

A large, gnarled tree with thick, white bark and dense green foliage stands on a sandy beach. The tree's branches are spread out, some reaching over the water. The sky is a mix of blue and orange, indicating a sunset. The water is calm, reflecting the tree and the sky. In the foreground, there are some dark, silty patches in the water.

# Uluru Statement from the Heart and the First Nations Voice

**Gemma McKinnon** (Responsible Business Manager, Herbert Smith Freehills)

**Kishaya Delaney** (Pro Bono Solicitor, Herbert Smith Freehills)



## What this session will cover

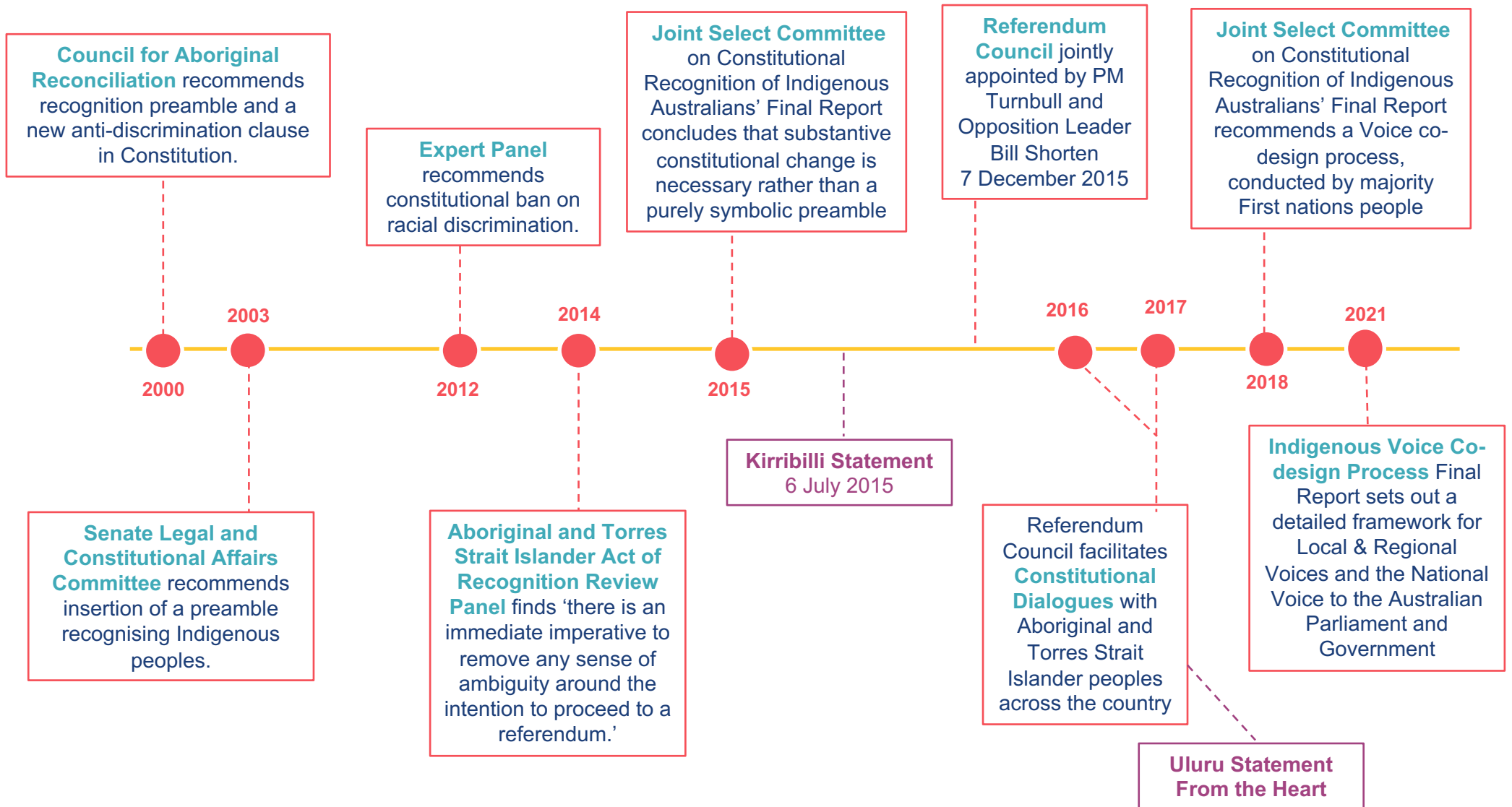
- What is the Constitution?
- First Nations' calls for recognition
- Where did the Uluru Statement from the Heart come from?
- What is the Uluru Statement from the Heart?
- What is the Voice to Parliament?
- What is the process from here to the Voice referendum?
- Questions and links to further information



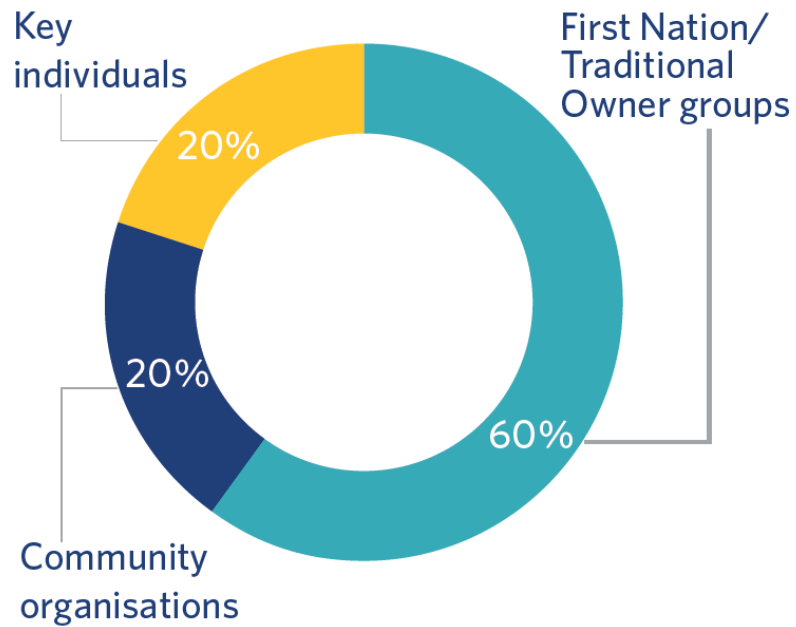




# Timeline of Parliamentary Processes



# The Referendum Council Regional Dialogues





# The Uluru National Constitutional Convention



1. Does not diminish Aboriginal sovereignty and Torres Strait Islander sovereignty.
2. Involves substantive, structural reform.
3. Advances self-determination and the standards established under the United Nations Declaration on the Rights of Indigenous Peoples.
4. Recognises the status and rights of First Nations.
5. Tells the truth of history.
6. Does not foreclose on future advancement.
7. Does not waste the opportunity of reform.
8. Provides a mechanism for First Nations agreement-making.
9. Has the support of First Nations.
10. Does not interfere with positive legal arrangements.







## A First Nations Voice to Parliament, enshrined in the Constitution

**Torres Strait:** A Voice to Parliament was seen as an ‘engine room’ for change and a way of realising the right to self-determination.

**Darwin:** The body would need to be elected and connected to the community.

**Brisbane:** The body needs to be representative of grassroots. Not a handpicked organisation like the Indigenous Advisory Council. It needs to be elected by grassroots and consult back with the community.

**Melbourne:** The Voice to Parliament was important to increase political power and authority and needs to be enshrined into the Constitution.





## The establishment of a Makarrata Commission to oversee a process of agreement making

**Darwin:** As an overarching aspiration, Treaty was regarded as important.

**Melbourne:** The most supported package alongside the Voice

**Cairns:** Strong support for treaty, but not a clear consensus when a treaty should be pursued.

**Torres Strait:** A strong support for the pursuit of treaty that would give Torres Strait Islander Peoples self-determination, autonomy and self-government.

**Sydney:** Strong support to pursue Treaty negotiations





## Truth-telling, the second function of the Makarrata Commission

**Broome:** The need to generate greater understanding of our people and our history across Australia.

**Darwin:** There was a very strong feeling that the true history of Australia, the massacres and frontier killings, the stolen generations and other stories of how First Nations peoples have contributed to protecting and building this country are not taught in Australian education institutions.

**Melbourne:** People repeatedly emphasised the need for truth and justice

**Ross River:** The meeting recalled the Coniston massacre, and the many other massacres throughout the region.



# A Modern-Day Referendum





# Proposed Constitutional Amendment

## Referendum question:

**A Proposed Law: to alter the Constitution to recognise the First People of Australia by establishing an Aboriginal and Torres Strait Islander Voice.**

**Do you approve this proposed alteration?**

## Proposed wording for the proposed amendment:

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

- (i) there shall be a body, to be called the Aboriginal and Torres Strait Islander Voice;**
- (ii) 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;**
- (iii) 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.**

## Guiding Principles of the Voice

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



## Ideas for where to get more information

- AEC, 'Referendums... it's been a while': <https://www.aec.gov.au/referendums/>
- National Indigenous Australians Agency website: <https://voice.niaa.gov.au/>
- Reconciliation Australia: <https://www.reconciliation.org.au/reconciliation/support-a-voice-to-parliament/>
- Current Parliamentary Inquiry material, eg hearing transcripts and submissions: [https://www.aph.gov.au/News\\_and\\_Events/Watch\\_Read\\_Listen](https://www.aph.gov.au/News_and_Events/Watch_Read_Listen) and [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/Aboriginal\\_and\\_Torres\\_Strait\\_Islander\\_Voice\\_Referendum/VoiceReferendum/Public\\_Hearings](https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Aboriginal_and_Torres_Strait_Islander_Voice_Referendum/VoiceReferendum/Public_Hearings)
- ABC News, 'Everything you need to know about the Indigenous Voice Referendum' (13 min video): <https://www.abc.net.au/news/2023-04-11/everything-you-need-to-know-about-the-voice/102208504>
- Interactive Online Learning Course by From the Heart (15-20 minutes) <https://fromtheheart.com.au/education/#/>





**THANK YOU**