



VOICE REFERENDUM Facts and FAQs

The Constitution

The *Constitution* is Australia's highest legal rule book. It was created in 1901 when the six colonies united to form the Commonwealth of Australia.

The *Constitution* is our power-sharing compact that established the Federal Government, Parliament and the High Court of Australia. It contains the basic legal and political rules that dictate how Australia is governed.

Referendums

The *Constitution* can only be amended by a 'double majority' approval at a referendum.

This means that a majority of voters in at least four states, and a majority of voters nationally, must vote 'YES' in favour of the change.



The Voice Referendum

If Australians vote 'YES', the *Constitution* will be changed to recognise Indigenous peoples by guaranteeing them an advisory Voice in laws and policies made about them.

This constitutional change would require the Parliament to establish an Indigenous advisory body.

Indigenous Exclusion

Indigenous peoples were not given a say in the *Constitution* that was written in 1901. In fact, the *Constitution* originally contained clauses that specifically excluded them.

It created a top-down relationship with Indigenous peoples. Consequently, Indigenous peoples have endured many unjust laws and policies made about them.

The 1967 Referendum

In 1967, a referendum amended the *Constitution* to give Parliament power to make special laws about Indigenous peoples.

However, this amendment did not empower Indigenous peoples with a specific say in the making of those laws and policies. Rather, it maintained a top-down relationship.

Indigenous Recognition

Indigenous peoples make up only 3% of the Australian population which means they struggle to be heard when Parliament makes laws and policies about them.

For decades, Indigenous Australians have been calling for constitutional reform to empower them with a Voice in their affairs.

What is the First Nations Voice?



In 2017, Indigenous peoples came to a historic national consensus on how they want to be constitutionally recognised. This was articulated in the *Uluru Statement from the Heart*, which called for a constitutionally guaranteed First Nations Voice.

The proposal would amend the *Constitution* to require Parliament to establish an Indigenous advisory body. This body would advise Parliament and the Executive Government on laws and policies relating to Indigenous peoples. The First Nations Voice would be consultative and its advice would be non-binding. It would have no veto power.

This proposal would respect parliamentary supremacy and uphold the *Constitution*, while empowering Indigenous communities with a Voice in their own affairs.



Why change the *Constitution*?

In the last 50 years, four Indigenous advisory bodies have been created and later abolished by different governments. Abolishing these bodies was not a constructive solution. Instead, Parliament should have improved them.

This is why the *Uluru Statement* calls for the Voice to be enshrined in the *Constitution*. The constitutional guarantee means that the Voice could not be abolished.

This protection ensures that Parliament and Government work with, and invest in, the Voice. However, Parliament can always adjust the legislation to change and improve the body, so it can evolve as needed. This proposal balances stability and flexibility.

The Proposed Change

A new **Chapter IX Recognition of Aboriginal and Torres Strait Islander Peoples** would contain section 129 that would read:

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.*

Parliament would design the legislative framework, adhering to these 8 principles:

1. The Voice will give independent advice to Parliament and Government.
2. The Voice will be chosen by Aboriginal and Torres Strait Islander peoples based on the wishes of local communities.
3. The Voice will be representative of Indigenous communities, gender balanced, and include youth.
4. The Voice will be empowering, community-led, inclusive, respectful, and culturally informed.
5. The Voice will be accountable and transparent.
6. The Voice will work alongside existing organisations and traditional structures.
7. The Voice will not have a program delivery function.
8. The Voice will not have a veto power.

FAQs

Where is the detail about how this will work?

1

The *Constitution* is about principle. A 'YES' vote in the referendum requires Parliament to establish the Voice. The details are for Parliament to determine, which can evolve over time. This proposal has been the subject of a decade of deliberation. The Final Report of the Co-Design Process provides detailed options for the structure of the Voice across local, regional and national levels.

2

How would this improve practical outcomes?

To 'close the gap', policies must be guided by consultation with local Indigenous communities. These communities know their needs and interests best. This is very important for remote communities. For example, some remote communities in Queensland and the Northern Territory want community-specific alcohol bans.

Effective policy requires a framework for dialogue between communities and government, which is what the Voice would provide. If policy-makers listen to local Indigenous communities, this will improve practical outcomes.

Is it dangerous to make this body permanent?

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To be effective, the Voice must be permanent. There must be a constitutional promise that Indigenous peoples will always have a say in decisions made about them. However, Parliament will retain the authority to improve, change and evolve the body over time, as needed.

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What matters would the Voice advise on?

The Voice would advise on matters relating to Indigenous peoples. This would likely include:

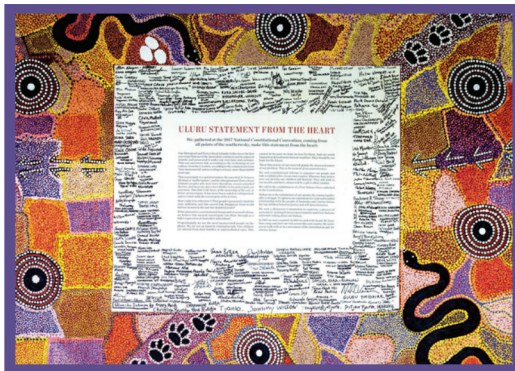
- 'Closing the Gap' targets
- Health and social services in remote Indigenous communities
- Suicide prevention in Indigenous communities
- Drug and alcohol regulation in Indigenous communities
- Land rights and native title
- Preservation of Indigenous cultures and languages

The Voice could also raise issues that are important for communities. This might include, for example, advice on how environmental legislation impacts Indigenous economic development. Indigenous Australians Minister Linda Burney has confirmed that the Voice will prioritise health, education, jobs and housing.

Is this just virtue signalling?

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No. Effective Indigenous policy requires consultation with Indigenous communities. The Voice will improve policy and practical outcomes. This is about more than symbolism. In fact, the *Uluru Statement from the Heart* rejected mere symbolism in favour of practical reform.



Would this be a third chamber of Parliament?

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No. The Voice is strictly advisory and non-binding, and is completely different to the law-making powers of Parliament. Parliamentary supremacy would be unchanged. Parliament would control and oversee the operation of the Voice.

The Voice would have no veto power and would not make laws. There would be no change to the Houses of Parliament whatsoever.

Both former Prime Minister Malcolm Turnbull and Nationals MP Barnaby Joyce, who incorrectly called this proposal a 'third chamber' in 2017, have since admitted this was wrong. Turnbull says he will vote 'YES' in the referendum.

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Does this contradict democratic equality?

No. The Voice would only be advisory. This will enhance democratic equality, not undermine it. Historically, Indigenous people have not been heard in decisions made about them. There were even laws and policies denying them the right to vote.

A constitutionally guaranteed Voice will help ensure past discrimination is not repeated. This would help remedy the unfairness of the past.

When have Indigenous people not been properly consulted?

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Even today, well-meaning policies often lack proper consultation. In June 2022, for example, mandatory alcohol restrictions in the Northern Territory were lifted, against the wishes of some remote Indigenous communities. It is crucial Indigenous communities can advise the Government on policies made about them.

9

Will this body divide us by race?

No. The *Constitution* has contained racially discriminatory provisions since 1901. Indigenous peoples have been treated unjustly because they were considered an 'inferior race'.

The *Constitution* gives Parliament power to make special laws about Indigenous peoples. The 'race power' has only ever been used to make laws about Indigenous affairs. A Voice will ensure that Indigenous peoples get a fair say in any laws and policies made about them.

This will help prevent discrimination and injustice. It would bring us closer together through productive dialogue. This is about unity, not division.

How will the Voice reflect the diversity of Indigenous groups across Australia?

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A Voice must reflect the diversity of remote, regional and urban Indigenous communities. The eight design principles show the Voice will be anchored in, and chosen by, local Indigenous communities.

The Voice aims to streamline meaningful consultation with diverse Indigenous communities, in contrast to the top-down, 'one-size-fits-all' approach that the Government has historically adopted.

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Would this body have a veto power?

No. The Voice is only advisory. Parliament and Government will determine how to treat the advice they receive and whether to follow it.

Will this just be another ATSIC?

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The Aboriginal and Torres Strait Islander Commission (ATSIC) was an Indigenous representative and consultative body. It was created by legislation and was not guaranteed in the *Constitution*. This meant it could be easily abolished.

In 2005, the Government abolished ATSIC, rather than making changes to address its weaknesses. This demonstrates why a constitutional guarantee is important. The Voice would have both stability and flexibility. It would be a permanent body that could improve and evolve over time.

Unlike ATSIC, the Voice would not have a program delivery function.

13

Don't Indigenous politicians already provide a voice for Indigenous people?

Indigenous members of Parliament, like all members of Parliament, represent all Australians in their electorates, and their political parties. They do not only represent Indigenous peoples.

Both Indigenous and non-Indigenous members of Parliament will benefit from the advice of Indigenous communities when making laws and policies about them.

Is this just a Labor Voice?

14

The Voice referendum transcends left and right. It is about all Australians. In fact, the concept originated from engagement between Indigenous leaders and constitutional conservatives in 2014.

Liberal MP and constitutional conservative, Julian Leeser, has long been a supporter of a Voice, even before the Labor Party.

15***Do all Indigenous people support this?***

It is unrealistic to expect 100% Indigenous consensus. Over 97% of the Indigenous delegates at the Uluru National Convention asked for a Voice. Only 7 out of 250 dissented. Polls consistently show 80% of Indigenous Australians support a constitutional Voice. This should be respected.

Should the Voice advise the Executive?**16**

Yes. Indigenous communities are profoundly affected by the policies that the Executive Government makes about them. Advice to Government is crucial for practical impact. However, there is no constitutional duty for anyone to consult the Voice, and there is no constitutional duty to consider or follow the advice of the Voice.

17***Will the Voice slow down Government?***

No. Getting advice from Indigenous communities will increase the effectiveness and efficiency of Indigenous law and policy. Improved consultation with Indigenous communities will enable policy-makers to anticipate problems, build community buy-in, and help cut waste to save money.

Parliament can establish efficient rules and processes that enable the Voice to enhance the working of Government.



Next Steps

Read the Statement

The *Uluru Statement from the Heart* describes the history of Indigenous Australians and explains why a Voice is the next step towards reconciliation. The *Uluru Statement* has been translated into 20 Aboriginal languages and 60 languages.



Get Involved

Become a signatory to the Joint Resolution of Multicultural Community Organisations in support of a Voice. You can also join our Ambassador program to help provide critical in-language education to multicultural communities.



Join Us

Please join us for our upcoming events which provide an opportunity to learn more about the Voice referendum and to continue creating momentum for the Yes campaign. If you would like to host your own event, contact us on our website.



For more information, please visit multiculturalforvoice.org, yes23.com.au and voice.gov.au

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