

## What is the Australian Constitution and what was the 2023 Voice referendum all about?

The Constitution of Australia has been in operation since 1901. In that year, under the Constitution, Australia became a nation through the federal union of six self-governing British colonies (New South Wales, Victoria, South Australia, Tasmania, Queensland, and Western Australia). In 1897 and 1898, selected delegates from these colonies had met in Federal Conventions to draft the Constitution. The Constitution was then adopted by the colonial parliaments and, between 1899 and 1900, ratified by the eligible voters in referendums in each colony. It was then passed as an Act of the British Parliament and proclaimed, to begin operating on 1 January 1901. Following this process—known as Federation—the colonies became the Australian states. The Constitution created a national parliament with powers to pass laws that apply across the nation. It also recognised the parliaments of the states which retained their powers of self-government, subject to the Commonwealth's powers.

To make any alteration to the Australian Constitution, the Commonwealth Parliament first needs to introduce a Bill for an Act, setting out the proposed alteration or alterations. If the Bill is passed by the Parliament, then a referendum is held in which Australia's eligible voters are required to vote for or against the proposed alteration(s). For a referendum to be successful and the Constitution to be altered, a majority of voters in at least four states as well as a majority in the nation overall need to have voted in favour of the alteration(s). These steps are all set out in the Constitution itself. Since 1900, there have been forty-five referendums, but only eight have achieved the necessary majority of votes to change the Constitution.

First Peoples of Australia are not recognised in the Australian Constitution. First Peoples of other comparable democratic nations (Canada, New Zealand, and the United States) are recognised in the constitutions of these countries. In a referendum in 1967, an overwhelming majority of more than 90% of the nation voted for changes to the Constitution that resulted in Aboriginal and Torres Strait Islander peoples being included in the count of 'the people' of Australia for various constitutional purposes, and the Commonwealth Parliament gaining the power to make special laws for the Aboriginal and Torres Strait Islander peoples.

In 2015 Australia's Prime Minister Malcolm Turnbull and Leader of the Opposition Bill Shorten appointed a Referendum Council to provide advice to Parliament on progress and next steps towards a successful referendum to recognise Aboriginal and Torres Strait Islander peoples in the Constitution. The Referendum Council was composed of Aboriginal and Torres Strait Islander members and non-Indigenous members from a range of expert fields and backgrounds. The Final Report of the Referendum Council is summarised in the Uluru Statement from the Heart, which was presented as a gift and invitation to the Australian people in 2017. The full report and Uluru Statement were presented to the Australian Parliament in 2017.

The Uluru Statement from the Heart was created in meetings with 250 Aboriginal and Torres Strait Islander leaders at Uluru in 2017. The Referendum Council's final report supported the Uluru Statement from the Heart, stating that the wider Australian community also agreed with the message conveyed. The Referendum Council proposed a Voice to the Parliament and an extra-constitutional Declaration of Recognition of Aboriginal and Torres Strait Islander peoples. The Uluru statement from the Heart was identified by the Referendum Council as a significant response to the historical exclusion of First Nations Peoples from the original process that led to the adoption of the Australian Constitution.

The Uluru Statement from the Heart called for two things:

1. A First Nations Voice to Parliament to be permanently included in the Constitution
2. The establishment of a Makarrata Commission to supervise agreement-making and truth-telling about our history.

In 2023, the Australian Government followed the advice of the Referendum Council and called a referendum responding to the first of these two requests. The referendum required all eligible voters to vote Yes or No to the question of whether to alter the Constitution to establish a body called The Aboriginal and Torres Strait Islander Voice.

If this referendum had been supported, the Constitution would have required the Australian Parliament to create an Aboriginal and Torres Strait Islander 'Voice', an advisory body, that would have been consulted by government regarding all policy matters affecting Aboriginal and Torres Strait Islander peoples.

There was a great deal of debate about the issue in the leadup to the Voice referendum in October 2023, with many people arguing strongly for and against the proposal.

This referendum was held on Saturday 14 October 2023, but was not successful. Fewer than 50 percent of voters nationally supported the proposed change and no state voted Yes overall. Information now available about the Voice results shows us how people across Australia voted.

Despite the outcome of the Voice Referendum, the Uluru Statement from the Heart continues to influence Australian society, as people consider what reconciliation means for all Australians.

## Uluru Statement from the Heart glossary

TERM	MEANING
2017 National Constitutional Convention	a gathering of 250 representatives of Aboriginal and Torres Strait Islander communities to discuss and agree on a way to recognise Aboriginal and Torres Strait Islander people in the Australian Constitution. The Uluru Statement from the Heart was agreed upon at this gathering
ancestors	a person related to you who lived a long time ago
ancestral	something belonging to, or inherited from, an ancestor or ancestors
ceded	given up; given control or ownership of something to someone else
the Crown	the government of a country that is ruled by a king or queen; for Australia, this means the government of the United Kingdom
detention	imprisonment
incarcerated	imprisoned; in jail
Makarrata	a word in Yolgnu language meaning to come together after a struggle, facing the facts of wrong and living in peace. In the Uluru Statement, it is another word for Treaty, or agreement-making
sovereign	having power and authority over itself; independent from the rule of others
thither	there; to the place or situation already mentioned
time immemorial	a time so long ago that no one alive can remember it; since forever
truth-telling about our history	telling the facts openly and honestly; exposing the facts about injustices experienced by Aboriginal and Torres Strait Islander people throughout Australia's history; reaching a shared understanding about Australia's colonial past and the impacts it is having for people living today