

## Fact Sheet

# The Voice to Parliament

This fact sheet contains information about the Voice to Parliament, a brief history of Aboriginal and Torres Strait Islander Peoples in Australia and how the Voice is proposed to operate.

### What is the Voice to Parliament?

The Voice to Parliament will allow consultation and collaboration by Aboriginal and Torres Strait Islander Peoples on policies and laws which significantly impact their lives and communities.

The idea of providing Aboriginal and Torres Strait Islander Peoples with a Voice is not new. Stemming from the 2017 First Nations National Constitutional Convention, the Uluru Statement from the Heart proposed an Aboriginal and Torres Strait Islander Voice to Parliament.

Enshrining the Voice in the Constitution is proposed as it would prevent future governments from removing it.

### A brief history of Aboriginal and Torres Strait Islander Peoples in Australia

#### Early History

Australia has been the home of Aboriginal and Torres Strait Islander People for thousands of years and is one of the oldest continuing living cultures in the world.

On discovery of Australia by Captain James Cook in 1770, the land was classified as terra nullius, meaning 'land belonging to no one'. Britain's First Fleet then arrived in 1788, displacing many Aboriginal and Torres Strait Islanders from their communities and disrupting their connections with the land. Aboriginal and Torres Strait Islander people petitioned for many years to have their land rights recognised and represented.

#### Stolen Generations

From 1910 to the 1970s, Aboriginal and Torres Strait Island children were forcibly removed from their families under government policy in an attempt to assimilate Aboriginal and Torres Strait Islander Peoples into 'White Australia'. The measures used and the removal of children from their parents, wider families and cultures resulted in inter-generational trauma and traditional knowledge being lost.

In 2008, Australian Prime Minister Kevin Rudd apologised to the Stolen Generations for the trauma and damage caused to Aboriginal and Torres Strait Islander communities and culture.

#### The 1967 Referendum

In 1967, a referendum was held seeking greater equality for Aboriginal and Torres Strait Islander Peoples. The amendments to the Australian Constitution meant Aboriginal and Torres Strait Islander Peoples could be counted as part of the population in the national census and enabled the Commonwealth to make laws for them.

90.77% of Australians voted in favour of amending the Constitution. This was a landmark moment in the fight for Aboriginal and Torres Strait Islander rights.

#### The Barunga Statement

The Barunga Statement was painted during Barunga Sport and Cultural Festival in 1988. It represented years of discussions between various Aboriginal Groups in the Northern Territory and the government.

The Barunga Statement was presented to Prime Minister Bob Hawke, calling on the Commonwealth to recognise Aboriginal and Torres Strait Islander rights including self-determination, a national system of land rights, compensation, the establishment of a nationally elected Aboriginal and Torres Strait and Islander body to oversee affairs impacting their community, and treaty negotiation. Following the Barunga Statement, the Commonwealth Government established the Aboriginal and Torres Strait Islander Commissioner (ATSIC) in 1989.

#### Aboriginal and Torres Strait Islander Commission (ATSIC)

ATSIC consisted of elected officials who reflected and advocated for their local communities. ATSIC oversaw the administration and monitoring of programs and services and provided advocacy for Aboriginal and Torres Strait Islander interests and issues.

ATSIC's roles and functions were reviewed in 2002 and a structural change was recommended to ensure local communities were better represented. However, the recommended changes were not implemented and in 2004 ATSIC was abolished.

#### National Apology

In 2008, the Commonwealth Government issued an Apology to Australia's Stolen Generation. Prime Minister Kevin Rudd stated, "We apologise for the laws and policies of successive Parliaments and governments that have inflicted profound grief, suffering and loss on these our fellow Australians."

This was the first time the Commonwealth had apologised for the policies and legislation which saw Aboriginal and Torres Strait Islander children taken from their families.

### **Closing the Gap**

The Commonwealth Government approved six identified targets to reduce inequities regarding education, health and employment for Aboriginal and Torres Strait Islander peoples. These targets were known as the 'Closing the Gap' targets. It has been argued that these policies have not been successful through successive governments as they have not directly collaborated with Aboriginal and Torres Strait Islander communities.

### **Uluru Statement of the Heart**

In 2017, Aboriginal and Torres Strait Islander leaders convened in Uluru to explore ways that First Nations people could be recognised in the Constitution, resulting in the Uluru Statement from the Heart.

The Uluru Statement from the Heart proposed three forms of reform: Voice, Treaty and Truth.

**Voice:** allowing for Aboriginal and Torres Strait Islander peoples to be consulted on matters which impact them. The Commonwealth Government has committed to putting this forward in a referendum in 2023.

**Treaty:** formalisation of a relationship between the government and Aboriginal and Torres Strait Islander peoples relating to self-determination. Many States have begun their own process of treaty negotiations.

**Truth:** from the Yolngu people's language meaning "two parties coming together after a struggle". A Makarrata commission would allow for truth-telling about Aboriginal and Torres Strait Islander history and Australia.

## **How the Voice is to operate with Parliament**

The Voice would be an advisory body, advising the government on matters that would significantly impact Aboriginal and Torres Strait Islander Peoples. The advice would not be binding, though it would allow for discussion and collaboration. Changes to the Australian Constitution must be passed by a referendum.

If the referendum is passed, the Australian Constitution will be amended and the Voice would be implemented. Legislation that specifies how the Voice would operate would be drafted after the referendum passes.

*Note: The information in this document is general information only and should not be relied on as legal advice. It is current as at 20 April 2023. If you need further assistance, please contact Deakin Law Clinic.*

