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9 November 2022

The Hon Mr Anthony Albanese MP
Prime Minister of Australia
Parliament House
Canberra
ACT 2600

Dear Mr Albanese

Thank you for your commitment to holding a referendum on 'the Voice' in the next financial year, during the first term of your government.

Today, like many Australians, I heard Professor Megan Davis and Pat Anderson AO speak at the National Press Club.

Professor Davis made a number of points which now require close attention.

Speaking of your proposed wording for the constitutional change which you announced at the Garma Festival on 30 July 2022, she said, 'It's not set in stone, but it's a good beginning.'

When asked about the Opposition Leader's failure to commit at this stage of the process, she said, 'That's in some way the job of an Opposition, to raise these questions. Questions about detail are perfectly legitimate questions.'

Professor Davis insisted that the First Nations leaders of the Uluru dialogues had decided to 'leave the politics for the politicians'. She told the national audience that from their discussions with Opposition members, 'There's strong support from members of the LNP.'

As a non-Indigenous Australian with a longtime commitment to constitutional recognition, could I put two suggestions:

1. Now is the time to set up a parliamentary committee process allowing anyone and everyone to have their ‘say’ on the proposed words of amendment to place in the Constitution.

Even if the parliamentary committee were to conclude that your Garma formula was the appropriate formula, this would be a worthwhile and necessary exercise as it would transform the formula from (a) the government’s suggestion in consultation with First Nations leaders and their advisers, to (b) the parliament’s proposal to be put to the Australian people.

Such a process would also allow heightened scrutiny of any proposed wording, minimising the risk of unintended consequences.

Such a process would enhance the prospect of buy-in and ownership by the Federal Opposition and all other parties in the Parliament. You will recall that Noel Pearson in his first Boyer Lecture referred to your Garma proposal and then said, ‘We know the nation’s leader must be joined by all his counterparties in the federal parliament’. If not now, when?

2. Now is the time to return to formal bipartisan co-operation between the Prime Minister and the Leader of the Opposition so as to maximise the prospect of Coalition support for the referendum.

You will recall that on 17 September 2014 Prime Minister Tony Abbott and Leader of the Opposition Bill Shorten met to discuss constitutional recognition after which Mr Shorten said, ‘It needs to be bipartisan, it needs to be meaningful, and it needs to be something which all Australians can get behind and say, “At last, we are going to let our constitution catch up to the world we live in.”’

Then on 19 March 2015, Mr Abbott agreed to convene a meeting with Mr Shorten and key indigenous leaders. That meeting then took place at Kirribilli House on 5 July 2015. They jointly agreed to a way forward.

The Referendum Council was then jointly appointed by the new Prime Minister Malcolm Turnbull and Bill Shorten on 7 December 2015. On 20 October 2016, Messrs Turnbull and Shorten then approved the way forward for the Referendum Council to proceed.

Then on 25 November 2016 Messrs Turnbull and Shorten met with the four Aboriginal members of parliament (Labor members Patrick Dodson, Linda Burney and Malarndirri McCarthy and Liberal member Ken Wyatt), and Noel Pearson after a meeting of the Referendum Council when Mr Pearson ‘said that he was expecting the Uluru conference to recommend that there be a change to the Constitution to establish “a Voice”, which would be a national advisory assembly composed of and elected by Aboriginal and Torres Strait Islander peoples.’

After community consultations and the publication of the Uluru Statement from the Heart, Messrs Turnbull and Shorten announced on 1 March 2018 their agreement on the scope of a new parliamentary committee that would seek to find common ground and work towards a successful referendum on Indigenous recognition in the Constitution.

Your predecessors as Prime Minister and as Leader of the Opposition displayed a level of bipartisanship on process for advancing this matter – a level not usual in other matters of public policy. It is needed once again if there is to be any prospect of deciding a formula of words for insertion into the Constitution which is acceptable to the key First Nations leaders, the Government and the Opposition. Without the support of all three, you know that there is no realistic prospect of ‘the Voice’ being inserted in the Constitution.

I wish you well in this exercise of national statesmanship. It is now 15 years since Prime Minister John Howard placed constitutional recognition on the national agenda. For the good of our First Nations peoples, for the good of public administration and for the good of the nation, it is essential that this matter now be brought to timely successful resolution. In my humble opinion, that cannot be done without your government now taking the prompt initiative to call the Opposition to the table.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Frank Brennan', with a stylized flourish at the end.

Fr Frank Brennan SJ AO