

ULURU STATEMENT FROM THE HEART

26 May 2017

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.

Submission of Noel Pearson, Megan Davis and Pat Anderson AO

3 November 2018

Chapter 9 First Nations
Section 129 The First Nations Voice

- (1) There shall be a *First Nations Voice*.
- (2) The *First Nations Voice* shall present its views to Parliament and the *Executive* 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 the composition, functions, powers and procedures of the *First Nations Voice*.

Letter to *The Australian*

27 January 2022

Janet Albrechtsen sees a good compromise in the Indigenous Voice proposed to Minister Ken Wyatt by the panel chaired by Marcia Langton and Tom Calma. She says it ‘recognises the need for a voice but does not overturn parliamentary sovereignty. It really is that simple’. (*Voice’s demand for special rights based on race is offensive*, 26/1)

Last week, Noel Pearson the original proponent and a key architect of the idea of the Voice said, ‘I think the conservatives will have to take Ken Wyatt’s blueprint for a legislated voice and then move to the question of: right we now know what kind of voice, what this voice will look like in legislation, now we need a new constitutional hook inserted into the Constitution on which we can hang this structure of the voice’.

Instead of allowing the Commonwealth Parliament to make laws with respect to ‘the people of any race for whom it is deemed necessary to make special laws’, we might consider a power to make laws with respect to ‘**Aborigines and Torres Strait Islanders for whom it is deemed necessary to make special laws after consultation with them**’. There could then be added the hook of which Noel Pearson speaks. For example, a new section 127 could provide: ‘**There shall be an Aboriginal and Torres Strait Islander Commission with such structure and functions as the Parliament deems necessary to facilitate consultation prior to the making of special laws with respect to Aborigines and Torres Strait Islanders.**’

It should be possible to design the right constitutional hook without undermining parliamentary sovereignty.

Frank Brennan

Parkville, Vic

See <https://www.theaustralian.com.au/commentary/letters/most-australians-are-tolerant-and-inclusive-so-stop-the-hectoring-on-our-national-day/news-story/5df6d8d9cce30994761c822899f19281>