



An indigenous Voice to the Commonwealth parliament: a discussion paper

Introduction

Members of the Presbyterian Church will be aware that there is a proposal to amend the Constitution to establish an indigenous Voice to the Commonwealth Parliament. This paper aims to give resources to help think through this issue.

This paper has been prepared by the Church and Nation Committee of the Presbyterian Church of Victoria.

The Church and Nation Committee of the Presbyterian Church of Australia, with permission of the Victorian Committee, has decided to circulate this paper to the national church. Both Committees recognise that a view of “The Voice” is not directly implied by biblical teaching and is not something on which the institutional church ought to take a position either for or against.

Nevertheless, it is a prominent and divisive issue in Australian public life which Christians are likely to have to vote on in the upcoming referendum. Christians should prayerfully exercise their vote in an informed way. As such, the Committees consider that it would be helpful to provide guidance to the church.

The *Westminster Confession of Faith* states as follows:

Synods and councils are to handle, or conclude nothing, but that which is ecclesiastical: and are not to intermeddle with civil affairs which concern the commonwealth, unless by way of humble petition in cases extraordinary; or, by way of advice, for satisfaction of conscience, if they be thereunto required by the civil magistrate (31.5).

The committee has prepared this document in order to assist the church to think through an important question of public policy. The committee considers that in so doing it is not intermeddling with civil affairs but providing advice to Christians and the church, consistent with the proper role of the institutional church.

Approaching the issue

When approaching an issue such as this, it is important to draw a clear distinction between matters that are clearly taught by Scripture or can be deduced by good and necessary consequence from biblical teaching (see WCF 1.6) and matters that are not.

While the Bible contains principles that are relevant in general terms to the proposed Voice, given that it is concerned for love for neighbour, justice and reconciliation, it does not prescribe one particular manner of implementing love or justice. God has not spoken clearly and authoritatively as to the appropriateness or otherwise of the Voice. In the committee’s opinion, this means that this is very much a wisdom decision, and there is not one single position that is compatible with biblical teaching.

Approaching the issue as a matter of wisdom does not mean the issue is unimportant, but it does mean that Christians should not treat the issue as a matter of orthodoxy or

biblical faithfulness. There is room for legitimate disagreement, and Christians should approach the matter in the spirit of Romans 14:

Why do you pass judgment on your brother? Or you, why do you despise your brother? For we will all stand before the judgment seat of God; for it is written, 'As I live, says the Lord, every knee shall bow to me, and every tongue shall confess to God.'

So then each of us will give an account of himself to God (Romans 14:10–12).

Christians should carefully and prayerfully weigh the arguments for and against, with humility, recognising the fallibility of human wisdom.

In this paper the Committee aims to engage in a balanced discussion of the key arguments both for¹ and against the Voice,² without seeking to dictate to any person how they should vote or purporting to represent the official position of the Presbyterian Church. Much has been written about the Voice and the committee does not intend to discuss the issues exhaustively.

Outline of the proposal for a Voice

It is proposed that a Voice be established in order to provide advice to the Australian Parliament and government about matters affecting indigenous people.

To implement the Voice it is proposed that the Constitution will be amended to include high level principles relating to the Voice, and that this would empower the Commonwealth Parliament to enact legislation setting out such things as the composition and powers of the body.

The Australian people will be asked to vote as to whether they approve an alteration which would insert the following new chapter into the Constitution:

Chapter IX Recognition of Aboriginal and Torres Strait Islander Peoples 129 Aboriginal and Torres Strait Islander Voice

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;

¹ Key sources include Gabrielle Appleby and Ron Levy, "Indigenous Voice: Practical and Symbolic Reasons for Change", *The Australian*, 18 February 2023; Shireen Morris, *A First Nations Voice in the Australian Constitution* (Hart, 2020); Megan Davis and George Williams, *Everything you need to know about the referendum to recognise indigenous Australians* (NewSouth Publishing, 2015); Michael Jensen, 'The Voice: A Christian Consideration', *The Gospel Coalition Australia*, 16 June 2023 <https://au.thegospelcoalition.org/article/the-voice-a-christian-consideration>.

² Key sources include Keith Windschuttle, "The Yes and No Cases for Constitutional Change", *Quadrant*, 6 June 2022 <<https://quadrant.org.au/opinion/aborigines/2022/06/the-yes-and-no-cases-for-constitutional-change>>; Mark Powell, "'No' means no: the sensible case against the Voice", *Spectator Australia*, 8 February 2023 <<https://www.spectator.com.au/2023/02/no-means-no-the-sensible-case-against-the-voice>>; James Allan, "What Does 'The Voice' Mean?", FamilyVoice seminar, 23 February 2023; Stephen Chavura, 'Michael Jensen's Christian defence of the Voice to Parliament: A Christian critique', *ABC Religion and Ethics*, 26 June 2023 <https://www.abc.net.au/religion/stephen-chavura-christian-critique-of-voice-to-Parliament/102523242>.

- (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.

The proposed changes to the Constitution are deliberately non-prescriptive because amendments are rarely made to the Constitution, and, if made, are almost certain to be permanent. Legislation that sets out the detail of the Voice, by contrast, can be amended or repealed by Parliament. The proposed changes are intended to enable flexibility with the legislative detail.

The heart of the issue

Indigenous constitutional recognition is sometimes advocated for symbolic reasons, in order to recognise indigenous peoples as the First Nations of Australia. In the committee's view, the argument that a Voice should be inserted into the Constitution for symbolic reasons is not sufficient justification. This is because symbolic recognition of indigenous people could be inserted into the preamble of the Constitution without the need to create a body to make representations to Parliament. To justify a Voice it is necessary to demonstrate that in addition to its symbolic value a Voice is likely to lead to better outcomes as a whole when considering various interests, one example being practical benefits and better outcomes for indigenous people.

Indigenous people already have opportunities to participate in decision-making and law-making processes that affect them. Other minority and disadvantaged groups have no special representation in the policy-making process.

Therefore, in the committee's opinion, whether the Voice is desirable comes down to the following questions:

- Do indigenous people warrant unique mechanisms for representation and input into policy development?
- Are the current mechanisms for indigenous representation and input into the policy-making process adequate?
- Will the Voice lead to better practical and policy outcomes for indigenous people?
- Is the Voice moral or immoral in principle?
- What are the potential impacts of the Voice for Australia as a whole?

Theological concerns with the Uluru Statement from the Heart

One important aspect of the background to the Voice is the Uluru Statement from the Heart, made in 2017. The Uluru Statement calls "for the establishment of a First Nations Voice enshrined in the Constitution".

Some Christians have expressed concerns relating to the content of the Uluru Statement. For example, the Uluru Statement states that Aboriginal and Torres Strait Islander tribes "were the first sovereign Nations of the Australian continent and its adjacent islands", and that 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.

Christians will rightly reject any concept of “mother nature” divorced from God the Creator, and also reject pagan spiritual concepts of sovereignty. Given this background, some Christians are concerned that the Voice would be likely to introduce pagan spiritual concepts into the Australian constitutional system.

A counter argument is that the proposed amendments to the Constitution do not contain any mention of spiritual or sovereignty issues, although the explanatory memorandum to the proposed referendum Bill expressly references the Uluru Statement. While some proponents advocate the Voice on the basis of non-Christian spiritual beliefs, many Voice proponents are likely not motivated by such beliefs. Voting in favour of the Voice does not commit a person to accepting all the reasons which motivate others for supporting the Voice. As an analogy, a Protestant Christian could make common cause with a Roman Catholic in attending an anti-abortion rally; this would not commit the Protestant to everything promoted by the Roman Catholic Church. It should also be noted that constitutional recognition of First Peoples will provide the courts with a basis upon which to conclude that indigenous peoples possess a kind of sovereignty, grounded in their spiritual relationship to the land.

One key question for Christians, therefore, is whether amending the Constitution to include an indigenous Voice would be likely to entrench pagan spiritual concepts in the Australian constitutional system.

From exclusion to inclusion: Indigenous people should have a say in matters that affect them

Probably the strongest argument in favour of the Voice is as follows:

A First Nations constitutional voice would move Australia from constitutional exclusion of Indigenous peoples, to constitutional inclusion. The continent of Australia was colonised by the British without Indigenous consent. This colonisation wrought dispossession, destruction and discrimination for Indigenous peoples, the effects of which are still being felt today. Indigenous peoples were omitted from the constitutional negotiations that gave rise to the Australian nation and were not afforded a fair place in the resulting constitutional compact. They were explicitly excluded from the Constitution, which has presided over extensive discrimination against them.³

According to Shireen Morris, a First Nations Voice would positively reform the unfair power relationship between Indigenous peoples and the state. She considers that there is a powerful moral argument that the First Nations should be ensured a specific say in the political decisions made about them and their rights.⁴

As put by Sydney Anglican minister Michael Jensen: “putting the Voice in the Constitution is an act of deep respect. It has the benefit of constitutional recognition, but it adds more: it says to our neighbours ‘Not only do we recognise you, but we will listen to you, especially when it comes to matters concerning you.’”⁵

Law professors Gabrielle Appleby and Ron Levy argue as follows:

³ Shireen Morris, *A First Nations Voice in the Australian Constitution* (Hart, 2020) 241–2.

⁴ Shireen Morris, *A First Nations Voice in the Australian Constitution* (Hart, 2020) 249–51.

⁵ Michael Jensen, ‘The Voice: A Christian Consideration’, *The Gospel Coalition Australia*, 16 June 2023 <https://au.thegospelcoalition.org/article/the-voice-a-christian-consideration>.

The voice is an opportunity for Aboriginal and Torres Strait Islander people to participate in decision-making and law-making processes that affect them. It's not the granting of special property rights, cultural rights or the creation of separate legal systems. Under the voice proposal, these rights and claims can still only be granted, amended or even repealed by the Parliament, which represents all Australians.⁶

Former Chief Justice of the High Court Robert French argues as follows:

The Voice proposal is a once in a lifetime opportunity for Australia to fill a gaping hole in our Constitution — to recognise our first history and the First Peoples who bear it and the painful legacy of its collision with the second history of colonisation. The high return against low risk is that The Voice will provide a practical opportunity for First Peoples to give informed and coherent and reliable advice to the Parliament and the Executive to assist them in law and policy making in one of the most difficult areas of contemporary government. It empowers First Peoples and the Australian people as a whole to acknowledge, address and move forward from the legacy of their colliding histories.⁷

Against this, others argue that there is already a high level of indigenous representation in and to Parliament. In general terms, all people may participate through the mechanisms of representative democracy whereby we can elect our MPs, make submissions to government inquiries, etc.

Beyond this, indigenous MPs have been elected to the federal Parliament at a higher proportion of the population than non-indigenous people in recent elections. There are Indigenous Affairs ministers at the state and federal levels who regularly liaise with Indigenous organisations. Advisory bodies have also been established to advise on indigenous matters, including:

- The National Indigenous Australians Agency, whose role includes providing advice to the government on policy priorities for indigenous peoples, and “to ensure Aboriginal and Torres Strait Islander peoples have a say in the decisions that affect them”.
- The Prime Minister’s Indigenous Advisory Council, whose role is to “provide advice to the Government on Indigenous affairs, and will focus on practical changes to improve the lives of Aboriginal and Torres Strait Islander people”.

It is apparent that indigenous people already have extensive opportunities to participate in decision-making and law-making processes that affect them. One of the main differences is that the referendum would entrench the existence of the Voice in the Constitution.

Therefore, for this argument to be persuasive two things would have to be demonstrated:

- Indigenous people warrant unique mechanisms for representation and input into policy given the unique historic connection of indigenous people with Australia, and the disadvantage and alienation which has arisen as a result of European settlement; and
- The current mechanisms for indigenous representation and input into the policy-making process are inadequate.

⁶ Gabrielle Appleby and Ron Levy, “Indigenous Voice: Practical and Symbolic Reasons for Change”, *The Australian*, 18 February 2023.

⁷ <https://www.auspublaw.org/first-nations-voice/the-voice-a-step-forward-for-australian-nationhood>.

Improved practical outcomes

The second core argument in favour of the Voice is that it will lead to improved policy outcomes for indigenous people. Shireen Morris asserts:

A constitutionally guaranteed Indigenous voice in Indigenous affairs will help improve policy-making and thus outcomes. Addressing this is urgent. Indigenous people experience worse outcomes in life expectancy, incarceration, suicide, family violence, employment and education than other Australians. This day-to-day vulnerability arising from extreme disadvantage is caused, exacerbated and perpetuated by Indigenous constitutional powerlessness.⁸

Gabrielle Appleby and Ron Levy argue:

The voice achieves recognition but also provides a forum through which Indigenous expertise can improve policy outcomes. The voice offers a change to the Constitution that is targeted at practical outcomes. It's a new representative body in the Constitution that will facilitate political participation for Aboriginal and Torres Strait Islander people, with the goal of improving government and parliamentary decision-making. It will provide a mechanism through which their experience will inform, and improve, outcomes. The voice is very much about good governance — the wise use of public resources.⁹

Against this, James Allan argues that the Voice will not remedy the practical problems facing aboriginal people. Instead, what needs to be addressed are the cultural, moral, educational and social issues which will not be remedied by constitutional change.¹⁰

Keith Windschuttle argues:

There is no credible empirical evidence that mentioning Aborigines in the Constitution would improve their health. The claim is speculation by a lobby group of psychiatrists, who claim it would improve Aboriginal self-esteem. The gesture would be largely irrelevant to the 80 per cent of Aboriginal people who are now well integrated into mainstream Australia, mostly in the suburbs of the major cities and larger regional centres. And it would go completely unnoticed in the emergency departments of hospitals in central and northern Australia where, because of the failed policy of isolating indigenous people in remote communities, Aboriginal women and child victims of Aboriginal violence and sexual abuse are grossly over-represented.¹¹

Whether or not a Voice will in any way lessen the practical problems facing indigenous Australians is one of the key issues, as acknowledged by advocates of the Voice.¹² For this argument to be persuasive, it would have to be demonstrated that the Voice will provide additional mechanisms for representation and input into policy

⁸ Shireen Morris, *A First Nations Voice in the Australian Constitution* (Hart, 2020) 247.

⁹ Gabrielle Appleby and Ron Levy, "Indigenous Voice: Practical and Symbolic Reasons for Change", *The Australian*, 18 February 2023.

¹⁰ James Allan, "What Does "The Voice" Mean?", FamilyVoice seminar, 23 February 2023.

¹¹ Keith Windschuttle, "The Yes and No Cases for Constitutional Change", *Quadrant*, 6 June 2022 <<https://quadrant.org.au/opinion/aborigines/2022/06/the-yes-and-no-cases-for-constitutional-change>

¹² Megan Davis and Gabrielle Appleby, "Narrow Reform Means Voice Vote Without Practical Benefits", *The Australian*, 25 February 2023, 20 ("The success of the referendum to constitutionally enshrine a First Nations voice is going to turn in large part on convincing the Australian people that this is a reform that will deliver positive, practical change in the lives of Aboriginal and Torres Strait Islander people, and improve the future for all Australians").

development than those currently available, and that these will lead to improved policy outcomes for indigenous people.

We do not know the detail

Many matters relating to the Voice have not been settled, such as who will be part of the Voice, how it will work in practice, how it will relate to Parliament, what its powers will be and what matters it will be authorised to advise on. Some argue that voting in favour of the Voice is giving a blank cheque to the government.

On the one hand, any proposed constitutional amendment will only set out the broad detail of the Voice and it will be for Parliament to determine the detail of the body's composition and powers. When enacting legislation Parliament will be subject to the usual mechanisms of public debate and democratic accountability. On the other hand, it is reasonable that we have a clear idea as to exactly what is being proposed before being asked to vote at a referendum, and so there is an argument that we should be fully informed before voting.

The Voice will enshrine 'race' into the Constitution

Some argue that the Voice will constitutionally enshrine racial divisiveness. Stephen Chavura argues that the Voice entrenches the idea of two separate and opposed nations, which will dissuade Indigenous Australians from integrating into mainstream Australian culture. For Chavura, "The Voice is nothing more than new constitutionally enshrined rights (to make direct representations to Parliament prior to any legislation, to stand for office in the Voice machinery, to vote for representatives in the Voice) to be enjoyed only by Australians who identify with a particular race".¹³

James Allan argues that there are no examples of democracies that do well when they introduce racial distinctions among the people and that the political reality is often very different from the outcome promised by the theoretical models implemented.¹⁴

Mark Powell argues that the Uluru Statement (which underlies the Voice) will enshrine 'race' into the Constitution and is based on a "Cultural Marxist paradigm of race based upon an imbalance of 'power' and 'struggle'". This distorts race relations by a paradigm of power, such that the disadvantaged race cannot achieve justice until the balance of power is equalised. In Powell's view, this will diminish the moral agency of Aboriginal people by projecting all current social problems that exist within Indigenous communities onto how they were treated by Europeans historically. This means that Aboriginal people are merely victims of previous injustices.¹⁵

The counter-argument is that the Constitution already "enshrines the concept of race", in arguably even more objectionable terms than proposed by the Voice. Section 51(xxvi) of the Constitution gives the Commonwealth Parliament the power to make laws with respect to "the people of any race for whom it is deemed necessary to make special laws". Section 25 provides:

... if by the law of any State all persons of any race are disqualified from voting at elections for the more numerous House of the Parliament of the State, then,

¹³ Stephen Chavura, 'Michael Jensen's Christian defence of the Voice to Parliament: A Christian critique', *ABC Religion and Ethics*, 26 June 2023 <https://www.abc.net.au/religion/stephen-chavura-christian-critique-of-voice-to-Parliament/102523242>.

¹⁴ James Allan, "What Does "The Voice" Mean?", FamilyVoice seminar, 23 February 2023.

¹⁵ Mark Powell, "'No' means no: the sensible case against the Voice", *Spectator Australia*, 8 February 2023 <<https://www.spectator.com.au/2023/02/no-means-no-the-sensible-case-against-the-voice>>.

in reckoning the number of the people of the State or of the Commonwealth, persons of that race resident in that State shall not be counted.

The Commonwealth Parliament already possess the power to make laws conferring rights which are “to be enjoyed only by Australians who identify with a particular race”. In other words, the Constitution, in sections 25 and 51(xxvi), currently “enshrines race in the Constitution”.

Thus, the counter-argument to this objection is that the Voice would be comparable to what already exists in the Constitution, which has not led to two separate and opposed nations.

Treaty and reparations

Stephen Chavura argues that “the Voice, by its own testimony, is a mere stepping-stone to a treaty, something that will prove to be one of the most controversial and divisive issues in Australia’s history”. He goes on to argue:

It is also important to know that the Voice, once instituted, will pursue a treaty because the treaty will prove to be incredibly controversial and hardly conducive to national peace and reconciliation. Furthermore, it is naïve to think that, if obtained, a treaty will be the end of controversies. Questions will then be raised about the size of the land granted, the rights, if any, of non-Indigenous Australians who may presently be on that land, and the amount of reparations money allocated.¹⁶

The Uluru Statement calls for “a Makarrata Commission to supervise a process of agreement-making between governments and First Nations and truth-telling about our history”, which supports the argument that there will be calls for a treaty.

The counter argument to this objection is that it seems likely that there will be calls for a treaty regardless of whether or not the Voice is accepted by the Australian people. Implementing the Voice is unlikely to guarantee that a treaty will in fact occur, although it may lend significant impetus to the push for a treaty.

The Voice would undermine our system of government

Mark Powell argues that the Voice will undermine the three existing arms of government:

The current Constitution of Australia involves three distinct but complementary limbs of government: the legislative (Parliament), the judiciary (Courts), and the executive (The Queen, through her representative the Governor-General). However, TUSH [the Uluru Statement from the Heart] seeks to introduce a fourth arm into this mix: an Indigenous Voice, with substantive constitutional change and structural reform.¹⁷

Powell considers that the introduction of a Voice would disturb the functioning of our system of government.

The counter-argument is that this seems very unlikely. The current proposal is that the Constitution will be amended such that the Voice “*may* make representations to

¹⁶ Stephen Chavura, ‘Michael Jensen’s Christian defence of the Voice to Parliament: A Christian critique’, *ABC Religion and Ethics*, 26 June 2023 <https://www.abc.net.au/religion/stephen-chavura-christian-critique-of-voice-to-Parliament/102523242>.

¹⁷ Mark Powell, “‘No’ means no: the sensible case against the Voice”, *Spectator Australia*, 8 February 2023 <<https://www.spectator.com.au/2023/02/no-means-no-the-sensible-case-against-the-voice>>.

Parliament and the executive government on matters relating to Aboriginal and Torres Strait Islander peoples”. There is no requirement for the Voice to make representations, and no requirement that the Parliament, or the executive, must accept those representations or even take them into account. Parliament retains the ultimate power to legislate as it sees fit. Were the legislation implementing the Voice to require the Parliament to accept the Voice’s representations, this would likely be constitutionally invalid.

Proponents argue that the Voice is unlikely to disturb the fundamental structures of the Constitution or the power of Parliament. Shireen Morris argues that a First Nations constitutional Voice fits with the central organising values of the Australian Constitution by providing a political constitutional guarantee, not one that is enforceable in the courts.¹⁸ Appleby and Levy argue that the Voice leaves our existing democratic and governance systems in place, operating within our established Westminster traditions of democracy.¹⁹

Judicial activism

James Allan argues that the Voice would inevitably lead to judicial activism and creative interpretations by the High Court.²⁰ It is of course impossible to predict how the High Court would interpret the provisions of the Constitution relating to the Voice.

The High Court has emphasised on numerous occasions that its role in constitutional interpretation is to interpret the text of the Constitution according to the plain meaning of its terms, determining the meaning of a provision objectively from the language used. When interpreting the Constitution, the High Court typically (although not always) resists reading matters in that are not expressly stated in the text.

The provisions that are proposed to be inserted into the Constitution are modest and intended to leave significant flexibility to the political branches of government. They confer power on Parliament and do not impose any mandatory duties or obligations. Former Chief Justice of the High Court Robert French has argued that “there is little or no scope for any court to find constitutional legal obligations in the facilitative and empowering provisions of the amendment”.²¹

The Voice proposal certainly raises complex legal issues. Law professors Nicholas Aroney and Peter Gerangelos have argued that inserting a new Chapter IX into the Constitution would create the potential for constitutional implications, for example it could be held that the Voice has power to make representations to the entirety of the executive branch of government, introducing considerable uncertainty into government decision-making.²²

Other arguments

A politically viable proposal: Morris argues that a Voice is the most politically viable proposal and is likely to be the only proposal that can succeed in a recognition referendum.²³ This is not really an argument for the Voice, but an argument that, of all

¹⁸ Shireen Morris, *A First Nations Voice in the Australian Constitution* (Hart, 2020) 249–51.

¹⁹ Gabrielle Appleby and Ron Levy, “Indigenous Voice: Practical and Symbolic Reasons for Change”, *The Australian*, 18 February 2023.

²⁰ James Allan, “What Does “The Voice” Mean?”, FamilyVoice seminar, 23 February 2023.

²¹ <https://www.auspublaw.org/first-nations-voice/the-voice-a-step-forward-for-australian-nationhood>.

²² Nicholas Aroney and Peter Gerangelos, ‘Submission to the Joint Select Committee on the Aboriginal and Torres Strait Islander Voice Referendum’, p 3.

²³ Shireen Morris, *A First Nations Voice in the Australian Constitution* (Hart, 2020) 251.

the proposals for indigenous constitutional recognition, the Voice is the most politically feasible proposal that also enables effective indigenous representation to government.

Human rights compliance: Morris argues that implementation of a First Nations Voice would support compliance with the UN Declaration on the Rights of Indigenous Peoples, which provides that “Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures”.²⁴ Others argue precisely the opposite, namely that the Voice would “would risk placing this country in breach of international law”.²⁵ For this argument to be persuasive, it would have to be demonstrated that the current mechanisms for indigenous representation and input into the policy-making process are inadequate and that the Voice will redress these inadequacies.

International experience: It has been argued that a Voice would be consistent with the approach taken in other countries such as New Zealand, Canada, Norway and Sweden.²⁶ Whether this is a persuasive argument depends on the extent to which indigenous constitutional recognition and political participation has led to improved outcomes for indigenous peoples in those countries and has had a beneficial outcome for those countries overall.

There is no single indigenous voice: It has been argued that indigenous people do not have a single viewpoint, and so having a single Voice falsely assumes a uniformity of opinion among indigenous Australians. There is a risk that the Voice may purport to represent indigenous views when many indigenous people may disagree with the positions advocated for by the Voice body. The counter argument is that this is not a problem unique to the Voice but is inherent with representative institutions. There may, nevertheless, be value in having a body which can debate issues relating to indigenous people and formulate proposals for input into the policy development process.

Some practical steps

Over the next few months ‘The Voice’ will feature prominently in political discussion. Above all else, on divisive issues like this one which people have strong opinions both for and against, we should strive to maintain unity among Christians, given that the referendum question before us is not something on which the Bible compels a clear position.

Here are some practical suggestions of how we as Christians can respond to this issue, both individually and within our congregations:

1. Take time to study both sides of the debate. Both sides of the Voice debate agree that the referendum will present voters with a historic choice for the future of Australia. Christians should therefore be prepared to devote the time necessary to consider the issue carefully.

2. Commit time to prayer. As Christians, we should approach the issue prayerfully, asking the Lord both to grant his people wisdom and to oversee a just and beneficial outcome. We should pray particularly for:

²⁴ Shireen Morris, *A First Nations Voice in the Australian Constitution* (Hart, 2020) 252–4.

²⁵ Chris Merritt, ‘Voice Risks Australia Breaching Human Rights Obligations’, Rule of Law Institute, 5 April 2023 <<https://ruleoflawaustralia.com.au/commentary/voice-risks-australia-breaching-human-rights-obligations>>.

²⁶ Shireen Morris, *A First Nations Voice in the Australian Constitution* (Hart, 2020) 241; Gabrielle Appleby and Ron Levy, “Indigenous Voice: Practical and Symbolic Reasons for Change”, *The Australian*, 18 February 2023.

- a) those who are leading each side of the debate that they will speak truthfully and act graciously;
- b) the Aboriginal community and indigenous Christians which are particularly impacted by this debate;
- c) all Australians, that they will form their views on the Voice based on good information and with genuine concern for the flourishing of our nation; and
- d) mutual respect among church members during this difficult debate, so that divergent views on the Voice may not become a point of conflict within our congregations.

3. Trust in God. While the Voice referendum will mark an important milestone in our national life, Christians should also keep it in perspective. Structures of government do not irrevocably determine the future of our nation. We should trust God, especially when we foresee difficult circumstances. Whatever the outcome for which we vote, and whatever the result of the referendum, we should continue 'humbly relying on the blessing of Almighty God' (in the words of the preamble to the Australian Constitution). Matters of politics and government are penultimate, not ultimate.