

21 March 2023

Notice of Motion, Lord Mayor Sally Capp: An Aboriginal and Torres Strait Islander Voice to Parliament

Motion

1. That the Future Melbourne Committee:
 - 1.1. Re-affirms the City of Melbourne's commitment to truth-telling, reconciliation and governing with Aboriginal people, as embodied in its 'Innovate Reconciliation Action Plan 2021-23', its 2021 'Declaration of Recognition and Commitment' and Major Initiatives 23, 24 and 25 of its Council Plan;
 - 1.2. Recognises that Australia has formally endorsed the UN *Declaration on the Rights of Indigenous Peoples*, which includes the collective right to self-determination;
 - 1.3. Notes the Commonwealth Government's commitment to; the *Uluru Statement from the Heart* in full, including Voice, Treaty and Truth, and to a referendum on enshrining a Voice for Aboriginal and Torres Strait Islander peoples in the Australian Constitution;
 - 1.4. Acknowledges that there is a diversity of opinions inside and outside Aboriginal communities, in Melbourne and across the country, on the significance and timing of the Aboriginal and Torres Strait Islander Voice to Parliament;
 - 1.5. Affirms the City of Melbourne's support for the 2017 *Uluru Statement from the Heart*, and the 'yes' campaign for the Constitutional Recognition of an Aboriginal and Torres Strait Islander Voice to Parliament;
 - 1.6. Commits to a program that promotes community engagement and informed debate on the Aboriginal and Torres Strait Islander Voice to Parliament, including but not limited to; sharing of information through public meetings and opportunities for discussion, resources, speeches, social media and other communications;
 - 1.7. Requests that in putting together this program, management seek feedback on proposed activities as part of their regular discussions with Traditional Owner and Aboriginal community organisations.

Background

The 2007 UN *Declaration on the Rights of Indigenous Peoples*, which Australia has endorsed in full, 1 states in part:

"Indigenous peoples have the right to self-determination. (art. 3)

"Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures ... (art. 18)

1 Australian Human Rights Commission, 'United we stand – Support for United Nations Indigenous Rights Declaration a watershed moment for Australia', media release (Sydney, 3 April 2009) <<https://humanrights.gov.au/about/news/media-releases/2009-media-release-united-we-stand-support-united-nations-indigenous>>.

“States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.” (art. 19)²

In May 2017, over 250 Aboriginal and Torres Strait Islander delegates from across Australia gathered at Mutitjulu near Uluru. Together, they developed and released the *Uluru Statement from the Heart*. The 1-page statement is addressed to the Australian people, inviting us all to create a better nation via 3 key proposals:

1. a constitutionally enshrined ‘Voice’; and a Makarrata Commission³ to supervise:
2. a process of agreement-making between governments (aka a treaty or treaties); and
3. truth-telling about our history.

The Uluru Statement is found at Attachment 1. This can also be heard read by Prof. Megan Davis online: ulurustatement.org/the-statement

In May 2022, Prime Minister Anthony Albanese began his victory speech on election night by acknowledging Country and committing to the Uluru Statement from the Heart *in full*.⁴ At the Garma Festival in July that year, he announced there would be a referendum on an Aboriginal and Torres Strait Islander Voice to parliament, while re-affirming his government’s “promise to implement the Statement from the Heart at Uluru, *in full*.”⁵

Seven delegates to the 2017 Uluru convention did not agree with the final wording of the Statement.⁶ As with any issue and any community, there is not a single united position within the Aboriginal community on the referendum.

An IPSOS poll conducted in late January 2023 found that 80% of First Nations people supported the Voice, with three-quarters of respondents ‘very sure’ about their decision. One in 10 were undecided, while the remaining 10% were opposed.⁷

The City of Melbourne, though committed to governing with Aboriginal people, does not yet have a formal First Nations ‘voice’ of its own to guide its decision-making on First Nations related matters.

Aboriginal Melbourne has been carefully considering the potential role of the City of Melbourne during the national debate on Voice to Parliament.

Moved: Lord Mayor Sally Capp

Seconded: Cr Dr Olivia Ball

² UN *Declaration on the Rights of Indigenous Peoples* (UNDRIP, 2007) <www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf>.

³ *Makarrata* is a complex Yolngu word from north-east Arnhem Land describing ‘a process of conflict resolution, peacemaking and justice’. The Uluru Statement defines it as ‘the coming together after a struggle.’

⁴ ‘Read incoming prime minister Anthony Albanese’s full speech after Labor wins federal election’, *ABC News* (22 May 2022) <www.abc.net.au/news/2022-05-22/anthony-albanese-acceptance-speech-full-transcript/101088736> [emphasis added].

⁵ C. Graham, ‘Transcript: Anthony Albanese’s Speech to Garma re Voice to Parliament,’ *New Matilda* (30 July 2022) <<https://newmatilda.com/2022/07/31/transcript-anthony-albaneses-speech-to-garma-re-voice-to-parliament-july-30-2022/>> [emphasis added].

⁶ C. Wahlquist, ‘Uluru talks: delegates walk out due to sovereignty and treaty fears’, *The Guardian* (25 May 2017) <<https://www.theguardian.com/australia-news/2017/may/25/uluru-talks-delegates-walk-out-due-to-sovereignty-and-treaty-fears>>.

⁷ J. Attanasio, ‘Majority support for Indigenous Voice to Parliament, poll claims, as PM pushes referendum after protests’, *Nine News* (27 January 2023) <www.9news.com.au/national/overwhelming-majority-of-first-nations-and-torres-strait-islander-people-support-inducting-indigenous-voice-to-parliament-study-suggests/c93bcf64-db71-4185-b716-725c53886a11>.

Attachment 1

ULURU STATEMENT FROM THE HEART

We, gathered at the 2017 National Constitutional Convention, coming from all points of the southern sky, make this statement from the heart:

Our Aboriginal and Torres Strait Islander tribes were the first sovereign Nations of the Australian continent and its adjacent islands, and possessed it under our own laws and customs. This our ancestors did, according to the reckoning of our culture, from the Creation, according to the common law from ‘time immemorial’, and according to science more than 60,000 years ago.

This sovereignty is *a spiritual notion: the ancestral tie between the land, or ‘mother nature’, and the Aboriginal and Torres Strait Islander peoples who were born therefrom, remain attached thereto, and must one day return thither to be united with our ancestors. This link is the basis of the ownership of the soil, or better, of sovereignty.* It has never been ceded or extinguished, and co-exists with the sovereignty of the Crown.

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?

With substantive constitutional change and structural reform, we believe this ancient sovereignty can shine through as a fuller expression of Australia’s nationhood.

Proportionally, we are the most incarcerated people on the planet. We are not an innately criminal people. Our children are alienated from their families at unprecedented rates. This cannot be because we have no love for them. And our youth languish in detention in obscene numbers. They should be our hope for the future.

These dimensions of our crisis tell plainly the structural nature of our problem. This is *the torment of our powerlessness.*

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.

We call for the establishment of a First Nations Voice enshrined in the Constitution.

Makarrata is the culmination of our agenda: *the coming together after a struggle.* It captures our aspirations for a fair and truthful relationship with the people of Australia and a better future for our children based on justice and self-determination.

We seek a Makarrata Commission to supervise a process of agreement-making between governments and First Nations and truth-telling about our history.

In 1967 we were counted, in 2017 we seek to be heard. We leave base camp and start our trek across this vast country. We invite you to walk with us in a movement of the Australian people for a better future.