

Reference guide

**Constitutional Recognition through Voice**

# Introduction

**This guide is designed to support you to have vital conversations** with communities, individuals, and the media throughout the reconciliation journey to constitutional recognition through Voice at the 2023 referendum.

This document includes:

* key messages
* answers to questions that may be posed to Empowered Communities
* background to the 2023 Referendum
* things to avoid.

This guide will be updated with new information as required.

The ‘key messages’ are the most important. Key messages are based on research demonstrating what language works best with critical target audiences. The critical audiences are described as “soft yes” and “undecided.”

Key messages, used in **combination with your personal experiences and stories**, will be most impactful and effective when repeated often. **If you only read one page of this document, please ensure it is the key messages.**

Indigenous Australians are only around 3% of the population, so the 97% non-Indigenous population must open the door on constitutional recognition at the referendum.

The research highlights how important it is that the non-Indigenous 97% hear from the 3% Indigenous population that Indigenous people support this important constitutional change.

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# Key messages

## Constitutional Recognition

1. After more than 230 years, the referendum is **an important opportunity for the Australian people to decide if they wish to finally recognise Indigenous Australians in the nation’s rulebook — the Australian Constitution** — and create a better Australia for all of us.
2. The referendum is about **reconciliation**. If it succeeds, the nation will have the foundations needed for **a new and permanent partnership with First Nations people** through Voice. It will be a great unifying moment in Australian history.
3. We are still a nation that does not recognise its Indigenous people in this founding document – our national birth certificate. **Constitutional recognition will bridge 65,000 years of our life, unique heritage, cultures and languages, with the more recent 250 years of contemporary Australia.**
4. Since 2007, from John Howard onward, there has been bipartisan **agreement that Australia needs to update its constitution to recognise the first Australians.** Most Australians have been supportive too over a long period.
5. **Constitutional recognition through Voice was proposed by Indigenous people**. It is a reasonable and practical solution for constitutional recognition **developed over 15 years and 8 Prime Ministers.**
6. This is an opportunity to bring together as one, the three parts to our nation’s story — **our ancient Indigenous foundations, British institutions and inheritance, and our multicultural triumph**.

## Voice

1. Aboriginal and Torres Strait Islander peoples **want constitutional recognition to guarantee a Voice.**
2. A Voice will give Aboriginal and Torres Strait Islander peoples **a say in matters that affect us.**
3. Having a seat at the table means **we can play an active role in solving the challenges and issues our families and communities face.**
4. The best way to **help people** is to ask them what they need.
5. A Voice will make **a practical difference for Aboriginal and Torres Strait Islander people and improve our lives.**
6. A Voice will enable Indigenous people to **work in partnership with governments to close the gap.**
7. A Voice to Parliament would be **collaborative and its advice would be non-binding**. A Voice would exist outside of parliament and it would have no veto.
8. A Voice to ensure local Indigenous communities across all of Australia’s diverse regions can be heard. To close the gap, it is **local people who need to have a say**.
9. We have been asking for a Voice in our own affairs for a long time. **The Voice was proposed by Indigenous people and has been developed over 15 years and 8 Prime Ministers.**
10. A Voice is the best solution for constitutional recognition of Indigenous Australians. It is a **practical and enduring way for Australia to recognise its first peoples.**

The points above are most important to communicate because they:

* reflect widely held values including self-direction, independence, choice over my own life, self-respect, freedom, and responsibility
* frame the idea as Indigenous-led, people-led/community-led (not a 'politicians’ idea)
* position First Nations people actively using the Voice to have a say over their future
* show real change and hope for a better future.

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# Q&A

## What is it?

#### What is the 2023 Referendum about?

* The referendum is to recognise Indigenous Australians in our founding legal document – the Australian Constitution,
* The new Australia has never formally recognised the old Australia and its 65,000 years of Aboriginal and Torres Strait Islander life. Yet **recognition is foundational to reconciliation**.
* Recognition of Indigenous Australians did not come with the Endeavour, or with the First Fleet on 26 January 1788. It did not come in 1901 when the Constitution was enacted, or after the 1967 referendum when we were counted.
* The first Australians did not get a say in the Constitution, and it contained clauses that explicitly excluded us. It continues to have divisive provisions based on outdated thinking about ‘race’.
* **Constitutional recognition through Voice is the reasonable and practical solution proposed by Indigenous people after many public policy processes** since 2007 considering all the options, including extensive Indigenous dialogues held across the country.
* Constitutional recognition through Voice will ensure Aboriginal and Torres Strait Islander peoples have a say on decisions that affect us. Giving us a say means we can help ensure things like job, education and health outcomes improve for our families and communities.
* The Constitution would be amended to require Parliament to establish an Indigenous advisory body, to guide Parliament and Government on laws and policies that impact the lives of Indigenous people.
* We need a Voice to build a partnership that directly links government to the experience and understanding of Indigenous Australians from local communities across our regions, so we can work together, including to close the gap.
* The constitutional amendment would be non-justiciable, which means the courts could not use it to strike down laws. This will respect parliamentary supremacy and uphold the Constitution, while empowering Indigenous communities with a Voice in our affairs.

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#### What is the Constitution?

* The Constitution of 1901 is Australia’s highest legal rule book. It is the power-sharing compact which created the federal government, the courts and the Australian nation. The Constitution contains the basic legal and political rules for how Australia is governed.
* The Constitution can only be changed by ‘double majority’ approval at a referendum. This means a majority of voters in at least four states, and a majority of voters nationally, must vote ‘yes’ in favour of the change.

#### When will the referendum happen?

* We do not know yet, but the Albanese government has confirmed it will be held in the second half of 2023.

#### What information is needed about the Voice before I vote?

* The referendum is not about the details of the Voice model. The details – what the Voice will look like, how the Voice will operate, and how Indigenous people will choose their Voice members – will be set out in legislation by the Parliament.
* The details do not go in the constitution, they belong in legislation so an Indigenous Voice can change and evolve as we all learn, and our partnership continues to develop.
* If the referendum succeeds, the fact of constitutional recognition Indigenous Australians through a new Voice partnership will be permanent. But Australia can continue to perfect its new Voice partnership using the parliament to make any legislative changes needed over time. Amending legislation is the job Parliament is paid to do.

#### What will be the benefits of constitutional recognition through Voice?

* The referendum is an important opportunity to finally recognise Indigenous Australians in the nation’s rulebook — the Australian Constitution — and create a better Australia for the benefit of us all.
* A Voice will link the local knowledge and experience of Aboriginal and Torres Strait Islander peoples so we can provide advice to parliament and government to improve outcomes.
* Indigenous communities know their needs and interests best, and each has needs different to other areas. For example, some remote communities in Queensland and the Northern Territory want community-specific alcohol bans. Needs relating to jobs, health, education and economic development are also influenced by unique place-based factors.
* A Voice will mean a shift from the current one-size-fits-all, top-down approach to a more empowering and collaborative partnership between Aboriginal and Torres Strait Islander peoples and governments. The current approach is not working.

#### What functions will the Voice have?

* A Voice can enable our voices to be heard from the ground up, so better outcomes can be achieved across our communities. It is in our families and local communities where change must occur.
* Local voices can enable a better partnership with government to drive implementation and delivery to improve outcomes.
* In each Voice region, enabling partnerships will support our local voices. It is at the regional level that approaches can be co-designed to ensure the unique needs of our different areas are met, for example to address employment barriers and create real job opportunities.
* In advising on legislation and headline policy, the National Voice can provide direct representation and a link to the experience and understanding of Indigenous Australians from local communities across our diverse Voice regions.

#### How did the proposal for constitutional recognition through Voice come about?

* The Voice proposal for constitutional recognition has been proposed by Indigenous people after 15 years of inquiries and engagement, including extensive Indigenous dialogues held across the country considering all the options.
* Indigenous people have called for constitutional recognition through Voice so we can have a say in decisions that affect us. It is our local communities that know what works best for their families and context.
* Constitutional recognition through a guaranteed Voice honours one of the key planks of the *Uluru Statement from the Heart*. The *Uluru Statement* was a culmination of 15 years of engagement, dialogue and collaboration among Aboriginal and Torres Strait Islander peoples on constitutional recognition, and emerged after:
* More than 1200 Aboriginal and Torres Strait Islander people, from all points of the southern sky, participated in 12 regional dialogues across the country to consider all the options.
* A final 2017 National Constitutional Convention at Uluru, when almost all of the 250 delegates endorsed constitutional recognition through a guaranteed Voice so we can have a say in decisions made about us.

This was the most proportionally significant consultation process of First Nations peoples that Australia has seen.

* Most people and politicians have agreed for a long period Australia’s 65,000-year-old Indigenous foundations should be recognised in the constitution.
* Aboriginal and Torres Strait Islander peoples have been clear, constitutional recognition must lead to practical changes and improve outcomes on the ground. The idea of merely symbolic constitutional recognition has previously been comprehensively rejected.

#### What will the Voice mean for Treaty?

* The Voice ensures we will have a seat at the table and can negotiate agreements with government.
* The *Uluru Statement* from the Heart calls for Voice, Treaty, Truth.
* The Australian Government has committed to supporting *Uluru Statement* in full.

#### What does the Voice mean for sovereignty?

* The *Uluru Statement* recognises that First Nations sovereignty, which is a matter of our lore, continues to exist alongside British legal sovereignty brought here.
* This Indigenous sovereignty cannot be taken away by the Australian people voting yes at the referendum in support of constitutional recognition. It will continue to exist.
* Constitutional recognition takes us forward. With constitutional recognition and a Voice our First Nations cultures and heritage will be included in our nation’s future, for the benefit of all.

#### Does constitutional recognition through Voice mean we aren’t all equal?

* No. Constitutional recognition through Voice does not give anyone more powers or rights. It does not constitute separate treatment on the basis of race.
* The Voice will formally recognise Aboriginal and Torres Strait Islander peoples as the first people of Australia through our national rulebook, the Australian Constitution.
* It will provide the foundations for a new partnership, ensuring Aboriginal and Torres Strait Islander peoples have a genuine say on the matters that impact our lives.
* When we finally and formally recognise Aboriginal and Torres Strait Islander peoples in the Australian Constitution, we are taking a positive step forward as a nation and putting in place a new partnership with the first peoples of Australia.
* Our claim is based on our being first peoples of this country, not on the basis of race. Aboriginal and Torres Strait Islanders are indigenous peoples, they are not a separate race. Our race is human, the same as all other Australians.

#### Is the Voice a third chamber of parliament?

* No. A Voice would exist outside of parliament, and it would have no veto.
* Constitutional law experts have confirmed that a Voice will not be a third chamber with powers to initiate, pass or reject legislation.
* The Voice will give advice to parliament about what is and isn’t working to improve the lives of Aboriginal and Torres Strait Islander peoples. **The power of a Voice to parliament will be collaborative and its advice will be non-binding.**
* The most important advice will come from Indigenous people on the ground in communities where laws and policies, services and programs have an impact on the day to day lives of our families.

#### What will the amendment to the Constitution say? Will voters get a say on the wording?

* The final wording is yet to be settled, but the proposed words are built around the *Uluru Statement from the Heart’s* concept that giving Aboriginal and Torres Strait Islander peoples a voice on decisions that affect us will produce better outcomes.
* The proposed constitutional amendment provides the three pieces of fundamental information needed for Australians to vote at the referendum:
* There will be a representative body set up by the Parliament called the Voice.
* It is an advisory body only.
* It is not justiciable (meaning the change does not empower the courts to strike down laws).
* It is up to the Australian people, not politicians, to approve the amendment to the Constitution.

## Why do we need this?

#### Why do we need a Voice?

* The referendum is an important opportunity to recognise Indigenous Australians in the nation’s rulebook — the Australian Constitution — and create a better Australia for us all.
* To improve outcomes, Indigenous people have been asking for a voice in our own affairs for a long time before the 2017 *Uluru Statement from the Heart*. Such calls were made by:
* petitioners of Flinders Island in the 1840s
* Yorta Yorta man William Cooper in petitions in 1887, and then in 1937 to King George V
* Yolŋu in their Barunga Statement bark petitions in 1988.
* We can all agree, the best way to support people is to listen to what they need. But as only around 3% of the population, Indigenous peoples struggle to be heard when parliament and government make laws and policy decisions affecting our lives and futures.

#### Why do we need a referendum to make this change?

* We need to constitutionally recognise Indigenous Australians in our nation’s birth certificate to build a strong partnership with Australia’s First Peoples, for the benefit of all.
* Constitutional recognition to guarantee the existence of the Voice will provide long-term security, so we can proceed together without fear of the Voice’s abolition.
* A change to the Constitution requires a referendum. With the operational details of the Voice set out in legislation, changes can be made from time to time as required.

#### If it is just an advisory body, then why do we need it in the Constitution?

* Enshrining the requirement for an Aboriginal and Torres Strait Islander Voice in the Constitution will ensure it remains a permanent part of our democracy.
* Previous advisory bodies, such as the Aboriginal and Torres Strait Islander Commission (ATSIC) and Indigenous Advisory Council, have been dissolved at the whim of the government of the day.
* As only around 3% of the population, currently Indigenous peoples struggle to be heard when parliament and government make laws and policy decisions affecting our lives and futures.

#### Why do Aboriginal and Torres Strait Islander people need special powers other people don’t have?

* A Voice doesn’t give anyone more powers or rights, it just ensures Aboriginal and Torres Strait Islander people get a say about issues that impact us. The Voice gives us the power of a real partnership and the ability to work in cooolabration.
* We currently do not have a say over the issues and policies that impact us, and outcomes are poor.

#### Referendums are rarely successful. Why are we bothering?

* The most successful referendum in Australian history was the 1967 referendum, which allowed the Commonwealth to make laws about Aboriginal people and include them in the census. More than 90% of Australians voted in favour.
* Most referendum questions that were defeated relate to federal-state financial arrangements or electoral reforms.
* Most people and politicians have agreed for a long period Australia’s 65,000-year-old Indigenous foundations should be recognised in the constitution.
* The Voice was proposed by Indigenous people, after work over 15 years, to ensure constitutional recognition leads to practical change and improved outcomes on the ground.

## How will it work?

#### How will the Voice work?

* A Voice will empower Aboriginal and Torres Strait Islander peoples to provide advice on laws and policies that affect us through a constitutionally recognised representative body.
* The Voice would consist of Aboriginal and Torres Strait Islander peoples from across the country and be separate from the Australian Parliament. It will not have any veto or decision-making power but is simply an avenue for advice to be directly provided by the people who know what works best on the ground in their communities where real change is needed.
* The ultimate design of the Voice will be determined by parliament. With the operational details of the Voice set out in legislation after the referendum. Changes to the Voice model can be made from time to time as required.
* The 2020-2021 Co-Design process chaired by Professors Marcia Langton and Tom Calma drew on feedback from more than 9400 Indigenous and non-Indigenous people and organisations to propose further details of the Voice.

#### How will the Voice benefit Aboriginal Australians in diverse communities across our regions?

* A Voice will ensure Aboriginal and Torres Strait Islander peoples can positively influence matters that affect us - all over Australia. This does not happen now.
* A Voice is something that Aboriginal and Torres Strait Islander peoples from all different communities have said we want.
* Local voices will be central because this is where the laws, policies and programs impact daily life.

#### How will these people be chosen? Will local voices be heard?

* The membership of the Voice will be representative of Aboriginal and Torres Strait Islander communities.
* Details have not been settled yet, but a Voice model will allow representatives to be chosen by local communities.
* Ensuring local voices are at the centre will enable a better partnership with government to drive implementation and delivery to improve outcomes.
* In each Voice region, enabling partnerships will support our local voices and regional community-controlled organisations will play an important role. It is at this level that approaches can be co-designed to ensure the unique needs of our different areas are met, for example to address employment barriers and create real job opportunities.
* In advising on legislation and headline policy, the National Voice can provide direct representation and a link to the experience and understanding of Indigenous Australians from local communities across our diverse Voice regions.
* The Voice can ensure for the first time Australia has a cohesive and integrated Indigenous affairs system where all levels of government — Commonwealth, states/territories and local — can work together in partnership with Indigenous people from the ground up to the national level to close the gap.

#### How will it address the real issues that affect people’s lives every day in Communities?

* The proposal for constitutional recognition through Voice has come from Aboriginal and Torres Strait Islander communities because it can improve practical outcomes and close the gap.
* The best way to help people is to ask them what they need and work in partnership to support the strategies they propose to address issues.
* Locally designed local voice arrangements will enable broad and inclusive participation of people on the ground in development planning and decision making in partnership with governments.
* Our Elders, elected, cultural, youth and family leaders can work directly with governments to achieve local priorities through the Voice partnership. E.g., local input into decision making about services can reduce duplication and waste by ensuring funding is better directed to meet community needs.

#### How will the government ensure the body hears from voices who don’t already have a platform in Australian public life?

* Our voices must be heard from the ground up, so better outcomes can be achieved for our families and communities.
* Local voices can enable a better partnership with government so those on the ground can drive implementation and delivery of the changes needed to solve the problems we face and seize opportunities.
* For the first time, a Voice enshrined in the Constitution will provide the structural change needed to connect Indigenous people on the ground with efforts to close the gap.

#### How will the Voice represent the many diverse communities of Aboriginal and Torres Strait Islander peoples?

* We want a Voice to ensure local Indigenous communities across all of Australia’s diverse regions can be heard.
* A Voice must provide direct representation and a link to the experience and understanding of Indigenous Australians from local communities across Voice regions.
* A Voice will be accountable to Indigenous people on the ground in their communities and regions.
* We want to ensure the primary influencing level for advice to Parliament will be the community level where real change is needed on the ground.

#### Shouldn't we focus on practical outcomes? Isn't this more bureaucracy?

* A Voice will improve practical outcomes by giving Indigenous people affected by decisions a say.
* A Voice is a practical and productive way forward that will bring governments and Indigenous people into a genuine partnership for the first time, where responsibility for closing the gap is shared.
* The status quo is not working. There are many examples of top-down, government-led approaches that are broken.
* We’ve had hundreds of years of non-Indigenous people and bureaucrats deciding what’s best for us. That has added bureaucracy and has not worked. A Voice can help remove useless and ineffective layers of bureaucracy we have now.

#### Will constitutional recognition through Voice divide people based on race?

* No. Constitutional recognition through Voice does not constitute separate treatment on the basis of race.
* Our claim is based on our being the first peoples of this country, not on the basis of race. Aboriginal and Torres Strait Islanders are indigenous peoples, they are not a separate race. Our race is human, the same as all other Australians.
* This is an opportunity to recognise Indigenous Australians in our nation’s ‘birth certificate’, the Constitution, and for us to build a strong partnership between governments and Australia’s First Peoples, for the benefit of all.

## Who will be involved?

#### Who will be eligible to serve on the body?

* Voice members at every level will be chosen by First Nations people based on the wishes of local communities.
* We want people who have consistently contributed to the hard work on the ground to be eligible for nomination and selection from our Voice regions right up to the National Voice. This would ensure a direct link at all levels to the work and importance of our local voices.

#### We already have elected Aboriginal people in parliament, doesn’t this provide a Voice?

* Aboriginal members of parliament do not hold in their hands the views of Aboriginal Australia – that is not why they have been elected to parliament. They represent their whole electorate and, generally, their respective political party.
* By establishing a Voice, a body will exist with a sole focus on partnering with Aboriginal and Torres Strait Islander families and communities.
* There is currently nothing that ensures our local voices are heard at every level for better decision making to improve practical outcomes.

# Background

* At Garma in 2022, Prime Minister Anthony Albanese announced there would be a 2023 referendum to enshrine a Voice in the Constitution of Australia.
* The Prime Minister Anthony Albanese has said:
* “The Voice will exist and endure outside of the ups and downs of election cycles and the weakness of short-term politics. It will be an unflinching source of advice and accountability.”
* “[The Voice is] not a third chamber, not a rolling veto, not a blank cheque.”, “But a body with the perspective and the power and the platform to tell the government and the parliament the truth about what is working and what is not.”
* “To tell the truth — with clarity, with conviction. Because a Voice enshrined in the Constitution cannot be silenced.”
* The government is yet to commit to a specific timing for the referendum but has confirmed it will be in the second half of 2023.

**The proposed constitutional amendment** has been devised through Indigenous input and leadership over a long period. At Garma the Prime Minister outlined a draft recommendation to add three sentences to the Constitution.

“In recognition of Australia’s Aboriginal and Torres Strait Islander peoples as the First Peoples of Australia:

1. There shall be a body, to be called the Aboriginal and Torres Strait Islander Voice.
2. The Aboriginal and Torres Strait Islander Voice may make representations to Parliament and Executive Government on matters relating to Aboriginal and Torres Strait Islander peoples.
3. The Parliament shall, subject to the Constitution, have power to make laws with respect to the composition, functions, powers and procedures of the Aboriginal and Torres Strait Islander Voice.”

**The question to be posed in the referendum** has not yet been settled, but the Prime Minister has suggested it should be a straightforward proposition such as:

“Do you support an alteration to the Constitution that establishes an Aboriginal and Torres Strait Islander Voice?”

# Things to avoid

* **Focusing on the negative**   
  Research shows negative framing works against the ‘YES’ campaign. It is more effective to emphasise the strengths, aspirations and contributions of individuals and communities, while acknowledging there is a lot of work to do and highlighting the need for a Voice to give Indigenous Australians a say in how to proceed.
* **Fairness**The research also shows the concept of “fairness” did not resonate well with voters. In focus groups 34% of people agreed that “overall, Aboriginal and Torres Strait Islander peoples have been treated fairly”. This indicates the challenges of fairness messaging even with some ‘YES’ voters. ‘Inclusion’ and ‘having a say’ are stronger and more uniting themes.
* **Attacking detractors**Do not attack detractors directly. Keep the debate respectful and positive. Refocus attention on positives about what the Voice can achieve if given a chance.
* **Strong language or negative labels**Avoid strong language such as “bigot” and “racist”. Refer to people and arguments against the Voice with softer terms such as “inaccurate'', “negative” or “unhelpful”.

# Knowledge links

Aboriginal and Torres Strait Islander Voice <https://voice.niaa.gov.au/>

Uluru Statement from the Heart <https://ulurustatement.org/>

From the Heart <https://fromtheheart.com.au/about/our-people/>

Uphold & Recognise <http://www.upholdandrecognise.com/>

Empowered Communities <https://empoweredcommunities.org.au/>

The Australian Constitution <https://www.aph.gov.au/constitutio>n