

Voice to Parliament referendum: FAQ and 'objection' response guide for Christian leaders and advocates

In consultation with Indigenous and non-Indigenous Christians, two complementary resources have been developed by Anglican Church Southern Queensland staff following requests from Christian organisations and leaders, including clergy and Christian communications professionals and advocates.

The resources are available to assist these leaders across denominations so they can more effectively write and speak about constitutional recognition through an Indigenous Voice to Parliament and the gracious invitation of the [Uluru Statement's](#) 250 Indigenous signatories.

These resources include:

1. The below table of suggested responses to common questions and objections, with 'conversational', 'technical', and 'quotable quotes' options.
2. A messaging principles table and tips guide, which encourages Christian mission and identity; hope; agency; respectful language and dialogue; solutions and opportunity; shared values and unity; and, confidence in the Australian people.

Accessing the resources

The resources will be updated in an ongoing way and uploaded to the *anglican focus* news site [here](#):

<https://anglicanfocus.org.au/2023/05/01/uluru-statement-including-voice-to-parliament-referendum-resources-for-clergy-and-lay-leaders/>

Important: Because this resource will be updated regularly, please share the above link to distribute this resource, rather than emailing the resource itself. The file's version number and date are noted in the footer.

Application for Christian organisations and other faith groups

Other Christian organisations and faith groups are welcome to adapt the contents of this guide (with permission for non-commercial purposes) to tailor the resource for their respective audiences.

While this resource is intentionally 'unbranded', it is copyrighted to protect the integrity of its contents.

Please contact Michelle McDonald via focus@anglicanchurchsq.org.au if you wish to adapt this resource for your own audience.

Table of suggested options for questions and objections

The following response options to common questions and objections seek to be informed, accurate and constructive.

Please select, combine or shape, as appropriate, for the person you are responding to, as well as for your wider audience and communications channel.

Tip: to find suggested options that are relevant to the question or objection you need to respond to, hold the 'Ctrl' and 'F' keys simultaneously and type a key word, such as 'treaty' or 'veto', in the field that appears.

| Question/objection | 'Conversational' options (e.g. responses to social media comments) | 'Technical' options | 'Quotable' quotes from relevant experts/leaders |
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| Question: Will the Voice have a veto power? | The Voice will be an advisory body only. The Voice will have no veto – it will only be able to “make representations” (i.e. offer a view). Its authority will rest upon the fact that the Australian people voted for the amendment, which is important to understand because it is the Australian people who ‘own’ the Constitution. | The Voice won't have a veto power. In a recent Joint Select Committee (Parliamentary) submission , the Law Council of Australia said that: “...the proposed amendment is legally sound in that the amendment, in concise and simple terms, appropriately...establishes a body with power to make representations, but not a power to veto any law.” | 1. Constitutional lawyer and Wemba Wemba man Eddie Synot, along with constitutional lawyer Gabrielle Appleby, says that “The key function of the Voice – to make representations to the government and parliament on matters relating to Aboriginal and Torres Strait Islander people – will also be constitutionally protected. But the government and parliament cannot be compelled (for example, through litigation) to follow these representations. As such, this body would not have ‘veto’ power and is not a ‘third chamber’.” 2. The Solicitor General says that: "The voice clearly has no power of veto." |
| Objection: The Voice is just like another ATSIC. | The Voice will be an advisory body only. It will not deliver programs or manage government funds as ATSIC did. | “ The Voice will not deliver government programs. It will be a representative body that makes representations to Parliament and the government on law and policy that affect Indigenous Australians.” | The National Indigenous Australians Agency says that, “A difference between ATSIC and the Voice is that the Voice will not handle funding or run programs, but have an advocacy and advisory role.” |
| Objection: The Voice will be a third chamber. | The Voice will be an advisory body only . The Voice will not be a third chamber and it will be subservient to Federal Parliament. | 1. “ The Voice is not a Third Chamber of Parliament. The Voice will not be able to introduce bills into Parliament or vote on legislation...Parliament retains full control | 1. Constitutional lawyer and Wemba Wemba man Eddie Synot, along with constitutional lawyer Gabrielle Appleby, says that, “The key function of the Voice – to make representations |

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| <p>The Voice will override Parliament.</p> | | <p>over its own procedures...The Voice is subservient to Parliament.”</p> <p>2.In a recent Joint Select Committee (Parliamentary) submission, the Law Council of Australia said that: “The Voice is not intended to, and will not in fact under the proposed section 129, have any veto or law-making power or power to issue commands to Parliament, and could not be provided with such power by Parliament...The Voice will be an advisory body. Its function will be to ‘make representations’—that is, provide views to Parliament in relation to proposed or existing laws or policies which relate to Aboriginal and Torres Strait Islander peoples. The extent of consideration given by Parliament to such representations is a matter for the Parliament to decide.”</p> | <p>to the government and parliament on matters relating to Aboriginal and Torres Strait Islander people – will also be constitutionally protected. But the government and parliament cannot be compelled (for example, through litigation) to follow these representations. As such, this body would not have ‘veto’ power and is not a ‘third chamber’.”</p> <p>2.The Solicitor General says that: “The voice would not form part of either the parliament or the executive government, instead operating only as an advisory body to those two branches of government.”</p> <p>3.Cobble Cobble woman and constitutional lawyer Prof Megan Davis says that: “All the dimensions of this voice are to be determined by the parliament and parliamentary sovereignty remains supreme or intact...Not only is that enshrined in the constitution – it will be made very clear in the second reading speech and the materials that go along with it ...so it will be apparent to any future High Court and all people that the voice and what it does is determined by the parliament.”</p> |
| <p>Objection: We have more than 10 Aboriginal and Torres Strait Islander peoples in Federal Parliament, so a Voice isn’t needed.</p> | <p>1.Indigenous parliamentarians, just like parliamentarians of any other cultural background, must represent all their constituents. Indigenous politicians can’t merely represent Indigenous individuals and communities.</p> | <p>“Electing Aboriginal and Torres Strait Islander people to the Commonwealth Parliament is important. However, Indigenous Members of Parliament cannot solely represent Indigenous interests: they need to prioritise the interests of their party and their electorate if they are to remain in Parliament. Regional Delegates at the Uluru Dialogues lamented this challenge, noting that ‘there are Aboriginal people who have been elected</p> | <p>Constitutional lawyer Shireen Morris says that: “Parliament should reflect the diversity of the Australian community, and it’s great there is strong Indigenous representation in parliament. However, this does not guarantee Indigenous communities across the country a proper say in laws and policies made about them. That’s why Indigenous Australians through the Uluru Statement asked for a constitutionally guaranteed Voice in their affairs.”</p> |

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| | | <p>to Parliament, but they do not represent us. They represent the Liberal or the Labor Party, not Aboriginal People'. An Aboriginal and Torres Strait Islander Voice, therefore, serves a distinct and complementary function."</p> | |
| <p>Question: Why isn't the model's full detail included in the Constitution?</p> | <p>The Constitution sets out principles. Legislation sets out the detail. This is normal. For example, Prof Megan Davis says that the High Court of Australia was...recognised in the Constitution first and then set up in legislation later.</p> | <p>1.It's common practice in Australia and internationally to make the 'decision to defer detail' in constitutional change. This is because a constitution sets out principles. Legislation sets out the machinery, which requires updating over time. Updating legislation does not require a referendum. Updating a constitution does.</p> <p>2.Constitutional lawyer and Wemba Wemba man Eddie Synot, says that: If the referendum is successful and the model is included, "it would likely 'lock in' that specific model (if not legally then politically). Future parliaments would be reluctant to disturb the model that was passed with the referendum, even though it wouldn't technically be attached to the amendment itself. This would undermine the objective of allowing the model to adapt and evolve as future circumstances require, and would also undermine the authority of parliament to do so as required."</p> <p>3. In a recent Joint Select Committee (Parliamentary) submission, the Law Council of Australia said that: "This technique of deferral is said to involve 'a deliberate decision to place an issue within the constitutional domain—of basic or enduring principle—but also to leave aspects of its</p> | <p>1.Cobble Cobble woman and constitutional lawyer Prof Megan Davis says that it's common practice not to include all the detail in constitutional change: "Around the world, this technique is known as the 'decision to defer' – it's a decision to defer detail, not unlike the way in which the High Court of Australia was...recognised in the Constitution first and then set up in legislation later."</p> <p>2.Former High Court judge Kenneth Hayne says that: "...the constitution sets out principles. It does not set out machinery. Machinery can and should change as times change. And it's parliament that will do that, not the referendum."</p> <p>3. In a recent Joint Select Committee (Parliamentary) submission, the Law Council of Australia said that: "It is a 'common constitutional technique' to establish an enabling provision and defer detail to the Parliament."</p> |

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| | | <p>concrete meaning or application to later processes of judicial or legislative decision-making’.</p> <p>The deferral of detail to be developed through legislation balances the benefits of constitutional enshrinement discussed above, including its stability and legitimacy, with the benefits of enabling the Voice to be flexible and adaptable to future needs by allowing for potential amendment to the core design legislation.</p> <p>While general principles relating to the form of the Voice have been released, it is not appropriate to purport to provide the details of the model that Parliament may legislate prior to the referendum because the actual model to be implemented is yet to be determined. It should be determined through comprehensive consultation with Aboriginal and Torres Strait Islander people and subject to the democratic Parliamentary process.”</p> | |
| <p>Objection:</p> <p>There isn’t enough detail for me to understand what the Voice is about.</p> <p>“Don’t know, vote no”.</p> | <p>1. Don’t know yet? Then find out. There is much documented about the design principles, including on the Uluru Statement website. The Government has committed to these design principles.</p> <p>2. Don’t know yet? Then find out. There’s plenty of information available. It’s up to each voter to engage their minds and hearts. The Uluru Statement website explains the</p> | <p>In a recent Joint Select Committee (Parliamentary) submission, six legal academics with expertise in Australian constitutional and administrative law based at the University of Queensland Law School said that: “This provision [Subsection 3] provides Parliament with a sensibly wide legislative power to make laws on matters relating to the Voice. The provision strikes the right balance between constitutional entrenchment and legislative flexibility...This approach to the Voice – guaranteeing its</p> | <p>1. Alyawarre woman and Uluru Dialogue Co-Chair Pat Anderson AO encourages all Australians to: “Try to actively engage mind and heart in this process, because this is nation-building, and it will make a huge difference to our families and communities across Australia.”</p> <p>2. The Uluru Statement website explains the design principles, which have been agreed to by the Referendum Working Group and the Federal Government. The website also explains</p> |

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| | <p>Voice, including the design principles, which have been agreed to by the Referendum Working Group and the Federal Government.</p> <p>3. Check out this 30-second video to find out why constitutional recognition through a Voice to Parliament is a simple proposal: Our Constitution is 122 years old, but is yet to recognise Indigenous Australians who have been walking on this land for thousands of years. This year, Australians have a chance to fix that with a referendum to give Aboriginal and Torres Strait Islander peoples a real say in their future.</p> | <p>existence and a minimum set of functions in the Constitution while leaving much of the detail to legislation passed by Parliament – is consistent with the approach taken to other institutions established under the Constitution, especially the High Court and the Executive. It ensures that the Voice will have both the stability it requires to be effective and the flexibility it requires to adapt to the changing needs and aspirations of First Nations peoples. Importantly, once the Voice is established through legislation, subsection (2) guarantees that the Voice will be able to make representations to the Parliament and the Executive on any future proposals to alter the Voice itself.”</p> | <p>that, “After the referendum, there will be a process with Aboriginal and Torres Strait Islander communities, the Parliament, and the broader public to settle the Voice design. Legislation to establish the Voice will then go through standard parliamentary processes to ensure adequate scrutiny by elected representatives in both houses of Parliament.”</p> |
| <p>Question:</p> <p>Will the Voice divide Australia racially?</p> <p>Will the Voice create inequality based on race?</p> <p>Is the Voice racist?</p> <p>Will the Voice confer special rights?</p> | <p>1. Quandamooka man and Uluru Statement leader Dean Parkin says that: “Our experience is that Australians see this referendum as an opportunity bring the nation together to recognise Indigenous people through a voice. They want unity and respect, not division and nastiness.”</p> <p>2. The Voice to Parliament will lead to less inequality. That’s not racist.</p> <p>3. The proposed constitutional amendment through a Voice does not rest upon race – it rests upon the historical truth that Aboriginal and Torres Strait Islander peoples are Australia’s First Peoples. Voting ‘yes’</p> | <p>1. In a recent Joint Select Committee (Parliamentary) submission, constitutional law expert Professor Anne Twomey said that: “The terminology ‘First Peoples of Australia’ is similar to the terminology proposed by John Howard for the 1999 preamble referendum (‘honouring Aborigines and Torres Strait Islanders, the nation’s first people’). The statement is one of fact. It is also a statement that provides the explanation for establishing the Voice. It is not being established to favour the people of one race over those of other races, as some have suggested. The Voice is being established because Aboriginal and Torres Strait Islander peoples are the First Peoples of Australia and therefore have a unique place in Australia’s cultural history as well as</p> | <p>1. In a recent Joint Select Committee (Parliamentary) submission, constitutional law expert Professor Anne Twomey said that: “It [constitutional recognition via a Voice] is not being established to favour the people of one race over those of other races, as some have suggested. The Voice is being established because Aboriginal and Torres Strait Islander peoples are the First Peoples of Australia.”</p> <p>2. Race Discrimination Commissioner Chin Tan says that: “The referendum provides an opportunity to recognise and acknowledge the unique rights of Indigenous Australians as the first people of this continent – the oldest</p> |

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| | <p>is our chance to help establish a fair and truthful relationship between Aboriginal and Torres Strait Islander peoples and non-Indigenous Australians. Voting ‘yes’ will unite our nation – just as the watershed 1967 referendum did. So let’s keep building on that wonderful legacy.</p> <p>4.The way we see it, the argument that constitutional recognition of Australia’s First Peoples via a Voice is somehow racially divisive is an attempt by some ‘No’ vote campaigners to cunningly undermine the fact that our country will be further united with the success of the forthcoming referendum. This kind of argument may appeal to well-intentioned voters who are still catching up on what the Voice is actually about — good folk who value unity. The hugely successful 1967 referendum helped unify our country, and the Voice will build upon this unity. We have faith in the Australian people — folk tend to see through such arguments once they educate themselves, such as by reading the Uluru Statement that was signed in 2017, which is an invitation to all Australians, finishing with the lines: “In 1967 we were counted [in the Census], in 2017 we seek to be heard...We invite you to walk with us</p> | <p>continuing legal rights from before the colonisation of Australia.”</p> <p>2. In a recent Joint Select Committee (Parliamentary) submission, the Law Council of Australia said that: “The proposed amendment does not create special rights for Aboriginal and Torres Strait Islander peoples, nor discriminate based on race. Nor does it amount to a ‘special measure’ under the International Convention on the Elimination of all Forms of Racial Discrimination (CERD). Its foundation is in the right of self-determination of peoples, rather than distinction on the basis of race. The Voice also gives effect to other fundamental human rights accorded to Aboriginal and Torres Strait Islander peoples, such as the right to equality and non-discrimination and the right to take part in public affairs.”</p> | <p>continuous culture in the world. This would be a powerful act of national unity.”</p> <p>3. In a recent Joint Select Committee (Parliamentary) submission, the Law Council of Australia said that: “The proposed amendment does not create special rights for Aboriginal and Torres Strait Islander peoples, nor discriminate based on race...Its foundation is in the right of self-determination of peoples, rather than distinction on the basis of race.”</p> <p>4. In a recent Joint Select Committee (Parliamentary) submission, the CEO of Reconciliation Australia, Bundjalung woman Karen Mundine, said that: “Constitutional recognition in the proposed form will ensure appropriate acknowledgment of Aboriginal and Torres Strait Islander Peoples as the First Peoples of Australia. It will address a history of exclusion of Aboriginal and Torres Strait Islander peoples in the life of this nation and represents a critical step towards health and healing for Aboriginal and Torres Strait Islander peoples. It will also promote increased respect and understanding amongst broader Australian society for the special place and history of Aboriginal and Torres Strait Islander peoples in this country. In turn, the foundations of positive relationships and progress on reconciliation will be supported and advanced by this change.”</p> <p>5.The Constitutional Expert Group has advised that: “The Voice does not confer ‘rights’, much less ‘special rights’, on Aboriginal and Torres Strait Islander peoples. Nor would the Voice</p> |
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| | <p>in a movement of the Australian people for a better future.”</p> <p>5. Let's unpack this in a common sense way. Both Aboriginal and Torres Strait Islander peoples would be recognised in the Constitution simply because they are Australia's First Peoples. Torres Strait Islander peoples are ethnically Melanesian. The Indigenous peoples of Fiji, Vanuatu, the Solomon Islands and Papua New Guinea are also ethnically Melanesian. However, Australians who descend from Fiji, Vanuatu, the Solomon Islands and Papua New Guinea would not be recognised in the Constitution (unless they are also of Aboriginal or Torres Strait Islander descent) because they are not First Peoples of Australia. Thus, the proposed constitutional amendment through a Voice does not rest upon race – it rests upon the historical fact that Aboriginal and Torres Strait Islander peoples are Australia's First Peoples.</p> | | <p>change or take away any right, power or privilege of anyone who is not Indigenous.”</p> <p>6. Former High Court Chief Justice the Honourable Robert French AC says that the Voice is “a step forward for Australian nationhood” and that constitutional recognition through a Voice “rests upon the historical status of Aboriginal and Torres Strait Islanders as Australia's Indigenous people. It does not rest upon race.”</p> <p>7. Saibai Elder Aunty Dr Rose Elu says that: “Over 90 per cent of voters voted ‘yes’ in the 1967 referendum in what was to become a watershed moment in our shared history, especially in the way it united us. I pay my respects to all those who campaigned in the lead up to the 1967 referendum – both Aboriginal and Torres Strait Islander peoples and non-Indigenous peoples alike...The forthcoming referendum about recognising Aboriginal and Torres Strait Islander peoples in the Constitution through a pragmatic Voice to Parliament builds on the remarkable legacy of the 1967 referendum.”</p> |
| <p>Objection: The Voice will divide the nation.</p> | <p>The Voice to Parliament will unite the nation because it will be a big step towards Reconciliation, just as the successful 1967 referendum was.</p> | <p>1. The Voice to Parliament will unite the nation, because it will be a big step towards Reconciliation, as the successful 1967 referendum was. The Voice will show that the Australian people want Parliament and the Government to listen to Aboriginal and Torres Strait Islander peoples, and it will signal that we have accepted the gracious Uluru Statement invitation to walk together</p> | <p>1. Saibai Elder Aunty Dr Rose Elu says that: “Over 90 per cent of voters voted ‘yes’ in the 1967 referendum in what was to become a watershed moment in our shared history, especially in the way it united us. I pay my respects to all those who campaigned in the lead up to the 1967 referendum – both Aboriginal and Torres Strait Islander peoples and non-Indigenous peoples alike...The</p> |

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| | | <p>“in a movement of the Australian people for a better future.”</p> <p>2. In a recent Joint Select Committee (Parliamentary) submission, the Law Council of Australia said that: “The proposal to amend the Constitution provides important and long-awaited recognition of Aboriginal and Torres Strait Islander peoples in the Constitution. This is valuable for the following reasons:</p> <ul style="list-style-type: none"> • it will address the ‘longstanding and unfinished business for the nation’ by ensuring that Australia’s supreme law substantially recognises Aboriginal and Torres Strait Islander peoples as the original custodians of the land; • all Australians ‘own’ the Constitution and the proposed alteration will reflect the history of this land, and at last include all its peoples, when it recognises Aboriginal and Torres Strait Islander peoples as the First Peoples of Australia; and • a successful referendum will have significant value as a symbol of recognition and unity between Aboriginal and Torres Strait Islander peoples and non-Indigenous Australians.” | <p>forthcoming referendum about recognising Aboriginal and Torres Strait Islander peoples in the Constitution through a pragmatic Voice to Parliament builds on the remarkable legacy of the 1967 referendum.”</p> <p>2. Alyawarre woman and Uluru Dialogue Co-Chair Pat Anderson AO encourages all Australians to: “Try to actively engage mind and heart in this process, because this is nation-building, and it will make a huge difference to our families and communities across Australia.”</p> |
| <p>Question: Why can’t the Voice be legislated – why does it have to be enshrined in the Constitution?</p> | <p>Ensuring a constitutional guarantee will provide Aboriginal and Torres Strait Islander leaders and their communities with stability and longevity, particularly across election</p> | <p>In a recent Joint Select Committee (Parliamentary) submission, the Law Council of Australia said that: “It is important to amend the Constitution to provide for the</p> | <p>1. In a recent Joint Select Committee (Parliamentary) submission, six legal academics from the University of Queensland Law School with expertise in Australian constitutional and administrative law said that: “By protecting the</p> |

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| | <p>cycles and changes of Government. This is because legislation can be changed by Parliament, while a successful referendum, with the Australian people deciding the outcome, is needed to change the Constitution.</p> | <p>Voice, as opposed to providing for a Voice through legislation only. This is because:</p> <ul style="list-style-type: none"> • it was the means chosen by Aboriginal and Torres Strait Islander people, through the Uluru Statement, and after careful and longstanding deliberation on the options available, to recognise and empower them and is thus an expression of self-determination; • constitutional enshrinement of the Voice would provide it with an enduring mandate and distinguish it from previous advisory bodies, such as the Aboriginal and Torres Strait Islander Commission, which were able to be established and dissolved and were consequently subject to the changing political landscape; and • the exercise of popular sovereignty at the referendum and then the constitutional status of the Voice will also be part of its success. The Voice will have no veto and rely on its political power and authority only.” | <p>Voice from executive or legislative abolition, subsection (1) also helps to ensure that the Voice will be independent and better able to hold both Parliament and the Executive to account. If the Voice was vulnerable to abolition by Parliament or the Executive, it would likely be less willing to hold them to account out of fear that they would abolish it in retaliation.”</p> |
| <p>Objection: The Voice shouldn't advise the Executive (i.e. Cabinet, Federal Government departments).</p> <p>Question: Why is it important for the Voice to also advise the Executive Government?</p> | <p>To be effective and efficient for everyone, the Voice needs to advise at the early stages of policy and law making, which is why the Voice needs to advise the Executive, including the Government and Government departments. It's important to understand that the Voice is advisory, and may only make 'representations'. This means that the Voice cannot dictate Government decisions – it can only offer a view.</p> | <p>1.To be effective and efficient for everyone, the Voice needs to advise at the early stages of policy and law making, which is why the Voice needs to advise the government and government departments and “allowing the Voice to advise both the executive and parliament is the constitutionally conservative option. To put it another way, it's the model most consistent with Australia's current and historical constitutional practice.”</p> <p>2.In a recent Joint Select Committee (Parliamentary) submission, Australians for</p> | <p>1.Lawyers Elisa Arcioni and Andrew Edgar say that, “The Voice is to be a mechanism through which First Nations views can be received by the key national institutions of public power – the Parliament and executive – which establish law and policy that impacts upon First Nations people. The operation of executive power, the development of policy, is key to how the Australian state impacts upon First Nations peoples.”</p> <p>2. In a recent Joint Select Committee (Parliamentary) submission, the Law Council of Australia said that: “Parliament has the power</p> |

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| | | <p>Native Title and Reconciliation (ANTaR) said that: “The term ‘the Executive Government of the Commonwealth’ is used in seven places in the Constitution. If there is ambiguity in the term, it is not for the Voice alone to resolve. The wording of subsection 129 (ii) is careful and clear. It has been scrutinised by the Constitutional Expert Group as well as many constitutional law experts who insist the Voice will not delay Parliament or make governing more difficult. As former High Court judge Kenneth Hayne has said, the Voice ‘will not impede the ordinary working of government’. Subsection 129 (ii) would not require the Parliament or the Executive Government to wait for the Voice to make a representation on a matter before taking action; nor would s129(ii) require the Parliament or the Executive Government to seek or invite representations from the Voice or consult it before enacting any law, taking any action or making any decision. Subsection 129 (ii) would also not oblige the Parliament or the Executive Government to follow a representation of the Voice.”</p> <p>3. In a recent Joint Select Committee (Parliamentary) submission, the Law Council of Australia said that: “A Voice which makes representations to Parliament and the Executive should lead to more informed decision-making, including by advising how Commonwealth funds can be spent beneficially and effectively when addressing First Nations issues. Professor Anne Twomey</p> | <p>under proposed subsection 129(iii) to make laws creating obligations or procedures relating to the Executive’s handling of representations in relation to the Voice. This may include, for example, legislation requiring the Executive to consider representations in relation to making certain decisions or exercising certain powers that affect First Nations peoples. This means that Parliament can decide whether and when a representation by the Voice must be considered by the Executive.”</p> <p>3. In a recent Joint Select Committee (Parliamentary) submission, six legal academics with expertise in Australian constitutional and administrative law based at the University of Queensland Law School said that: “One important aspect of subsection (2)’s scope is that it ensures the Voice can make representations to both Parliament and the Executive Government. Since the government decisions that affect Aboriginal and Torres Strait Islander people’s lives are made by both of these institutions, it is important that both are included within the remit of the Voice’s representation-making function. If Executive Government was left out of the subsection or if the range of Executive actors was narrowed down (for instance, to Commonwealth Ministers only), the Voice would fail to be an adequate vehicle for giving Aboriginal and Torres Strait Islander peoples a meaningful say over the government decisions that affect them.”</p> |
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| | | <p>emphasises this point: <i>‘It is hard to imagine that anyone would argue that it is better for Parliament to be ignorant and ill-informed, its laws ineffective and its expenditure wasteful. There can be no harm in listening to the views of others and using them to improve outcomes.’</i> Importantly, while this is a substantive change, it is nevertheless modest. The Parliament is not bound by the representations of the Voice and can decide how the Executive can engage with them.”</p> <p>4. In a recent Joint Select Committee (Parliamentary) submission, the Lowitja Institute, Australia’s only national Aboriginal and Torres Strait Islander community controlled health research institute, said that: “In particular, we urge this Committee to retain the proposed wording of s. 129 (ii), pertaining to the ability of the Voice to make representations to both the Parliament and the Executive Government of the Commonwealth.</p> <p>Every day, Government Ministers and Australian Public Service (APS) leaders make hundreds of decisions, outside of the Parliamentary context, which will have significant impacts on the lives of Aboriginal and Torres Strait Islander peoples. It is critical, therefore, that the Aboriginal and Torres Strait Islander Voice is explicitly enabled to make representations to these decision-makers, as well as to the Parliament. As our former Chair has made clear to this Committee, this ability is necessary to ensure</p> | <p>4. In a recent Joint Select Committee (Parliamentary) submission, constitutional law expert Professor Anne Twomey said that: “From the very start...The Indigenous advisory body was always intended to be able to speak to both the Executive Government and Parliament.”</p> <p>5. In a recent Joint Select Committee (Parliamentary) submission, the Law Council of Australia said that: “The role of the Executive includes developing policies from which laws are created by Parliament, performing functions and powers under law, and, under delegation from Parliament, making laws. The Law Council supports the Voice having the ability to make representations to both Parliament and the Executive and thus have its views heard from the creation of laws and policies through to their enactment and operation.”</p> <p>6. In a recent Joint Select Committee (Parliamentary) submission, Dr Bryan Keon-Cohen AM KC said that: “Early consultation necessary: As has been noted by ‘Yes’ advocates, the ability to put submissions to the Executive branch of government is essential if the submitter is to have any ability to affect the development of policy and related programs. It is universally accepted that confining the Voice to Parliament only will seriously reduce the Voice’s impact on policy or legislative developments. Policy, programs and related legislation are both, in most if not all cases, well and truly settled by the time the initiating legislation is tabled in the Parliament. Thus, to</p> |
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| | | that our peoples' voices, priorities and concerns are systematically and consistently heard throughout the process of developing and implementing public policy, rather than our communities and organisations being required to state our case anew after any significant change in Ministerial portfolios or APS leadership." | remove the ability of the Voice to make representations to the Executive branch will, in practice, greatly reduce its ability to do its job, ie, engage in discussions, as partners, with government in the development of policies and programs that effect Indigenous people around the country." |
| <p>Question:</p> <p>Will the Voice lead to litigation, including in the High Court, because it will be able to make representations to the Executive Government?</p> <p>(See similar question re Parliament below)</p> <p>Is the Voice legally ok?</p> | <p>It's important for voters to go to the primary source of information rather than relying on hearsay. For example, the proposed constitutional amendment states that, "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." This means that after the referendum, Parliament will make laws about the effect of the Voice's representations. These laws will go through standard parliamentary processes to ensure adequate scrutiny by elected representatives in both the Senate (upper house) and House of representatives (lower house). This is one reason why the proposed constitutional amendment is so legally sound.</p> | <p>1.Lawyers Elisa Arcioni and Andrew Edgar say that: "The concerns raised publicly regarding floodgates of litigation regarding executive action fail to take account of the power conferred on the Parliament to make laws about the effect of the Voice's representations. We live in the 'age of statutes' whereby most executive action occurs under statute and judicial review of such action is also dependent on statute. There are forms of drafting that expand judicial review (eg extended standing) and techniques that limit it (eg 'no invalidity clauses'). These issues will be considered in the drafting process so the Parliament can make a considered decision as to what legal effects any representations of the Voice may have on executive decision-making."</p> <p>2.In a recent Joint Select Committee (Parliamentary) submission the Law Council of Australia said that: "Parliament has a range of options available for how it might require the Executive to consider representations made by the Voice...these options range from discretionary provisions that can be scrutinised by parliaments and cannot be</p> | <p>1.Former High Court justice Kenneth Hayne backs the constitutional amendment wording and on 23 March 2023 said that: "The word 'representation' has been very carefully chosen" and that if the Voice "does make a relevant representation to the executive, that may be one matter that the executive has to consider. But what the Voice has said in its representation does not dictate the outcome of those considerations."</p> <p>2.The Attorney-General Mark Dreyfus says that: "The proposed constitutional amendment is legally sound."</p> <p>3.Lawyers Dr Elisa Arcioni and Dr Andrew Edgar say that: "Concerns about litigation...are matters which can be considered and effectively managed when drafting the Voice legislation. It should therefore not be a reason for concern that the Voice may make representations to the executive."</p> <p>4. In a recent Joint Select Committee (Parliamentary) submission, the Law Council of Australia described the constitutional amendment as "just and legally sound" and said</p> |

challenged in courts...There is a further and more fundamental point. The role of the courts in declaring and enforcing the legal limits to the exercise of Executive power is not to be feared. Judicial review of administrative action is the application of the rule of law. The possibility of a challenge to Executive decision or action is not unusual within the Australian legal system. Judicial review is available to correct errors of governments and government agencies which affect people's legal rights and contravene existing law."

3. In a recent Joint Select Committee (Parliamentary) [submission](#), lawyers Dr Elisa Arcioni and Dr Andrew Edgar say that: "The ability of the Voice to make representations to the Executive is consistent with existing institutional relationships and the legal effect of such representations can be determined by the Parliament. The power in s 129(iii) to make laws for "procedures" relating to the Voice will enable Parliament to control the manner in which the consultation between the Voice and the Executive Government occurs and also limit the risk of the consultation, or lack of consultation, being challenged in the courts."

that: "Parliament has a range of options available for how it might require the Executive to consider representations made by the Voice...these options range from discretionary provisions that can be scrutinised by parliaments and cannot be challenged in courts."

5. "Bridget Archer and Fiona Martin [say](#) that: "The voice is an elegant, practical and conservative step toward incorporating community-level evidence into policymaking...It was dishonest to claim that the national apology to the stolen generations would lead to a wave of litigation, and today it is deeply cynical to claim the voice will lead to an inundation of litigation against defence contracts, interdepartmental committee decisions and technology contracts."

6. In a recent Joint Select Committee (Parliamentary) [submission](#) the Law Council of Australia said that: "...the power provided to the Voice under proposed subsection 129(ii) is to make representations. It is not framed as a duty on the Executive (or Parliament) to consult the Voice."

7. In a recent Joint Select Committee (Parliamentary) [submission](#), the Law Council of Australia said that: "While the Constitution guarantees the Voice can make representations, under these provisions, Parliament will have the capacity to determine the legal effect of any representations made by the Voice, including restricting judicial review of the consultation

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| | | | <p>process. This power is key to understanding how the concerns around the impact of representations to the Executive are premature.”</p> |
| <p>Question:</p> <p>Will the Voice lead to litigation because it will be able to make representations to Parliament?</p> <p>(See similar question re the Executive Government above)</p> <p>Is the Voice legally ok?</p> | <p>Parliament’s actions regarding how it responds to the Voice is non-justiciable, which means they cannot be heard in court.</p> | <p>In a recent Joint Select Committee (Parliamentary) submission, the Law Council of Australia said that: “The actions of Parliament concerning its relationship with the Voice would, in the above context, be considered non-justiciable. The constitutional amendment provides for the Voice to make representations to the Parliament—as noted by [former High Court Chief Justice] Mr French and others, it does not create an explicit, nor an implied, obligation on Parliament to consider or respond to those representations.</p> <p>Additionally, under existing principles of constitutional law, the High Court has held that the exercise by Parliament of its own law-making procedures is non-justiciable. Therefore, if the Parliament were to create internal procedures relating to how it receives the Voice’s representations, such procedures would not be justiciable.</p> <p>Former Justice of the High Court, the Honourable Kenneth Hayne AC KC, has underlined that the High Court has shown deference towards Parliament by not interfering with Parliament’s exercise of its own procedures, described as ‘intramural activities’, and has expressed the view that ‘litigation about what parliament does or</p> | <p>In a recent Joint Select Committee (Parliamentary) submission, the Law Council of Australia said that: “Additionally, under existing principles of constitutional law, the High Court has held that the exercise by Parliament of its own law-making procedures is non-justiciable. Therefore, if the Parliament were to create internal procedures relating to how it receives the Voice’s representations, such procedures would not be justiciable.”</p> |

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| | | does not do in relation to representations would fail’.” | |
| Question: Will the Voice delay or undermine Parliament? | The Voice is merely an advisory body, so Parliament will not be bound by the Voice’s views. Thus, Parliamentary processes will not be delayed by the Voice – rather, the Voice will enhance Parliament’s efficiency and effectiveness by offering valuable facts and evidence. | <p>1. In a recent Joint Select Committee (Parliamentary) submission, the Law Council of Australia said that: “In relation to the Executive, Parliament could make laws specific to the various arms of the Executive Government of the Commonwealth, including the Ministers exercising statutory or executive functions. It could also determine procedural matters, such as...time limits within which representations might be made in advance of pending decisions or actions.”</p> <p>2. The Voice is merely an advisory body. And, like any community-appointed advisory body, the Voice will have finite operational resources and will seek to be effective and efficient while representing those it is ultimately accountable to (that is Aboriginal and Torres Strait Islander communities). So common sense holds that the Voice will prioritise offering a view on key relevant matters only. Importantly, Parliament and the Federal Government will not be bound by the Voice’s views.</p> | <p>1. In a recent Joint Select Committee (Parliamentary) submission, the Law Council of Australia said that: “The Parliament is not bound by the representations of the Voice and can decide how the Executive can engage with them” and can “determine procedural matters, such as...time limits within which representations might be made in advance of pending decisions or actions.”</p> <p>2. In a recent Joint Select Committee (Parliamentary) submission, constitutional law expert Professor Anne Twomey said that: “From the very start... It was regarded as essential to include machinery provisions that would ensure Parliament would not be delayed or impeded in its enactment of laws.”</p> |
| Question: Will the Voice clog Government processes? | The Voice is merely an advisory body, so the Executive Government will not be bound by the Voice’s views. Thus, Government processes will not be clogged by the Voice – rather, the Voice will enhance the Government’s efficiency and effectiveness by offering valuable facts and evidence, from the grassroots up. | In a recent Joint Select Committee (Parliamentary) submission , Dr Bryan Keon-Cohen AM KC said that: “Claims by ‘No’ supporters, as reported in the media, that the Voice’s ability to make submissions to the Executive (ie, Ministers and public servants, particularly officials exercising delegated decision- making powers) on “matters related to” Indigenous people is too wide, and will | In a recent Joint Select Committee (Parliamentary) submission , Dr Bryan Keon-Cohen AM KC said that: “Claims by ‘No’ supporters, as reported in the media, that the Voice’s ability to make submissions to the Executive (ie, Ministers and public servants, particularly officials exercising delegated decision- making powers) on “matters related to” Indigenous people is too wide, and will |

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| | | “clog” and prevent the proper administration of many sectors of the public service and government agencies, are, in my view, wildly exaggerated, and demonstrate ignorance of, or a deliberate misrepresentation of, the realities.” | “clog” and prevent the proper administration of many sectors of the public service and government agencies, are, in my view, wildly exaggerated, and demonstrate ignorance of, or a deliberate misrepresentation of, the realities.” |
| Objection: Only the state can exercise sovereignty. | As Christians we believe that God alone is sovereign. Many people participate in a sovereignty that existed long before that of modern states, and thus the state should share it. The constitutional amendment will recognise the sovereignty of both the Crown and Indigenous peoples and will do so in a legally sound way. Importantly, Parliamentary sovereignty will remain intact. | <p>1.State sovereignty is a modern concept. In any Christian understanding, God alone is sovereign; and, therefore, there is a transcendent law and reason (logos), according to which all things exist. Many peoples and cultures participate in this prior sovereignty, and thus the state should not monopolise it.</p> <p>2.Cobble Cobble woman and constitutional lawyer Prof Megan Davis says that: “All the dimensions of this voice are to be determined by the parliament and parliamentary sovereignty remains supreme or intact...Not only is that enshrined in the constitution – it will be made very clear in the second reading speech and the materials that go along with it ...so it will be apparent to any future High Court and all people that the voice and what it does is determined by the parliament.”</p> | Saibai Elder and Anglican leader Aunty Dr Rose Elu says that: “Our spirituality lies in the sea, sky and land and since time immemorial our people have believed in a Creator” and she says that “On 3 June 1992, the High Court of Australia found that a group of five Mabo case plaintiffs from Mer, in the east of the Torres Strait, were the island’s Traditional Owners. This decision was momentous – and not just for these five. The case has had a profound impact on the lives of Aboriginal and Torres Strait Islander peoples since and has helped to foster Reconciliation between First Nations and non-Indigenous Australians.” |
| Objection: We shouldn’t recognise Indigenous Australians in the Constitution because it has caused issues for other countries. | This objection has emerged from a video posted by a Christian organisation that includes a number of factual inaccuracies. At the end of the day, comparing the Voice with how other countries have recognised their Indigenous peoples in the last 200+ years is like comparing the proverbial apples and oranges. The | The Uluru Statement website says that: “Similar mechanisms are common in liberal democracies as they are a way to ensure Indigenous peoples, who often make up only a small percentage of the population, are able to actively participate in decision making regarding the policies and laws that affect them.” | <p>1.Bridget Archer and Fiona Martin say that: “The voice is an elegant, practical and conservative step toward incorporating community-level evidence into policymaking.”</p> <p>2. In a recent Joint Select Committee (Parliamentary) submission, the Law Council of Australia described the constitutional amendment as “just and legally sound.”</p> |

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| | <p>Voice is well calibrated – it’s both modest and meaningful – and will be shaped by Parliament after the referendum to ensure its ongoing effectiveness and efficiency all round. The Voice really is a simple proposal: recognising Indigenous Australians in the Constitution to give Indigenous Australians a real say in their future. Check out this 30-second video to find out why constitutional recognition through a Voice to Parliament is straightforward.</p> | | |
| <p>Question: Why aren’t we seeking treaty first?</p> | <p>The Uluru Statement is literally a roadmap to treaty at a national level. Constitutional recognition through a Voice is needed first for treaty to be effectively negotiated at a national-level. The treaty process is already happening at a state level. For example, the Queensland Treaty Advancement Committee Co-chair, Aunty Dr Jackie Huggins, says that treaty at a state level will take at least 10 years. It will take longer at a national level given the naturally greater number of First Nations involved. We can get constitutional recognition via a Voice implemented in the near future, which will help ‘close the gap’.</p> | <p>The Uluru Statement from the Heart signatories decided to start “with the ‘big law’ – the Constitution is the highest law in the land. This is the best way for us to ensure tangible outcomes to improve the lives of First Nations peoples.” Constitutional recognition through a Voice is needed first if treaty at a national-level is going to be achieved.</p> | <p>1.Cobble Cobble woman, Uluru Dialogue Co-chair and constitutional lawyer Prof Megan Davis says that, “It was determined by the First Nations that you cannot enter into any treaties with the state as First Nations peoples if we don’t first have recognition of our Voice. The bulk of our people require enormous amounts of support and resources to get to the threshold of entering into what they call treaties or agreements.”</p> <p>2.Wemba Wemba man and constitutional lawyer Eddie Synot says that, “Substantive structural reform to the political system has to come first if the Makarrata Commission for treaty and truth-telling is to have meaningful effect. We have had treaty promises and truth-telling processes before, but in the absence of this [constitutional] structure they have had little impact on the grander scheme of things.”</p> |
| <p>Question: Will the Voice undermine Indigenous Sovereignty?</p> | <p>The Uluru Statement From the Heart makes it clear that the Voice will affirm “the ancient sovereignty” of</p> | <p>1.The FAQ page of the official Uluru Statement From the Heart website states that, “The Uluru Statement says that First</p> | <p>1.Cobble Cobble woman, Uluru Dialogue Co-chair and constitutional lawyer Prof Megan Davis says: “That [sovereignty] argument is very</p> |

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| | <p>Aboriginal and Torres Strait Islander peoples.</p> | <p>Nations' sovereignty was never ceded and coexists with the Crown's sovereignty today, that sovereignty comes from a different source to the sovereignty claimed by the Crown, from the ancestral tie between the land and its people...Simply, sovereignty is not undermined nor diminished by the Voice."</p> <p>2.The Uluru Statement From the Heart says that: "With substantive constitutional change and structural reform, we believe this ancient sovereignty can shine through as a fuller expression of Australia's nationhood."</p> <p>3.The FAQ page of the official Uluru Statement From the Heart website states that: "The Uluru Statement calls for this ancient sovereignty to be recognised through structural reform including constitutional change. Enshrining a First Nations Voice is recognition of First Nations' sovereignty and First Nations' rights based on their unique political and cultural existence. Simply, sovereignty is not undermined nor diminished by the Voice."</p> | <p>difficult to understand, given that the arrivals in 1788 didn't lead to a ceding of sovereignty, the passage of the Australian Constitution in 1901 didn't cede their sovereignty. First Nations people have their sovereignty, they are sovereign nation, we are sovereign people. No one can cede that sovereignty unless we do it ourselves."</p> <p>2.The National Native Title Council explains that: "Under international law, the acquisition of sovereignty over occupied territories may only occur by conquest or cession. 'Sovereignty' is used in Australia by First Nations representatives to mean that sovereignty was possessed by the First Peoples over their respective territories and has never been ceded and continues to be possessed. The High Court in the Mabo No 2 decision acknowledged the false basis of the acquisition of sovereignty by the British."</p> |
| <p>Question: Will the Voice undermine Native Title?</p> | <p>The Voice will help protect Native Title. This is one of the reasons why Australians for Native Title and Reconciliation (ANTaR) and the National Native Title Council support the Voice.</p> | <p>The National Native Title Council supports the Uluru Statement From the Heart's reforms, including the Voice. If this Native Title peak body supports constitutional recognition through a Voice, it's logical to presume that the Voice will protect Native Title.</p> | <p>Constitutional lawyer and Wemba Wemba man Eddie Synot, along with constitutional lawyer Gabrielle Appleby, says that "Rather, the Constitution is setting up a mechanism designed to improve decisions, policies and laws through First Nations input on matters that affect them. These matters might directly affect Aboriginal and Torres Strait Islander people, such as changes to the native title law, but it could also include broader laws and policies that have a</p> |

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| | | | particular impact on them, such as environmental protection laws or electoral laws. These decisions would be improved through their input.” |
| Objection: Not all First Nations peoples agree with the Uluru Statement / the Voice. | It's very rare for a large group of people to all agree on any given matter, whether trivial or important. However, an independent poll conducted in January 2023 shows that 80 per cent of Indigenous Australians support the 'yes' vote. For any poll this would be considered a highly credible number. | <p>1. While there are some high-profile First Nations peoples who currently do not support the 'yes' vote, a significant proportion of First Nations peoples do support constitutional recognition through a Voice to Parliament. An independent poll conducted in 2023 found that 80% of Indigenous Australians support the 'yes' vote, with 10% undecided.</p> <p>2. When you hear this kind of comment, ask what specific objection they have heard First Nations people say/write re the Voice and then consider the relevant options in this guide.</p> | <p>1. In response to the 2023 poll that shows that 80% of First Nations peoples support the Voice, Alywarre woman and Uluru Dialogue Co-Chair Pat Anderson AO said that, "It's clear. Overwhelmingly, First Nations People support a Voice – a chance to have a say in the policies and laws that impact us."</p> <p>2. Quandamooka man and Uluru Statement leader Dean Parkin says that: "...we're [Indigenous Australians] not allowed to have differences of opinions without being told we are a divided people. Everybody else creates institutions to deal with their difference of opinion. We [Australia] have parliaments, senates and political parties and think tanks and a whole bunch of institutions in recognition of the fact that people and communities and societies have differences of opinion, and that's part of a healthy society, it's part of a healthy nation."</p> |
| Objection: There wasn't enough First Nations grassroots community consultation before the Uluru Statement was signed. | The grassroots dialogues held in the lead up to the National Constitutional Convention, where the Uluru Statement was signed, formed the most extensive consultation of Indigenous peoples ever, and it was the first time such a substantial group gathered to state what they wanted. | <p>1. The Uluru Statement was the culmination of 13 intensive and inclusive regional dialogues Australia-wide over six months. More than 1200 Indigenous leaders across the country were part of the process. Roughly, 60 percent of places were reserved for First Nations/Traditional Owner groups; 20 percent of places for Aboriginal community organisations; and 20 percent of places for individuals such as activists, Elders,</p> | <p>1. Cobble Cobble woman, Uluru Dialogue Co-chair and constitutional lawyer Prof Megan Davis says that: "Our culture is a gerontocracy, which means that our Elders, our old people, lead decision making in communities, and are the cultural authority in our communities. The fundamental normative principle is that decision needs to be driven by community. So we designed a process that would enable us to seek advice from communities via a structured, deliberative dialogue process."</p> |

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| | | <p>youth, members from the Stolen Generations, and significant figures. Each gathering went for three days and delegates confirmed a statement of their discussion and selected representatives for the Uluru convention. The Uluru Statement was then agreed to in 2017 by 250 Indigenous Australians at the National Constitutional Convention.</p> | |
| <p>Objection: The referendum can't be won without bipartisan support.</p> | <p>1.It is the people, not politicians, who will decide the outcome.</p> <p>2.Quandamooka man and Uluru Statement leader Dean Parkin says that, "The prime minister Anthony Albanese's vote will have as much power as a carpenter from Campbelltown, and opposition leader Peter Dutton's vote will count the same as a barber from Boonah."</p> | <p>1.The closing line in Uluru Statement From the Heart is: "We invite you to walk with us in a movement of the Australian people for a better future." The Uluru Statement is an invitation to all Australian people. So the referendum outcome will be decided by Australian voters.</p> | <p>1.Quandamooka man and Uluru Statement leader Dean Parkin says that, "The prime minister Anthony Albanese's vote will have as much power as a carpenter from Campbelltown, and opposition leader Peter Dutton's vote will count the same as a barber from Boonah."</p> |
| <p>Question: Will the government control the Voice appointments?</p> | <p>The Voice will be chosen by Aboriginal and Torres Strait Islander peoples based on the wishes of local communities.</p> | <p>The Uluru Statement From the Heart website outlines the Voice design principles, which the Government has committed to, and states that: "Members of the Voice would be selected by Aboriginal and Torres Strait Islander communities, not appointed by the Executive Government."</p> | <p>1. The Uluru Statement From the Heart website outlines the Voice design principles, which the Government has committed to, and states that: "Members of the Voice would be selected by Aboriginal and Torres Strait Islander communities, not appointed by the Executive Government."</p> <p>2.In March 2023 the Prime Minister said that the Voice: "would be chosen by the [Indigenous] community without government appointments."</p> |
| <p>Question: Will the Voice really help close the gap,</p> | <p>Yes, absolutely. The reason why constitutional recognition of</p> | <p>1.In a recent Joint Select Committee (Parliamentary) submission, Dr Bryan Keon-</p> | <p>1.The CEO of the National Aboriginal Community Controlled Health Organisation, the</p> |

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| <p>including the health and life expectancy gap?</p> | <p>Aboriginal and Torres Strait Islander peoples is being pursued through a pragmatic Voice to Parliament and the Government is so that critical structural reform, such as finally closing the health and life expectancy gap, can be achieved.</p> | <p>Cohen AM KC said that: “the dismal failure of government policies and practices to close many elements of ‘The Gap’ suggests that current practices have failed, and there is everything to gain, and nothing to lose, by ‘drawing a line in the sand’ and taking a fresh approach.”</p> <p>2. In a recent Joint Select Committee (Parliamentary) submission, the Lowitja Institute, Australia’s only national Aboriginal and Torres Strait Islander community controlled health research institute, said that: “Aboriginal and Torres Strait Islander peoples continue to die far earlier and experience a higher burden of disease and disability than other Australians. This is a result of long-term economic disadvantage, discrimination and social exclusion, among other factors. However, the establishment of a constitutionally enshrined Aboriginal and Torres Strait Islander Voice would provide a strong foundation, grounded in self-determination, for the urgent work needed to improve health and wellbeing outcomes for our peoples.</p> <p>In establishing a direct line from Aboriginal and Torres Strait Islander communities to both the Commonwealth Parliament and the Executive Government when federal laws and policies that directly affect us are being developed and implemented, we will be able to give practical advice, based on lived experience, to legislators and policymakers. The Voice would enable even our most</p> | <p>peak body for 144 local Indigenous-controlled clinics, Gudanji-Arrente woman Pat Turner said that: “Alongside the National Agreement [on Closing the Gap] and the partnership between governments and the Coalition of Peaks, the Voice, Truth Telling, and Treaty will provide our nation with the complete roadmap to improve the life outcomes of our people.”</p> <p>2. In a recent Joint Select Committee (Parliamentary) submission, the largest Aboriginal community-controlled health organisation in the Northern Territory, the Central Australian Aboriginal Congress, said that: “In addition, as recognised in the Uluru Statement from the Heart, substantive structural change is required given the ongoing burden of poverty, discrimination and ill-health that our people continue to bear. The Voice would establish genuine and substantive and continued representation of our First Peoples in the policy-making process, and provide the overarching framework within which the health of our peoples may be addressed.”</p> <p>3. In a recent Joint Select Committee (Parliamentary) submission, Reconciliation Victoria said that: “This long overdue change to our Constitution will have many practical benefits, none more so than giving Aboriginal and Torres Strait Islander peoples a say on things that affect them – a crucial step for Closing the Gap – something consecutive governments have failed to do over decades of policies with limited input from First Nations people.”</p> |
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| | | vulnerable Aboriginal and Torres Strait Islander community members – who have long been absent from government decisions – to have a seat at the most influential tables when decisions that impact us directly and for the long term are being debated.” | 4. “Despite reading novels from the age of six, because I am Indigenous I was automatically placed in the ‘slow reader’ class at school. However, here at WestMAC it’s a given that every Indigenous student has skills and knowledge. They speak in hope of their futures just as other students do. They see the same possibilities, the same social opportunities and a pathway that is equitable. The college has reached this place because they have listened and consulted...Aboriginal and Torres Strait Islander peoples know their peoples' needs and have ancient wisdom to share. A Voice to Parliament will ensure that this knowledge and wisdom are listened to by policy makers, thereby helping to close the [education] gap.” (MaMu educator Phyllis Marsh) |
| Objection: The Voice will only empower elites. | Most of the 250 First Nations peoples who signed the Uluru Statement From the Heart live in, and represent, regional and remote areas across Australia. | “ It will be a mechanism through which Indigenous communities across Australia, who have lived experiences and practical knowledge, can influence decision-making that affects them.” | Cobble Cobble woman, Uluru Dialogue Co-chair and constitutional lawyer Prof Megan Davis says that: “Nothing could be further from the truth. It's about providing a much more democratic approach to the ways in which policy and laws are passed about First Nations peoples. The dialogues were run in 13 sites across Australia. One of the key principles was that those who came into the dialogues had to be people who didn't have a voice. By and large, people who get into Parliament House to lobby politicians, people who held positions like CEOs, and Aboriginal politicians...were not allowed to participate in this process. They have a voice. So the idea of a Voice to Parliament is anything but elitist.” |
| Objection: | It’s important for voters to go to the primary source of information rather than relying on hearsay. For example, | 1.In a recent Joint Select Committee (Parliamentary) submission , Australians for Native Title and Reconciliation (ANTaR) said | 1.In a recent Joint Select Committee (Parliamentary) submission , the Torres Shire Council said that: “...the Voice can never be a |

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| <p>The Voice will undermine regional and local voices.</p> <p>The Voice will be a Canberra Voice.</p> | <p>the proposed constitutional amendment states that, “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.” This means that after the referendum, Federal Parliament may enable the Voice to make representations to state and territory parliaments or governments.</p> | <p>that: “There has been some vocal concern that the constitutional enshrinement of a national Voice will preclude or override regional and local voices. ANTaR wishes to underscore that the national Voice mechanism would, in fact, be necessarily composed of complementary local and regional voices that are ‘structurally linked’ with the national Voice. There is no either/or.</p> | <p>Canberra Voice unless the Commonwealth parliament (and more broadly the Commonwealth) is reduced to being merely a creature of the Capital.”</p> <p>2. The Uluru Statement website has published design principles, which the Government has committed to, explaining that: “Members of the Voice would be expected to connect with – and reflect the wishes of – their communities. The Voice would consult with grassroots communities and regional entities to ensure its representations are informed by their experience, including the experience of those who have been historically excluded from participation.”</p> <p>3. Quandamooka man and Uluru Statement leader Dean Parkin says that: “This [the Voice] started from people saying, ‘We need to deal with recognition in a meaningful way, and we need to address the challenges that are facing too many of our community.’ So that’s where the mob came out with a really practical reform for real recognition.”</p> |
| <p>General questions</p> | | | |
| <p>Question: What is the Uluru Statement From the Heart and how is it linked to the Voice?</p> | <p>The Uluru Statement from the Heart was signed in May 2017 following 13 Regional Dialogues with Aboriginal and Torres Strait Islander peoples who came to a consensus about what constitutional recognition should look like. The Statement is an invitation from Aboriginal and Torres Strait Islander peoples to all Australians.</p> | <p>Quandamooka man and Uluru Statement leader Dean Parkin says that: “The Uluru Statement is the response from Aboriginal and Torres Strait islander peoples to the question ‘What does meaningful constitutional representation look like?’ This is a question we’ve been talking about for a very long time, particularly in the last 10 years. It started from people saying, ‘We</p> | <p>Quandamooka man and Uluru Statement leader Dean Parkin says that: “The Uluru Statement is the response from Aboriginal and Torres Strait islander peoples to the question ‘What does meaningful constitutional representation look like?’. This is a question we’ve been talking about for a very long time, particularly in the last 10 years. It started from people saying, ‘We need to deal with recognition in a meaningful</p> |

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| | One of its key features is to ask Australians to support meaningful constitutional recognition through an advisory body, called ‘the Voice’. | need to deal with recognition in a meaningful way, and we need to address the challenges that are facing many of our community’. These discussions about practical reform for real recognition led to a group of around 250 Aboriginal and Torres Strait Islander people from 12 regions across the country [taking part]. In May 2017, the Uluru Statement from the Heart invited the Australian people to join with Indigenous people to achieve three key reforms: Voice, Treaty and Truth. We’re inviting the Australian people to consider enshrining an Indigenous Voice to parliament in the Australian constitution. It’s a simple concept: the recognition of Aboriginal and Torres Strait Islander peoples as the first peoples of this country.” | way, and we need to address the challenges that are facing many of our community’. These discussions about practical reform for real recognition led to a group of around 250 Aboriginal and Torres Strait Islander people from 12 regions across the country [taking part]. In May 2017, the Uluru Statement from the Heart invited the Australian people to join with Indigenous people to achieve three key reforms: Voice, Treaty and Truth. We’re inviting the Australian people to consider enshrining an Indigenous Voice to parliament in the Australian constitution. It’s a simple concept: the recognition of Aboriginal and Torres Strait Islander peoples as the first peoples of this country.” |
| Question: When will we know the date of the referendum? | The referendum will be held this year between October and December. We will be told the date of the referendum by the end of June. | We will be told the date of the referendum by the end of June. The referendum date will be held on a Saturday between October and December 2023. | |
| Question: What is needed for the referendum to pass? | A majority of Australian voters in a majority of states need to vote ‘yes’ for constitutional change. | For the referendum to succeed there needs to be a double majority ‘yes’ result. That means a majority of Australian voters in a majority of states need to vote ‘yes’ for the constitutional change. Territory voters are only counted in the national majority. | |
| Question: What is the question and the proposed amendment? | Referendum question The question to be put to the Australian people at the 2023 referendum will be: “A Proposed Law: to alter the Constitution to recognise the First Peoples of Australia by establishing an | On 23 March 2023, the Prime Minister announced the proposed constitutional amendment and question that will be put to the Australian people at a referendum later this year. The amendment and question were developed in consultation with the First Nations Referendum Working Group. The proposed constitutional amendment was introduced into Parliament | |

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| | <p>Aboriginal and Torres Strait Islander Voice.</p> <p>Do you approve this proposed alteration?"</p> <p>Constitutional amendment The proposed law that Australians are being asked to approve at the referendum would insert this new section into the Constitution:</p> <p>"Chapter IX Recognition of Aboriginal and Torres Strait Islander Peoples 129 Aboriginal and Torres Strait Islander Voice</p> <p>In recognition of Aboriginal and Torres Strait Islander peoples as the First Peoples of Australia:</p> <ol style="list-style-type: none"> 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 | <p>through a Constitution Alteration Bill on 30 March 2023. A Joint Select Committee on the Aboriginal and Torres Strait Islander Voice Referendum will consider the Bill. The Committee will accept public submissions on the Bill, and is due to report by 15 May 2023. You can follow progress on the Constitution Alteration Bill here. Once the Bill has been passed by the Parliament, it will be submitted to voters at a referendum in accordance with section 128 of the Constitution.</p> <p>Referendum question The question to be put to the Australian people at the 2023 referendum will be:</p> <p>"A Proposed Law: to alter the Constitution to recognise the First Peoples of Australia by establishing an Aboriginal and Torres Strait Islander Voice.</p> <p>Do you approve this proposed alteration?"</p> <p>Constitutional amendment The proposed law that Australians are being asked to approve at the referendum would insert this new section into the Constitution:</p> <p>"Chapter IX Recognition of Aboriginal and Torres Strait Islander Peoples 129 Aboriginal and Torres Strait Islander Voice</p> | |
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| | <p>to the Aboriginal and Torres Strait Islander Voice, including its composition, functions, powers and procedures.”</p> | <p>In recognition of Aboriginal and Torres Strait Islander peoples as the First Peoples of Australia:</p> <ol style="list-style-type: none"> 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.” | |
| <p>Question: Who will make up the Voice?</p> | <p>“Members of the Voice would be Aboriginal and/or Torres Strait Islander, according to the standard three-part test. Members would be chosen from each of the states, territories and the Torres Strait Islands. The Voice would have specific remote representatives as well as representation for the mainland Torres Strait Islander population. The Voice will have balanced gender representation at the national level...and include youth.”</p> | <p>“Members of the Voice would be selected by Aboriginal and Torres Strait Islander communities, not appointed by the Executive Government. Members would serve on the Voice for a fixed period of time, to ensure regular accountability to their communities. To ensure cultural legitimacy, the way that members of the Voice are chosen would suit the wishes of local communities and would be determined through the post-referendum process...Members of the Voice would be Aboriginal and/or Torres Strait Islander, according to the standard three-part test. Members would be chosen from each of the states, territories and the Torres Strait Islands. The Voice would have specific remote</p> | |

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| | | <p>representatives as well as representation for the mainland Torres Strait Islander population. The Voice will have balanced gender representation at the national level...Members of the Voice would be expected to connect with – and reflect the wishes of – their communities...The Voice would be subject to standard governance and reporting requirements to ensure transparency and accountability... and include youth.”</p> | |
| <p>Question: Why is the proposed constitutional amendment in a new chapter of the Constitution?</p> | <p>There are three reasons why the proposed amendment is placed in a new chapter of the Constitution, including the need to appropriately separate the Voice from Parliament, the Executive Government and the system of courts of law; to support the separation of powers; and, because other existing chapters were considered ill-fitting.</p> | <p>In a recent Joint Select Committee (Parliamentary) submission, Professor Anne Twomey, who is a member of the Constitutional Expert Group providing the Referendum Working Group with legal support expert said that: “The proposed amendment is placed in a new chapter in the Constitution. The reason for doing this was three-fold. First, it is to make it very clear that the Voice does not form part of, or have the powers of the institutions established by, the first three chapters of the Constitution. As the amendment is not placed in Chapter I, the Voice is not part of the Parliament and the Constitution does not confer legislative power upon the Voice. As it is not part of Chapter II, the Voice is not part of the Executive Government and the Constitution does not confer executive power upon it. As it is not part of Chapter III, the Voice is not part of the judiciary and the Constitution does not confer judicial power upon it.</p> | <p>In a recent Joint Select Committee (Parliamentary) submission, Professor Anne Twomey, who is a member of the Constitutional Expert Group providing the Referendum Working Group with legal support expert said that: “The proposed amendment is placed in a new chapter in the Constitution. The reason for doing this was three-fold. First, it is to make it very clear that the Voice does not form part of, or have the powers of the institutions established by, the first three chapters of the Constitution...The second reason for placing the Voice in a separate chapter in the Constitution is to ensure that it does not interfere in any way with the existing jurisprudence on the separation of powers...The third reason is that the Voice would not fit well within the other Chapters.”</p> |

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| | | <p>The Voice will be a separate body and the only power conferred upon it by the Constitution is the power to make representations to the Parliament and the Executive Government of the Commonwealth on matters relating to Aboriginal and Torres Strait Islander peoples. Other functions and powers may be conferred upon it by Parliament.</p> <p>The second reason for placing the Voice in a separate chapter in the Constitution is to ensure that it does not interfere in any way with the existing jurisprudence on the separation of powers, which is derived from the text and structure of the first three Chapters of the Constitution.</p> <p>The third reason is that the Voice would not fit well within the other Chapters. It does not concern 'Finance and Trade' and therefore would be inappropriate for inclusion in Chapter IV. It does not concern 'The States' or 'New States', so would be inappropriate for inclusion in Chapters V or VI. The only other existing Chapter in which it could be placed is 'Miscellaneous' – but that would appear to be insulting, especially as it once included s 127, which was titled 'Aborigines not to be counted in reckoning population'."</p> | |
| <p>Question: I read that the proposed constitutional wording says that the Voice "may make representations". What does this mean?</p> | <p>"May make representations" simply means that the Voice will be able to offer a view on laws and policies that will impact Aboriginal and Torres Strait Islander peoples. It is not a duty for Parliament or the Government to</p> | <p>In a recent Joint Select Committee (Parliamentary) submission, constitutional law expert Professor Anne Twomey, and Constitutional Expert Group member, said that: "There are no words in proposed s129(ii) which impose any kind of obligation</p> | <p>1. In a recent Joint Select Committee (Parliamentary) submission, the Law Council of Australia said that: "The making of a representation is a self-directed function, exercised at the discretion of the Voice itself. The Law Council notes that the power provided</p> |

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| | <p>consult. For example, the Voice may advise Parliament or the Executive Government what the impacts would be on Indigenous Australians if public policy moves in a particular direction. So it simply means that the Voice will be able to offer a representative and informed view, which may include facts, evidence and other relevant information.</p> | <p>on Parliament or the Executive Government. This is deliberately so. For example, the word ‘consultation’ was not used, as it might convey an obligation on the part of the Executive Government or Parliament to consult the Voice prior to making decisions. The word ‘advice’ was also rejected, lest it be interpreted as binding on the Executive Government in the same way that Ministerial advice can, by convention, bind the Governor-General. The word ‘representation’ was chosen because it has no meaning that requires reciprocity or obligation. It is no more than the offering of a view.”</p> | <p>to the Voice is to make representations. Section 129(ii) is not framed as a duty to consult the Voice.”</p> <p>2. In a recent Joint Select Committee (Parliamentary) submission, the Law Council of Australia quoted former High Court Chief Justice the Honourable Robert French AC, who said that: “[M]aking representations’ captures the role of the Voice in developing genuinely representative and informed views, and also possibly presenting facts, evidence, opinions and other relevant information.”</p> |
| <p>Question: I heard that the proposed constitutional wording says that the Voice may offer a view “on matters relating to Aboriginal and Torres Strait Islander peoples”.</p> <p>What kinds of matters would this apply to?</p> | <p>Like any community-appointed advisory body, the Voice will have finite operational resources and will seek to be effective and efficient while representing those it is ultimately accountable to and maintaining credibility in order that it is listened to. So common sense holds that the Voice will prioritise offering a view on key relevant matters, such as health, education, employment and housing.</p> | <p>In a recent Joint Select Committee (Parliamentary) submission, the Law Council of Australia said that: “Allowing the Voice to determine how and when to make representations means that those representations will be made by those whose interests are directly affected. It will be a matter for the Voice to prioritise how this is achieved, within its realistic operational (including resourcing) constraints, and consistent with any laws made dealing with its functions and procedures under section 129(iii). In this way, the Voice can represent Aboriginal and Torres Strait Islander persons efficiently and effectively, noting that it will be ultimately accountable to them.”</p> | <p>In a recent Joint Select Committee (Parliamentary) submission, Bagaarmugu and Kuku Yalanji lawyer Noel Pearson and constitutional lawyer Shireen Morris said that: “There has been fearmongering that advice to the Executive will lead to the Voice dictating to the RBA on interest rates, or tying up government decisions on submarines or lighthouses. Two points must be made. First, the Voice is advisory. Its representations need not be followed. The Voice cannot dictate Government decisions, it can only give advice. Second, the Voice will be busy advising on closing the gap policies, language revitalisation policies, protecting cultural heritage, enabling home ownership and preventing suicide and promoting economic development in Indigenous communities. Will it really have the time, resources or inclination to advise the RBA on interest rate decisions, or the defence force on submarines, especially if doing so might</p> |

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| | | | result in the Voice losing credibility? This would not happen. If the Voice did choose to give silly or irrelevant advice on submarines or lighthouses or interest rates (which we think is inconceivable) then that advice would be ignored.” |
| Question: What will the ballot paper ask me to do? | <p>The question put on the ballot will be set out as follows:</p> <p>“A Proposed Law: to alter the Constitution to recognise the First Peoples of Australia by establishing an Aboriginal and Torres Strait Islander Voice.</p> <p>“Do you approve of this alteration?”</p> <p>Voters then write ‘Yes’ or ‘No’ in a box.</p> | <p>Constitutional Expert Group member Professor Anne Twomey said that:</p> <p>“The ballot paper never sets out the whole constitutional amendment, as in many cases, it would go for pages.</p> <p>Instead, voters are asked to approve the proposed law, as it is described in its long title.</p> <p>So the question put on the ballot will be set out as follows:</p> <p><i>‘A Proposed Law: to alter the Constitution to recognise the First Peoples of Australia by establishing an Aboriginal and Torres Strait Islander Voice.</i></p> <p><i>Do you approve of this alteration?’</i></p> <p>Voters then write ‘Yes’ or ‘No’.”</p> | <p>Constitutional Expert Group member Professor Anne Twomey said that:</p> <p>“The ballot paper never sets out the whole constitutional amendment, as in many cases, it would go for pages.</p> <p>Instead, voters are asked to approve the proposed law, as it is described in its long title.</p> <p>So the question put on the ballot will be set out as follows:</p> <p><i>‘A Proposed Law: to alter the Constitution to recognise the First Peoples of Australia by establishing an Aboriginal and Torres Strait Islander Voice.</i></p> <p><i>Do you approve of this alteration?’</i></p> <p>Voters then write ‘Yes’ or ‘No’.”</p> |

There are some great resources available and initiatives happening to assist with both messaging and conversations, including:

- [‘The Yes Guide’](#) for the official ‘Yes23’ campaign (see page 6)
- The [FAQs page](#) of the Uluru Statement website.

- The '[Together, Yes](#)' kitchen conversations movement in support of the 'yes' vote. The 'Together, Yes' movement is endorsed by the Yes23 campaign. The conversation skills learnt are built on respect, listening and learning.

For more information or if you have any questions, please contact: Michelle McDonald (ACSQ Director of News) via focus@anglicanchurchsq.org.au or Peter Branjerdporn (from the ACSQ Justice Unit) via contact@doingjustice.org.au.