

Thursday, 8 July 2021

Australia urged to take measures to improve outcomes for Aboriginal and Torres Strait Islander peoples

All comments to be attributed to Law Council President, Dr Jacoba Brasch QC.

“Australia’s appearance at the UN Human Rights Council on Thursday 8 July, in which a formal response to the recommendations received during the third cycle Universal Periodic Review (UPR) will be presented, puts a spotlight on Indigenous rights during NAIDOC Week.

The Law Council of Australia believes that it is imperative that First Nations peoples are heard on the issues that affect them, particularly at the federal level, and calls on Australia to enshrine a First Nations Voice to Parliament in the Constitution; take immediate measures to address the overincarceration of First Nations peoples; and raise the minimum age of criminal responsibility to at least 14 years.

The Law Council urges the Australian Government to clearly commit to the constitutional entrenchment of the Voice, as called for in the Uluru Statement from the Heart and the subsequent recommendations of the Referendum Council.

A referendum is needed as soon as possible and, importantly, prior to legislating the Voice.

It is important that the Voice have legitimacy and authority with First Nations peoples if it is to fulfill its promise as a truly representative and effective body. First Nations peoples must also be assured that the Voice is everlasting and respected, and that it cannot be abolished by an act of parliament or at the whim of the government of the day.

This can only occur through constitutional entrenchment.

Achieving the Voice is key to ensuring that progress is made on addressing entrenched inequalities experienced by Indigenous Australians.

Meanwhile the Law Council considers Australia’s [statement](#), indicating a commitment to ensuring that Commonwealth law provides the right protections for First Nations peoples’ cultural heritage, is a significant step forward in improving outcomes for Aboriginal and Torres Strait Islander peoples.

As stated in recent submissions regarding the destruction of the Juukan Gorge, the Law Council looks forward to working with the Australian Government to achieve this objective and calls for the Minister for Indigenous Australians to have portfolio responsibility for this legislation.”

ENDS

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