

Joint Select Committee on the Aboriginal and Torres Strait Islander Voice Referendum.

We thank you for the opportunity to comment on the proposed amendments to the Australian Constitution.

Fred Chaney has worked in the field of indigenous Affairs for the past 60 years including as Minister for Aboriginal Affairs, Chair of Reconciliation Australia and Chair of the Native Title Tribunal.

Bill Gray has worked with Indigenous communities for a period of 60 years, principally in the Northern Territory and Canberra. He has worked as a senior Commonwealth public servant including as Secretary of the Department of Aboriginal Affairs, Chief Executive Officer of the Aboriginal and Torres Strait Islander Commission (ATSIC) and as the Australian Electoral Commissioner.

We support the proposed wording of the changes to the Constitution as they properly reflect the sentiments and ambitions as expressed in the Uluru Statement from the Heart.

The proposed amendments are the product of a long and comprehensive history of Indigenous representations to successive governments, a history which has been well documented and made known to this Committee. The Uluru Statement from the Heart is itself the product of a national consultative process endorsed by the leaders of both major political parties in 2015 and carried out by First Australians under the auspices of the Referendum Council. The consultative processes, involving a series of dialogues with Indigenous communities and organisations around Australia and a national convention of First Nation delegates held at Uluru in 2017, were formally recorded and made widely known to the Australian community at large. The proposed amendments also reflect the present Government's direct consultation with Indigenous working groups advising on the proposed amendments.

The proposed amendments provide for the long overdue recognition of First Australians in the Constitution, and the establishment of a permanent Indigenous advisory body, the Voice, which will be able to make representations to Parliament and the executive government on matters relating to First Australians. The details as to how the Voice will be structured and operate will be determined and legislated by the Parliament.

This process is consistent with the way in which the Australian Constitution has been amended in the past with the Australian people voting on the principle at a referendum and the Parliament subsequently addressing the detail.

A majority of eminent legal experts, including former members of the High Court, who have made their views known publicly, confidently state that the proposed amendments will not lead to an avalanche of litigation or pose a threat to the primacy of the Parliament. They reject the view that there will be unintended consequences as a result of the amendments as currently worded. Suggestions that our democracy would be under threat if the amendments were to pass, are akin to the baseless claims that all our back yards would be under threat if Aboriginal land rights were granted during the battles of the 1970s.

The proposed amendments are a safe and elegant response to the invitation to the Australian community, issued by those First Australians who support the Uluru Statement from the Heart, to walk together with them on the path leading to a united and mature Australia.

Fred Chaney AO

Bill Gray AM

14 April 2023