

# REFERENDUM PROPOSAL: AN INDIGENOUS VOICE TO PARLIAMENT

INFORMATION AND GUIDELINES  
FOR CATHOLIC SCHOOLS



**Catholic  
Schools  
NSW**

As part of the Australian Government's commitment to implement the [Uluru Statement from the Heart](#) (Uluru Statement), a referendum will be held on 14 October 2023 to enshrine [an Aboriginal and Torres Strait Islander Voice](#) (the Voice) in the Australian Constitution. It is suggested that the Voice will be an 'independent, representative advisory body for First Nations people' providing a permanent means to advise the Australian Parliament and the Government Executive on the views of Indigenous peoples 'on matters that affect them.' [The referendum question and constitutional amendment](#), along with the [design principles](#) of the Voice, have been released by the Australian Electoral Commission.

Catholic Schools NSW has developed this brief as a general guide for school and system leaders in observing relevant compliance considerations, engaging with the school community, and obtaining related resources.

# MATTERS FOR CONSIDERATION: COMPLIANCE

## NOT-FOR-PROFIT GUIDELINES FOR CHARITIES

All Catholic schools in NSW, as registered charities with the Australian Charities and Not-for-profit Commission (ACNC), must be not-for-profit, have a charitable purpose and comply with the ACNC's specific Governance Standards. All Catholic schools in NSW are registered as charities with the ACNC with two charitable purposes: (i) to advance education, and (ii) to advance religion (the Catholic Faith). The relevant ACNC Governance Standards are:

### STANDARD 1:

this requires registered charities to demonstrate they were set up as a 'not-for-profit' and are run as a not-for-profit working towards their charitable purpose – the purpose set out in its governing document, e.g., the school's constitution, rules or trust deed. Political advocacy is not part of a school's charitable purpose.

### STANDARD 5:

this sets out the duties that apply to the responsible persons for a school, including the duty to act honestly and fairly in the school's best interests and for its charitable purpose.

The ACNC has [restated](#) this advice with specific instructions on charities undertaking advocacy on the Voice.

## SECTION 83C OF THE EDUCATION ACT 1990 (NSW)

Similarly, under Section 83C of the Education Act 1990 (NSW), a school must not use its assets (defined as an economic resource that may depreciate in value over time) or income (defined as money or other forms of consideration received periodically from the provision of property, goods or services, investments, gifts, donations, grants, financial assistance or any other gain obtained from the use of a school's assets or its proprietor's assets) 'for any purpose other than for the operation of the school'. For example, a school should not donate income or financially support organisations promoting 'Yes' or 'No' to the Voice.

## SCHOOL FUNDRAISING AND DONATIONS

A school may make donations to other parties provided those donations do not contravene the requirements of section 83C of the Education Act 1990 (in addition to the ACNC's governance standards). To demonstrate compliance, donations must be:

- related to the education of the school's students;
- collected from fundraising activities that are separate or discrete from a proprietor's or school's normal sources of income (such as parent fees or government financial assistance); and
- recorded as a third-party transaction and donated in a transparent manner that clearly records the beneficiary and the purpose of the donation.

Schools considering donations and fundraising should seek further advice from the Australian Charities and Not-for-profits Commission before proceeding on 13 22 62, by email at [advice@acnc.gov.au](mailto:advice@acnc.gov.au), or by visiting their website at <http://www.acnc.gov.au>.

# ADVOCACY CONSIDERATIONS

## TEACHING ABOUT THE VOICE

Schools can engage their students in educational activities that consider various aspects of the Voice, including how the Voice may or may not function. Teaching on the Voice for educational purposes might include:

- The history of the concept of the Voice.
- The intended roles for the Voice, arguments for **and** against.
- Issues relating to the role of the Voice, e.g., advice given to the executive government.
- How the Voice might relate to local and state governments.
- Alternative pathways to the Voice (non-constitutional).

Engagement should be balanced for the purpose of assisting students to develop their own views on the Voice proposal, in the best traditions of free inquiry and discovery.

## A RANGE OF OPINIONS

The [most recent statement](#) from the Australian Catholic Bishops Conference on the Voice called for **'a meaningful debate on the issue, acknowledging that people may, in good faith, have differing concerns and perspectives'**. There are various opinions on the Voice and the referendum, with legal experts, politicians, political parties, Indigenous Australians, and other organisations both in support and opposition. Others, such as Catholic and legal experts [Father Frank Brennan](#) and Professor [Greg Craven](#), support the concept of a Voice but have previously raised objections or alternatives as to what the proposed constitutional amendment and the referendum question could or should look like. Given the referendum's importance and its potential impacts, consideration should be given to the possibility of strong emotions and differing opinions within a school community and the importance of respect for all.

# FURTHER MATERIALS AND RESOURCES

For ease of reference, set out below is a non-exhaustive list of government announcements, reports and other material significant to the Uluru Statement from the Heart and the Voice:

- [Indigenous Voice Co-design Process: Final Report to the Australian Government](#) (The Calma-Langton report)
- [Final report - Joint Select Committee on Constitutional Recognition Relating to Aboriginal and Torres Strait Islander Peoples](#)
- [October 2022-23 Budget commitments and costings of implementing the Uluru Statement](#)
- [Section 83C Not For-Profit Guideline for schools](#)
- [Not-For-Profit Governance Compliance Self-Check Tool](#)
- The Australian Catholic Bishops Conference has commented on issues relating to Indigenous peoples. See [The Heart of Our Country: Dignity and justice for our Indigenous sisters and brothers](#)
- Pope Saint Paul VI's comments on Indigenous Australians from the first papal visit to Australia
- Pope Saint John Paul II's address to Indigenous Australians
- Pope Benedict XVI's [comments](#) on Indigenous Australians.