

MULTICULTURAL AUSTRALIA FOR THE VOICE REFERENDUM



Frequently Asked Questions on the Voice referendum

This information sheet addresses the most commonly asked questions about the First Nations Voice referendum

Frequently Asked Questions

Would this be a third chamber of Parliament?

No. The proposed function of the First Nations Voice, which is strictly advisory and non-binding, is completely different to the law-making powers of Parliament. Parliamentary supremacy would be unchanged. Moreover, Parliament would fully control and oversee the Voice's operation.

The proposed body would have no veto and no power to make laws. There would be no change to the Houses of Parliament whatsoever. Both former Prime Minister Malcolm Turnbull and Nationals MP Barnaby Joyce, who incorrectly called this proposal a 'third chamber' in 2017, have since admitted this was wrong. Turnbull has now said he will vote 'yes' in a First Nations Voice referendum.

Where is the detail about how this will work?

This proposal has been the subject of a decade of deliberation, including four separate government inquiries. The Final Report of the Co-Design Process provides detailed options for the structure and operation of the First Nations Voice, across local, regional and national levels.

There have also been many proposals for the wording of a constitutional amendment and the Government has now released a draft amendment for further consultation.

Will this divide us by race?

No. The Constitution already contains racially discriminatory provisions and has presided over much discrimination in relation to Indigenous peoples.

A constitutionally guaranteed First Nations Voice will mean Parliament and government can hear Indigenous voices when making laws and policies specifically about them, which will help prevent discrimination and injustice. It will bring us closer together through productive dialogue.

The Constitution already empowers Parliament to make special laws in relation to Indigenous peoples. Section 51(xxvi), the 'race power', has only ever been used to make laws in relation to Indigenous affairs.

A constitutionally guaranteed First Nations Voice will ensure that Indigenous people get a fair say in those laws. This is about unity, not division. Better dialogue with Indigenous people will help improve policies and laws, so we can better address Indigenous disadvantage.

Does this reform contradict democratic equality?

No. The Voice would only have advisory powers. This will enhance democratic equality, not undermine it. Historically, Indigenous people have not been heard in decisions made about them.

There were even laws and policies denying them the vote. A constitutionally guaranteed First Nations Voice will help ensure these past discriminatory policies are not repeated. It will help prevent the unfairness of the past.

Will this enable the courts to strike down certain laws?

No. The Referendum Council made clear that the constitutional amendment requiring Parliament to establish a First Nations Voice must be non-justiciable.

This means the High Court will not be able to use it to strike down laws and policies. It is important that the amendment is carefully drafted to ensure it respects parliamentary supremacy.

Would this body have a veto power?

No. The First Nations Voice would not have any veto. Some critics argue that the Voice would possess a 'virtual veto' because its advice would be difficult for governments to ignore. That is not a virtual veto but an example of listening, which is indispensable to meaningful consultation.

Advice that makes governments pause is probably advice worth hearing. However, it is also inevitable that sometimes advice will not be followed.

Is it dangerous to make this body permanent?

To be effective, a First Nations Voice must be a permanent institution. There must be a constitutional promise that Indigenous peoples will always be heard in decisions made about them. However, Parliament will retain authority to improve, change and evolve the institution over time as needed.

Don't Indigenous members of Parliament already provide a voice for Indigenous people?

The First Nations Voice would serve a different purpose to Indigenous members of Parliament. The Voice would ensure that the government takes stock of uniquely affected Indigenous communities when devising laws and policies for them.

In contrast, members of Parliament represent all the Australians in their electorates, and their political parties. Both Indigenous and non-Indigenous members of Parliament will benefit from advice from Indigenous communities in making policies and laws about them.

Do all Indigenous people support this idea?

Over 97% of delegates at the Uluru National Convention endorsed the Uluru Statement. Only 7 out of 250 delegates dissented. The opposing delegates were worried that the Uluru Statement would give up Indigenous sovereignty.

It is unrealistic to expect 100% consensus among Indigenous people, but the Uluru Statement represents an unprecedented national Indigenous consensus. This deserves to be respected.

Is this just virtue signalling?

No. Effective Indigenous policy requires consultation with Indigenous communities. The First Nations Voice will improve policy and produce practical outcomes. This is about more than symbolism. In fact, the Uluru Statement rejected mere symbolism in favour of practical reform.

Is this just a Labor Voice? Is it a left-wing idea?

The proposal for a constitutionally-guaranteed Indigenous advisory body transcends left and right. It is about all Australians. In fact, the concept germinated through engagement between Indigenous leaders and constitutional conservatives in 2014.

Prominent constitutional conservatives like Professor Greg Craven and the current Shadow Attorney- General and Shadow Minister for Indigenous Australians, Julian Leeser, have long been supporters of a First Nations Voice, even before the Labor Party. This proposal deserves the support of all political parties and all Australians across the political spectrum.

Won't this be just another ATSIC?

ATSIC was an Indigenous representative and consultative body set up only in legislation. It was not underpinned by a constitutional guarantee, and so it was abolished when problems arose.

ATSIC had strengths and weaknesses, but it should have been improved and problems should have been fixed; it should not have been abolished.

This demonstrates why legislative flexibility is important, but a constitutional guarantee is needed to ensure permanency. A First Nations voice will have both. It will be constitutionally guaranteed but legislatively flexible, so it can be a permanent institution that evolves and improves over time.

How will the First Nations Voice reflect the diversity of Indigenous groups across Australia?

A First Nations Voice needs to reflect the diversity of remote, regional and urban Indigenous communities. It especially needs to empower local and regional voices to be heard.

The Co-Design Report recommended a First Nations Voice consisting of 25-35 local and regional representative bodies, connecting to a 'National Voice'.

This would establish two-way dialogues between local communities and governments. The First Nations Voice aims to streamline meaningful consultation with diverse Indigenous communities, in contrast to the top-down, 'one-size-fits-all' approaches historically adopted by government.



HOW CAN YOU GET INVOLVED?

To check out the ways you can get involved, please visit:
www.multiculturalforvoice.org/get-involved

Educate your community on the Voice referendum



If you would like any support in raising awareness of the Voice referendum within your community, please do not hesitate to contact us.

Sign the Joint Resolution of Multicultural Community Organisations



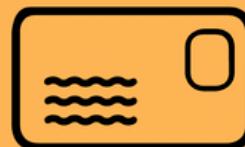
Become a signatory to the Joint Resolution to unite with the other multicultural community organisations supporting the Voice referendum.

Join the Events



Get involved in upcoming events in order to learn more about the Voice referendum and show your support.

Write to your Local MP



Write to your Local Member of Parliament to urge bipartisan co-operation on a First Nations Voice referendum.