Response to Referendum Council’s report on Constitutional Recognition

The Turnbull Government has carefully considered the Referendum Council’s call to amend the Constitution to provide for a national Indigenous representative assembly to constitute a “Voice to Parliament”.

The Government does not believe such an addition to our national representative institutions is either desirable or capable of winning acceptance in a referendum.

Our democracy is built on the foundation of all Australian citizens having equal civic rights - all being able to vote for, stand for and serve in either of the two chambers of our national Parliament - the House of Representatives and the Senate.

A constitutionally enshrined additional representative assembly for which only Indigenous Australians could vote for or serve in is inconsistent with this fundamental principle.

It would inevitably become seen as a third chamber of Parliament. The Referendum Council noted the concerns that the proposed body would have insufficient power if its constitutional function was advisory only.

The Referendum Council provided no guidance as to how this new representative assembly would be elected or how the diversity of Indigenous circumstance and experience could be fairly or democratically represented.
Moreover, the Government does not believe such a radical change to our constitution’s representative institutions has any realistic prospect of being supported by a majority of Australians in a majority of States.

The Government believes that any proposal for constitutional change should conform to the principles laid down by the 2012 Expert Panel, namely that any proposal should “be capable of being supported by an overwhelming majority of Australians from across the political and social spectrums”.

The Referendum Council said the Voice to Parliament was a “take it or leave it” proposal for the Parliament and the Australian people. We do not agree.

The Council’s proposal for an Indigenous representative assembly, or Voice, is new to the discussion about Constitutional change, and dismissed the extensive and valuable work done over the past decade - largely with bipartisan support.

We are confident that we can build on that work and develop Constitutional amendments that will unite our nation rather than establish a new national representative assembly open to some Australians only.

The challenge remains to find a Constitutional amendment that will succeed, and which does not undermine the universal principles of unity, equality and “one person one vote”.

We have listened to the arguments put forward by proponents of the Voice, and both understand and recognise the desire for Aboriginal and Torres Strait Islander Australians to have a greater say in their own affairs.

We acknowledge the values and the aspirations which lie at the heart of the Uluru Statement. People who ask for a voice feel voiceless or feel like they’re not being heard. We remain committed to finding effective ways to develop stronger local voices and empowerment of local people.

Our goal should be to see more Aboriginal and Torres Strait Islander Australians serving in the House and the Senate - members of a Parliament which is elected by all Australians.

The Government has written in response to Mr Shorten’s call for a Joint Select Committee, and have asked that the committee considers the recommendations of the existing bodies of work developed by the Expert Panel (2012), the Joint Select Committee on Recognition of Aboriginal and Torres Strait Islander Peoples (2015) and the Referendum Council report (2017).

The Coalition continues to aim to work in a bipartisan way to support Constitutional recognition.

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