

# FACT SHEET



New South Wales  
Aboriginal Land Council

## Referendum process – Australian Government commitment to implement the Uluru Statement from the Heart

The Australian Government is committed to implementing the *Uluru Statement from the Heart*, which includes a call for the establishment of a First Nations Voice enshrined in the Australian Constitution.

The Australian Constitution is the set of rules by which Australia is run. It came into effect on 1 January 1901.

The Constitution can only be changed with the approval of the Australian people.

To meet this commitment, a referendum will be held in this term of Federal Parliament to enshrine an Aboriginal and Torres Strait Islander Voice in the Australian Constitution.

### What is a referendum?

A referendum is a vote of the Australian people to change the Australian Constitution.

A proposed change must be approved by the Federal Parliament and then be voted on by Australians in a referendum.

### What is the Voice proposal?

On 30 July 2022, Prime Minister Anthony Albanese announced draft words for a constitutional amendment on an Aboriginal and Torres Strait Islander Voice, and proposed a draft question to be put to the Australian people at a referendum.

The draft words to be added to the Constitution are:

*'There shall be a body, to be called the Aboriginal and Torres Strait Islander Voice.*

*The Aboriginal and Torres Strait Islander Voice may make representations to Parliament and the Executive Government on matters relating to Aboriginal and Torres Strait Islander peoples.*

*The Parliament shall, subject to this Constitution, have power to make laws with respect to the composition, functions, powers and procedures of the Aboriginal and Torres Strait Islander Voice.'*

The draft referendum question is:

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

These words will form the basis for further consultation. See: <https://voice.niaa.gov.au/#>

### Is it compulsory to vote in a referendum?

Yes.



**A Bill is passed by Federal Parliament**

- A bill outlining proposed changes to the Constitution must be passed by the Federal Parliament
- Referendum held 2 - 6 months after the bill is passed

**Information provided to voters**

- The Australian Electoral Commission (AEC) is responsible for running referendums, including distributing information outlining the proposed changes to the constitution

**Australians vote**

- On polling day, there will be polling places set up at schools and other public buildings. There will also be pre-poll and postal voting options
- If voters agree with the proposed change, they write 'yes' on the ballot paper. If voters do not agree with the proposed change, they write 'no'

**Referendum result**

- A referendum is passed if it approved by a majority of voters across Australia, and a majority of voters in a majority of States. This is known as a 'double majority'. Territory voters are only counted in the national majority
- If a referendum is successful, the change is made to the Constitution



Uluru Statement from the Heart



The Australian Constitution

*This document paper provides general information only, and is current as of 1 December 2022. While all care has been taken in the preparation of this document it is not a substitute for legal advice or individual consideration of the issues. For more information please contact NSWALC Strategy & Policy Unit on 02 9689 4444 or [policy@alc.org.au](mailto:policy@alc.org.au)*