

## THE ULURU STATEMENT FROM THE HEART - WHERE ARE WE NOW?

It has now been almost 4 years since the Uluru Statement from the Heart was made on 26 May 2017. This Statement was but one of many historical attempts to achieve Aboriginal and Torres Strait Islander recognition in the Australian Constitution and establish a representative Indigenous Voice. This struggle dates as far back as 1937, when Yorta Yorta Elder William Cooper collected 1800 signatures to petition King George VI for Aboriginal representation in the Federal Parliament.

In the past ten years, there have been five government-endorsed processes, a legislated framework and eight reports related to Indigenous constitutional recognition. The Turnbull government's response to the Uluru Statement from the Heart saw the establishment of *the Joint Select Committee on Constitutional Recognition Relating to Aboriginal and Torres Strait Islander Peoples* in 2018, which reviewed the report of the Referendum Council, who had facilitated the dialogues that led to the Uluru Statement.

Their recently released report has resulted in the Indigenous Voice Co-Design Process, a process whereby Aboriginal and Torres Strait Islander Peoples have the opportunity to design and implement a national and/or regional and local Voice/s to Parliament.

It has been a rocky road towards achieving a fair place for First Nations Peoples in our country, but the Uluru Statement from the Heart has in turn captured the heart of many Australians. It is time now to seize the momentum created to ensure that a constitutionally enshrined Indigenous Voice is achieved.



# A SNAPSHOT OF THE LAST 10 YEARS

**Dec  
2010**

Prime minister Julia Gillard announced referendum plans for the constitutional acknowledgment of Indigenous Australians. She established the Expert Panel on the Recognition of Aboriginal and Torres Strait Islander peoples in the Australian Constitution.

The Expert Panel handed their Final Report to the Gillard-government, recommending substantive change to the Constitution to recognise the true status of First Australians and remove racial discrimination. No formal response from the government was given.

**Jan  
2012**

**Mar  
2013**

The Gillard government passed the *Aboriginal and Torres Strait Islander Peoples Recognition Act 2013*, which recognised that Australian lands were first occupied by Aboriginal and Torres Strait Islander peoples, acknowledging and respecting their continued cultures, languages and heritage.

Under the Abbott government, the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples was established to continue the work of Gillard's Expert Panel.

**Dec  
2013**

**Jun  
2015**

The Joint Select Committee released their Final Report. The Committee recommended specific changes to the Constitution and that a referendum be held, when it had the highest chance of success.

Prime Minister Abbott and Opposition Leader Bill Shorten hosted 40 Indigenous leaders at Kirribilli House. These leaders urged for ongoing dialogue about constitutional change, and strongly rejected *symbolic* recognition.

**Jul  
2015**

**Dec  
2015**

The Referendum Council was jointly established by Prime Minister Malcolm Turnbull and Opposition Leader Bill Shorten. It was tasked with advising on progress and next steps towards a successful referendum.

The Referendum Council commenced 13 Regional Dialogues across the country, where local Indigenous organisations selected participants from Traditional Land Owner groups, Aboriginal Community organisations and individuals, including activists, Elders, members of the Stolen Generation, etc. They discussed meaningful recognition and proposals for voice and treaty. There were many disparate voices, but through a robust and comprehensive process, a hard-won consensus was reached.

**2016**

**2017**

The culmination of the regional dialogues was the Uluru Statement from the Heart, accompanied by the Final Report of the Referendum Council, 2017 which gave a summary of the suggested reform options, including: a racial non-discrimination clause in the Constitution; a constitutionally enshrined Voice to the Parliament; and treaty or agreement-making processes.

These recommendations were rejected by the Turnbull government, which stated that an Indigenous Voice would be a "third chamber of parliament," undermining civic equality and incapable of winning acceptance in a referendum.

The Turnbull government established another Joint Select Committee in March, whose focus was to "inquire into and report on matters relating to constitutional change, including the proposal for the establishment of a First Nations Voice." The Joint Select Committee released their Final Report in November, recommending that the government initiate a co-design process with Indigenous Peoples to consider options for an Indigenous Voice and constitutional recognition.

**2018**

**2019**

On 30 October 2019, the Minister for Indigenous Australians, Ken Wyatt, announced the start of the Indigenous Voice co-design process.

***Beyond the poetry of the Statement from the Heart is the prose of political reality—the need to ensure that our recommendations provide for a form of constitutional recognition that is legitimate and acceptable to Aboriginal and Torres Strait Islander peoples as well as our parliamentary colleagues across the spectrum, and ultimately to the Australian people ~ Senator Patrick Dodson & Mr Julian Leeser MP, Foreward, Final Report of the Joint Select Committee on Constitutional Recognition relating to Aboriginal and Torres Strait Islander Peoples***

## **THE JOINT SELECT COMMITTEE ON CONSTITUTIONAL RECOGNITION RELATING TO ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES**

The Joint Select Committee on Constitutional Recognition relating to Aboriginal and Torres Strait Islander Peoples was appointed by a resolution of appointment that passed the House of Representatives on 1 March 2018 and the Senate on 19 March 2018. Its task was to consider and develop proposals for constitutional recognition and an Indigenous Voice. This involved reflecting on the work of the previous decade - the Expert Panel (2010 - 2012), the former Joint Select Committee (2013 - 2015), the Uluru Statement from the Heart (2017), and the Referendum Council (2016 - 2017).

Committee members included: Co-Chairs Senator Patrick Dodson and Julian Leeser MP, The Hon. Linda Burney MP, Senator Jonathon Duniam, The Hon. Sussan Ley MP (to 28/08/18), Senator Malarndirri McCarthy, Ms Cathy McGowan AO MP, Senator Rachel Siewert, The Hon. Dr John McVeigh MP (from 10/09/18), Senator Amanda Stoker, Mr Llew O'Brien MP, The Hon. Warren Snowdon MP.

While The Voice was the Committee's focus, the Committee also briefly considered the proposals for truth-telling and agreement making arising from the Uluru Statement from the Heart, as well as other proposals for constitutional change and recognition.

The Joint Select Committee begun by receiving private briefings from Aboriginal and Torres Strait Islander leaders and other stakeholders in order to identify the next steps to build on the previous work.

The Committee released their interim report on 30 July 2018. Comments from Prime Minister Scott Morrison early in his prime ministership on 26 September 2018, were, "I don't support a third chamber — People can dress it up any way they like but I think two chambers is enough ... But the implications of how this works frankly lead to those same conclusions. I share the view that I don't think that's a workable proposal."

Regardless, the Committee continued their work. Throughout the inquiry, the Committee received 479 submissions and 47 supplementary submissions. The Committee conducted public hearings in Canberra, Wodonga, Shepparton, Melbourne, Thursday Island, Townsville, Palm Island, Brisbane, Redfern, Kununurra, Halls Creek, Fitzroy Crossing, Broome, Canberra, Dubbo, Sydney, Adelaide, and Perth. The Committee also attended a meeting of the four Northern Territory Land Councils at Barunga.

The Committee released their final report on 29 Nov 2018. In their final report the Committee made 4 recommendations:

- 1) The government initiate a process of co-design with Aboriginal and Torres Strait Islander Peoples, considering national, regional and local proposals of the Voice and how they might interconnect.
- 2) Following the process of co-design, the government consider legislative, executive and constitutional options to establish the Voice.
- 3) The government support the process of truth telling through involvement of local organisations, communities, libraries, historical societies and Aboriginal and Torres Strait Islander associations.
- 4) The government establish in Canberra a National Resting Place for Aboriginal and Torres Strait Islander remains.



## INDIGENOUS VOICE CO-DESIGN PROCESS



On 30 October 2019, the Minister for Indigenous Affairs, the Hon Ken Wyatt AM MP, announced the Indigenous voice co-design process, established to develop models to enhance local and regional decision-making and provide a voice for Indigenous Australians to government.

A Senior Advisory Group, co-chaired by Professor Dr Marcia Langton AO and Professor Tom Calma AO, heard from 52 members from both a national and a local & regional co-design group, who all devised versions of what those options might look like.

These options were presented to the Australian Government in the Indigenous Voice Co-design Interim Report in October 2020. The Interim report stresses that there is not a one size fits all answer and local and regional groups may end up differing depending on existing structures, needs and wants of local Indigenous groups.

The government did not reach any decisions about the options presented, and these were then put forward to the Australian public for comment through the Indigenous Voice Co-Design Process.

CRA has made a submission to the Indigenous Voice Co-Design Process, which can be read [here](#).

## WHERE TO FROM HERE?

The feedback from submissions from individuals, communities and organisations is now being considered by the Indigenous Voice co-design groups to help them further develop and refine the proposals, so that final recommendations can be made to the Australian Government.

As the Indigenous Voice Co-Design Process moves into its next phase, it is important that the Indigenous right to subsidiarity and self-determination is upheld, so that the final model/s for an Indigenous Voice are selected and implemented by the government, in full consultation with Aboriginal and Torres Strait Islander Peoples. This will be a Voice that will allow Indigenous Australians to dialogue with Parliament, ensuring that Indigenous perspectives are formally considered and valued. As Professor Megan Davis, a Cobble Cobble Aboriginal woman, says, 'our Indigenous voice is just waiting to be heard!'

Once the Indigenous Voice is decided, it is equally important to ensure that it is enshrined in the Australian Constitution through a referendum. This will ensure that the Indigenous Voice cannot be altered or removed by subsequent governments. This will be the time for positive advocacy and education of the Australian public, so that Australians vote with a resounding yes to an Indigenous Voice to parliament.

You can read more about the Indigenous Voice Co-Design Process [here](#).

***"If there is one word that we should never tire of repeating, it is this: dialogue. We are called to promote a culture of dialogue by every possible means and thus to rebuild the fabric of society. The culture of dialogue entails a true apprenticeship and a discipline that enables us to view others as valid dialogue partners, to respect the foreigner, the immigrant and people from different cultures as worthy of being listened to. Today we urgently need to engage all the members of society in building a culture which privileges dialogue as a form of encounter and in creating a means for building consensus and agreement while seeking the goal of a just, responsive and inclusive society" ~ Pope Francis, address upon receiving the Charlemagne Prize, 2016***