



What are we being asked?

We're being asked to vote on a principle, the detail of which is developed through another process. The question being asked in the referendum is:

"A Proposed Law: to alter the Constitution to recognise the First Peoples of Australia by establishing an Aboriginal and Torres Strait Islander Voice. Do you approve this proposed alteration?"

What is Indigenous Constitutional Recognition?

Aboriginal and Torres Strait Islander people hold a unique status as the first peoples of this land, having lived here for more than 65,000 years. It is time our nation formally recognised Aboriginal and Torres Strait Islander people as the first people of Australia. The best place for this formal recognition is in the national rule-book – the Australian Constitution.

"There shall be a body, to be called the Aboriginal & Torres Strait Islander Voice. The Aboriginal & Torres Strait Islander Voice may make representations to Parliament & the Executive government on matters relating to Aboriginal & Torres Strait Islander Peoples. The Parliament shall, subject to this Constitution, have power to make laws with respect to the composition, functions, powers & procedures of the Aboriginal & Torres Strait Islander Voice."

What is a Voice to Parliament?

It's a proposed group of Aboriginal and Torres Strait Islander people who would advise the Government and Parliament on how a policy (like rural health) or a law (like Native Title changes for example) would practically and culturally affect Indigenous people.

Why is a change proposed to the constitution and not through law?

For a Voice to be successful it's vital that it isn't easily dismantled. The reason is previous Indigenous advisory bodies have been cut back or shut down by changes in government, diverting attention away from community needs. Having it written into the Australian Constitution means it will be protected from changes of government.

Why do we only have a question and no details?

The bill to have a referendum & the question is usually done first. Then the detail is done after Referendum. The final shape and composition will be decided by Parliament, with the input of First People's. The model detail will be legislated after the Referendum, thus enabling flexibility, and over time to make improvements.

Will a Voice in the constitution affect sovereignty?

No. According to all constitutional legal advice, it will not affect sovereignty.

Is The Voice just another mechanism of colonisation?

The Voice will not be a third chamber of parliament but will provide Aboriginal and Torres Strait Islander perspectives and critical review of government policy and legislation affecting our people. Working through the existing systems of government, it will strengthen the engagement and representation required for Treaty making and Truth telling.

What if I believe Treaty should be first?

It has taken 96 years of calling for constitutional recognition to get to this referendum. This is a rare opportunity to have a say in affecting the changes our people need through government policy and legislation. Treaty and Truth will be affected but it may be decades before constitutional reform.

Who will be on The Voice?

A dedicated process is needed where First Peoples select their own representatives and are fully apprised of the options. This is set to occur after the referendum, with a timeline, and the principles by which it will be conducted, ideally to have cultural legitimacy, selected by First Peoples themselves in accordance with their own local practices, protocols and expectations.

How will a Voice impact closing the gap?

When Aboriginal and Torres Strait Islander people who know and understand the best way to deliver real and practical change in their communities have a say through a Voice, we will finally be able to close the gap that still exists between Indigenous and Non-Indigenous Australians.

How does the Voice relate to the Uluru Statement from the Heart?

The Uluru Statement from the Heart is a call by Aboriginal and Torres Strait Islander people for real and practical change in Australia by delivering constitutional recognition through a Voice to Parliament and the establishment of a Makarrata Commission, to undertake processes of treaty-making and truth-telling.

Why is a Referendum needed?

The only way to change the Australian Constitution is by holding a referendum. This means that the constitution cannot be altered without 'the approval of the people'.

When will the referendum be held?

A date is still to be set but is thought to be as soon as August 2023 and no later than the end of the year.

What is the voting process?

There can be several proposed changes on a referendum ballot paper for voters to consider. If voters agree with a proposed change, they write 'yes' in the square on the ballot paper. If they do not agree with a proposed change, they write 'no' in the square.

It is compulsory by law for all eligible Australian citizens aged 18 and older to enrol and vote in referendums and federal elections. If you are already enrolled you do not need to enrol again to vote in a referendum.

What has been the process to get here?

- 1927 The Australian Aboriginal Progressive Association manifesto calls for "*the control of Aboriginal affairs ... shall be vested in a board of management comprised of capable educated Aboriginals*".
- 1937 Yorta Yorta elder William Cooper petitioned King George VI, calling for representation in parliament.
- 1962 The electoral act was amended so that Aboriginal and Torres Strait Islander peoples had the right to register and vote, but voting was not compulsory. Full voting rights were not granted federally until Aboriginal and Torres Strait Islander people were required to register on the electoral roll in 1984.
- 1963 The Yirrkala Bark Petitions were tabled in the Australian Parliament. Signed by 12 clan leaders from the Yolngu region, they called for the House of Representatives to reconsider its decision to allow 300 square kilometres of land to be excised for mining and to send a committee to speak to the elders. The petitions led to a seven-member bipartisan Parliamentary Committee of Inquiry being established which acknowledged the Yolngu rights, as the leaders had set them out in the paintings. The committee recommended that the Yolngu receive compensation for their lost livelihood, that sacred sites be protected and that the mining be monitored by a parliamentary committee.
- 1967 Australians voted in a referendum to change the Constitution so that like all other Australians, Aboriginal and Torres Strait Islander peoples would be counted as part of the population and the Commonwealth would be able to make laws for them. Until then, the constitution had not recognised Aboriginal and Torres Strait Islander people as part of the Australian population.
- 1972 The Larrakia people sent the Larrakia Petition to Queen Elizabeth II, calling for land rights and political representation, declaring that without a treaty they are 'refugees in the country of our ancestors'.

- 1988 The Northern and Central Land Councils presented the Barunga Statement to former prime minister Bob Hawke as a declaration of the aspirations of 'the Indigenous owners and occupiers of Australia' and a request to the Australian Government and people to 'recognise our rights'.
- 2007 Prime Minister John Howard announced that if he was to win the 2007 Election, within 18 months, he would hold a referendum to change the constitution to recognise the "special status of Aboriginal and Torres Strait Islanders as the first peoples of our nation".
- 2010 Prime Minister Julia Gillard established the Expert Panel on the Recognition of Aboriginal and Torres Strait Islander Peoples in the Constitution, beginning a renewed national focus on finding a path towards a referendum.
- 2015 Referendum Council is formed 2015 by Prime Minister Malcolm Turnbull and Opposition Leader Bill Shorten. The Referendum Council built on previous work done by other committees and reports and was tasked with engaging Aboriginal and Torres Strait Islander peoples on their views on real and meaningful recognition in the Constitution. The Council established 12 First Nations Regional Dialogues, which engaged over 1200 Aboriginal and Torres Strait Islander delegates on a number of existing proposals for constitutional change.
- 2019 These Regional Dialogues undertook extensive deliberation of the proposals and culminated in the four-day First Nations National Constitutional Convention at Uluru in May 2017.
- The Convention brought together 250 Indigenous representatives from across the country to reach a consensus on the most meaningful and appropriate way to recognise Aboriginal and Torres Strait Islander people within the Constitution – a Voice to Parliament.
- 2022 Prime Minister Anthony Albanese addressed the Garma Festival attendees, announcing a question for a national referendum:
- Do you support an alteration to the Constitution that establishes an Aboriginal and Torres Strait Islander Voice?*
- 2023 Proposed Referendum on the Voice.

FAQ's courtesy of the Federation of Victorian Traditional Owner Corporations (FVTOC)