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Time to enshrine a First Nations Voice to Parliament

On International Human Rights Day, the Law Council of Australia restates its unwavering support for a First Nations Voice to Parliament enshrined in the Australian Constitution, as called for in the Uluru Statement from the Heart and the recommendations of the Referendum Council.

“Constitutional recognition is vital to protect the rights and aspirations of Aboriginal and Torres Strait Islander peoples,” Law Council of Australia President, Dr Jacoba Brasch QC said.

A First Nations Voice, constitutionally enshrined, is a manifestation of the right to self-determination, which, at a minimum, entails the entitlement of peoples to have control over their destiny and to be treated respectfully. This includes peoples being free to pursue their economic, social and cultural development.

The right to self-determination applies to all peoples but was given special resonance in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which represents an authoritative common understanding, at the global level, of how governments should engage with and respect the rights of indigenous peoples. Australia formally announced its support for the UNDRIP on 3 April 2009.

“The human rights of Aboriginal and Torres Strait Islander peoples continue to be undermined in this country through socioeconomic disadvantage, poorer health and education outcomes, and alarming rates of incarceration and child removals, as well as the destruction of their cultural heritage,” Dr Brasch said.

“The discrimination and intergenerational trauma that Aboriginal and Torres Strait Islander peoples face on a day-to-day basis cannot be alleviated unless and until their rightful place in this country is recognised and the legacy of colonialism confronted. The legal and justice system has played an undeniable part in this history of colonisation, discrimination and trauma.”

A Voice enshrined in the Constitution would provide an effective representative body for First Nations through which this work might begin with Parliament.

“The Law Council recognises the considerable strength, endurance, dignity and leadership of Australia’s First Nations peoples in defending their human rights and putting constructive and achievable ways forward to the nation so that these can be better respected, protected and fulfilled into the future,” Dr Brasch said.

“The Uluru Statement from the Heart was made four years ago. It is time for governments to allow Aboriginal and Torres Strait Islander peoples to take the lead on the issues that affect them.”

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The Law Council of Australia is the national voice of the legal profession, promoting justice and the rule of law.