

Friday, 15 June 2018

## Law Council supports calls for Voice to Parliament

The Law Council has today called on the Australian Government to work with Aboriginal and Torres Strait Islander peoples to constitutionally enshrine a representative Voice to the Australian Parliament.

The Joint Select Committee on Constitutional Recognition Relating to Aboriginal and Torres Strait Islander Peoples 2018 is currently producing an interim report having been asked to recommend options for constitutional change and any potential complementary legislative measures to advance self-determination for Aboriginal and Torres Strait Islander peoples.

Law Council President, Morry Bailes, said the Law Council has consistently supported the capacity by which Aboriginal and Torres Strait Islander peoples are able to determine their own political future, such as a constitutionally enshrined representative body that gives Aboriginal and Torres Strait Islander First Nations a Voice to the Australian Parliament, as has been recommended by the Referendum Council in its report of June 2017.

“An enshrined Voice to Parliament in the Australian Constitution, as recommended by the Referendum Council, would play a vital role in Aboriginal and Torres Strait Islander peoples’ pursuit of self-determination,” Mr Bailes said.

The work of the Referendum Council, informed by First Nations Regional Dialogues and the National Convention at Uluru, represents one of the most significant consultations with Aboriginal and Torres Strait Islander peoples in Australia’s history and the call for a Voice to Parliament was the proposal that received the highest level of support.

Mr Bailes said the Uluru Statement and Referendum Council have provided an important and unique opportunity to reset the nation’s relationship with Aboriginal and Torres Strait Islander peoples in Australia, providing direction for a more unified and reconciled nation.

“It was profoundly disappointing that the Referendum Council’s recommendation was rejected by the Australian Government last year,” Mr Bailes said.

“The right to self-determination is a fundamental and non-derogable principle of international law, and as the Law Council has previously stated, there is no legal impediment to making provision for a representative body to provide Aboriginal and Torres Strait Islander First Nations a Voice to Parliament in the Constitution.

“It does not call for a decision-making power to be afforded to the proposed representative body and the proposal would not affect the structure or operation of a bi-cameral federal Parliament.

“It also ought to be noted, the proposal is consistent with parliamentary sovereignty and seeks to give Aboriginal and Torres Strait Islander First Nations a Voice *to* the Australian Parliament, not *in* the Australian Parliament.

“The Law Council would urge the Australian Government to engage with Aboriginal and Torres Strait Islander communities to progress the realisation of the proposals that emerged from the Uluru Statement and Referendum Council, proposals that are endorsed by clear expressions of support from Aboriginal and Torres Strait Islander peoples.” Mr Bailes said.

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