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Define powers and role of indigenous voice, says Pat Dodson

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Senator Pat Dodson. Picture: Kym Smith

The powers and role of an indigenous voice to parliament must be defined before Australians are asked to vote on it, according to the final report on the matter by a parliamentary joint select committee co-chaired by the father of reconciliation, Pat Dodson.

But the report tabled in parliament by Labor's Senator Dodson yesterday is also an argument for constitutional recognition and a constitutionally enshrined indigenous voice to the federal parliament, after the design of the voice is completed "in a timely manner".

The report removes any doubt that an indigenous voice to parliament will be part of any constitutional change, according to Mark Leibler, who co-chaired the Referendum Council and the Gillard government's expert panel that culminated in last year's Uluru Statement from the Heart.

"Following the government's earlier outright rejection of the voice, there is now unequivocal understanding that the voice to parliament is the only option for constitutional change in play because Aboriginal and Torres Strait Islander Australians are simply not interested in other options considered by the expert panel and the Referendum Council," Mr Leibler said.

Indigenous academic Marcia Langton, a member of the expert panel, said it was time to settle the terms of the question and the design of the voice and put the proposition to a referendum in the next term of government.

"It has been more than eight years and many formal committees and consultative processes," Professor Langton said.

"I agree with the recommendation that a panel of indigenous and non-indigenous experts should be appointed to settle these issues but the timeframe should be very short.

“We know what needs to be done because we have discussed and researched this for almost a decade.”

This would require fast work, according to Professor Langton, who described the full body of the report as “studded with landmines”. She said that for a referendum to be held in the next term of government, the design of the voice and the question must be settled by the beginning of the last parliamentary sitting session next year and a bill for the referendum tabled in that session.

In order for this to happen, the main elements need to be legislated in the first half of next year in one act that would include the design of the voice, the question and the timetable for the referendum. To do otherwise would attract the opprobrium of the -majority of indigenous people, she said.

The final report states: “In order to achieve a design for the voice that best suits the needs and aspirations of Aboriginal and Torres Strait Islander peoples, the committee recommends that the Australian government initiate a process of co-design with Aborig-inal and Torres Strait Islander peoples”.

Its second recommendation states: “The committee recommends that, following a process of co-design, the Australian government consider, in a deliberate and timely manner, legislative, executive and constitutional options to establish the voice.”

The Greens have tabled a minority report, disagreeing that the design of the voice should come first.

Senator Dodson said while it was Labor’s ambition to hold a referendum in the first term of a Shorten government, it would be imprudent to make it an election promise. He said it was a complex change to the Constitution that would require the wide consultation of indigenous communities.

“Aboriginal people are sick of being consulted with no action, I understand that, but if you are going to legislate something without their consent, it is probably not going to be the right thing and you are going to be imposing it on people,” Senator Dodson told *The Australian*.

A constitutionally enshrined voice, recommended by the federal government’s Referendum Council in last year’s Uluru Statement from the Heart, was rejected by the Turnbull government because of fears it would become a “third chamber of parliament”.