

“Uniting for the Voice”

Session One – Sunday 19 March 2023

Program Resources



ULURU STATEMENT FROM THE HEART

We, gathered at the 2017 National Constitutional Convention, coming from all points of the southern sky, make this statement from the heart:

Our Aboriginal and Torres Strait Islander tribes were the first sovereign Nations of the Australian continent and its adjacent islands, and possessed it under our own laws and customs. This our ancestors did, according to the reckoning of our culture, from the Creation, according to the common law from ‘time immemorial’, and according to science more than 60,000 years ago.

This sovereignty is *a spiritual notion: the ancestral tie between the land, or ‘mother nature’, and the Aboriginal and Torres Strait Islander peoples who were born therefrom, remain attached thereto, and must one day return thither to be united with our ancestors. This link is the basis of the ownership of the soil, or better, of sovereignty.* It has never been ceded or extinguished, and co-exists with the sovereignty of the Crown.

How could it be otherwise? That peoples possessed a land for sixty millennia and this sacred link disappears from world history in merely the last two hundred years?

With substantive constitutional change and structural reform, we believe this ancient sovereignty can shine through as a fuller expression of Australia’s nationhood.

Proportionally, we are the most incarcerated people on the planet. We are not an innately criminal people. Our children are alienated from their families at unprecedented rates. This cannot be because we have no love for them. And our youth languish in detention in obscene numbers. They should be our hope for the future.

These dimensions of our crisis tell plainly the structural nature of our problem. This is *the torment of our powerlessness.*

We seek constitutional reforms to empower our people and take *a rightful place* in our own country. When we have power over our destiny our children will flourish. They will walk in two worlds and their culture will be a gift to their country.

We call for the establishment of a First Nations Voice enshrined in the Constitution.

Makarrata is the culmination of our agenda: *the coming together after a struggle.* It captures our aspirations for a fair and truthful relationship with the people of Australia and a better future for our children based on justice and self-determination.

We seek a Makarrata Commission to supervise a process of agreement-making between governments and First Nations and truth-telling about our history.

In 1967 we were counted, in 2017 we seek to be heard. We leave base camp and start our trek across this vast country. We invite you to walk with us in a movement of the Australian people for a better future.



UNITING CHURCH IN AUSTRALIA ASSEMBLY
UNITING ABORIGINAL AND ISLANDER
CHRISTIAN CONGRESS



MEDIA RELEASE – 24 February 2023

Uniting for the Voice

The Uniting Church in Australia Assembly and the Uniting Aboriginal and Islander Christian Congress (UAICC) welcome the launch of the campaign to vote Yes in the Referendum which seeks the support of the Australian people for a constitutionally enshrined First Nations Voice.

Together Uniting Church President Rev Sharon Hollis and UAICC Interim National Chair Rev Mark Kickett affirmed their strong support for a Voice to Parliament as a critical step toward honouring the sovereignty of First Nations Australians in this land and furthering the work of truth-telling and treaty.

“This is an historic opportunity for Australia to acknowledge and honour First Nations people and their deep spiritual ties to this land and to walk together as a nation toward a better future,” said Rev Hollis.

“We support the Yes vote for the Voice as a pivotal step toward the full implementation of the Uluru Statement, so that as a nation we can finally confront the truth of our past and present and make way for justice.”

Rev Kickett said now was the time for Australians to unite in support of justice for First Peoples.

“The Uluru Statement is an invitation given by First Nations people to the people of Australia,” said Rev Kickett. “A constitutionally enshrined Voice will shape and guide the relationship between First and Second peoples in this country by enabling our people to have a say in the decisions that impact our communities.”

“In the same way the 1967 Referendum brought Australians together, this is an opportunity for all of us to unite in a big way as we seek to restore justice and promote healing for First Nations people in this land,” said Rev Kickett.

Rev Hollis said the Voice to Parliament was a moral and theological issue, not a political one.

“In the Uniting Church we believe we share a common destiny with our UAICC siblings, and First Nations people. This is an opportunity for us to honour that commitment.”

“As Second Peoples and as Christians in this land, we are called to confront the oppression, dispossession and racism faced by First Nations people.”

Rev Kickett said the Covenant in the Uniting Church tied First and Second Peoples together in a binding way so that together we may contribute to a more just Church and nation.

“Now is the time for us to hear the call of God to seek justice by doing what is right for our nation,” said Rev Kickett.

“Like Jesus, we are called to be bearers of justice, not just in our words, but in our actions and by changing systems which continue to deny the place and rights of the first Australians.”



“Uniting from the Heart”
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Video Resources

The Uniting Church Commitment

UCA President Rev Sharon Hollis – Day of Mourning Reflection
UCA support for Constitutional Recognition and the Voice to Parliament.
<https://player.vimeo.com/video/780921418>

Learning from the Heart Videos
<https://fromtheheart.com.au/education/#/>

We were there

<https://www.youtube.com/watch?v=MrXntg8Ng2w>

What is a voice to parliament?

<https://www.youtube.com/watch?v=0sXvuEUKyOY&t=6s>

What is indigenous cultural recognition?

https://www.youtube.com/watch?v=uzz_SkTDLRs

Why is a referendum needed?

<https://www.youtube.com/watch?v=T6thpPpj62s>

History of Indigenous Constitutional Recognition

(taken from www.fromtheheart.com.au)

- **1901**

Establishment of the Australian Constitution

Australia becomes a nation when the Constitution of Australia comes into force. The Constitution includes the 'races' power in section 51(xxvi) that allowed the federal Parliament to make laws about: 'The people of any race, *other than the aboriginal race in any State*, for whom it is deemed necessary to make special laws'

- **1937**

Petition for representation

Yorta Yorta man William Cooper petitions King George VI for representation in Parliament.

- **1938**

Day of Mourning

A "Day of Mourning" takes place at Australia Hall in Sydney on the 26th of January. It protests the "callous treatment" of Indigenous people in the 150 years since the arrival of the First Fleet in 1788 and calls for Commonwealth control of Indigenous affairs with the hope that it will result in full citizen status and equality within the community.



- **1962**

Right to vote in federal elections

Indigenous Australians granted the right to vote in federal elections.

- **1965**

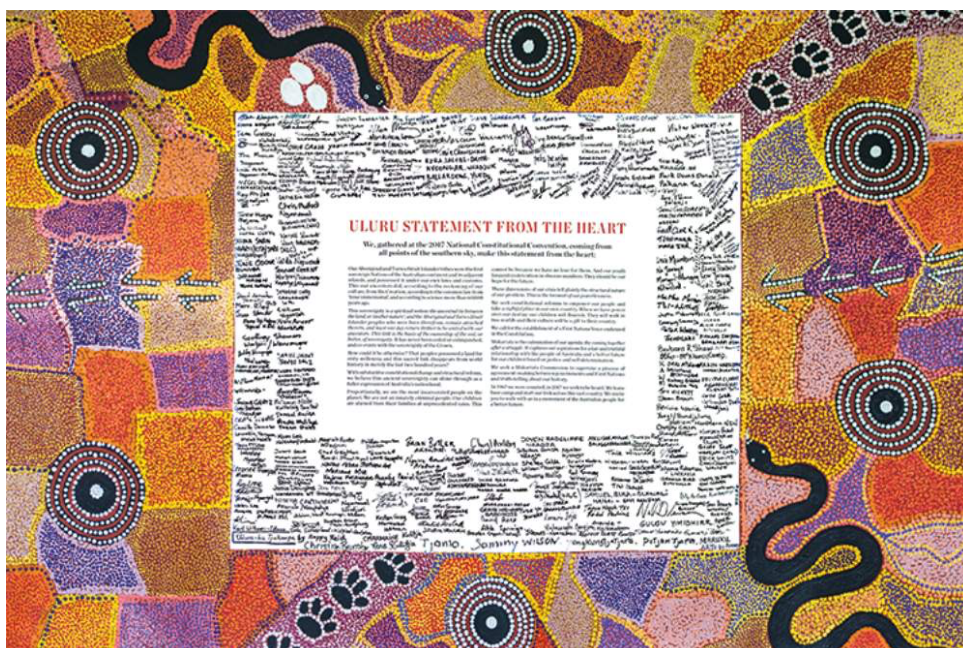
Right to vote in state elections

By the end of 1965, Indigenous people around the country gain the same voting rights as other Australians when Queensland follows the other states and extends voting rights to all Indigenous people to vote in State elections.

- **1967**
Referendum to change the Constitution
 A referendum is successfully held to make the following change to the 'races' power in the Constitution: 'The people of any race, for whom it is deemed necessary to make special laws'. This means the federal parliament now has the power to make laws about Indigenous people. Indigenous people are also now counted in the census. This is highest 'Yes' vote in referendums in Australian history.
- **1992**
Mabo decision
 The High Court hands down the *Mabo* decision, in which it recognises native title and rejects the idea that Australia was *terra nullius*, or no man's land, at the time of British arrival.
- **1995**
Recognition, Rights and Reform report
 The Aboriginal and Torres Strait Islander Commission (ATSIC) report, "*Recognition, Rights and Reform*" says consultations across the country have found overwhelming support for the recognition of Indigenous Australians in the Constitution.
- **1998**
Hindmarsh Island Bridge decision
 The High Court hands down the Hindmarsh Island Bridge decision, which leaves open the possibility that the 'races' power of the Constitution can be used by the Commonwealth to impose racially discriminatory laws upon Indigenous people.
- **2007**
Election commitment #1
 Prime minister John Howard makes a re-election pledge to hold a referendum on Constitutional Recognition for Indigenous Australians.
 Kevin Rudd, as opposition leader, follows by promising bipartisan support for the proposal, regardless of the election outcome.
- **2010**
Expert Panel
 Prime Minister Julia Gillard establishes the Expert Panel on the Recognition of Aboriginal and Torres Strait Islander Peoples in the Constitution. The panel hands down its report in 2012 and finds there is strong support for constitutional recognition of Aboriginal and Torres Strait Islander people.

- **2014**
Joint Select Parliamentary Committee
Parliament forms a committee, chaired by Senators Ken Wyatt and Nova Peris, to advance the work of the Expert Panel.
- **2015**
Referendum Council established
Indigenous Leaders meet with Prime Minister Malcolm Turnbull and Opposition Leader Bill Shorten at Kirribilli House and issue the Kirribilli Statement. In response, the Prime Minister and Opposition Leader establish the Referendum Council.
- **2016–17**
Referendum Council Regional Dialogues
The Referendum Council runs 13 First Nations Regional Dialogues to discuss options for constitutional reform, and to ensure Indigenous decision-making is at the heart of the process.
- **2017**
Uluru Statement from the Heart
The National Constitutional Convention is held at Uluru and confirms the decision-making of the Regional Dialogues. The Uluru Statement from the Heart, issued to the Australian people, calls for a constitutional recognition through a Voice to Parliament. It also calls for a body to oversee Treaty / Agreement making and truth-telling processes.

The Referendum Council hands down its final report, which endorses the Uluru Statement from the Heart and its call for Voice, Treaty and Truth. The Turnbull government rejects the call for constitutional recognition through a Voice.



- **2018**

- **Joint Select Committee**

- A further Committee is established to consider the work of the Referendum Council, chaired by Senators Patrick Dodson and Julian Leeser. It finds constitutional recognition through a Voice is the only recognition proposal and recommends the government 'initiate a process of co-design [of the Voice] with Aboriginal and Torres Strait Islander peoples'.

- **2021**

- **Voice Co-Design**

- Minister for Indigenous Australians Ken Wyatt hands down a 269-page final report with seven recommendations, one of which is that the government note, "the support for the enshrinement of the Indigenous Voice in the Constitution that was expressed particularly through the submissions received as part of the consultation process".

- **2022**

- **Election commitment #2**

- Incoming Prime Minister Anthony Albanese reconfirms his commitment to implement the Uluru Statement in full during his election victory speech in May. In August, at the GARMA Festival in Nhulunbuy, NT, the Prime Minister announces the proposed referendum question and constitutional change that would be voted on by the Australian people in a referendum, possibly in the second half of 2023.

Sources:

Davis, M. and Williams, G. (2021). Everything you need to know about the Uluru Statement from the Heart. Sydney, NSW.: UNSW Press/NewSouth Publishing.

Australian Broadcasting Corporation. 2022. Timeline: Recognition of Australia's Indigenous people. [ONLINE] Available at:

<https://www.abc.net.au/news/2015-07-06/indigenous-recognition-timeline-of-australian-history/6586176> [Accessed 8 August 2022]

Principles-based framework for Local & Regional Voice

What is the Local & Regional Indigenous Voice Framework?

Purpose

To enable Aboriginal and Torres Strait Islander people in every community to have a greater say in public policy, programs and service delivery affecting their lives through shared decision making in partnership with governments.

How will it be achieved?

Regional governance structures are established as Local & Regional Voice, building on what exists and works well. There are ways for local communities across a region to lead on their local priorities and link up with region-wide work.

Local & Regional Voice works in partnership with all levels of government. They provide advice and engage in planning and 'shared decision making' on policies and programs affecting communities, based on community aspirations and priorities. Detail in Scope below.

Context

The *Joint Select Committee on Constitutional Recognition* found Local & Regional Voice should provide a forum for dialogue between Indigenous Australians and governments on policy, programs and services, and draw on the varying practices of communities rather than a 'one size fits all' model.

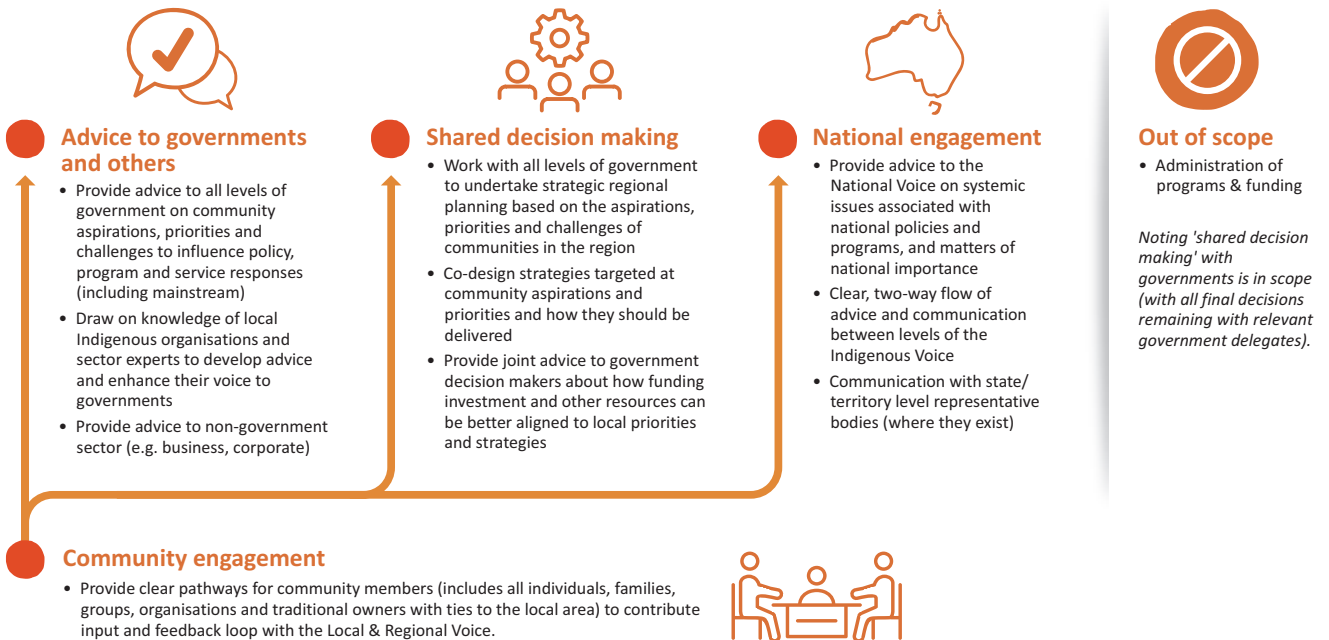
The Local & Regional Co-design Group's task is to articulate preferred approaches to improved local and regional decision making and Indigenous regional governance, and provide advice on preferred options.

To achieve this, the Group has developed this principles-based framework that:

- draws on what is working well in local and regional decision-making across the country
- is flexible enough to build on these approaches and accommodate diverse communities
- provides a platform for enhanced, effective and sustainable engagement between communities and governments on the ground
- connects communities and regions to a National Voice
- embeds respectful and culturally safe arrangements for all involved – community members and governments alike.

Scope

Functions of Local & Regional Voice are expected to evolve over time along this spectrum, depending on their preferences and capacity.

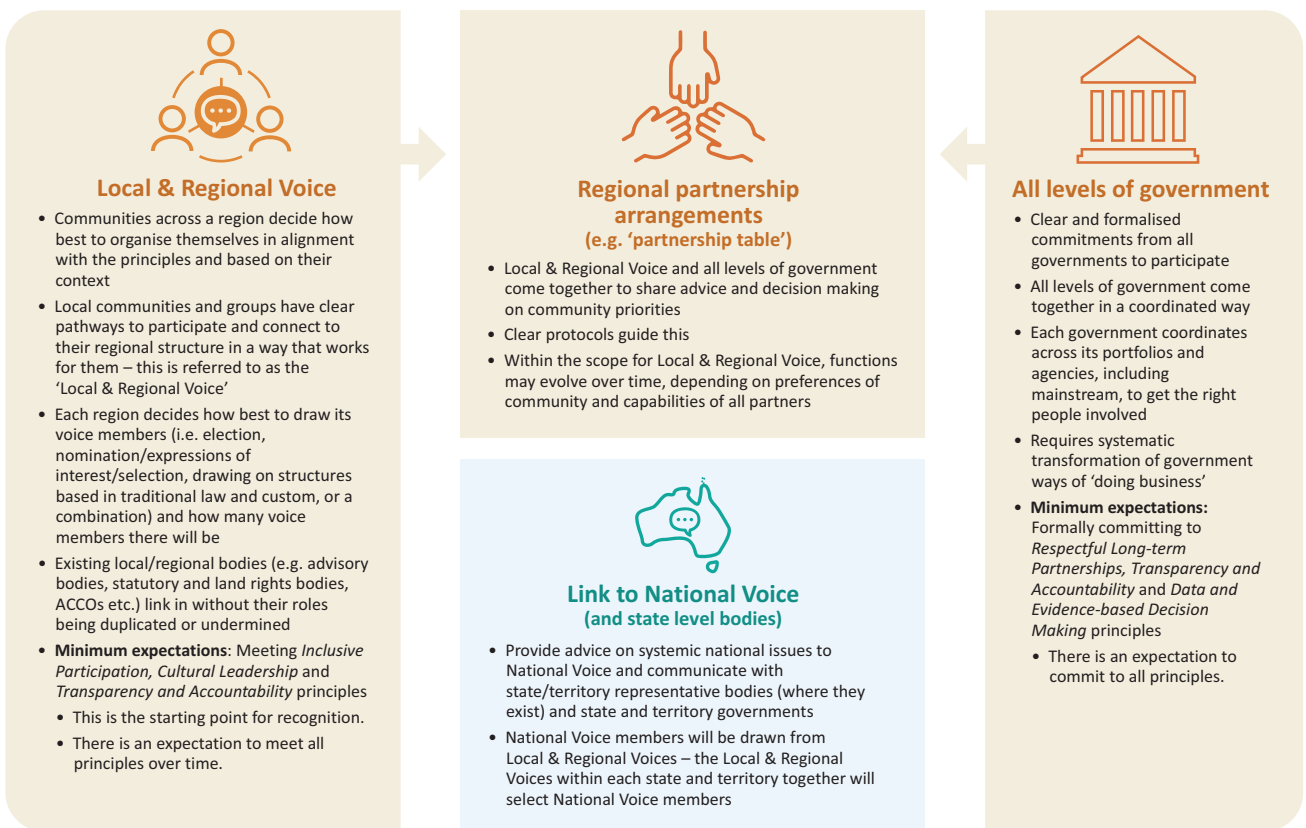


Principles

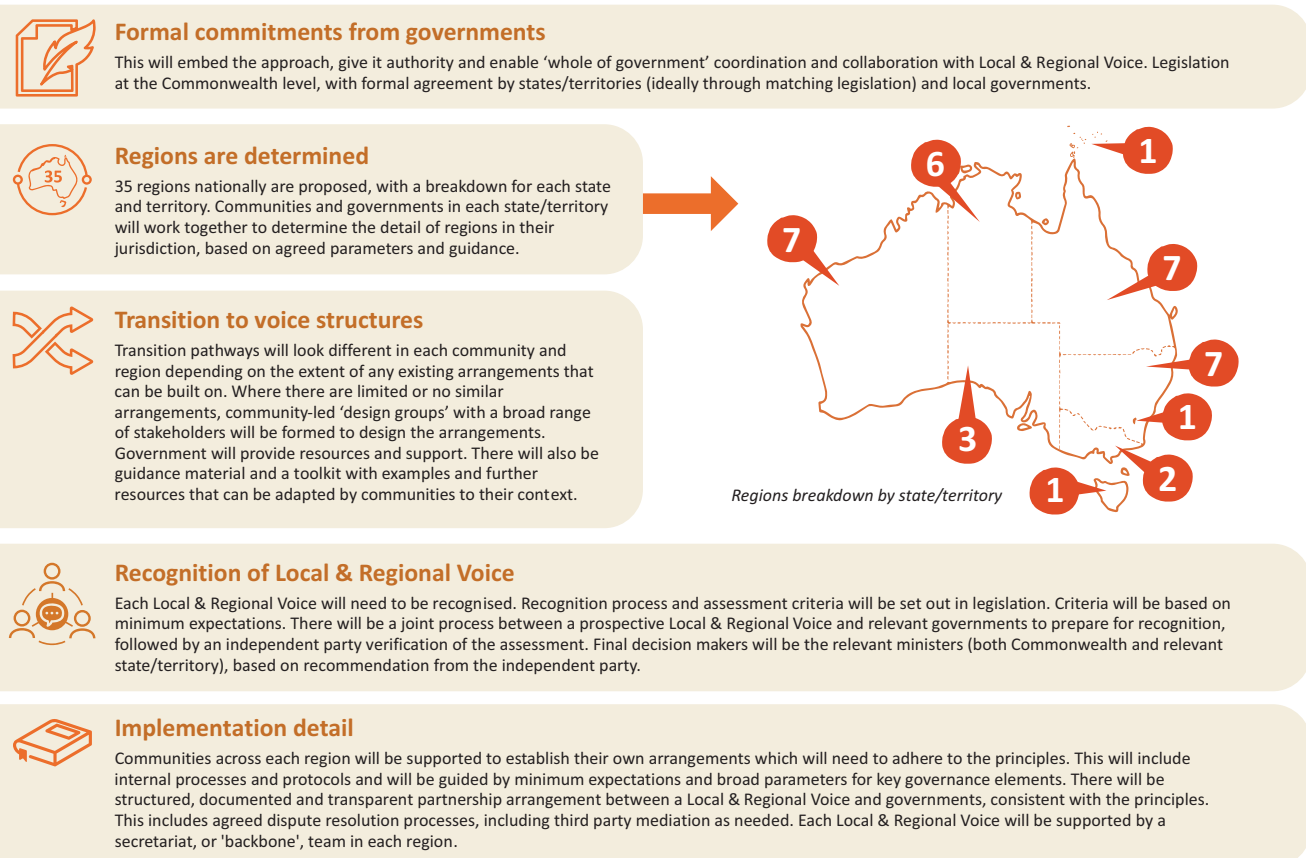
These guide Local & Regional Voice, government arrangements, and the partnership interface arrangements.

- ★ **Empowerment**
 - Aboriginal and Torres Strait Islander Australians have greater control and voice in their own affairs – a self-determination approach. Governments shift to an enabling role. Arrangements are culturally safe.
- ★ **Inclusive Participation**
 - All have the opportunity to have a say, including traditional owners and historical residents. Arrangements are broad-based and support respectful engagement across a diversity of voices – individuals, communities and organisations. This includes 'unheard' community members that have been historically excluded, or who face unique barriers to participation.
- ★ **Cultural Leadership**
 - Local & Regional Voice arrangements strongly connect to cultural leaders in a way that is appropriate for each community and region. Communities determine how this principle interacts with the Inclusive Participation principle in their context.
- ★ **Community-led Design**
 - Arrangements are determined by communities according to local context, history and culture. Community ownership gives authorisation and mandate to Local & Regional Voices. Communities determine implementation pace; governments support and enable this.
- ★ **Non-duplication and Links with Existing Bodies**
 - Local & Regional Voices build on and leverage existing approaches wherever possible, with adaptation and evolution as needed to improve the arrangements. Voices link to other existing bodies, not duplicate or undermine their roles.
- ★ **Respectful Long-term Partnerships**
 - Governments and Local & Regional Voices commit to mutually respectful and enduring partnership, supported by structured interface. Governments are responsive and proactive. Governments support building capacity and expertise of Local & Regional Voices and implement system changes.
- ★ **Transparency and Accountability**
 - Governments and Local & Regional Voices adhere to clear protocols and share responsibility and accountability, especially downwards to communities.
- ★ **Capability Driven**
 - Local & Regional Voice arrangements match the unique capabilities and strengths of each community and region. Governments and communities both build their capability to work in partnership and support local leadership development.
- ★ **Data and Evidence-based Decision-Making**
 - Data is shared between governments and communities to enable evidence based advice and shared decision-making. Communities are supported to collect and manage their own data.

How does this work in practice?



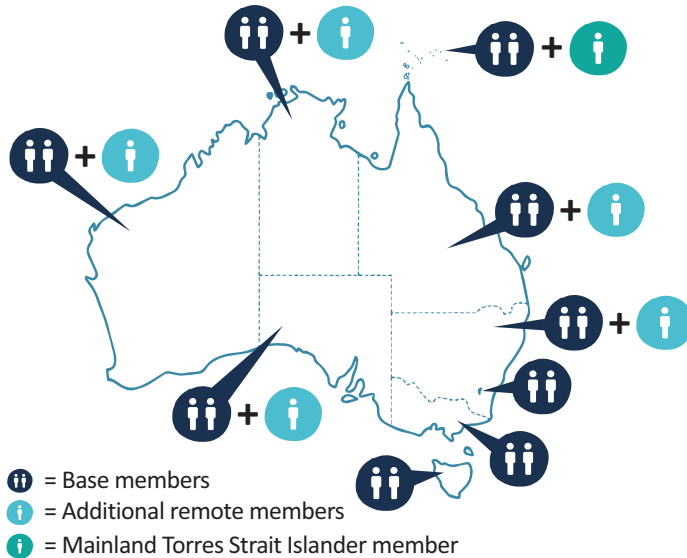
What are the steps to get there?



National Voice overview

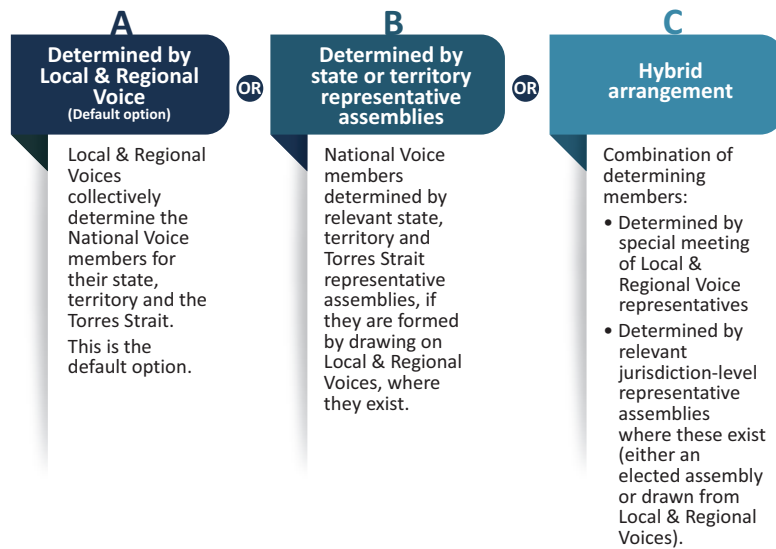
Structure and membership

24 Members



- There would be two members from each state and territory, as well as the Torres Strait Islands.
- There would also be a third member for remote representation for NSW, NT, QLD, WA and SA and one member for mainland Torres Strait Islander people.
- Gender balance would be structurally guaranteed.
- Option for two additional members jointly appointed between the National Voice and the Government.

Membership structurally linked to Local & Regional Voice



Role of members

Members would represent the diverse perspectives of all Aboriginal and Torres Strait Islander people at the national level. Part of the role is to represent the views of Local & Regional Voices in their state, territory or the Torres Strait Islands.

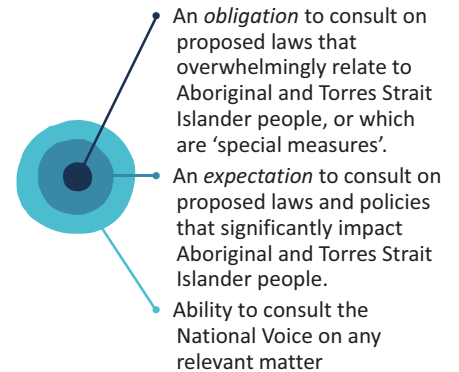
Membership features

- Members would have four year staggered terms (maximum two consecutive terms).
- Members would select two full time co-chairs of different gender from among themselves.
- Members would be subject to eligibility requirements (age, Indigenous identity, criminal conviction and bankruptcy), and a fit and proper person assessment. Eligibility issues would be subject to review on the advice of an independent Ethics Council.
- A member could be removed from their position for misconduct, subject to a review process and a two-thirds super-majority vote of the membership.

Parliament and Government

Consultation standards

The proposed standards set out when and how the National Voice should be consulted by Parliament and Government including:



- Consultation should occur as early as possible in the development of relevant laws and policies, and throughout the development process.

Transparency mechanisms

- A statement would be included with bills that would explain consultation with the National Voice.
- The National Voice would be able to table formal advice in Parliament.
- A parliamentary committee would consider tabled advice and engagement with the National Voice, and enable parliamentarians to hear directly from the National Voice.

All elements would be non-justiciable, meaning that there could not be a court challenge and no law could be invalidated based on whether there was alignment with the consultation standards or transparency mechanisms.

Policy and expert input

Two permanent committees, separate to the membership:

- A Youth Permanent Advisory Group
- Disability Permanent Advisory Group

The National Voice would be able to establish other committees and draw on expert advice at any time.

Corporate form

The National Voice would be a new, independent Commonwealth entity. The National Voice members would be supported by its own Office of the National Voice to provide policy and administrative support.

Functions

Role of the National Voice

On behalf of Aboriginal and Torres Strait Islander people, the National Voice would have a responsibility and right to advise the Parliament and Australian Government on national matters of significance to Aboriginal and Torres Strait Islander people.

Core function

Advise on matters of national significance relating to the social, spiritual and economic wellbeing of Aboriginal and Torres Strait Islander people.



Advice function scope

- Advice would be both proactive and responsive. The National Voice would be able to initiate advice, as well as respond to referrals from the Parliament and Australian Government.
- The National Voice would determine which issues to advise on. There would be no restriction on this. Advice would focus on national level issues.
- The National Voice would prioritise to focus resources on what it sees as most important.
- Advice would be provided to both the Parliament and the Australian Government.

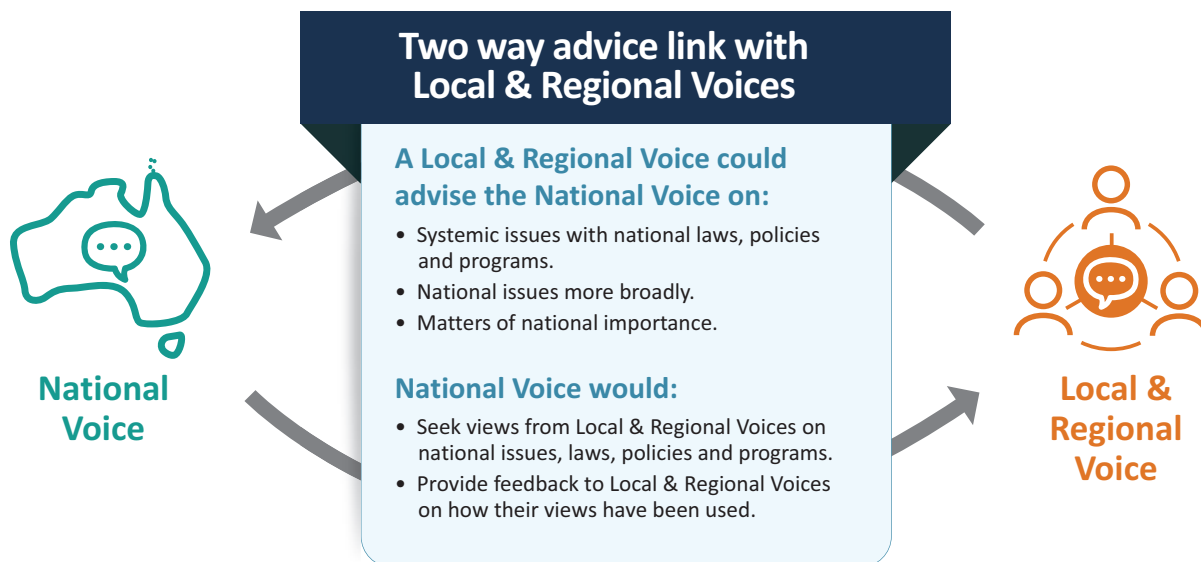
Advice function features

- Two-way interactions between the National Voice and the Parliament and Australian Government. The National Voice may ask for advice and information.
- Advice can be requested by the Parliament or Australian Government but the National Voice would not be required to provide advice.
- Advice would generally be public, with discretion for informal discussions where appropriate.
- Advice would present a clear position where possible, with flexibility to reflect diverse or dissenting views where necessary.

Engagement with other Aboriginal and Torres Strait Islander organisations

The National Voice would engage and link with other Aboriginal and Torres Strait Islander organisations. It would not replace or undermine existing bodies.

Links



The National Voice would not:

- ✗ deliver Government programs.
- ✗ provide mediation or facilitation between Aboriginal and Torres Strait Islander organisations.
- ✗ replace existing organisations.
- ✗ be an escalation point for local and regional operational issues, nor mediate between government and Local & Regional Voices.
- ✗ be a clearing house for research.
- ✗ undertake program evaluation, but could identify matters where evaluation may be needed, or how evaluations could be more effective.