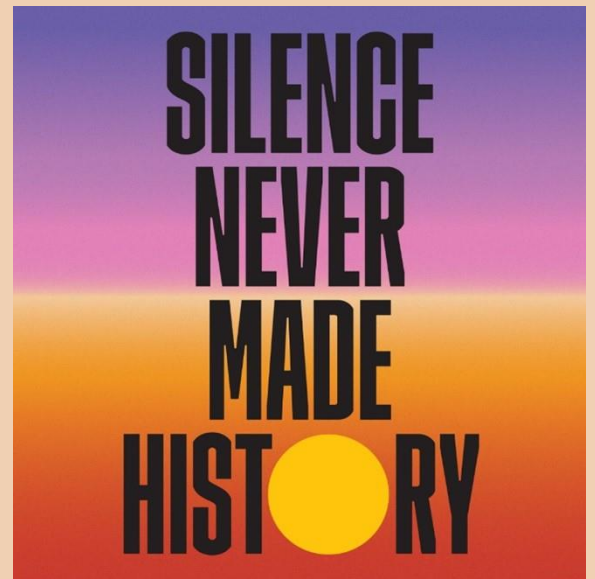
CENTRE FOR
Women's Safety
and Wellbeing

Voice to Parliament

What you need to know

A First Nations Voice to Parliament protected by the Constitution is a key element of the Uluru Statement from the Heart.

The Centre for Women's Safety and Wellbeing supports the [Uluru Statement from the Heart](#) and calls for reparations to be made as part of our reconciliation journey.



After detailed consultation with the Referendum Working Group, Prime Minister Albanese announced the proposed referendum question on 23 March 2023.

The question is:

A Proposed Law: to alter the Constitution to recognise the First Peoples of Australia by establishing an Aboriginal and Torres Strait Islander Voice. Do you approve this proposed alteration?

The Bill was [introduced to parliament](#) on 30 March 2023.

This will be voted on by the parliament – after debate – in June.

What work has been done so far?

The Voice was proposed in the Uluru Statement from the Heart. It was presented to the nation five years ago on 26 May 2017 by delegates to the First Nations National Constitutional Convention, held over four days near Uluru in Central Australia.

The 250-member convention was held after the [16-member Referendum Council](#) had travelled around the country and met with over 1,200 people.

The Uluru Statement from the Heart calls for, “... *the establishment of a First Nations Voice enshrined in the Constitution and a Makarrata Commission to supervise a process of agreement-making and truth-telling about our history.*”

In the five years since the release of the Uluru Statement from the Heart, a [Joint Select Committee has considered the proposal.](#)

An Aboriginal and Torres Strait Islander people Voice Co-design process outlined, in detail, [options for how a Voice could work.](#)

Further work will continue in partnership with Aboriginal and Torres Strait Islander people about what will go forward and ultimately, the Australian people will be asked to support an Aboriginal and Torres Strait Islander Voice to Parliament being enshrined in our Constitution.

What will be added to the Constitution?

This referendum will give Australians the chance to write a new chapter into our Constitution. The wording proposed on 23 March is:

Chapter IX Recognition of Aboriginal and Torres Strait Islander Peoples

129 Aboriginal and Torres Strait Islander Voice

In recognition of Aboriginal and Torres Strait Islander peoples as the First Peoples of Australia:

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 the Parliament and the Executive Government of the Commonwealth 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 matters relating to the Aboriginal and Torres Strait Islander Voice, including its composition, functions, powers and procedures.

If the majority of Australians vote 'Yes' — the constitution would be amended as follows:

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 the Parliament and the Executive Government of the Commonwealth 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 matters relating to the Aboriginal and Torres Strait Islander Voice, including its composition, functions powers and procedures.

What happens next?

Parliament will vote on the wording no later than June, before the referendum is held sometime in the final three months of the year. The vote is likely to occur between October and December 2023.

The government will fund a public education campaign before the referendum, to answer common questions about how the process will unfold, but it will not fund either the yes or no campaigns.

The referendum requires a majority of votes in a majority of states to succeed. If the vote is successful, parliament will then design the Voice via legislation.

Official pamphlets will be provided to voters outlining both the yes and no campaign positions.

How would the voice to parliament work?

What the Voice will look like in practice is not yet certain. If Australia votes yes, legislation designing the Voice will then be developed and debated.

It is expected that the 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.

Parliament and government would be obliged to consult it on matters that overwhelmingly relate to Aboriginal and Torres Strait Islander people, such as native title, employment, housing, the community development program, the NDIS or heritage protection.

The Voice would be able to table formal advice in parliament, and a parliamentary committee would consider that advice. But there could not be a court challenge and no law could be invalidated based on this consultation.

How would it be structured?

The [Referendum Working Group](#) advising the government says the design of the Voice will be guided by [the following principles](#):

- It will provide independent advice to parliament and government.
- It will be chosen by First Nations people based on the wishes of local communities.
- It will be representative of Aboriginal and Torres Strait Islander communities.
- It will be empowering, community-led, inclusive, respectful, culturally informed and gender balanced. It will also include youth.
- It will be accountable and transparent.

The Voice will work alongside existing organisations and traditional structures. The [co-design report](#) recommended the national Voice have 24 members, with gender balance structurally guaranteed.

The base model proposes two members from each state, the Northern Territory, ACT and Torres Strait. A further five members would represent remote areas due to their unique needs – one member each from the Northern Territory, Western Australia, Queensland, South Australia and New South Wales. An additional member would represent the significant population of Torres Strait Islanders living on the mainland.

Members would serve four-year terms, with half the membership determined every two years. There would be a limit of two consecutive terms for each member.

Two co-chairs of a different gender to one another would be selected by the members of the voice every two years.

The national voice would have two permanent advisory groups – one on youth and one on disability – and a small ethics council to advise on probity and governance.

How would local and regional voices feed in?

The co-design report proposed 35 regions, broken down by state and territory. Communities and governments in each state and territory would jointly determine these.

Local and regional voices would provide advice to all levels of government to influence policy and programs, and advise the non-government sector and business.

The report outlines their roles, how they would be constituted and the principles they would embody, like cultural leadership, community-led design and empowerment.

There would be “a clear, two-way flow of advice and communication” between them and the national voice, the report said.

How would disputes be resolved?

The report recommended mediation in the first instance. If that failed, matters would go to an independent review. The report suggested there be an agreed list of people with appropriate experience to conduct such reviews, and at least one of the reviewers should be an Aboriginal or Torres Strait Islander person.

It suggested the final decision-maker could be the relevant minister, alongside two respected, independent Aboriginal or Torres Strait Islander people.

What's the case for voting 'yes'?

Aboriginal and Torres Strait Islander people feel a "powerlessness" when tackling structural problems to improve their lives, the Uluru Statement says. These problems include having a shorter life expectancy than non-Aboriginal and Torres Strait Islander people, disproportionately poorer health and education outcomes, and higher incarceration rates.

Many argue this is often because of a failure to properly consult Aboriginal and Torres Strait Islander people on solutions.

"Non-Indigenous people [are] making decisions about communities they have never visited and people they do not know," wrote Prof Megan Davis, an Uluru Statement signatory.

Advocates say the Voice needs to be enshrined in the constitution rather than legislated. Such a change cannot happen without a referendum.

They argue this would give the Voice permanency, insulating it from partisan politics.

What do opponents say?

Some argue Aboriginal and Torres Strait Islander people are already represented fairly in parliament. It currently has 11 Aboriginal and Torres Strait Islander lawmakers - representing 4.8% of the parliament, a slightly higher percentage than the Aboriginal and Torres Strait Islander population nationwide.

But Voice supporters counter that MPs represent specific constituencies, not necessarily Aboriginal and Torres Strait Islander peoples' interests.

Other critics say it could act like a third chamber of parliament and potentially veto legislation, but the government has ruled this out.

Support is not universal among Aboriginal and Torres Strait Islander people, either. Some say a treaty with Aboriginal and Torres Strait Islander people - a legally binding, negotiated agreement - should be the priority. Australia is one of the only ex-British colonies without one.

Many Aboriginal and Torres Strait Islander people emphasise they never ceded their sovereignty or land. There are fears that being recognised in the constitution could amount to that.

And others argue it's just a symbolic gesture and that money could be better spent

Further information

- See more information on the [Voice Design Principles](#)
- Learn more about an Indigenous Voice to Parliament through the [Interactive Digital Learning Platform at ulurustatement.org](#)
- Read information on the [Uluru Statement from the Heart at: ulurustatement.org](#)
- Read the [Indigenous Voice Co-design report](#)
- Read the [2018 Joint Select Committee Report](#)
- Professor Megan Davis on the [Uluru Statement from the Heart](#)
- [Constitution Alteration \(Aboriginal and Torres Strait Islander Voice\) 2023 – Parliament of Australia \(aph.gov.au\)](#)
- The Australian electoral commission has set up a website to help voters understand the [constitution](#) and the [referendum](#).
- Read the [joint select committee on constitutional recognition’s final report](#).

Sources

- [Bills Digest 80 \(2022-23\) - Constitution Alteration \(Aboriginal and Torres Strait Islander Voice\) 2023 \(aph.gov.au\)](#)
- [Voice to Parliament - Reconciliation Australia](#)