

# THE ULURU STATEMENT FROM THE HEART

## AND A CONSTITUTIONALLY-ENSHRINED

## FIRST NATIONS VOICE TO PARLIAMENT



**We seek constitutional reforms to empower our people and take a rightful place in our own country. When we have power over our destiny our children will flourish. They will walk in two worlds and their culture will be a gift to their country** - Uluru Statement From The Heart

### WHY THIS MATTERS TO JEWISH AUSTRALIANS

Many of us in the Australian Jewish community are not descended from those who participated in the colonisation of the country we now call Australia. For many of us it was not our ancestors who dispossessed the First Peoples of this land, perpetrated massacres, rapes, slave labour, separated children from family. Many of our ancestors were struggling in Europe where a background of antisemitism finally led to the Shoah.

However, Australian Jewry along with all Australians benefit from this nation's colonisation. No matter where we live in Australia, whether we live in Bondi or Caulfield, Menora, Adelaide or West Brisbane we are living on Aboriginal land.

As Paul Keating asks in his famous *Redfern Speech* of 1992, it's not hard for us Jews to:

***"... Imagine ourselves dispossessed of land we had lived on for fifty thousand years – and then ... told that it had never been ours.***

***Imagine if ours was the oldest culture in the world and we were told that it was worthless.***

***Imagine if we had resisted this settlement, suffered, and died in the defence of our land, and then were told in history books that we had given up without a fight...***

***Imagine if our spiritual life was denied and ridiculed.***

***Imagine if we had suffered the injustice and then were blamed for it..."***

The legacy of these injustices combined with daily discriminations takes its toll on physical and mental health. It results in complex, intergenerational trauma that almost all First Nations people suffer and are themselves often blamed for.

However, Aboriginal and Torres Strait Islander peoples, like us, are strong, proud, and resilient. Over years of discussion, they have charted a path forward to healing their communities, and to achieving justice and self-determination for their people. The path is laid out in the simple one-page Uluru Statement from the Heart that also extends an invitation to walk with them **'in a movement of the Australian people for a better future'**.

Peak Jewish organisations such as the Executive Council of Australian Jewry, B'nai B'rith Australia and B'nai B'rith Victoria, the National Council of Jewish Women Australia the Jewish Community Council of Victoria have strongly stated their support for the Uluru Statement and its call for a constitutionally-enshrined First Nations Voice to Australia's parliament. Other Jewish organisations such as Stand Up, Plus 61J Media, and Jewish youth networks are campaigning to support the Voice and many of our congregations and other institutions are conducting educational programs.

The Anti-Defamation Commission maintains that Jewish communities have deep historical experience of hate and prejudice. To counter antisemitism, we need to challenge prejudice whenever it occurs, whether it is directed at Jews or at other minorities.

## WHAT DOES THE ULURU STATEMENT CALL FOR?

The Uluru Statement was developed through the most comprehensive Indigenous-led consultation process this nation has witnessed. Twelve large regional meetings, or Dialogues, took place across Australia, culminating in a National Convention at Uluru in 2017 attended by over 250 community elected delegates. The Uluru Statement from the Heart specifically requests:

- A **constitutionally enshrined Voice to Parliament to advise on all matters concerning the wellbeing of First Nations peoples and their communities.**
- The establishment of a **Makarrata Commission to supervise a process of agreement-making (treaty) between governments and First Nations and Truth-Telling about our history.**

## ENSHRINING THE VOICE TO PARLIAMENT IN THE CONSTITUTION

The Constitution is Australia's founding document and contains the principles (not details) that provide the basis for our laws. However, it was drafted at a time when Australia was considered *terra nullius* – uninhabited and belonging to no-one.<sup>1</sup>

In fact, Australia is home to the oldest continuing cultures in human history, estimated at 65,000 years. In 1901 when Australia became a federation, racism and prejudice prevented our national constitution from acknowledging that our First Nations were present long before European colonisation. **The Australia of today is better than that.**

Recognising our First Peoples in our national Constitution is long overdue. The Uluru Statement asks that this recognition be in the form of the Voice to Parliament – a body to advise on laws and policies that affect First Nations communities to the Parliament and the Government of the day, that will work alongside existing organisations and traditional structures and allow the existing parliament to do its job as normal. The Voice will not have a program delivery function, or a veto power.

Writing the Voice into the Constitution will ensure it remains a permanent part of our democracy. No matter who is in government or who is Prime Minister, the Voice will have a direct line to Federal Parliament. The first-hand knowledge and lived experience of its members will result in better laws and policies and in more effective outcomes on the ground with greater value for money. Too frequently decision-makers do not hear directly from Aboriginal and Torres Strait Islander peoples. As a result, policies, laws, and programs do not effectively address problems they face.

## THE REFERENDUM

While Parliament can change ordinary laws, the people of Australia must approve any changes to our national Constitution. All Australians of voting age will be asked to vote "yes" or "no" to this single question: **A Proposed Law: to alter the Constitution to recognise the First Peoples of Australia by establishing an Aboriginal and Torres Strait Islander Voice. Do you approve this proposed alteration?"**

If approved, this new section will be added to the constitution:

### Chapter IX Recognition of Aboriginal and Torres Strait Islander Peoples

#### 129 Aboriginal and Torres Strait Islander Voice

In recognition of Aboriginal and Torres Strait Islander peoples as the First Peoples of Australia:

1. There shall be a body, to be called the Aboriginal and Torres Strait Islander Voice;
2. The Aboriginal and Torres Strait Islander Voice may make representations to the Parliament and the Executive Government of the Commonwealth on matters relating to Aboriginal and Torres Strait Islander peoples;
3. The Parliament shall, subject to this Constitution, have power to make laws with respect to matters relating to the Aboriginal and Torres Strait Islander Voice, including its composition, functions, powers and procedures."

Ours is one of the hardest constitutions in the world to change. To incorporate this text, a double majority will be needed – a majority of yes voters nationwide as well as a majority of voters in four out of six States.

The First Nations Referendum Working Group has recommended a set of principles describing the Voice as a body that will:

- provide independent advice to Parliament and Government;
- be chosen by First Nations people based on the wishes of local communities;
- be representative of Aboriginal and Torres Strait Islander communities;
- be empowering, community-led, inclusive, respectful, culturally informed and gender balanced, and includes youth;
- be accountable and transparent;
- work alongside existing organisations and traditional structures.

If Australians approve the constitutional change, the detail of the structure and function of the Voice will be determined by our elected members of Parliament through normal processes of debate and legislation.

## DEBATE ABOUT THE VOICE

Concerns about the Voice have been raised. The key arguments advanced are noted below along with brief responses.

### Argument 1: There is Not Enough Detail

Federal Opposition Leader Peter Dutton and some members of the Liberal Party assert that the Australian people are unable to make an informed decision about the constitutional change due to a lack of detail on the proposed Voice to Parliament. Peter Dutton has requested that the Government answer 15 questions relating to the structure and function of the Voice.

As Professor Megan Davis explains, it is not possible to answer all of Peter Dutton's 15 questions ahead of a referendum. However, the 280-page Calma – Langton report, which resulted from extensive public consultations, contains detailed recommendations on a model for the Voice. Hopefully, National Parliament will use this as a key resource when determining the detail and the legislation.

Our national Constitution provides a set of rules and principles that guide the operation of the Australian Government and Judiciary. The Australian people will be asked to vote for the principle - **not the detail** - of establishing a First Nations Voice to parliament. It is the job of our elected representatives in National Parliament to work out the detail and the legislation that will establish the Voice - if a Yes vote is returned at the referendum.

Australia lags behind the US, Canada and New Zealand in constitutional amendments to recognise First Nations peoples. The Indigenous people of Norway, Sweden and Finland are already provided with a voice in decisions affecting their communities.

### Argument 2: The Voice will not deliver better outcomes for health, education, and housing for Aboriginal and Torres Strait Islander Peoples.

There is cynicism, born from real life experience, that establishment of a First Nations Voice to Parliament will not deliver better outcomes for First Nations people.<sup>2</sup> However, the Uluru Statement calls for the establishment of the Voice precisely to break this cycle – to enable **community elected representatives** to directly influence and contribute to the policies that

affect Aboriginal and Torres Strait Islander peoples.

This is self-determination; a principle that is widely recognised as fundamental to achieving policy and programs that respond to issues and solutions identified by, and controlled by, accountable community organisations delivering benefits to affected communities.

A poll conducted in January 2023 by global market research firm IPSOS indicates that 80% of First Nations people support the Voice.

An alliance of indigenous leaders from 10 regional, remote and urban areas across Australia has stated:

*“We disagree with the assertion that a First Nations voice would not make a practical difference to closing the gap. If it is properly designed and implemented, this will empower our communities to close the gap in partnership with governments.”*

### Argument 3: The Voice is Racially Divisive

Some people including members of the Australian Jewish Association and Coalition Senator Jacinta Nampijinpa Price contend that the Voice will divide Australians based on race and accord Indigenous Australians extra political and legal rights. Others such as Warren Mundine have suggested that the referendum should ask Australians to change the Constitution to also acknowledge the contribution of migrants to our multicultural nation.

The Voice is not seeking to gain more rights for Aboriginal and Torres Strait Islander Peoples than other Australians. It aims to provide a source of first-hand advice to Parliament that will more effectively address the legacy of the traumas of colonisation at individual and societal levels.

On his resignation as Shadow Minister for Indigenous Australians, Julian Leeser emphasised that the Voice is not about special privileges. “It is about recognising that Indigenous Australians are our brothers and sisters, and we have left them behind in our shared national project.”

An alliance of indigenous leaders from 10 regional, remote, and urban areas across Australia has stated:

*“Our communities live these problems. We are best placed to help solve them. That is why the Uluru Statement asked for a constitutionally enshrined Voice, to empower local communities to partner with government to develop better solutions. This is a reasonable and fair request.”*



## Argument 4: The Voice represents a threat to Indigenous Sovereignty – Treaty and Truth Telling must come first.

Senator Lidia Thorpe fears that incorporating the Voice in the 'colonial' constitution could override existing Indigenous governance systems and sovereignty.

When people say that sovereignty was never ceded by First Nations people, they mean they never consented or agreed to give up their country or to live under someone else's laws. Their land was taken by force and has been retained by force. Before colonisation, First Nations had been self-governing with their own social structures and governance systems. These didn't disappear when the British arrived.

**As the Uluru statement says: How could it be otherwise? That peoples possessed a land for sixty millennia and this sacred link disappears from world history in merely the last two hundred years?**

Aboriginal Tent embassy caretaker Murriguel Coe said:

*“...sovereignty is self-determination of ourselves, that we have the right to practise our culture, the right to practise our religion, the right to practise our lore ... We're sick of the government making decisions for us.”*

Australian law fails to recognise Indigenous sovereignty. A situation which has been rectified by treaties in NZ and Canada and is underway in some Australian states. Lydia Thorpe and the Black Sovereignty movement argue that treaty and truth telling is needed before the Voice to parliament.

According to Attorney-General Mark Dreyfus, sovereignty would not be impacted by the Voice, but would instead “improve the lives of Aboriginal and Torres Strait Islander Australians. It will ensure the government hears from local communities about local solutions and how to address existing policies that aren't working”.

First Nations leaders agree that treaty and truth telling are critical and that Indigenous sovereignty was never ceded. But many say a Voice is needed to underpin work on the treaty and on truth processes, which could take years and successive governments to negotiate.

## A TIME TO ACT

Recognising Aboriginal and Torres Strait Islander peoples via a Voice to Parliament is about building a nation based on respect for the dignity and humanity of the First Peoples of this land. In essence, Australians are being asked if we are ready to recognise our past and build a solid foundation for a collective Indigenous and non-Indigenous future.

Yorta Yorta man William Cooper led a march in December 1938 after Kristallnacht to the German consulate in Melbourne to condemn the 'cruel persecution of the Jewish people by the Nazi government in Germany'. William Cooper stood with us in our hour of need. Where will we stand?

1. The concept of *terra nullius* was only officially discarded in 1992 in the High Court Mabo decision.
2. For example, Senator Lidia Thorpe and Northern Territory Coalition Senator Jacinta Nampijinpa Price are sceptical of the Voice's ability to improve people's lives in practice, due to the failed attempts of many other advisory bodies established by Governments.

## RESOURCES & FURTHER INFORMATION

Find this paper on the AJDS web site to access the embedded links [www.ajds.org.au](http://www.ajds.org.au). Check our facebook page for events in the Jewish community <https://www.facebook.com/AustralianJewish-DemocraticSociety/> Contact us to talk about the issues raised in this brochure at [office@ajds.org.au](mailto:office@ajds.org.au)

Shabbat table talks <https://shabbattabletalks.com.au/>

Stand Up's Kol Halev (Voice from the Heart) program [https://www.standup.org.au/kol\\_halev](https://www.standup.org.au/kol_halev) and Jewish Youth for Yes <https://www.jewishyouthforyes.com.au/>

Statements from the Soul: The Moral Case for the Uluru Statement from the Heart. Authored by religious leaders and thinkers from Jewish, Buddhist, Christian, Hindu, Muslim and Sikh communities <https://www.blackincbooks.com.au/books/statements-soul>

The Yes 23 campaign (<https://yes23.com.au/resources>) - information and ways to become involved

The Uluru Dialogue (hosted by the Indigenous Law Centre, UNSW) for information including a Supporters kit <https://ulurustatement.org/take-action/supporter-kit/>

National Indigenous Australians Agency: Extensive reports relating to the process of developing the Uluru Statement, the expert working groups, the referendum question and constitutional change. <https://voice.niaa.gov.au/about>

Australians for Native Title and Reconciliation (ANTaR) Fact sheets and other information [https://antar.org.au/resources/?\\_paged=2](https://antar.org.au/resources/?_paged=2)

Excellent Short videos:

<https://www.youtube.com/watch?v=-dsCJGdY9Lc> Megan Davis explains the statement)

<https://www.youtube.com/watch?v=rWolgPyQTK4> Midnight Oil – statement read by Indigenous collaborators

<https://www.youtube.com/watch?v=5gF6DqYH6FE> History is calling

<https://www.youtube.com/watch?v=LAFaHP6w6tE> Paul Keating's Redfern Speech

[www.ulurustatement.org](http://www.ulurustatement.org) [www.yes23.com.au](http://www.yes23.com.au)



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DEMOCRATIC SOCIETY**  
a progressive voice among jews, a jewish voice among progressives