

Friday, 1 November 2019

Uluru Statement should be respected

A voice for Indigenous Australians must be heard by parliament not just by the government if it is to have a meaningful impact on our laws and the administration of justice, says Law Council of Australia President, Arthur Moses SC.

Responding to the announcement by Minister for Indigenous Australians Ken Wyatt AM of a co-design process for an “Indigenous voice to government”, Mr Moses SC said it was unfortunate the roadmap laid out by the Uluru Statement for a constitutionally enshrined Voice to parliament had not been understood, let alone adopted by the Morrison Government.

“Let me be clear these criticisms are not directed towards Minister Wyatt, but those within the government who unfairly and in a pre-emptive manner dismissed the concept of a Voice to parliament without properly understanding it,” Mr Moses SC said.

“The Uluru Statement from the Heart was conceived from one of the most comprehensive consultations of Indigenous Australians in our nation’s history.

“The whole point of the Voice to parliament is to ensure that our First Nations peoples have an opportunity to propose bills, be consulted on bills, and to express their views on bills before they are enacted as laws of the Commonwealth which may impact upon First Nations peoples. This includes bills about fundamental issues which matter on the ground to First Nations peoples, such as health, welfare and education.

“What is being proposed is a voice to government, not to parliament. If it is not constitutionally enshrined but legislated it could be abolished at any time if the government does not like what it was saying.

“A Voice to parliament has some degree of public accountability on the part of the parliament while a voice to government does not, something that is of great potential significance if the government has closed ears.”

But Mr Moses SC said the Law Council would engage with the work of the Senior Advisory Group.

“I have deep respect for the co-chairs of the group, Marcia Langton AM and Tom Calma AO. I particularly note the comments by Professor Langton that she supports the Voice to parliament and that the Uluru Statement requires ‘design work to turn it into a reality that governments can understand’.

“The Advisory Group should be allowed to consult on an option that will allow the Voice to be constitutionally enshrined.”

Mr Moses SC noted two former chief justices of the High Court, Murray Gleeson AC, QC and Robert French AC had addressed concerns that a constitutionally-enshrined Voice to parliament would be a “third chamber”.

“As former Chief Justice of the High Court, Murray Gleeson AC, QC emphasised in July, it is a Voice to parliament, not a Voice in parliament,” he said.

Media Release



“It is vital that the development of meaningful policy and law reform at federal, state and territory levels, is informed by Indigenous experience and advice. The stark reality is that Indigenous affairs in this country have consistently faltered in large part because parliament has not listened to the voices of Aboriginal and Torres Strait Islander peoples.”

“What is being proposed now disrespects our First Nations peoples by ignoring the Uluru Statement and ignores the powerful support of the Voice to parliament by former Chief Justices French and Gleeson.”

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