



30th July 2021

P.O. Box 392, Mt. Martha 3934
Reg: A0038144Z,
ABN. 50 089 314 052

Dear Prime Minister and Minister for Indigenous Australians,

I write on behalf of the more than 200 members of Southern Women's Action Network (SWAN), who meet on the Mornington Peninsula in Victoria. Our focus is to contribute towards achieving Social Justice for all. One of our major concerns at the present time is to support Australia's Indigenous people to achieve the structural changes that are required to ensure that they have a guaranteed say in the laws and policies that affect their lives. This will benefit not only Aboriginal and Torres Strait Islander people, but all Australians.

We applaud the funding allocated by your Government in the 2019 budget to develop a model for an Indigenous Voice¹ and the commitment recorded in these budget papers to hold a referendum on constitutional recognition².

However we are deeply disturbed by recent media articles that indicate that you are no longer in favour of holding a referendum to enshrine an Indigenous Voice in the Constitution³. This builds on our concern that the Terms of Reference given to Professor Marcia Langton AO and Professor Tom Calma AO, whom you appointed to lead the Indigenous Voice Co-design task that you commissioned, precluded them from making recommendations about constitutional recognition. Treaty-making between governments and First Nations peoples and truth-telling about our nation's history were also out of scope. This is at odds with the main requests of the Uluru Statement from the Heart that was gifted to all Australians by First Nations people in May 2017.

Moreover, during NAIDOC week the media reported on a claim made by Minister Wyatt that there is insufficient public support for constitutional recognition⁴. This is despite considerable evidence being reported from numerous sources to show that community support for an enshrined Voice to Parliament is strong and growing. One recent report, published by UNSW Indigenous Law Centre, found that 90% of over 2,550 public submissions to the Indigenous Voice Co-Design process, made by corporations, universities, community organisations, individual citizens, as well as First Nations groups and communities (i.e. representing many thousands of Australians) '*demonstrate support for*

¹ The federal budget has allocated \$7.3 million to develop a model for the Indigenous Voice, which the government plans to put to Australian voters in a national referendum.

<https://www.sbs.com.au/news/federal-budget-money-for-indigenous-voice>

² The budget papers said the government "remains committed" to the process of constitutional recognition for Indigenous people, and will conduct a referendum once a model has been settled.

<https://www.sbs.com.au/news/federal-budget-money-for-indigenous-voice>

³ *Sydney Morning Herald*, March 2021: <https://www.smh.com.au/politics/federal/not-our-policy-scott-morrison-rejects-push-for-referendum-on-voice-20210318-p57bxc.html>

⁴ *Sydney Morning Herald*, 7 July 2021: <https://www.smh.com.au/national/half-measures-won-t-do-on-the-voice-minister-australians-have-spoken-20210707-p587on.html>

*constitutional enshrinement of a First Nations Voice. They want the government to put the question of a constitutional First Nations Voice to a referendum*⁵.

This expert analysis shows that one third of the public submissions stated explicitly that a referendum on *enshrining* the Voice must be held before the Voice is *legislated*. More broadly, both Indigenous and non-Indigenous Australians, in increasing numbers nationwide, acknowledge that legislating a voice to Government will not lead to Constitutional Recognition⁶. Mere legislative change will prove extremely unpopular with a significant and growing proportion of the Australian community.

These same proposals were central in SWAN's own submission to the co-design process. A copy of our submission is attached for your information.

*'Four years after Uluru there is plenty of information, if presented in a coherent way, for the Australian people to make an informed decision at the ballot box on whether to enshrine this body*⁷. Now is the time for you and your Government to show strong leadership on this matter. Consequently, we ask you to urgently consider the following requests:

1. **Appoint a Joint Party Committee to oversee a referendum process** that will enable the Australian people to vote on the constitutional enshrinement of an Indigenous Voice to Parliament.
2. **Ensure that Coalition policy explicitly supports the protection of a First Nations Voice by the Constitution before legislating** how the Voice model will be enacted.
3. Commission the Joint Party Committee to **be guided by First Nations people in the design of a referendum question** that is clear, unambiguous and succinct.
4. **Proactively support and fund a bipartisan community education campaign** that is widespread, fair and balanced, about
 - a) why a referendum is being held;
 - b) why constitutional change to enshrine an Indigenous Voice is necessary; and
 - c) what it will mean. This includes counteracting the damage done by statements to the effect that an enshrined Voice will be a *'third chamber'*.

This will enable the Australian people to make an informed decision at the ballot box and ensure the success of the referendum. Only the Government has the resources to carry out such comprehensive public education Australia-wide, although many organisations, including SWAN, are doing their best with limited resources.

In line with your election commitment to constitutional recognition, your attention to these practical matters will show the voting public that you are serious about this promise.

Yours faithfully,



Erica Churchill Facilitator

⁵ Professor Gabrielle Appleby, Emma Buxton-Namisnyk and Dr Dani Larkin, Indigenous law Centre NSW. <https://apo.org.au/sites/default/files/resource-files/2021-06/apo-nid312976.pdf>

⁶ *The Australian* 1 May 2021, Megan Davis <https://www.theaustralian.com.au/inquirer/listen-to-the-voices-as-they-call-for-constitutional-action-on-an-indigenous-voice/news-story/16e1a600a2401bc93d6f24f1814a0a01>

⁷ *'It's Time'*, 9 July 2021, Megan Davis. <https://www.indigconlaw.org/home/naidoc-week-2021-its-time>