

LPA Executive Council Statement on Aboriginal and Torres Strait Islander Voice Referendum

July 2023



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Current as of 16 August 2023

Background

- A national referendum on the creation of an Aboriginal and Torres Strait Islander Voice will be held before the end of 2023 – probably in October 2023. The date of the referendum is yet to be announced by the Prime Minister.
- Federal Parliament passed legislation in June 2023 establishing the referendum – the [Constitution Alteration \(Aboriginal and Torres Strait Islander Voice\) 2023](#). The legislation passed by an absolute majority in both House of Parliament, allowing the proposal to be submitted to electors for approval in a referendum (s.128 of the Constitution).

- The referendum proposal is to insert a new section in the Constitution:

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

(i) there shall be a body, to be called the Aboriginal and Torres Strait Islander Voice;

(ii) the Aboriginal and Torres Strait Islander Voice may make representations to the Parliament and the Executive Government of the Commonwealth on matters relating to Aboriginal and Torres Strait Islander peoples;

(iii) the Parliament shall, subject to this Constitution, have power to make laws with respect to matters relating to the Aboriginal and Torres Strait Islander Voice, including its composition, functions, powers and procedures.

- To pass, the referendum must be secure a ‘double majority’ meaning that it is supported by a majority (more than 50 per cent) of all Australian voters, and a majority of voters in a majority of states (four of the six states)
- The timing of a referendum is similar to an election. The Governor General will issue a writ specifying the date the electoral rolls close, polling day (which must be a Saturday) and the date for writs to be returned.
 - Rolls close after 7 days of writ issued, polling occurs between 33 and 58 days later. There is provision for mobile and pre-poll voting.
- The Australian Electoral Commission (AEC) will distribute a pamphlet with a written argument for and against the passage of the referendum. Each household with an enrolled elector should receive the pamphlet not later than 14 days before polling day. These written arguments (no more than 2,000 words each) are to be authorised by a majority of parliamentary members who voted for or against the Referendum Bill, respectively.

The Australian Electoral Commission has now published the authorised cases for the Yes and No campaigns [online](#)

- Since Federation, only 8 of the 44 proposals for constitutional change have been approved. The most recent successful referendums were in 1977.
- A referendum is different to a plebiscite. A referendum is a vote to change the Constitution whereas a plebiscite is a vote on an issue of national significance but which does not change the Constitution (it has an advisory role).
 - There have only been four national plebiscites – on same sex marriage (2017) which was passed; the choice of a National Song in 1977 ('Advance Australia Fair' was preferred); and, two on conscription during World War 1 (both defeated).
- There is a [long and detailed background](#) to constitutional recognition for Aboriginal and Torres Strait Islander people, commencing with the Expert Panel on Constitutional Recognition which was established following a bipartisan commitment by the major parties to constitutional recognition at the 2007 election, and various reports and consultations since then.
 - 250 First Nations representatives called for a Voice through the [Uluru Statement from the Heart](#) which was issued in May 2017.
 - The Prime Minister in May 2022 committed to implementing the Uluru Statement from the Heart in full and proposed draft words for the referendum question at the Garma Festival in July 2022.
 - The constitutional amendment and principles of the Voice were released in March 2023, ahead of the introduction of the Bill and a Joint Select Committee inquiry report.

LPA Executive Council Statement

- Executive Council took a decision in late 2022 to support the [Uluru Statement from the Heart](#) – including *the establishment of a First Nations Voice enshrined in the Constitution*
- Executive Council will support the 'Yes' campaign in the proposed referendum to be held this year.
- Following feedback from LPA First Nations member companies, there have been a series of consultations with LPA members on ways to strengthen the voice of First Nations members within our own organisation.
- LPA engaged the Jumbunna Institute at UTS to assist with the consultation and presentation of a report on the way forward. This is currently under development.

LPA Executive Council Statement

The Executive Council of Live Performance Australia accepts the invitation of the Uluru Statement from the Heart to walk with First Nations people to create a better future.

As part of this journey, we support the establishment of an Aboriginal and Torres Strait Islander Voice enshrined in the Constitution so that the experiences, concerns and aspirations of First Nations people and communities are heard by Parliament and the Government.

We believe that the upcoming referendum is a unique opportunity for national reflection upon our past, and the creation of a new and respectful shared future through consultation and actions taken in the present.

As the national body which represents arts and entertainment companies that employ and collaborate with artists, performers, creative and technical workers across the breadth of our industry, Live Performance Australia is itself taking time to consult and contemplate how the voices of our First Nations companies and people can be better heard within our own organisation.

We acknowledge there is a diversity of views around the specific referendum proposal, including among First Nations people themselves. We encourage and support our members to engage in open and respectful conversation to make a personal, informed referendum decision.

We are privileged to continue a tradition of story-telling through theatre, dance and music which is part of a continuum on the country of the world's longest surviving Indigenous cultures.

We encourage our members to take up this historic opportunity to walk together towards a better future.

LPA media release

The Executive Council of Live Performance Australia (LPA), the peak body for Australia's live arts and entertainment industry, has announced its support for the 'Yes' case to amend the Constitution to establish an Aboriginal and Torres Strait Islander Voice.

The Executive Council is an elected body drawn from the LPA membership which includes organisations and businesses across the breadth of the arts and entertainment industry, including commercial and independent promoters and producers, performing arts companies, theatres, venues and performing arts centres, arts and music festivals, and allied industries and suppliers.

LPA President, Richard Evans AM, said: 'The referendum is an important opportunity to continue the work of reconciliation through recognising and listening better to First Nations people.'

Mr Evans said as the national industry body, LPA was also reviewing how the voices of its First Nations members can be better heard within the organisation.

"The Executive Council believes it has an important role to play in showing leadership on behalf of the Australian live arts and entertainment industry on an issue that is important to many of our members and their people.

"Support for the referendum proposal is a practical way of demonstrating our commitment to listening to First Nations people and an important step in building a better future for all Australians,' Mr Evans said.

Information Resources

This is a guide to additional resources which may support members on the referendum proposal for their internal and external communications activity.

Topic	Source	Description
Referendum proposal	Australian Government	<p>www.voice.gov.au</p> <p>National Indigenous Australians Agency (Australian Government) website offering various official resources on the referendum, including community toolkit resources (posters, infographics, fact sheets, social media) in English and community languages.</p> <p>First Nations resources, including First Nations language content (audio, video)</p>
Referendum voting and process	Australian Electoral Commission	<p>https://www.aec.gov.au/referendums/</p> <p>Yes and No authorised cases, voting and referendum information including how to enrol, vote and processes.</p>
Uluru Statement from the Heart	Uluru Dialogue / Indigenous Law Centre UNSW	<p>https://ulurustatement.org/</p> <p>Uluru Statement from the Heart text and previous dialogues and consultations; advocacy and education resources.</p>
Yes Campaign	Australians for Indigenous Constitutional Recognition	<p>https://yes23.com.au/</p> <p>'Yes' campaign site, includes advocacy resources, FAQs and campaign materials</p>
Governance issues	Australian Charities and Not for Profits Commission (ACNC)	<p>www.acnc.gov.au</p> <p>Charities may want to contribute to conversations taking place about the Australian Government's planned referendum on an Indigenous Voice to Parliament. They can make a valuable contribution. This information provides clarification on charity activities in the lead-up to the planned referendum.</p>

<p>Key issues & conversation guides</p>	<p><i>We are a group of three non-Indigenous and Indigenous academics, providing our answers to ten key questions arising in the Voice debate, where the answers are often confused and distorted by misinformation.</i></p>	<p><u>10 questions about the Voice to Parliament - answered by the experts (theconversation.com)</u></p>
	<p><i>The referendum is a national event, which requires conversations with both Indigenous and non-Indigenous people in Australia. These conversations should bear in mind Indigenous people will be impacted the most by the referendum and the debate around it. Yet, effective national engagement on the Voice also requires non-Indigenous people to see this as important to their lives.</i></p>	<p><u>https://theconversation.com/how-to-have-informed-and-respectful-conversations-about-indigenous-issues-like-the-voice-206093</u></p>
	<p><i>As the national peak body for the legal profession, the Law Council has a role in ensuring that the proposed amendment is sound and accurately understood. The Law Council's view that the Constitutional amendment as proposed is constitutionally orthodox, just, and legally sound.</i></p>	<p><u>The Referendum for an Aboriginal and Torres Strait Islander Voice - Law Council of Australia</u></p>

Member and other organisations statements

Further statements will be added to this list as they are published. Please send updates to mfrancis@liveperformance.com.au

- [Bangarra Dance Theatre](#)
- [Musica Viva Australia](#)
- [Circa Contemporary Circus](#)
- [Sydney Festival](#)
- [Sydney Dance Company](#)
- [Global Creatures](#)
- [Australian Institute of Company Directors](#)
- [University of Melbourne](#)
- [Law Council of Australia](#)

Authorised by E Richardson, Level 1, 15-17 Queen Street, Melbourne, VIC 3000