

**From:** [Rosalind Croucher](#)  
**To:** [Lorraine Finlay](#)  
**Subject:** RE: Draft Opinion Piece [SEC=OFFICIAL:Sensitive]  
**Date:** Sunday, 26 March 2023 5:07:31 PM  
**Attachments:** [Ensuring that All Voices Are Heard \(26 March 2023\) RC.docx](#)

---

Hi Lorraine

I have marked up some suggested modest edits.

s 47C, s 47E

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Regards  
Ros

---

**From:** Lorraine Finlay <xxxxxxxx.xxxxxx@xxxxxxxxxxxxx.xxx.xx>  
**Sent:** Sunday, March 26, 2023 4:27 PM  
**To:** Rosalind Croucher <xxxxxxxx.xxxxxx@xxxxxxxxxxxxx.xxx.xx>  
**Subject:** Draft Opinion Piece

Dear Ros,

Thank you for the discussion earlier. I have greatly valued your counsel and reflections on this. It is something that I have been giving a great deal of thought since the Commission Statement was published a few days ago.

I have attached the draft opinion piece. I will obviously continue to reflect on the next steps, but given the publication of the statement I do feel as though it is necessary for me to ensure that my views are clear. I am proposing to pitch the attached piece tomorrow, and think the best approach is to do this independently so that it does not conflict the Media team. I am open to any feedback you might have, although I would request that the draft not be shared beyond yourself (noting that I would intend to follow the usual practice if anything is going to be published or circulating to the wider Commissioner group ahead of time).

Kind regards,  
Lorraine.

**Lorraine Finlay**  
**Human Rights Commissioner**

**Australian Human Rights Commission**  
Level 3, 175 Pitt Street, Sydney NSW 2000  
GPO Box 5218, Sydney NSW 2001  
T +61 2 9284 9814 | F +61 2 9284 9611  
E [xxxxxxxx.xxxxxx@xxxxxxxxxxxxx.xxx.xx](mailto:xxxxxxxx.xxxxxx@xxxxxxxxxxxxx.xxx.xx) | W [www.humanrights.gov.au](http://www.humanrights.gov.au)

**From:** [Rosalind Croucher](#)  
**To:** [Lorraine Finlay](#)  
**Subject:** OVernight reflections [SEC=UNCLASSIFIED]  
**Date:** Monday, 27 March 2023 7:34:03 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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s 47C, s 47E

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Ros

**Emeritus Professor Rosalind Croucher AM FAAL FRSA FACLM(Hon) TEP  
President**

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E [rosalind.croucher@humanrights.gov.au](mailto:rosalind.croucher@humanrights.gov.au) | W [humanrights.gov.au](http://humanrights.gov.au)

Human rights: everyone, everywhere, everyday



Lorraine >



That would be great.

Wed, 29 Mar at 7:38 pm

Hi Ros. I hope that tonight went well. I've just had confirmation from The Australian they are going to run the op-ed tomorrow. I am available tonight if you wanted to touch base. As previously discussed, I am going to circulate now to the Commissioners, Leanne & Tracey as per our usual process for op-eds. Thanks, Lorraine.

I appreciate the heads-up. Did you take on board my suggested edits?

The majority of them.

s 22



iMessage



**From:** [Lorraine Finlay](#)  
**To:** [Anne Hollonds](#); [Ben Gauntlett](#); [Chin Tan](#); [June Oscar](#); [Kate Jenkins](#); [Kay Patterson](#); [Leanne Smith](#); [Rosalind Croucher](#)  
**Cc:** [Tracey Young](#)  
**Subject:** Opinion Piece for Tomorrow  
**Date:** Wednesday, 29 March 2023 7:56:00 PM  
**Attachments:** [Ensuring that All Voices Are Heard \(Final\).docx](#)  
[image001.gif](#)

---

Good evening all.

I have attached an opinion piece that The Australian will be printing tomorrow. It has only been recently confirmed this evening that it will be published.

I am aware that this is a sensitive piece, and am available if anybody would like to discuss it directly with me. Following on from the Commission's statement being published – and consistently with the views that I expressed in our meetings about that statement – I felt that it was important for me to clarify my position (and have discussed this with both Ros and Leanne before submitting the piece for publication).

Kind regards,  
Lorraine.

**Lorraine Finlay**  
**Human Rights Commissioner**

**Australian Human Rights Commission**  
Level 3, 175 Pitt Street, Sydney NSW 2000  
GPO Box 5218, Sydney NSW 2001  
**T** +61 2 9284 9814 | **F** +61 2 9284 9611  
**E** [xxxxxxx.xxxxxx@xxxxxxxxxxx.xxx.x](mailto:xxxxxxx.xxxxxx@xxxxxxxxxxx.xxx.x) | **W** [www.humanrights.gov.au](http://www.humanrights.gov.au)



We acknowledge the traditional custodians of this land, the Gadigal peoples of the Eora Nation, and pay our respects to their Elders, past, present and future.

*The Commission supports flexible working arrangements, and I am sending this message at a time that is convenient to me and my work schedule.  
It is not my expectation that you read, respond or follow up on this email outside your hours of work.*

## Ensuring that All Voices are Heard

Within hours of the Prime Minister announcing the proposed wording for the upcoming Voice referendum the Australian Human Rights Commission published a statement on its website affirming its support for the proposed establishment of an Indigenous Voice to Parliament.

The statement acknowledged that there will be a diversity of views among the Australian community about the Voice proposal. What it did not acknowledge is that there is not a unanimous view within the Commission itself.

While I have great respect for the perspectives and knowledge that my Commissioner colleagues bring to this conversation, I hold a different view on this issue. The Aboriginal and Torres Strait Islander Voice is a proposal that I have significant doubts about in its current constitutional form.

The idea that all Australians should have a voice in our democracy should not be controversial. But the constitutional amendment being proposed goes beyond this basic principle.

As a former constitutional law academic I know just how much the details matter when it comes to any constitutional amendment. In this case, the few details that we have been given make clear that this is not, as some have called it, a modest proposal.

There are two aspects in particular that take this proposal well beyond being a minimalist model, and make it one that would instead fundamentally alter our existing constitutional framework.

The first is the extension of the Voice to include representations to not only the Parliament but also to the Executive Government. This substantially increases the risks of bureaucratic complexity, legal uncertainty, and judicial activism.

Peter Conran AM – a former Commonwealth Cabinet Secretary – has expressed the view that a constitutionally entrenched voice to executive government is ‘unworkable’.

The second is the guarantee that the Voice may make representations ‘on matters relating to Aboriginal and Torres Strait Islander peoples’. This wording goes beyond matters having special significance to Aboriginal and Torres Strait Islander peoples, and also beyond ‘matters which would affect their rights’ which is the form of words used in describing the right to self-representation under Article 18 of the UN Declaration on the Rights of Indigenous Peoples (‘UNDRIP’). It is difficult to think of an issue that would be beyond the scope of the Voice in its proposed form, as surely every law or policy of general application would be considered to be ‘matters relating to’ indigenous Australians in the same way as they are matters relating to all other Australians.

The third clause of the proposed constitutional amendment is said to provide a safety mechanism by ensuring that it is the Parliament which will ultimately determine the form of the Voice. However, the clause itself makes clear that the power of Parliament here is ‘subject to this Constitution’. This must necessarily include being subject to the clause immediately above, which states that the Voice ‘may make representations to the Parliament and the Executive Government of the Commonwealth on matters relating to Aboriginal and Torres Strait Islander peoples’.

A straightforward reading of this second clause suggests that the questions of to whom and about what the Voice may make representations are locked into the Constitution. Which means that while Parliament may tinker around the edges, it would not be able to validly make a law that would diminish those aspects of the Voice specifically built into the Constitution itself.

Exactly where that line is drawn will be for the High Court to decide. Once that decision is made there is no democratic recourse through the Parliament if the Voice turns out to be something entirely different from that which Australians thought they were agreeing.

My doubts arise not only from the constitutional aspects of the proposal but also the challenges of reconciling this proposal with foundational human rights principles. When looking at the Voice from an international human rights perspective advocates have tended to focus on UNDRIP and particularly the right to self-representation under Article 18. However, these rights do not exist in isolation. They are part of a broader international human rights framework that is based on foundations of equality and non-discrimination.

Article 1 of the Universal Declaration of Human Rights tells us that ‘all human beings are born free and equal in dignity and rights’. UNDRIP itself expressly provides that it does not authorize any action which would impair the ‘political unity of sovereign and independent States’ and that its provisions should be interpreted in accordance with the principles of equality and non-discrimination.

The draft wording that has been announced goes beyond ensuring that Aboriginal and Torres Strait Islander peoples have a right to participate in decision making that affects them. It inserts race into the Australian Constitution in a way that undermines the foundational human rights principles of equality and non-discrimination and creates constitutional uncertainty in terms of its interpretation and operation.

My message is simple. You can believe passionately in human rights, equality, and the importance of reconciliation and decide – based on your very belief in the importance of those principles – to vote no.

A constitutional referendum is always an occasion of significance. Over the coming months I would encourage all Australians to think carefully about this proposal and what it will mean. But – even more importantly – I would encourage all Australians to ensure that our conversations about the Voice are conducted in good faith and that different views are respected.

Every Australian must be free to make up their own mind about voting yes or no.

Lorraine Finlay  
Human Rights Commissioner  
(29 March 2023)

**From:** [Michael Badorrek](#)  
**To:** [Tracey Young](#); [Mark Franklin](#)  
**Subject:** s 47C  
**Date:** Thursday, 30 March 2023 7:55:24 AM

---

s 47C



**From:** [Rosalind Croucher](#)  
**To:** [Leanne Smith](#); [Michael Badorrek](#); [Tracey Young](#); [Mark Franklin](#); [Darren Dick](#)  
**Subject:** Re: Opinion Piece for Tomorrow [SEC=UNCLASSIFIED]  
**Date:** Thursday, 30 March 2023 8:21:15 AM  
**Attachments:** [image002.png](#)

---

Thanks Michael

Darren and I have read the hard copy at the lounge. Immediately below is a piece from Shireen Morris **s 47C, s 47E**

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**From:** Leanne Smith <leanne.smith@humanrights.gov.au>  
**Sent:** Thursday, March 30, 2023 7:32:34 AM  
**To:** Michael Badorrek <michael.badorrek@humanrights.gov.au>; Tracey Young <tracey.young@humanrights.gov.au>; Rosalind Croucher <rosalind.croucher@humanrights.gov.au>; Mark Franklin <mark.franklin@humanrights.gov.au>; Darren Dick <darren.dick@humanrights.gov.au>  
**Subject:** Re: Opinion Piece for Tomorrow [SEC=UNCLASSIFIED]

Ok, thanks for the update.

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---

**From:** Michael Badorrek <michael.badorrek@humanrights.gov.au>  
**Sent:** Thursday, March 30, 2023 7:31:41 AM  
**To:** Tracey Young <tracey.young@humanrights.gov.au>; Rosalind Croucher <rosalind.croucher@humanrights.gov.au>; Mark Franklin <mark.franklin@humanrights.gov.au>; Leanne Smith <leanne.smith@humanrights.gov.au>; Darren Dick <darren.dick@humanrights.gov.au>  
**Subject:** Re: Opinion Piece for Tomorrow [SEC=UNCLASSIFIED]

Hi All...just to follow on from this **s 47C, s 47E**

**[REDACTED]**

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**From:** Tracey Young <tracey.young@humanrights.gov.au>  
**Sent:** Thursday, March 30, 2023 7:09:00 AM  
**To:** Rosalind Croucher <rosalind.croucher@humanrights.gov.au>; Mark Franklin <mark.franklin@humanrights.gov.au>; Leanne Smith <leanne.smith@humanrights.gov.au>; Michael Badorrek <michael.badorrek@humanrights.gov.au>; Darren Dick <darren.dick@humanrights.gov.au>  
**Subject:** Re: Opinion Piece for Tomorrow [SEC=UNCLASSIFIED]

Hi all, Lorraine emailed me and the media inbox to let us know that **s 47F** producer called her directly this morning seeking an interview about her piece. Lorraine told her she wasn't available.

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**From:** Rosalind Croucher <rosalind.croucher@humanrights.gov.au>  
**Sent:** Thursday, March 30, 2023 6:47 am  
**To:** Mark Franklin <mark.franklin@humanrights.gov.au>; Leanne Smith <leanne.smith@humanrights.gov.au>; Tracey Young <tracey.young@humanrights.gov.au>; Michael Badorrek <michael.badorrek@humanrights.gov.au>; Darren Dick <darren.dick@humanrights.gov.au>  
**Subject:** RE: Opinion Piece for Tomorrow [SEC=UNCLASSIFIED]

s 47C, s 47E

[Redacted]

[Redacted]

[Redacted]

**Emeritus Professor Rosalind Croucher AM FAAL FRSA FACLM(Hon) TEP  
President**

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We acknowledge the traditional custodians of this land, the Gadigal peoples of the Eora Nation, and pay our respects to their Elders, past, present and future.

---

**From:** Mark Franklin <mark.franklin@humanrights.gov.au>  
**Sent:** Wednesday, March 29, 2023 10:02 PM  
**To:** Rosalind Croucher <rosalind.croucher@humanrights.gov.au>; Leanne Smith

<xxxxxx.xxxxx@xxxxxxxxxxxx.xxx.xx>; Tracey Young <tracey.young@humanrights.gov.au>;  
Michael Badorrek <xxxxxxx.xxxxxxxx@xxxxxxxxxxxx.xxx.xx>; Darren Dick  
<xxxxxxx.xxxx@xxxxxxxxxxxx.xxx.xx>

**Subject:** Re: Opinion Piece for Tomorrow

Thanks, Leanne for sending through that material from Darren on the international guidance. I've tweaked the statement a bit in light of it and re-ordered the paragraphs.  
Mark~

s 47C  
[Redacted]

[Redacted]

[Redacted]

[Redacted]

---

**From:** Mark Franklin <[xxxx.xxxxxxxx@xxxxxxxxxxxx.xxx.xx](mailto:xxxx.xxxxxxxx@xxxxxxxxxxxx.xxx.xx)>  
**Sent:** Wednesday, 29 March 2023 9:13 PM  
**To:** Rosalind Croucher <[xxxxxxxx.xxxxxxxx@xxxxxxxxxxxx.xxx.xx](mailto:xxxxxxxx.xxxxxxxx@xxxxxxxxxxxx.xxx.xx)>; Leanne Smith  
<[xxxxxxx.xxxxx@xxxxxxxxxxxx.xxx.xx](mailto:xxxxxxx.xxxxx@xxxxxxxxxxxx.xxx.xx)>; Tracey Young <[xxxxxxx.xxxxx@xxxxxxxxxxxx.xxx.xx](mailto:xxxxxxx.xxxxx@xxxxxxxxxxxx.xxx.xx)>;  
Michael Badorrek <[xxxxxxx.xxxxxxxx@xxxxxxxxxxxx.xxx.xx](mailto:xxxxxxx.xxxxxxxx@xxxxxxxxxxxx.xxx.xx)>; Darren Dick  
<[xxxxxxx.xxxx@xxxxxxxxxxxx.xxx.xx](mailto:xxxxxxx.xxxx@xxxxxxxxxxxx.xxx.xx)>  
**Subject:** Re: Opinion Piece for Tomorrow

I've done a number of versions but have landed on this...

s 47C  
[Redacted]

s 47C

[Redacted]

---

**From:** Rosalind Croucher <xxxxxxxxxxxxxxxx@xxxxxxxxxxx.xxx.xx >  
**Sent:** Wednesday, 29 March 2023 9:06 PM  
**To:** Leanne Smith <xxxxxx.xxxxx@xxxxxxxxxxx.xxx.xx >; Tracey Young <xxxxxx.xxxxx@xxxxxxxxxxx.xxx.xx >; Mark Franklin <xxxx.xxxxxxxxx@xxxxxxxxxxx.xxx.xx >; Michael Badorrek <xxxxxx.xxxxx@xxxxxxxxxxx.xxx.xx >; Darren Dick <xxxxxx.xxxxx@xxxxxxxxxxx.xxx.xx >  
**Subject:** Re: Opinion Piece for Tomorrow

Yes. I've copied in Darren to get the words right. I think the distinction I've made hits the issue well-- NHRI vs what you vote -- I drew the words from the concluding observations and Darren might suggest better wording  
Ros

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---

**From:** Leanne Smith <xxxxxx.xxxxx@xxxxxxxxxxx.xxx.xx >  
**Sent:** Wednesday, March 29, 2023 9:03 pm  
**To:** Tracey Young <xxxxxx.xxxxx@xxxxxxxxxxx.xxx.xx >; Mark Franklin <xxxx.xxxxxxxxx@xxxxxxxxxxx.xxx.xx >; Michael Badorrek <xxxxxx.xxxxx@xxxxxxxxxxx.xxx.xx >; Rosalind Croucher <xxxxxx.xxxxx@xxxxxxxxxxx.xxx.xx >  
**Subject:** Fwd: Opinion Piece for Tomorrow

Thank you Ros. Could this form the basis of a public statement?  
We should be ready for abc breakfast.

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**From:** Rosalind Croucher <xxxxxxxxxxxxxxxx@xxxxxxxxxxx.xxx.xx >  
**Sent:** Wednesday, 29 March 2023, 8:52 pm  
**To:** Lorraine Finlay <xxxxxxxx.xxxxx@xxxxxxxxxxx.xxx.xx >; Anne Hollonds <xxxx.xxxxxxxxx@xxxxxxxxxxx.xxx.xx >; Ben Gauntlett <xxx.xxxxxxxxx@xxxxxxxxxxx.xxx.xx >; Chin Tan <xxxx.xxx@xxxxxxxxxxx.xxx.xx >; June Oscar <xxxx.xxxxx@xxxxxxxxxxx.xxx.xx >; Kate Jenkins <xxxx.xxxxx@xxxxxxxxxxx.xxx.xx >; Kay Patterson

<xxx.xxxxxxxx@xxxxxxxxxx.xxx.xx >; Leanne Smith <xxxxxx.xxxxx@xxxxxxxxxx.xxx.xx >

**Cc:** Tracey Young <xxxxxx.xxxxx@xxxxxxxxxx.xxx.xx >; Leanne Smith <xxxxxx.xxxxx@xxxxxxxxxx.xxx.xx >

**Subject:** Re: Opinion Piece for Tomorrow

Dear Commissioners

As June, Chin and I are the agreed spokespersons on this, Tracey will assist us with responses, if asked.

Constitutional recognition to ensure Australia fully complies with the positive obligation to recognise our First Peoples and to fully protect their rights to effective participation is what the international obligations require. Supporting that is our institutional responsibility as the national human rights institution .

You may each make your own choices in the referendum.

Our responsibility as the NHRI is clear.

Ros

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---

**From:** Lorraine Finlay <xxxxxx.xxxxx@xxxxxxxxxx.xxx.xx >

**Sent:** Wednesday, March 29, 2023 7:56:44 PM

**To:** Anne Hollonds <xxxx.xxxxxxx@xxxxxxxxxx.xxx.xx >; Ben Gauntlett

<xxx.xxxxxxxx@xxxxxxxxxx.xxx.xx >; Chin Tan <xxxx.xxx@xxxxxxxxxx.xxx.xx >; June Oscar

<xxxx.xxxxx@xxxxxxxxxx.xxx.xx >; Kate Jenkins <xxxx.xxxxxxx@xxxxxxxxxx.xxx.xx >; Kay

Patterson <xxx.xxxxxxxx@xxxxxxxxxx.xxx.xx >; Leanne Smith

<xxxxxx.xxxxx@xxxxxxxxxx.xxx.xx >; Rosalind Croucher

<xxxxxx.xxxxxxx@xxxxxxxxxx.xxx.xx >

**Cc:** Tracey Young <xxxxxx.xxxxx@xxxxxxxxxx.xxx.xx >

**Subject:** Opinion Piece for Tomorrow

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I have attached an opinion piece that The Australian will be printing tomorrow. It has only been

recently confirmed this evening that it will be published.

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Kind regards,  
Lorraine.

**Lorraine Finlay**  
**Human Rights Commissioner**

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GPO Box 5218, Sydney NSW 2001

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**Australian  
Human Rights  
Commission**

*everyone, everywhere, everyday*

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*The Commission supports flexible working arrangements, and I am sending this message at a time that is convenient to me and my work schedule.*

*It is not my expectation that you read, respond or follow up on this email outside your hours of work.*

**From:** [Rosalind Croucher](#)  
**To:** [Darren Dick](#); [Tracey Young](#); [Michael Badorrek](#); [Leanne Smith](#); [Mark Franklin](#)  
**Subject:** Re: Opinion Piece for Tomorrow [SEC=OFFICIAL]  
**Date:** Thursday, 30 March 2023 8:34:35 AM

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Page 5 also continues the story from page 1 and refers to LF : ‘appointed to her role by the Morrison government and was a former Liberal candidate, had previously assisted in a 2021 Institute of public Affairs advertising saying it would divide Australians on the basis of race’

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**From:** Darren Dick <xxxxxx.xxxx@xxxxxxxxxxx.xxx.xx>  
**Sent:** Thursday, March 30, 2023 8:27:30 AM  
**To:** Tracey Young <xxxxxx.xxxx@xxxxxxxxxxx.xxx.xx>; Michael Badorrek <xxxxxx.xxxx@xxxxxxxxxxx.xxx.xx>; Leanne Smith <leanne.smith@humanrights.gov.au>; Mark Franklin <xxxx.xxxxxxx@xxxxxxxxxxx.xxx.xx>; Rosalind Croucher <xxxxxx.xxxx@xxxxxxxxxxx.xxx.xx>  
**Subject:** Re: Opinion Piece for Tomorrow [SEC=OFFICIAL]

The shireen morris piece placed directly under Lorraine’s in the physical paper **s 47E**

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**From:** Tracey Young <xxxxxx.xxxx@xxxxxxxxxxx.xxx.xx>  
**Sent:** Thursday, March 30, 2023 7:31:09 AM  
**To:** Darren Dick <xxxxxx.xxxx@xxxxxxxxxxx.xxx.xx>; Michael Badorrek <xxxxxx.xxxx@xxxxxxxxxxx.xxx.xx>; Leanne Smith <leanne.smith@humanrights.gov.au>; Mark Franklin <xxxx.xxxxxxx@xxxxxxxxxxx.xxx.xx>; Rosalind Croucher <xxxxxx.xxxx@xxxxxxxxxxx.xxx.xx>  
**Subject:** RE: Opinion Piece for Tomorrow [SEC=OFFICIAL]

Here you go.

---

**From:** Darren Dick <xxxxxx.xxxx@xxxxxxxxxxx.xxx.xx>  
**Sent:** Thursday, March 30, 2023 7:17 AM  
**To:** Tracey Young <xxxxxx.xxxx@xxxxxxxxxxx.xxx.xx>; Michael Badorrek <xxxxxx.xxxx@xxxxxxxxxxx.xxx.xx>; Leanne Smith <leanne.smith@humanrights.gov.au>; Mark Franklin <xxxx.xxxxxxx@xxxxxxxxxxx.xxx.xx>; Rosalind Croucher <xxxxxx.xxxx@xxxxxxxxxxx.xxx.xx>  
**Subject:** Re: Opinion Piece for Tomorrow

Can you send the articles (behind the paywall) ?

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**From:** Tracey Young <[xxxxxx.xxxx@xxxxxxxxxxx.xxx.xx](#)>  
**Sent:** Thursday, March 30, 2023 12:13:57 AM  
**To:** Michael Badorrek <[xxxxxx.xxxx@xxxxxxxxxxx.xxx.xx](#)>; Leanne Smith <[xxxxxx.xxxx@xxxxxxxxxxx.xxx.xx](#)>; Darren Dick <[xxxxxx.xxxx@xxxxxxxxxxx.xxx.xx](#)>; Mark

Franklin <[xxxx.xxxxxxx@xxxxxxxxxxx.xxx.xx](mailto:xxxx.xxxxxxx@xxxxxxxxxxx.xxx.xx)>; Rosalind Croucher  
<[xxxxxxxxxxxxxxxx@xxxxxxxxxxx.xxx.xx](mailto:xxxxxxxxxxxxxxxx@xxxxxxxxxxx.xxx.xx)>

**Subject:** Re: Opinion Piece for Tomorrow

Her piece is quite prominent on the home page. They've also devoted 8 paragraphs to Lorraine pulling direct quotes from her op Ed in the main news story 'Voice Control: Albo at odds with experts' where they have described Lorraine's views as a 'split from her colleagues to denounce the proposed voice'.

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**From:** Michael Badorrek <[xxxxxxxxxxxxxxxx@xxxxxxxxxxx.xxx.xx](mailto:xxxxxxxxxxxxxxxx@xxxxxxxxxxx.xxx.xx)>

**Sent:** Wednesday, March 29, 2023 11:41 pm

**To:** Leanne Smith <[xxxxxx.xxxxx@xxxxxxxxxxx.xxx.xx](mailto:xxxxxx.xxxxx@xxxxxxxxxxx.xxx.xx)>; Darren Dick  
<[xxxxxx.xxxx@xxxxxxxxxxx.xxx.xx](mailto:xxxxxx.xxxx@xxxxxxxxxxx.xxx.xx)>; Mark Franklin <[xxxx.xxxxxxx@xxxxxxxxxxx.xxx.xx](mailto:xxxx.xxxxxxx@xxxxxxxxxxx.xxx.xx)>;  
Rosalind Croucher <[xxxxxxxxxxxxxxxx@xxxxxxxxxxx.xxx.xx](mailto:xxxxxxxxxxxxxxxx@xxxxxxxxxxx.xxx.xx)>; Tracey Young  
<[xxxxxx.xxxxx@xxxxxxxxxxx.xxx.xx](mailto:xxxxxx.xxxxx@xxxxxxxxxxx.xxx.xx)>

**Subject:** Re: Opinion Piece for Tomorrow

thx Leanne...so the op-ed is now live...just read it on The Aus website...I'll update you on any media interest first thing tomorrow...M :)

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**From:** Leanne Smith <[xxxxxx.xxxxx@xxxxxxxxxxx.xxx.xx](mailto:xxxxxx.xxxxx@xxxxxxxxxxx.xxx.xx)>

**Sent:** Wednesday, March 29, 2023 11:27:44 PM

**To:** Michael Badorrek <[xxxxxxxxxxxxxxxx@xxxxxxxxxxx.xxx.xx](mailto:xxxxxxxxxxxxxxxx@xxxxxxxxxxx.xxx.xx)>; Darren Dick  
<[xxxxxx.xxxx@xxxxxxxxxxx.xxx.xx](mailto:xxxxxx.xxxx@xxxxxxxxxxx.xxx.xx)>; Mark Franklin <[xxxx.xxxxxxx@xxxxxxxxxxx.xxx.xx](mailto:xxxx.xxxxxxx@xxxxxxxxxxx.xxx.xx)>;  
Rosalind Croucher <[xxxxxxxxxxxxxxxx@xxxxxxxxxxx.xxx.xx](mailto:xxxxxxxxxxxxxxxx@xxxxxxxxxxx.xxx.xx)>; Tracey Young  
<[xxxxxx.xxxxx@xxxxxxxxxxx.xxx.xx](mailto:xxxxxx.xxxxx@xxxxxxxxxxx.xxx.xx)>

**Subject:** Re: Opinion Piece for Tomorrow

I think good to connect with Ros first thing

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**From:** Michael Badorrek <[xxxxxxxxxxxxxxxx@xxxxxxxxxxx.xxx.xx](mailto:xxxxxxxxxxxxxxxx@xxxxxxxxxxx.xxx.xx)>

**Sent:** Wednesday, March 29, 2023 11:04:55 PM

**To:** Darren Dick <[xxxxxx.xxxx@xxxxxxxxxxx.xxx.xx](mailto:xxxxxx.xxxx@xxxxxxxxxxx.xxx.xx)>; Mark Franklin  
<[xxxx.xxxxxxx@xxxxxxxxxxx.xxx.xx](mailto:xxxx.xxxxxxx@xxxxxxxxxxx.xxx.xx)>; Rosalind Croucher  
<[xxxxxxxxxxxxxxxx@xxxxxxxxxxx.xxx.xx](mailto:xxxxxxxxxxxxxxxx@xxxxxxxxxxx.xxx.xx)>; Leanne Smith <[xxxxxx.xxxxx@xxxxxxxxxxx.xxx.xx](mailto:xxxxxx.xxxxx@xxxxxxxxxxx.xxx.xx)>;  
Tracey Young <[xxxxxx.xxxxx@xxxxxxxxxxx.xxx.xx](mailto:xxxxxx.xxxxx@xxxxxxxxxxx.xxx.xx)>

**Subject:** Re: Opinion Piece for Tomorrow

Hi All...so just confirming about media strategy for tomorrow..s 47C

..thx...M :)

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**From:** Darren Dick <xxxxxx.xxxxx@xxxxxxxxxxxxx.xxx.xx >  
**Sent:** Wednesday, March 29, 2023 10:11:52 PM  
**To:** Mark Franklin <xxxx.xxxxxxxx@xxxxxxxxxxxxx.xxx.xx >; Rosalind Croucher <xxxxxxxx.xxxxxxxx@xxxxxxxxxxxxx.xxx.xx >; Leanne Smith <xxxxxx.xxxxx@xxxxxxxxxxxxx.xxx.xx >; Tracey Young <xxxxxx.xxxxx@xxxxxxxxxxxxx.xxx.xx >; Michael Badorrek <xxxxxxxx.xxxxxxxx@xxxxxxxxxxxxx.xxx.xx >  
**Subject:** Re: Opinion Piece for Tomorrow

Looks good - s 47C [Redacted]

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**From:** Mark Franklin <xxxx.xxxxxxxx@xxxxxxxxxxxxx.xxx.xx >  
**Sent:** Wednesday, March 29, 2023 10:01:50 PM  
**To:** Rosalind Croucher <xxxxxxxx.xxxxxxxx@xxxxxxxxxxxxx.xxx.xx >; Leanne Smith <xxxxxx.xxxxx@xxxxxxxxxxxxx.xxx.xx >; Tracey Young <xxxxxx.xxxxx@xxxxxxxxxxxxx.xxx.xx >; Michael Badorrek <xxxxxxxx.xxxxxxxx@xxxxxxxxxxxxx.xxx.xx >; Darren Dick <xxxxxx.xxxxx@xxxxxxxxxxxxx.xxx.xx >  
**Subject:** Re: Opinion Piece for Tomorrow

Thanks, Leanne for sending through that material from Darren on the international guidance. I've tweaked the statement a bit in light of it and re-ordered the paragraphs.  
Mark~

s 47C [Redacted]

[Redacted]

[Redacted]

[Redacted]

# Voice control: PM at odds with the experts

By ROSIE LEWIS

The Australian

Thursday 30th March 2023

1428 words

Page 1,5 | Section: General

1137cm on the page



# Voice control: PM at odds with the experts

ROSIE LEWIS

## EXCLUSIVE

Anthony Albanese's public assurance that parliament will control what matters the voice can consider has been challenged by the nation's top constitutional law experts, who say the scope of the advisory body cannot be restricted by politicians.

Ahead of the government's Constitution Alteration Bill being introduced to the House of Representatives on Thursday, laying out the proposed question and constitutional amendment to be put at the referendum, the Prime Minister condemned the "noise" and "scare campaign" he said was being stoked by opponents of the voice.

Mr Albanese has twice this week argued the third clause of the government's proposed constitutional amendment delivers "primacy of the parliament for what the voice will consider".

But constitutional law experts Anne Twomey and George Williams said the amendment's second clause, which gives the voice power to "make representations to the parliament and the executive government of the common-

wealth on matters relating to Aboriginal and Torres Strait Islander peoples", ensured what it considered and advised on was out of reach of the parliament.

The third clause of Mr Albanese's proposed new chapter of the Constitution states: "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".

On Wednesday, Mr Albanese said that clause gave "the primacy of the parliament to determine the structure and functions, including to determine the operation, essentially, of the voice and what it considers".

Professor Twomey, from the University of Sydney, said the amendment gave parliament primacy over matters relating to the voice, including whether the government was obliged to consider its representations and how it responds to them.

But she added: "The scope of what the voice can make representations about is determined by proposed s 129(ii) (the second clause), which states that the voice can make representations 'on mat-

ters relating to Aboriginal and Torres Strait Islander peoples'. That cannot be altered or limited by an act of parliament."

Professor Williams, of the University of NSW, said Mr Albanese's statement on the primacy of parliament could not stand without qualification.

"They (the parliament) do have primacy over most things and that's what clause three does, it's a strong power that emphasises the role of parliament and the government has strengthened that role significantly. But there are some things it will not have a remit over, which is actually pretty limited," he said.

"Parliament couldn't stop there being a voice and parliament can't stop the voice being able to make representations to parliament and the government of the Commonwealth on those matters relating to Aboriginal and Torres Strait Islander people. They're fixed. That's the point of putting things in the Constitution, it puts them beyond the parliament."

Australian Human Rights Commissioner Lorraine Finlay on Thursday split from her colleagues at the commission to denounce

*Continued on Page 5*



# Voice control: PM at odds with experts

Continued from Page 1

the proposed voice, saying it was not a “modest proposal” and could substantially increase the risk of bureaucratic complexity, legal uncertainty and judicial activism.

Ms Finlay – writing in *The Australian* – also said the second clause went beyond even the UN Declaration on the Rights of Indigenous Peoples.

The Human Rights Commissioner, a long-time critic of the voice proposal, said: “It is difficult to think of an issue that would be beyond the scope of the voice in its proposed form, as surely every law or policy of general application would be considered to be ‘matters relating to’ Indigenous Australians in the same way as they are matters relating to all other Australians.”

Ms Finlay, who was appointed to her role by the Morrison government and was a former Liberal candidate, has previously appeared in a 2021 Institute of Public Affairs advertisement saying it would divide Australians on the basis of race.

On Thursday, she wrote the proposed new constitutional amendment goes beyond the UN Declaration on the Rights of Indigenous Peoples and possibly conflict with other international human rights agreements.

“Article 1 of the Universal Declaration of Human Rights says ‘all human beings are born free and equal in dignity and rights’. UNDRIP itself expressly provides that it does not authorise any action which would impair the ‘political unity of sovereign and independent states’,” she writes.

“The draft wording that has been announced goes beyond ensuring that Aboriginal and Torres Strait Islander peoples have a right to participate in decision making that affects them. It inserts race into the Australian Constitution in a way that under-

mines the foundational human rights principles of equality and non-discrimination.

“You can believe passionately in human rights, equality, and the importance of reconciliation and decide – based on your very belief in the importance of those principles – to vote No.”

Mr Albanese said Australians would either wake up and say “what just happened” if the referendum was voted down, or wake up to a “very modest change” that recognised the fullness of Australia’s history if the referendum was carried.

“Every single time there has been an advance on Aboriginal Torres Strait Islander affairs in this country, in my lifetime, there has been an argument, which says ‘it will end in litigation’. Wik, Mabo, the apology to Stolen Generations,” he said.

“I sat in that parliament throughout the entire Howard government years being told that if we had an apology, it would divide the nation. Does anyone think that the apology divided the nation now? I’d ask people in this parliament, in the House of Representatives and the Senate, for those people who are thinking about what they should do, what they have an obligation, in my view, to consider is – did the apology create more unity or less? In my view, it made us a better nation. So will constitutional recognition.”

Professors Twomey and Williams have worked extensively on the voice, including being members of the constitutional expert group that provides advice to the government’s referendum working group.

Professor Williams also took issue with the argument – which has been used by Mr Albanese – that the voice will only be able to make representations on matters that “directly” affect Indigenous

Australians, pointing out its scope was broad.

“When it comes to the High Court, if the voice started making representations on a matter that had nothing to do with Aboriginal peoples, you could take that to the court,” he said.

“It can’t be making representations on tax policy without any connection to its community but if it made a representation arguing for tax deductions specific to Indigenous peoples or different zones of tax specific to Indigenous peoples, that would be matters it could make representations on because it is provided for by the constitutional change. It’s all about context.”

Opposition Indigenous Australians and legal affairs spokesman Julian Leeser said the proposed constitutional amendment put by Mr Albanese and his referendum working group, comprising 21 Indigenous leaders, needed to be tested because it is what the High Court would be interpreting in future decisions.

Mr Leeser, who has long supported and worked on the voice, also fired back at Mr Albanese’s accusations that he and the Coalition were undermining the advisory body by raising questions about how it will work.

“There’s nothing illegitimate about asking questions about the Prime Minister’s wording. In fact, that’s our job as parliamentarians. What has been sad is that the Prime Minister has not sought to answer any of the questions and instead has sought to delegitimise the questions,” Mr Leeser said.

“This issue is one of the government’s own making, because we are on the third iteration of the amendment and we are yet to have any public process testing the legal ramifications of the amendment.”



ANTHONY ALBANESE ASSERTS  
‘The primacy of the parliament to determine ... the operation, essentially, of the voice and what it considers’



‘The voice can make representations “on matters relating to Aboriginal and Torres Strait Islander peoples”. That cannot be altered or limited by an act of parliament’  
ANNE TWOMEY

‘That’s the point of putting things in the Constitution, it puts them beyond the parliament’  
GEORGE WILLIAMS



‘... would to validly law that wish those the voice built into titution’  
LORRAINE FINLAY

POLITICAL CORRESPONDENT

MORE REPORTS P5  
COMMENTARY P11

‘It is difficult to think of an issue that would be beyond the scope of the voice in its proposed form’

LORRAINE FINLAY  
HUMAN RIGHTS  
COMMISSIONER

# Voting No to voice doesn't mean you reject human...

By LORRAINE FINLAY

The Australian

Thursday 30th March 2023

912 words

Page 11 | Section: COMMENTARY

350cm on the page



## Voting No to voice doesn't mean you reject human rights

LORRAINE FINLAY

Within hours of Anthony Albanese announcing the proposed wording for the upcoming voice referendum, the Australian Human Rights Commission published a statement on its website affirming its support for the proposed establishment of an Indigenous voice to parliament.

The statement acknowledged that there would be a diversity of views among the Australian community about the voice proposal. What it did not acknowledge was that there wasn't a unanimous view within the commission itself.

While I have great respect for the perspectives and knowledge that my commissioner colleagues bring to this conversation, I hold a different view on this issue. The voice is a proposal I have significant doubts about in its current constitutional form. The idea that all Australians should have a voice in our democracy should not be controversial. But the constitutional amendment being proposed goes beyond this basic principle.

As a former constitutional law academic, I know just how much the details matter when it comes to any constitutional amendment. In this case, the few details we have been given make clear that this is not, as some have called it, a modest proposal.

There are two aspects in particular that take this proposal well

beyond being a minimalist model and make it one that instead would fundamentally alter our existing constitutional framework.

The first is the extension of the voice to include representations to not only the parliament but also to the executive government. This substantially increases the risks of bureaucratic complexity, legal uncertainty and judicial activism.

Peter Conran, a former federal cabinet secretary, has expressed the view that a constitutionally entrenched voice to executive government is unworkable.

The second is the guarantee that the voice may make representations "on matters relating to Aboriginal and Torres Strait Islander peoples".

This wording goes beyond matters having special significance to Aboriginal and Torres Strait Islander people, and also beyond "matters which would affect their rights", which is the form of words used in describing the right to self-representation under article 18 of the UN Declaration on the Rights of Indigenous Peoples.

It is difficult to think of an issue that would be beyond the scope of the voice in its proposed form, as surely every law or policy of general application would be considered to be "matters relating to" Indigenous Australians in the same way as they are matters relating to all other Australians.

The third clause of the proposed constitutional amendment is said to provide a safety mechanism by ensuring it is the parliament that ultimately will determine the form of the voice.

However, the clause itself makes clear that the power of the parliament here is "subject to this Constitution". This must necessarily include being subject to the clause immediately above, which states that the voice "may make representations to the parliament and the executive government of the commonwealth on matters relating to Aboriginal and Torres Strait Islander peoples".

A straightforward reading of this second clause suggests the questions of to whom and about what the voice may make representations are locked into the Constitution. Which means that while the parliament may tinker around the edges, it would not be able to validly make a law that would diminish those aspects of the voice specifically built into the Constitution itself.

Exactly where that line is drawn will be for the High Court to decide. Once that decision is made there is no democratic recourse through parliament if the voice turns out to be something entirely different from that which Australians thought they were agreeing.

My doubts arise not only from the constitutional aspects of the proposal but also the challenges of reconciling this proposal with foundational human rights principles. When looking at the voice from an international human rights perspective, advocates have tended to focus on UNDRIP and particularly the right to self-representation under article 18.

However, these rights do not exist in isolation. They are part of a broader international human

rights framework that is based on foundations of equality and non-discrimination.

Article one of the Universal Declaration of Human Rights tells us "all human beings are born free and equal in dignity and rights".

UNDRIP itself expressly provides that it does not authorise any action that would impair the "political unity of sovereign and independent states" and that its provisions should be interpreted in accordance with the principles of equality and non-discrimination.

The draft wording that has been announced goes beyond ensuring that Aboriginal and Torres Strait Islander people have a right to participate in decision-making that affects them. It inserts race into the Australian Constitution in a way that undermines the foundational human rights principles of equality and non-discrimination and creates constitutional uncertainty in terms of its interpretation and operation.

My message is simple. You can believe passionately in human rights, equality and the importance of reconciliation and decide – based on your belief in the importance of those principles – to vote No. A constitutional referendum is always an occasion of significance. During the coming months I would encourage all Australians to think carefully about this proposal and what it will mean.

But, even more important, I would encourage all Australians to ensure that our conversations about the voice are conducted in good faith and that different views are respected.

Every Australian must be free to make up their own mind about voting Yes or No.

Lorraine Finlay is Human Rights Commissioner.

**From:** [Media AHRC](#)  
**To:** [Lorraine Finlay](#)  
**Cc:** [Tracey Young](#)  
**Subject:** Re: **S 47F** Interview Request  
**Date:** Thursday, 30 March 2023 8:47:36 AM  
**Attachments:** [Outlook-kh4aw4qj.png](#)

---

OK...will Dom...thx...M :)

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**From:** Lorraine Finlay <[x@xxx](#)>  
**Sent:** Thursday, March 30, 2023 8:11:06 AM  
**To:** Media AHRC <[x@xxx](#)>  
**Cc:** Tracey Young <[x@xxx](#)>  
**Subject:** Re: **S 47F** Interview Request

Hi Michael.

I'm happy for you to simply decline unless you think there is anything out of the ordinary that I should know about.

Thanks,  
Lorraine.

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---

**From:** Media AHRC <[x@xxx](#)>  
**Sent:** Thursday, March 30, 2023 7:58:44 AM  
**To:** Lorraine Finlay <[x@xxx](#)>  
**Cc:** Tracey Young <[x@xxx](#)>  
**Subject:** Re: **S 47F** Interview Request

Thx Lorraine...we'll proceed on that basis...do you want me to inform you of media enquiries?...or just decline them regardless?...thx.. M :)

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**From:** Lorraine Finlay <[x@xxx](#)>  
**Sent:** Thursday, March 30, 2023 7:15:48 AM  
**To:** Media AHRC <[x@xxx](#)>  
**Cc:** Tracey Young <[x@xxx](#)>  
**Subject:** Re: **S 47F** Interview Request

Hi Michael.

I think that is the best approach. The op-ed sets out my views and I don't think further commentary today is necessary.

And I also do have a number of commitments this morning that mean I am genuinely unavailable.

Thanks,

Lorraine.

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---

**From:** Media AHRC <media@humanrights.gov.au>  
**Sent:** Thursday, March 30, 2023 7:11:53 AM  
**To:** Lorraine Finlay <lorraine.finlay@humanrights.gov.au>  
**Cc:** Tracey Young <tracey.young@humanrights.gov.au>  
**Subject:** Fwd: S 47F Interview Request

Hi Lorraine...I saw your email about S 47F ...thx for letting us know your approach...S 47F wants to interview you this morning (see below )...do you want to use a similar approach and say you're unavailable?...and is this the approach you'd like to take for other interview requests on this issue?... happy to chat further if you need to discuss anything...thx.. M :)

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S 22 [Redacted]  
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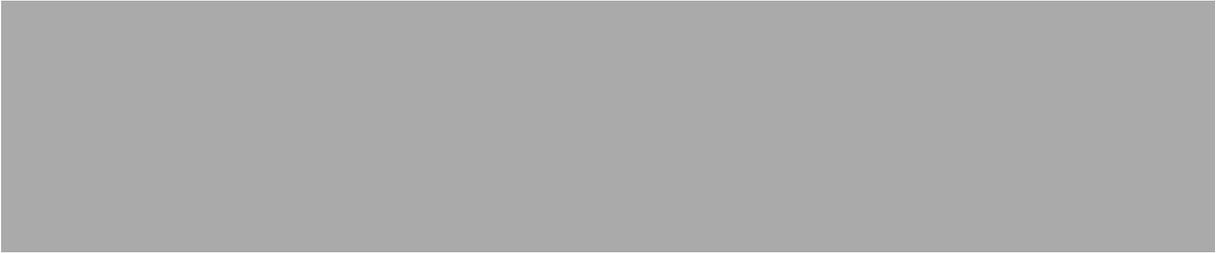
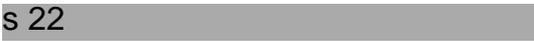
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s 22



**From:** [Rachel Holt](#)  
**To:** [Rosalind Croucher](#)  
**Subject:** RE: Opinion Piece for Tomorrow [SEC=OFFICIAL:Sensitive]  
**Date:** Thursday, 30 March 2023 9:13:49 AM

---

Perfect. **s 22**

---

**From:** Rosalind Croucher <xxxxxxxx.xxxxxxxx@xxxxxxxxxxx.xxx.xx>  
**Sent:** Thursday, March 30, 2023 9:12 AM  
**To:** Rachel Holt <xxxxxx.xxxx@xxxxxxxxxxx.xxx.xx>  
**Subject:** Re: Opinion Piece for Tomorrow [SEC=OFFICIAL:Sensitive]

we will welcome the bill today. **s 47C, s 47E**

---

R

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**From:** Rachel Holt <[xxxxxx.xxxx@xxxxxxxxxxx.xxx.xx](#)>  
**Sent:** Thursday, March 30, 2023 8:47:12 AM  
**To:** Rosalind Croucher <[xxxxxxxx.xxxxxxxx@xxxxxxxxxxx.xxx.xx](#)>  
**Subject:** RE: Opinion Piece for Tomorrow [SEC=OFFICIAL:Sensitive]

Hi Ros,

That is appreciated. I have pointed senior ICS staff to the Commission's statement on the website.

Thank you. R

---

**From:** Rosalind Croucher <[xxxxxxxx.xxxxxxxx@xxxxxxxxxxx.xxx.xx](#)>  
**Sent:** Wednesday, March 29, 2023 8:55 PM  
**To:** Leanne Smith <[xxxxxx.xxxx@xxxxxxxxxxx.xxx.xx](#)>; Senior Management <[xxxxxxxxxxxxxxxx@xxxxxxxxxxx.xxx.xx](#)>; Michael Badorrek <[xxxxxx.xxxxxxxx@xxxxxxxxxxx.xxx.xx](#)>  
**Subject:** Re: Opinion Piece for Tomorrow

FYI

I just sent the following message to Commissioners, after Lorraine shared her piece with them:

Dear Commissioners

As June, Chin and I are the agreed spokespersons on this, Tracey will assist us with responses, if asked.

Constitutional recognition to ensure Australia fully complies with the positive obligation to recognise our First Peoples and to fully protect their rights to effective participation is what the international obligations require. Supporting that is our institutional responsibility as the national human rights institution .

**From:** [Mark Franklin](#)  
**To:** [Commissioners](#)  
**Cc:** [Tracey Young](#); [Darren Dick](#); [Michael Badorrek](#)  
**Subject:** Commission statement on the Constitutional Alteration Bill  
**Date:** Thursday, 30 March 2023 10:34:46 AM  
**Attachments:** [Outlook-Woman smil.png](#)

---

Good morning,

Just to let you know the Commission will be publishing a statement from Ros this morning welcoming the Constitutional Alteration Bill, as below:

s 47C  
[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Mark~

**Mark Franklin** *(he/him)*  
**Media Advisor - Strategic Communications**  
**Australian Human Rights Commission**  
Level 3, 175 Pitt St, Sydney NSW 2000  
GPO Box 5218, Sydney NSW 2001  
**T** +61 2 9284 9746 **F** +61 2 9284 9751 **M** +61 0437 133 671

**From:** [Tracey Young](#)  
**To:** [Darren Dick](#); [Mark Franklin](#); [Rosalind Croucher](#); [Leanne Smith](#); [Michael Badorrek](#)  
**Subject:** Re: Opinion Piece for Tomorrow  
**Date:** Wednesday, 29 March 2023 11:03:37 PM

---

Yes, this is great Mark. We could also include the link to our position statement on the website as well.

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**From:** Darren Dick <darren.dick@humanrights.gov.au>  
**Sent:** Wednesday, March 29, 2023 10:11 pm  
**To:** Mark Franklin <mark.franklin@humanrights.gov.au>; Rosalind Croucher <rosalind.croucher@humanrights.gov.au>; Leanne Smith <leanne.smith@humanrights.gov.au>; Tracey Young <tracey.young@humanrights.gov.au>; Michael Badorrek <michael.badorrek@humanrights.gov.au>  
**Subject:** Re: Opinion Piece for Tomorrow

Looks good - s 47C

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**From:** Mark Franklin <mark.franklin@humanrights.gov.au>  
**Sent:** Wednesday, March 29, 2023 10:01:50 PM  
**To:** Rosalind Croucher <rosalind.croucher@humanrights.gov.au>; Leanne Smith <leanne.smith@humanrights.gov.au>; Tracey Young <tracey.young@humanrights.gov.au>; Michael Badorrek <michael.badorrek@humanrights.gov.au>; Darren Dick <darren.dick@humanrights.gov.au>  
**Subject:** Re: Opinion Piece for Tomorrow

Thanks, Leanne for sending through that material from Darren on the international guidance. I've tweaked the statement a bit in light of it and re-ordered the paragraphs. Mark~

s 47C

**From:** [Tracey Young](#)  
**To:** [Lorraine Finlay](#); [Media AHRC](#)  
**Subject:** Re: Opinion Piece for Tomorrow  
**Date:** Thursday, 30 March 2023 7:05:41 AM

---

Thanks for letting us know Lorraine.

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**From:** Lorraine Finlay <xxxxxxxx.xxxxxx@xxxxxxxxxxxxx.xxx.xx>  
**Sent:** Thursday, March 30, 2023 6:57 am  
**To:** Media AHRC <xxxxx@xxxxxxxxxxxxx.xxx.xx>; Tracey Young <xxxxxxxx.xxxxxx@xxxxxxxxxxxxx.xxx.xx>  
**Subject:** FW: Opinion Piece for Tomorrow

Good morning Tracey and team.

Just to give you a heads up – s 47F [redacted] from s 47F [redacted] reached out this morning on via my mobile and asked if I was available for an interview re the piece in The Australian. I've indicated that I am not available, and have directed her to you to assist with any further queries.

Many thanks,  
Lorraine.

**Lorraine Finlay**  
**Human Rights Commissioner**

**Australian Human Rights Commission**  
Level 3, 175 Pitt Street, Sydney NSW 2000  
GPO Box 5218, Sydney NSW 2001  
T +61 2 9284 9814 | F +61 2 9284 9611  
E [xxxxxxxx.xxxxxx@xxxxxxxxxxxxx.xxx.xx](mailto:xxxxxxxx.xxxxxx@xxxxxxxxxxxxx.xxx.xx) | W [www.humanrights.gov.au](http://www.humanrights.gov.au)



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We acknowledge the traditional custodians of this land, the Gadigal peoples of the Eora Nation, and pay our respects to their Elders, past, present and future.

*The Commission supports flexible working arrangements, and I am sending this message at a time that is convenient to me and my work schedule.  
It is not my expectation that you read, respond or follow up on this email outside your hours of work.*

---

**From:** Lorraine Finlay  
**Sent:** Wednesday, March 29, 2023 7:57 PM  
**To:** Anne Hollonds <xxxx.xxxxxxxx@xxxxxxxxxxxxx.xxx.xx>; Ben Gauntlett <xxx.xxxxxxxx@xxxxxxxxxxxxx.xxx.xx>; Chin Tan <xxxx.xxx@xxxxxxxxxxxxx.xxx.au>; June Oscar <xxxx.xxxxxx@xxxxxxxxxxxxx.xxx.xx>; Kate Jenkins <kate.jenkins@humanrights.gov.au>; Kay Patterson <xxx.xxxxxxxx@xxxxxxxxxxxxx.xxx.xx>; Leanne Smith

<xxxxxx.xxxxx@xxxxxxxxxxxx.xxx.xx>; Rosalind Croucher

<xxxxxxxx.xxxxxxx@xxxxxxxxxxxx.xxx.xx>

**Cc:** Tracey Young <xxxxxx.xxxxx@xxxxxxxxxxxx.xxx.xx>

**Subject:** Opinion Piece for Tomorrow

Good evening all.

I have attached an opinion piece that The Australian will be printing tomorrow. It has only been recently confirmed this evening that it will be published.

I am aware that this is a sensitive piece, and am available if anybody would like to discuss it directly with me. Following on from the Commission's statement being published – and consistently with the views that I expressed in our meetings about that statement – I felt that it was important for me to clarify my position (and have discussed this with both Ros and Leanne before submitting the piece for publication).

Kind regards,  
Lorraine.

**Lorraine Finlay**  
**Human Rights Commissioner**

**Australian Human Rights Commission**

Level 3, 175 Pitt Street, Sydney NSW 2000

GPO Box 5218, Sydney NSW 2001

**T** +61 2 9284 9814 | **F** +61 2 9284 9611

**E** [xxxxxx.xxxxx@xxxxxxxxxxxx.xxx.xx](mailto:xxxxxx.xxxxx@xxxxxxxxxxxx.xxx.xx) | **W** [www.humanrights.gov.au](http://www.humanrights.gov.au)



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*It is not my expectation that you read, respond or follow up on this email outside your hours of work.*

**From:** [Rosalind Croucher](#)  
**To:** [Mark Franklin](#); [Leanne Smith](#); [Tracey Young](#); [Michael Badorrek](#); [Darren Dick](#); [June Oscar](#)  
**Subject:** Re: Opinion Piece for Tomorrow  
**Date:** Thursday, 30 March 2023 8:36:08 AM

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s 47C, s 47E

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**From:** Mark Franklin <mark.franklin@humanrights.gov.au>  
**Sent:** Thursday, March 30, 2023 8:18:25 AM  
**To:** Leanne Smith <leanne.smith@humanrights.gov.au>; Tracey Young <tracey.young@humanrights.gov.au>; Michael Badorrek <michael.badorrek@humanrights.gov.au>; Darren Dick <darren.dick@humanrights.gov.au>; Rosalind Croucher <rosalind.croucher@humanrights.gov.au>; June Oscar <june.oscar@humanrights.gov.au>  
**Subject:** Re: Opinion Piece for Tomorrow

s 47E, s 47C

---

**From:** Leanne Smith <leanne.smith@humanrights.gov.au>  
**Sent:** Thursday, 30 March 2023 6:12 AM  
**To:** Tracey Young <tracey.young@humanrights.gov.au>; Michael Badorrek <michael.badorrek@humanrights.gov.au>; Darren Dick <darren.dick@humanrights.gov.au>; Mark Franklin <mark.franklin@humanrights.gov.au>; Rosalind Croucher <rosalind.croucher@humanrights.gov.au>; June Oscar <june.oscar@humanrights.gov.au>  
**Subject:** Re: Opinion Piece for Tomorrow

s 47C, s 47E

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**From:** Tracey Young <tracey.young@humanrights.gov.au>  
**Sent:** Thursday, 30 March 2023, 12:14 am

**From:** [Diana Baker](#)  
**To:** [Rosalind Croucher](#); [Leanne Smith](#); [Senior Management](#); [Michael Badorrek](#)  
**Subject:** Re: Opinion Piece for Tomorrow  
**Date:** Thursday, 30 March 2023 1:23:23 PM

---

s 47C, s 47E

Diana

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**From:** Rosalind Croucher <rosalind.croucher@humanrights.gov.au>  
**Sent:** Wednesday, March 29, 2023 4:54:31 PM  
**To:** Leanne Smith <leanne.smith@humanrights.gov.au>; Senior Management <seniorexecutives@humanrights.gov.au>; Michael Badorrek <michael.badorrek@humanrights.gov.au>  
**Subject:** Re: Opinion Piece for Tomorrow

FYI

I just sent the following message to Commissioners, after Lorraine shared her piece with them:

Dear Commissioners

As June, Chin and I are the agreed spokespersons on this, Tracey will assist us with responses, if asked.

Constitutional recognition to ensure Australia fully complies with the positive obligation to recognise our First Peoples and to fully protect their rights to effective participation is what the international obligations require. Supporting that is our institutional responsibility as the national human rights institution .

You may each make your own choices in the referendum.

Our responsibility as the NHRI is clear.

Ros

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**From:** Leanne Smith <leanne.smith@humanrights.gov.au>  
**Sent:** Wednesday, March 29, 2023 8:01:31 PM  
**To:** Senior Management <seniorexecutives@humanrights.gov.au>; Michael Badorrek <michael.badorrek@humanrights.gov.au>  
**Subject:** Fwd: Opinion Piece for Tomorrow

**From:** [Diana Baker](#)  
**To:** [Leanne Smith](#); [Rosalind Croucher](#); [Senior Management](#); [Michael Badorrek](#)  
**Subject:** RE: Opinion Piece for Tomorrow - a further point [SEC=OFFICIAL]  
**Date:** Thursday, 30 March 2023 1:53:43 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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s 47C

**From:** Leanne Smith <xxxxxx.xxxxx@xxxxxxxxxxxx.xxx.xx>  
**Sent:** Thursday, March 30, 2023 1:44 PM  
**To:** Diana Baker <xxxxx.xxxxx@xxxxxxxxxxxx.xxx.xx>; Rosalind Croucher <xxxxxxxx.xxxxx@xxxxxxxxxxxx.xxx.xx>; Senior Management <xxxxxxxxxxxxxxxx@xxxxxxxxxxxx.xxx.xx>; Michael Badorrek <xxxxxxx.xxxxx@xxxxxxxxxxxx.xxx.xx>  
**Subject:** RE: Opinion Piece for Tomorrow - a further point [SEC=OFFICIAL]

s 47C

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**Leanne Smith**  
Chief Executive

**Australian Human Rights Commission**

GPO Box 5218, Sydney NSW 2001

T +61 2 9284 9600

E [leanne.smith@humanrights.gov.au](mailto:leanne.smith@humanrights.gov.au) | W [humanrights.gov.au](http://humanrights.gov.au)

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We acknowledge the traditional custodians of this land, the Gadigal peoples of the Eora Nation, and pay our respects to their Elders, past, present and future.



---

**From:** Diana Baker <[xxxxx.xxxxx@xxxxxxxxxxxx.xxx.xx](mailto:xxxxx.xxxxx@xxxxxxxxxxxx.xxx.xx)>  
**Sent:** Thursday, March 30, 2023 1:39 PM  
**To:** Rosalind Croucher <[xxxxxxxx.xxxxx@xxxxxxxxxxxx.xxx.xx](mailto:xxxxxxxx.xxxxx@xxxxxxxxxxxx.xxx.xx)>; Leanne Smith <[xxxxxx.xxxxx@xxxxxxxxxxxx.xxx.xx](mailto:xxxxxx.xxxxx@xxxxxxxxxxxx.xxx.xx)>; Senior Management <[xxxxxxxxxxxxxxxx@xxxxxxxxxxxx.xxx.xx](mailto:xxxxxxxxxxxxxxxx@xxxxxxxxxxxx.xxx.xx)>; Michael Badorrek <[xxxxxxx.xxxxx@xxxxxxxxxxxx.xxx.xx](mailto:xxxxxxx.xxxxx@xxxxxxxxxxxx.xxx.xx)>

<xxxxxxx.xxxxxxxx@xxxxxxxxxxx.xxx.xx >

**Subject:** RE: Opinion Piece for Tomorrow - a further point

s 47C

Diana

---

**From:** Rosalind Croucher <xxxxxxx.xxxxxxxx@xxxxxxxxxxx.xxx.xx >

**Sent:** Wednesday, March 29, 2023 8:55 PM

**To:** Leanne Smith <xxxxxxx.xxxxxx@xxxxxxxxxxx.xxx.xx >; Senior Management

<xxxxxxxxxxxxxxxx@xxxxxxxxxxx.xxx.xx >; Michael Badorrek

<xxxxxxx.xxxxxxxx@xxxxxxxxxxx.xxx.xx >

**Subject:** Re: Opinion Piece for Tomorrow

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You may each make your own choices in the referendum.

Our responsibility as the NHRI is clear.

Ros

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**From:** Leanne Smith <xxxxxxx.xxxxxx@xxxxxxxxxxx.xxx.xx >

**Sent:** Wednesday, March 29, 2023 8:01:31 PM

**To:** Senior Management <xxxxxxxxxxxxxxxx@xxxxxxxxxxx.xxx.xx >; Michael Badorrek

<xxxxxxx.xxxxxxxx@xxxxxxxxxxx.xxx.xx >

**Subject:** Fwd: Opinion Piece for Tomorrow

**From:** [Rosalind Croucher](#)  
**To:** [Diana Baker](#); [Leanne Smith](#); [Senior Management](#); [Michael Badorrek](#)  
**Subject:** Re: Opinion Piece for Tomorrow - a further point  
**Date:** Thursday, 30 March 2023 2:25:20 PM

---

I'm going to do something this afternoon from the airport I hope

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**From:** Diana Baker <xxxxx.xxxxx@xxxxxxxxxxxx.xxx.xx>  
**Sent:** Thursday, March 30, 2023 1:38:52 PM  
**To:** Rosalind Croucher <xxxxxxxx.xxxxxxx@xxxxxxxxxxxx.xxx.xx>; Leanne Smith <xxxxxx.xxxxx@xxxxxxxxxxxx.xxx.xx>; Senior Management <xxxxxxxxxxxxxxxxxxxx@xxxxxxxxxxxx.xxx.xx>; Michael Badorrek <xxxxxx.xxxxxxx@xxxxxxxxxxxx.xxx.xx>  
**Subject:** RE: Opinion Piece for Tomorrow - a further point

s 47C  
[Redacted]

[Redacted]

Diana

---

**From:** Rosalind Croucher <xxxxxxxx.xxxxxxx@xxxxxxxxxxxx.xxx.xx>  
**Sent:** Wednesday, March 29, 2023 8:55 PM  
**To:** Leanne Smith <xxxxxx.xxxxx@xxxxxxxxxxxx.xxx.xx>; Senior Management <xxxxxxxxxxxxxxxxxxxx@xxxxxxxxxxxx.xxx.xx>; Michael Badorrek <xxxxxx.xxxxxxx@xxxxxxxxxxxx.xxx.xx>  
**Subject:** Re: Opinion Piece for Tomorrow

FYI

I just sent the following message to Commissioners, after Lorraine shared her piece with them:

Dear Commissioners

As June, Chin and I are the agreed spokespersons on this, Tracey will assist us with responses, if asked.

Constitutional recognition to ensure Australia fully complies with the positive obligation to recognise our First Peoples and to fully protect their rights to effective participation is what the international obligations require. Supporting that is our institutional responsibility as the national human rights institution .

You may each make your own choices in the referendum.

**From:** [Leanne Smith](#)  
**To:** [Mark Franklin](#); [Rosalind Croucher](#); [Tracey Young](#); [Michael Badorrek](#); [Darren Dick](#); [June Oscar](#)  
**Subject:** RE: Opinion Piece for Tomorrow [SEC=OFFICIAL]  
**Date:** Thursday, 30 March 2023 8:44:38 AM  
**Attachments:** [image003.png](#)  
[image005.png](#)  
[image001.png](#)

---

Yes thanks. Ros do you plan to share the approach and the statement with Commissioners first?

---

**Leanne Smith**

Chief Executive

**Australian Human Rights Commission**

GPO Box 5218, Sydney NSW 2001

T +61 2 9284 9600

E [leanne.smith@humanrights.gov.au](mailto:leanne.smith@humanrights.gov.au) | W [humanrights.gov.au](http://humanrights.gov.au)

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We acknowledge the traditional custodians of this land, the Gadigal peoples of the Eora Nation, and pay our respects to their Elders, past, present and future.



---

**From:** Mark Franklin <xxxx.xxxxxxxx@xxxxxxxxxxx.xxx.xx>  
**Sent:** Thursday, March 30, 2023 8:42 AM  
**To:** Leanne Smith <xxxxxx.xxxxx@xxxxxxxxxxx.xxx.xx>; Rosalind Croucher <xxxxxxxx.xxxxxxxx@xxxxxxxxxxx.xxx.xx>; Tracey Young <tracey.young@humanrights.gov.au>; Michael Badorrek <xxxxxxx.xxxxxxxx@xxxxxxxxxxx.xxx.xx>; Darren Dick <xxxxxxx.xxxx@xxxxxxxxxxx.xxx.xx>; June Oscar <xxxx.xxxxx@xxxxxxxxxxx.xxx.au>  
**Subject:** Re: Opinion Piece for Tomorrow [SEC=OFFICIAL]

This is the version I sent through last night.

s 47C

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---

**From:** [Leanne Smith](#)  
**To:** [Rosalind Croucher](#); [Darren Dick](#); [Mark Franklin](#); [Tracey Young](#); [Michael Badorrek](#); [June Oscar](#)  
**Subject:** Re: Opinion Piece for Tomorrow [SEC=OFFICIAL]  
**Date:** Thursday, 30 March 2023 9:33:28 AM  
**Attachments:** [image003.png](#)  
[image001.png](#)

---

I am sitting with Lorraine, waiting for HR Ambassador.

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---

**From:** Rosalind Croucher <[rosalind.croucher@humanrights.gov.au](mailto:rosalind.croucher@humanrights.gov.au)>  
**Sent:** Thursday, March 30, 2023 9:32:04 AM  
**To:** Darren Dick <[darren.dick@humanrights.gov.au](mailto:darren.dick@humanrights.gov.au)>; Leanne Smith <[leanne.smith@humanrights.gov.au](mailto:leanne.smith@humanrights.gov.au)>; Mark Franklin <[mark.franklin@humanrights.gov.au](mailto:mark.franklin@humanrights.gov.au)>; Tracey Young <[tracey.young@humanrights.gov.au](mailto:tracey.young@humanrights.gov.au)>; Michael Badorrek <[michael.badorrek@humanrights.gov.au](mailto:michael.badorrek@humanrights.gov.au)>; June Oscar <[june.oscar@humanrights.gov.au](mailto:june.oscar@humanrights.gov.au)>  
**Subject:** Re: Opinion Piece for Tomorrow [SEC=OFFICIAL]

s 47C



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---

**From:** Darren Dick <[darren.dick@humanrights.gov.au](mailto:darren.dick@humanrights.gov.au)>  
**Sent:** Thursday, March 30, 2023 9:23:15 AM  
**To:** Leanne Smith <[leanne.smith@humanrights.gov.au](mailto:leanne.smith@humanrights.gov.au)>; Mark Franklin <[mark.franklin@humanrights.gov.au](mailto:mark.franklin@humanrights.gov.au)>; Rosalind Croucher <[rosalind.croucher@humanrights.gov.au](mailto:rosalind.croucher@humanrights.gov.au)>; Tracey Young <[tracey.young@humanrights.gov.au](mailto:tracey.young@humanrights.gov.au)>; Michael Badorrek <[michael.badorrek@humanrights.gov.au](mailto:michael.badorrek@humanrights.gov.au)>; June Oscar <[june.oscar@humanrights.gov.au](mailto:june.oscar@humanrights.gov.au)>  
**Subject:** Re: Opinion Piece for Tomorrow [SEC=OFFICIAL]

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Regards Darren

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---

**From:** Leanne Smith <[leanne.smith@humanrights.gov.au](mailto:leanne.smith@humanrights.gov.au)>  
**Sent:** Thursday, March 30, 2023 9:18:59 AM  
**To:** Mark Franklin <[mark.franklin@humanrights.gov.au](mailto:mark.franklin@humanrights.gov.au)>; Rosalind Croucher <[rosalind.croucher@humanrights.gov.au](mailto:rosalind.croucher@humanrights.gov.au)>; Tracey Young <[tracey.young@humanrights.gov.au](mailto:tracey.young@humanrights.gov.au)>; Michael Badorrek <[michael.badorrek@humanrights.gov.au](mailto:michael.badorrek@humanrights.gov.au)>; Darren Dick <[darren.dick@humanrights.gov.au](mailto:darren.dick@humanrights.gov.au)>; June Oscar <[june.oscar@humanrights.gov.au](mailto:june.oscar@humanrights.gov.au)>  
**Subject:** Re: Opinion Piece for Tomorrow [SEC=OFFICIAL]

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**From:** Mark Franklin <xxxx.xxxxxxx@xxxxxxxxxxx.xxx.xx>  
**Sent:** Thursday, March 30, 2023 9:18:17 AM  
**To:** Leanne Smith <xxxxxx.xxxxx@xxxxxxxxxxx.xxx.xx>; Rosalind Croucher <xxxxxxxx.xxxxxxx@xxxxxxxxxxx.xxx.xx>; Tracey Young <tracey.young@humanrights.gov.au>; Michael Badorrek <xxxxxx.xxxxxxx@xxxxxxxxxxx.xxx.xx>; Darren Dick <xxxxxx.xxxx@xxxxxxxxxxx.xxx.xx>; June Oscar <xxxx.xxxxx@xxxxxxxxxxx.xxx.au>  
**Subject:** Re: Opinion Piece for Tomorrow [SEC=OFFICIAL]

s 47C [Redacted]

s 47C [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

---

**From:** Mark Franklin <xxxx.xxxxxxx@xxxxxxxxxxx.xxx.xx>  
**Sent:** Thursday, 30 March 2023 8:41 AM  
**To:** Leanne Smith <xxxxxx.xxxxx@xxxxxxxxxxx.xxx.xx>; Rosalind Croucher <xxxxxxxx.xxxxxxx@xxxxxxxxxxx.xxx.xx>; Tracey Young <tracey.young@humanrights.gov.au>; Michael Badorrek <xxxxxx.xxxxxxx@xxxxxxxxxxx.xxx.xx>; Darren Dick <xxxxxx.xxxx@xxxxxxxxxxx.xxx.xx>; June Oscar <xxxx.xxxxx@xxxxxxxxxxx.xxx.au>  
**Subject:** Re: Opinion Piece for Tomorrow [SEC=OFFICIAL]

This is the version I sent through last night.

---

**From:** Leanne Smith <xxxxxx.xxxxx@xxxxxxxxxxx.xxx.xx>  
**Sent:** Thursday, 30 March 2023 8:38 AM  
**To:** Rosalind Croucher <xxxxxxxx.xxxxxxx@xxxxxxxxxxx.xxx.xx>; Mark Franklin <xxxx.xxxxxxx@xxxxxxxxxxx.xxx.xx>; Tracey Young <tracey.young@humanrights.gov.au>; Michael Badorrek <xxxxxxxx.xxxxxxx@xxxxxxxxxxx.xxx.xx>; Darren Dick <xxxxxx.xxxx@xxxxxxxxxxx.xxx.xx>; June Oscar <xxxx.xxxxx@xxxxxxxxxxx.xxx.au>  
**Subject:** RE: Opinion Piece for Tomorrow [SEC=OFFICIAL]

Where is the statement up to now?

---

**Leanne Smith**

Chief Executive

**Australian Human Rights Commission**

GPO Box 5218, Sydney NSW 2001

**T** +61 2 9284 9600

**E** [leanne.smith@humanrights.gov.au](mailto:leanne.smith@humanrights.gov.au) | **W** [humanrights.gov.au](http://humanrights.gov.au)

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---

**From:** Rosalind Croucher <xxxxxxxx.xxxxxxx@xxxxxxxxxxx.xxx.xx>  
**Sent:** Thursday, March 30, 2023 8:36 AM  
**To:** Mark Franklin <xxxx.xxxxxxx@xxxxxxxxxxx.xxx.xx>; Leanne Smith <xxxxxx.xxxx@xxxxxxxxxxx.xxx.xx>; Tracey Young <tracey.young@humanrights.gov.au>; Michael Badorrek <xxxxxxxx.xxxxxxx@xxxxxxxxxxx.xxx.xx>; Darren Dick <xxxxxx.xxxx@xxxxxxxxxxx.xxx.xx>; June Oscar <xxxx.xxxxx@xxxxxxxxxxx.xxx.au>  
**Subject:** Re: Opinion Piece for Tomorrow

s 47C

**From:** [Rosalind Croucher](#)  
**To:** [Leanne Smith](#); [Mark Franklin](#); [Darren Dick](#); [Tracey Young](#); [Michael Badorrek](#); [June Oscar](#)  
**Subject:** Re: Opinion Piece for Tomorrow [SEC=OFFICIAL]  
**Date:** Thursday, 30 March 2023 11:44:41 AM  
**Attachments:** [image003.png](#)  
[image001.png](#)

---

I could try to do something from the airport after or lunchtime thing

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**From:** Leanne Smith <leanne.smith@humanrights.gov.au>  
**Sent:** Thursday, March 30, 2023 11:27:32 AM  
**To:** Rosalind Croucher <rosalind.croucher@humanrights.gov.au>; Mark Franklin <mark.franklin@humanrights.gov.au>; Darren Dick <darren.dick@humanrights.gov.au>; Tracey Young <tracey.young@humanrights.gov.au>; Michael Badorrek <michael.badorrek@humanrights.gov.au>; June Oscar <june.oscar@humanrights.gov.au>  
**Subject:** Re: Opinion Piece for Tomorrow [SEC=OFFICIAL]

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**From:** Rosalind Croucher <rosalind.croucher@humanrights.gov.au>  
**Sent:** Thursday, March 30, 2023 11:26:13 AM  
**To:** Leanne Smith <leanne.smith@humanrights.gov.au>; Mark Franklin <mark.franklin@humanrights.gov.au>; Darren Dick <darren.dick@humanrights.gov.au>; Tracey Young <tracey.young@humanrights.gov.au>; Michael Badorrek <michael.badorrek@humanrights.gov.au>; June Oscar <june.oscar@humanrights.gov.au>  
**Subject:** Re: Opinion Piece for Tomorrow [SEC=OFFICIAL]

s 47C

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**From:** Leanne Smith <leanne.smith@humanrights.gov.au>  
**Sent:** Thursday, March 30, 2023 11:00:30 AM  
**To:** Mark Franklin <mark.franklin@humanrights.gov.au>; Rosalind Croucher <rosalind.croucher@humanrights.gov.au>; Darren Dick <darren.dick@humanrights.gov.au>; Tracey Young <tracey.young@humanrights.gov.au>; Michael Badorrek <michael.badorrek@humanrights.gov.au>; June Oscar <june.oscar@humanrights.gov.au>  
**Subject:** Re: Opinion Piece for Tomorrow [SEC=OFFICIAL]

s 47C

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**From:** Mark Franklin <mark.franklin@humanrights.gov.au>  
**Sent:** Thursday, March 30, 2023 10:56:46 AM  
**To:** Rosalind Croucher <rosalind.croucher@humanrights.gov.au>; Darren Dick <darren.dick@humanrights.gov.au>; Leanne Smith <leanne.smith@humanrights.gov.au>; Tracey Young <tracey.young@humanrights.gov.au>; Michael Badorrek

<michael.badorrek@humanrights.gov.au>; June Oscar <june.oscar@humanrights.gov.au>

**Subject:** Re: Opinion Piece for Tomorrow [SEC=OFFICIAL]

s 47C

Thanks,  
Mark

---

**From:** Rosalind Croucher <rosalind.croucher@humanrights.gov.au>

**Sent:** Thursday, 30 March 2023 9:41 AM

**To:** Darren Dick <darren.dick@humanrights.gov.au>; Leanne Smith <leanne.smith@humanrights.gov.au>; Mark Franklin <mark.franklin@humanrights.gov.au>; Tracey Young <tracey.young@humanrights.gov.au>; Michael Badorrek <michael.badorrek@humanrights.gov.au>; June Oscar <june.oscar@humanrights.gov.au>

**Subject:** Re: Opinion Piece for Tomorrow [SEC=OFFICIAL]

We are now on the plane. Mark/Tracey can you please share with Commissioners our agreed approach. Ros

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**From:** Darren Dick <darren.dick@humanrights.gov.au>

**Sent:** Thursday, March 30, 2023 9:23:15 AM

**To:** Leanne Smith <leanne.smith@humanrights.gov.au>; Mark Franklin <mark.franklin@humanrights.gov.au>; Rosalind Croucher <rosalind.croucher@humanrights.gov.au>; Tracey Young <tracey.young@humanrights.gov.au>; Michael Badorrek <michael.badorrek@humanrights.gov.au>; June Oscar <june.oscar@humanrights.gov.au>

**Subject:** Re: Opinion Piece for Tomorrow [SEC=OFFICIAL]

s 47C

Regards Darren

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**From:** Leanne Smith <leanne.smith@humanrights.gov.au>

**Sent:** Thursday, March 30, 2023 9:18:59 AM

**To:** Mark Franklin <mark.franklin@humanrights.gov.au>; Rosalind Croucher <rosalind.croucher@humanrights.gov.au>; Tracey Young <tracey.young@humanrights.gov.au>; Michael Badorrek <michael.badorrek@humanrights.gov.au>; Darren Dick

**From:** [Leanne Smith](#)  
**To:** [Mark Franklin](#); [Rosalind Croucher](#); [Darren Dick](#); [Tracey Young](#); [Michael Badorrek](#)  
**Subject:** RE: Opinion Piece for Tomorrow [SEC=OFFICIAL]  
**Date:** Thursday, 30 March 2023 2:34:22 PM  
**Attachments:** [image003.png](#)  
[image005.png](#)  
[image001.png](#)

---

Well that's some good news.

Mark Ed called me a few hours ago. He has advised Lorraine about likely response.

---

---

**Leanne Smith**

Chief Executive

**Australian Human Rights Commission**

GPO Box 5218, Sydney NSW 2001

T +61 2 9284 9600

E [leanne.smith@humanrights.gov.au](mailto:leanne.smith@humanrights.gov.au) | W [humanrights.gov.au](http://humanrights.gov.au)

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---

**From:** Mark Franklin <xxxx.xxxxxxxx@xxxxxxxxxxx.xxx.xx>  
**Sent:** Thursday, March 30, 2023 2:31 PM  
**To:** Rosalind Croucher <xxxxxxx.xxxxxxxx@xxxxxxxxxxx.xxx.xx>; Leanne Smith <xxxxxxx.xxxxx@xxxxxxxxxxx.xxx.xx>; Darren Dick <darren.dick@humanrights.gov.au>; Tracey Young <xxxxxxx.xxxxx@xxxxxxxxxxx.xxx.xx>; Michael Badorrek <xxxxxxx.xxxxxxxx@xxxxxxxxxxx.xxx.xx>  
**Subject:** Re: Opinion Piece for Tomorrow [SEC=OFFICIAL]

A further heads up that the Guardian has approached the AG's office with questions about the AG's powers to terminate Commissioner appointments.

Also, the AG's media team seemed unfazed about the Australian's coverage today - in fact, they sounded very pleased with reception the Bill has received in parliament.

Mark~

---

**From:** Mark Franklin <xxxx.xxxxxxx@xxxxxxxxxxx.xxx.xx >  
**Sent:** Thursday, 30 March 2023 1:17 PM  
**To:** Rosalind Croucher <xxxxxxxx.xxxxxxx@xxxxxxxxxxx.xxx.xx >; Leanne Smith <xxxxxx.xxxxx@xxxxxxxxxxx.xxx.xx >; Darren Dick <xxxxxx.xxxxx@xxxxxxxxxxx.xxx.xx >; Tracey Young <xxxxxx.xxxxx@xxxxxxxxxxx.xxx.xx >; Michael Badorrek <xxxxxxxx.xxxxxxx@xxxxxxxxxxx.xxx.xx >; June Oscar <xxxx.xxxxx@xxxxxxxxxxx.xxx.xx >  
**Subject:** Re: Opinion Piece for Tomorrow [SEC=OFFICIAL]

s 47C

[Redacted]

Mark~

---

**From:** Rosalind Croucher <xxxxxxxx.xxxxxxx@xxxxxxxxxxx.xxx.xx >  
**Sent:** Thursday, 30 March 2023 11:26 AM  
**To:** Leanne Smith <xxxxxx.xxxxx@xxxxxxxxxxx.xxx.xx >; Mark Franklin <xxxx.xxxxxxx@xxxxxxxxxxx.xxx.xx >; Darren Dick <xxxxxx.xxxxx@xxxxxxxxxxx.xxx.xx >; Tracey Young <xxxxxx.xxxxx@xxxxxxxxxxx.xxx.xx >; Michael Badorrek <xxxxxxxx.xxxxxxx@xxxxxxxxxxx.xxx.xx >; June Oscar <xxxx.xxxxx@xxxxxxxxxxx.xxx.xx >  
**Subject:** Re: Opinion Piece for Tomorrow [SEC=OFFICIAL]

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**From:** Leanne Smith <xxxxxx.xxxxx@xxxxxxxxxxx.xxx.xx >  
**Sent:** Thursday, March 30, 2023 11:00:30 AM  
**To:** Mark Franklin <xxxx.xxxxxxx@xxxxxxxxxxx.xxx.xx >; Rosalind Croucher <xxxxxxxx.xxxxxxx@xxxxxxxxxxx.xxx.xx >; Darren Dick <xxxxxx.xxxxx@xxxxxxxxxxx.xxx.xx >; Tracey Young <xxxxxx.xxxxx@xxxxxxxxxxx.xxx.xx >; Michael Badorrek <xxxxxxxx.xxxxxxx@xxxxxxxxxxx.xxx.xx >; June Oscar <xxxx.xxxxx@xxxxxxxxxxx.xxx.xx >  
**Subject:** Re: Opinion Piece for Tomorrow [SEC=OFFICIAL]

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**From:** Mark Franklin <xxxx.xxxxxxx@xxxxxxxxxxx.xxx.xx >  
**Sent:** Thursday, March 30, 2023 10:56:46 AM  
**To:** Rosalind Croucher <xxxxxxxx.xxxxxxx@xxxxxxxxxxx.xxx.xx >; Darren Dick <xxxxxx.xxxxx@xxxxxxxxxxx.xxx.xx >; Leanne Smith <xxxxxx.xxxxx@xxxxxxxxxxx.xxx.xx >; Tracey Young <xxxxxx.xxxxx@xxxxxxxxxxx.xxx.xx >; Michael Badorrek <xxxxxxxx.xxxxxxx@xxxxxxxxxxx.xxx.xx >; June Oscar <xxxx.xxxxx@xxxxxxxxxxx.xxx.xx >  
**Subject:** Re: Opinion Piece for Tomorrow [SEC=OFFICIAL]





Senator Jacinta Nampijinpa Price and 22 Indigenous community leaders from as far away as Ngukurr in the NT make their case for the No campaign. Picture: Gary Ramage

- 7:28AM MARCH 30, 2023
- 283 COMMENTS

Within hours of Anthony Albanese announcing the proposed wording for the upcoming voice referendum, the Australian Human Rights Commission published a statement on its website affirming its support for the proposed establishment of an [Indigenous voice to parliament](#)

The statement acknowledged that there would be a diversity of views among the Australian community about the voice proposal. What it did not acknowledge was that there wasn't a unanimous view within the commission itself.

While I have great respect for the perspectives and knowledge that my commissioner colleagues bring to this conversation, [I hold a different view on this issue](#). The voice is a proposal I have significant doubts about in its current constitutional form. The idea that all Australians should have a voice in our democracy should not be controversial. But the constitutional amendment being proposed goes beyond this basic principle.



Perth-based legal academic Lorraine Finlay is the Australian Human Rights Commissioner.

As a former constitutional law academic, I know just how much the details matter when it comes to any constitutional amendment. In this case, the few details we have been given make clear that this is not, as some have called it, a modest proposal.

There are two aspects in particular that take this proposal well beyond being a minimalist model and make it one that instead would fundamentally alter our existing constitutional framework.

The first is the extension of the voice to include representations to not only the parliament but also to the executive government. This substantially increases the risks of bureaucratic complexity, legal uncertainty and judicial activism.

Peter Conran, a former federal cabinet secretary, has expressed the view that a constitutionally entrenched voice to executive government is unworkable.

The second is the guarantee that the voice may make representations "on matters relating to Aboriginal and Torres Strait Islander peoples".



[Anthony Albanese with members of the Referendum Working Group in Canberra. Picture: Martin Ollman](#)

This wording goes beyond matters having special significance to Aboriginal and Torres Strait Islander people, and also beyond “matters which would affect their rights”, which is the form of words used in describing the right to self-representation under article 18 of the UN Declaration on the Rights of Indigenous Peoples

It is difficult to think of an issue that would be beyond the scope of the voice in its proposed form, as surely every law or policy of general application would be considered to be “matters relating to” Indigenous Australians in the same way as they are matters relating to all other Australians

The third clause of the proposed constitutional amendment is said to provide a safety mechanism by ensuring it is the parliament that ultimately will determine the form of the voice

However, the clause itself makes clear that the power of the parliament here is “subject to this Constitution” This must necessarily include being subject to the clause immediately above, which states that the voice “may make representations to the parliament and the executive government of the commonwealth on matters relating to Aboriginal and Torres Strait Islander peoples”

A straightforward reading of this second clause suggests the questions of to whom and about what the voice may make representations are locked into the Constitution Which means that while the parliament may tinker around the edges, it would not be able to validly make a law that would diminish those aspects of the voice specifically built into the Constitution itself

Exactly where that line is drawn will be for the High Court to decide Once that decision is made there is no democratic recourse through parliament if the voice turns out to be something entirely different from that which Australians thought they were agreeing

My doubts arise not only from the constitutional aspects of the proposal but also the challenges of reconciling this proposal with foundational human rights principles When looking at the voice from an international human rights perspective, advocates have tended to focus on UNDRIP and particularly the right to self-representation under article 18



[Prime Minister Anthony Albanese and Minister for Indigenous Australians Linda Burney at Petersham Park in Sydney. Picture: NCA NewsWire / Jeremy Piper](#)

However, these rights do not exist in isolation They are part of a broader international human rights framework that is based on foundations of equality and non-discrimination

Article one of the Universal Declaration of Human Rights tells us “all human beings are born free and equal in dignity and rights”

UNDRIP itself expressly provides that it does not authorise any action that would impair the “political unity of sovereign and independent states” and that its provisions should be interpreted in accordance with the principles of equality and non-discrimination

The draft wording that has been announced goes beyond ensuring that Aboriginal and Torres Strait Islander people have a right to participate in decision-making that affects them. It inserts race into the Australian Constitution in a way that undermines the foundational human rights principles of equality and non-discrimination and creates constitutional uncertainty in terms of its interpretation and operation.



[Senator Jacinta Nampijinpa Price, centre, and Warren Mundine, left, with 22 Indigenous community leaders from as far away as Ngukurr to demand the Prime Minister and Opposition Leader hear their No case. Picture: Sarah Ison](#)

My message is simple. You can believe passionately in human rights, equality and the importance of reconciliation and decide – based on your belief in the importance of those principles – to vote No. A constitutional referendum is always an occasion of significance. During the coming months I would encourage all Australians to think carefully about this proposal and what it will mean.

But, even more important, I would encourage all Australians to ensure that our conversations about the voice are conducted in good faith and that different views are respected.

Every Australian must be free to make up their own mind about voting Yes or No.

Lorraine Finlay is Human Rights Commissioner.



**From:** [Leanne Smith](#)  
**To:** [Mark Franklin](#); [Rosalind Croucher](#); [Darren Dick](#); [Tracey Young](#); [Michael Badorrek](#)  
**Subject:** RE: Opinion Piece for Tomorrow [SEC=OFFICIAL:Sensitive]  
**Date:** Thursday, 30 March 2023 2:45:15 PM  
**Attachments:** [image003.png](#)  
[image005.png](#)  
[image001.png](#)

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Ed just confirmed that 5 former Commissioners will sign on to statement to be published in the Guardian – Ed, Chris, Brian, Catherine, and Graeme. It will be fairly constrained and focused on IHRL. They will each share on their socials this afternoon.

---

---

**Leanne Smith**

Chief Executive

**Australian Human Rights Commission**

GPO Box 5218, Sydney NSW 2001

T +61 2 9284 9600

E [leanne.smith@humanrights.gov.au](mailto:leanne.smith@humanrights.gov.au) | W [humanrights.gov.au](http://humanrights.gov.au)

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**Sent:** Thursday, March 30, 2023 2:31 PM  
**To:** Rosalind Croucher <xxxxxxx.xxxxxxxx@xxxxxxxxxxx.xxx.xx>; Leanne Smith <xxxxxx.xxxxx@xxxxxxxxxxx.xxx.xx>; Darren Dick <darren.dick@humanrights.gov.au>; Tracey Young <xxxxxx.xxxxx@xxxxxxxxxxx.xxx.xx>; Michael Badorrek <xxxxxxx.xxxxxxxx@xxxxxxxxxxx.xxx.xx>  
**Subject:** Re: Opinion Piece for Tomorrow [SEC=OFFICIAL]

A further heads up that the Guardian has approached the AG's office with questions about the AG's powers to terminate Commissioner appointments.

Also, the AG's media team seemed unfazed about the Australian's coverage today - in fact, they sounded very pleased with reception the Bill has received in parliament.

Mark~

**From:** [Rachel Holt](#)  
**To:** [Rosalind Croucher](#)  
**Subject:** RE: Opinion Piece for Tomorrow - a further point [SEC=OFFICIAL]  
**Date:** Thursday, 30 March 2023 4:10:17 PM  
**Attachments:** [image001.png](#)

---

s 47C

**From:** Rosalind Croucher <xxxxxxxx.xxxxxxx@xxxxxxxxxxx.xxx.xx>  
**Sent:** Thursday, March 30, 2023 3:05 PM  
**To:** Diana Baker <xxxxx.xxxxx@xxxxxxxxxxx.xxx.xx>; Leanne Smith <xxxxxx.xxxxx@xxxxxxxxxxx.xxx.xx>; Senior Management <xxxxxxxxxxxxxxxxxx@xxxxxxxxxxx.xxx.xx>; Michael Badorrek <xxxxxxxx.xxxxxxx@xxxxxxxxxxx.xxx.xx>  
**Subject:** RE: Opinion Piece for Tomorrow - a further point [SEC=UNCLASSIFIED]

s 47C

**Emeritus Professor Rosalind Croucher AM FAAL FRSA FACLM(Hon) President**

**Australian Human Rights Commission**

GPO Box 5218, Sydney NSW 2001

T +61 2 9284 9881 | F +61 2 9284 9611

E [xxxxxxxx.xxxxxxx@xxxxxxxxxxx.xxx.xx](mailto:xxxxxxxx.xxxxxxx@xxxxxxxxxxx.xxx.xx) | W [humanrights.gov.au](http://humanrights.gov.au)

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**Sent:** Thursday, March 30, 2023 2:25 PM  
**To:** Diana Baker <xxxxx.xxxxx@xxxxxxxxxxx.xxx.xx >; Leanne Smith <xxxxxx.xxxxx@xxxxxxxxxxx.xxx.xx >; Senior Management <xxxxxxxxxxxxxxxxxx@xxxxxxxxxxx.xxx.xx >; Michael Badorrek <xxxxxxxx.xxxxxxx@xxxxxxxxxxx.xxx.xx >  
**Subject:** Re: Opinion Piece for Tomorrow - a further point

I'm going to do something this afternoon from the airport I hope

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**From:** Diana Baker <[xxxxx.xxxxx@xxxxxxxxxxxx.xxx.xx](mailto:xxxxx.xxxxx@xxxxxxxxxxxx.xxx.xx)>  
**Sent:** Thursday, March 30, 2023 1:38:52 PM  
**To:** Rosalind Croucher <[xxxxxxxx.xxxxxxx@xxxxxxxxxxxx.xxx.xx](mailto:xxxxxxxx.xxxxxxx@xxxxxxxxxxxx.xxx.xx)>; Leanne Smith <[xxxxxx.xxxxx@xxxxxxxxxxxx.xxx.xx](mailto:xxxxxx.xxxxx@xxxxxxxxxxxx.xxx.xx)>; Senior Management <[xxxxxxxxxxxxxxxxxxxx@xxxxxxxxxxxx.xxx.xx](mailto:xxxxxxxxxxxxxxxxxxxx@xxxxxxxxxxxx.xxx.xx)>; Michael Badorrek <[xxxxxx.xxxxxxx@xxxxxxxxxxxx.xxx.xx](mailto:xxxxxx.xxxxxxx@xxxxxxxxxxxx.xxx.xx)>  
**Subject:** RE: Opinion Piece for Tomorrow - a further point

s 47C



Diana

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**From:** Rosalind Croucher <[xxxxxxxx.xxxxxxx@xxxxxxxxxxxx.xxx.xx](mailto:xxxxxxxx.xxxxxxx@xxxxxxxxxxxx.xxx.xx)>  
**Sent:** Wednesday, March 29, 2023 8:55 PM  
**To:** Leanne Smith <[xxxxxx.xxxxx@xxxxxxxxxxxx.xxx.xx](mailto:xxxxxx.xxxxx@xxxxxxxxxxxx.xxx.xx)>; Senior Management <[xxxxxxxxxxxxxxxxxxxx@xxxxxxxxxxxx.xxx.xx](mailto:xxxxxxxxxxxxxxxxxxxx@xxxxxxxxxxxx.xxx.xx)>; Michael Badorrek <[xxxxxx.xxxxxxx@xxxxxxxxxxxx.xxx.xx](mailto:xxxxxx.xxxxxxx@xxxxxxxxxxxx.xxx.xx)>  
**Subject:** Re: Opinion Piece for Tomorrow

FYI

I just sent the following message to Commissioners, after Lorraine shared her piece with them:

Dear Commissioners

As June, Chin and I are the agreed spokespersons on this, Tracey will assist us with responses, if asked.

Constitutional recognition to ensure Australia fully complies with the positive obligation to recognise our First Peoples and to fully protect their rights to effective participation is what the international obligations require. Supporting that is our institutional responsibility as the national human rights institution .

You may each make your own choices in the referendum.

Our responsibility as the NHRI is clear.

Ros

**From:** [Tracey Young](#)  
**To:** [Diana Baker](#)  
**Subject:** Re: Opinion Piece for Tomorrow - a further point [SEC=OFFICIAL]  
**Date:** Thursday, 30 March 2023 6:46:56 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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An unexpected development [https://www.theguardian.com/australia-news/2023/mar/30/human-rights-commissioners-view-of-indigenous-voice-likely-to-mislead-voters-five-predecessors-say?CMP=Share\\_iOSApp\\_Other](https://www.theguardian.com/australia-news/2023/mar/30/human-rights-commissioners-view-of-indigenous-voice-likely-to-mislead-voters-five-predecessors-say?CMP=Share_iOSApp_Other)

Hope Vientiane is great I haven't been there since 1997 - it must have changed a lot since then!

Get [Outlook for iOS](#)

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**From:** Diana Baker <xxxxx.xxxxx@xxxxxxxxxxxx.xxx.xx>  
**Sent:** Thursday, March 30, 2023 5:26 pm  
**To:** Tracey Young <xxxxx.xxxxx@xxxxxxxxxxxx.xxx.xx>  
**Subject:** Re: Opinion Piece for Tomorrow - a further point [SEC=OFFICIAL]

s 47C

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**From:** Tracey Young <xxxxx.xxxxx@xxxxxxxxxxxx.xxx.xx>  
**Sent:** Thursday, March 30, 2023 10:02:20 AM  
**To:** Diana Baker <xxxxx.xxxxx@xxxxxxxxxxxx.xxx.xx>  
**Subject:** Re: Opinion Piece for Tomorrow - a further point [SEC=OFFICIAL]

<https://humanrights.gov.au/about/news/media-releases/commission-welcomes-constitutional-alteration-bill>

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**From:** Diana Baker <xxxxx.xxxxx@xxxxxxxxxxxx.xxx.xx>  
**Sent:** Thursday, March 30, 2023 1:53:40 PM  
**To:** Leanne Smith <xxxxx.xxxxx@xxxxxxxxxxxx.xxx.xx>; Rosalind Croucher <xxxxxxxx.xxxxxx@xxxxxxxxxxxx.xxx.xx>; Senior Management <xxxxxxxxxxxxxxxx@xxxxxxxxxxxx.xxx.xx>; Michael Badorrek <xxxxxxx.xxxxxx@xxxxxxxxxxxx.xxx.xx>  
**Subject:** RE: Opinion Piece for Tomorrow - a further point [SEC=OFFICIAL]

s 47C

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**From:** Leanne Smith <xxxxx.xxxxx@xxxxxxxxxxxx.xxx.xx>  
**Sent:** Thursday, March 30, 2023 1:44 PM  
**To:** Diana Baker <xxxxx.xxxxx@xxxxxxxxxxxx.xxx.xx>; Rosalind Croucher <xxxxxxxx.xxxxxx@xxxxxxxxxxxx.xxx.xx>; Senior Management

**From:** [Tracey Young](#)  
**To:** [Darren Dick](#)  
**Subject:** RE: AHRC Web Enquiry re. commentary in the Australian newspaper regarding the proposed Voice [SEC=OFFICIAL]  
**Date:** Friday, 31 March 2023 3:58:00 PM

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Thanks Darren

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**From:** Darren Dick <[darren.dick@humanrights.gov.au](mailto:darren.dick@humanrights.gov.au)>  
**Sent:** Friday, March 31, 2023 2:06 PM  
**To:** Rosalind Croucher <[rosalind.croucher@humanrights.gov.au](mailto:rosalind.croucher@humanrights.gov.au)>; Tracey Young <[tracey.young@humanrights.gov.au](mailto:tracey.young@humanrights.gov.au)>; Leanne Smith <[leanne.smith@humanrights.gov.au](mailto:leanne.smith@humanrights.gov.au)>  
**Subject:** Re: AHRC Web Enquiry re. commentary in the Australian newspaper regarding the proposed Voice [SEC=OFFICIAL]

s 47C

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**From:** Rosalind Croucher <[rosalind.croucher@humanrights.gov.au](mailto:rosalind.croucher@humanrights.gov.au)>  
**Sent:** Friday, 31 March 2023 14:03  
**To:** Tracey Young <[tracey.young@humanrights.gov.au](mailto:tracey.young@humanrights.gov.au)>; Leanne Smith <[leanne.smith@humanrights.gov.au](mailto:leanne.smith@humanrights.gov.au)>; Darren Dick <[darren.dick@humanrights.gov.au](mailto:darren.dick@humanrights.gov.au)>  
**Subject:** RE: AHRC Web Enquiry re. commentary in the Australian newspaper regarding the proposed Voice [SEC=OFFICIAL]

s 47C

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**From:** Tracey Young <[tracey.young@humanrights.gov.au](mailto:tracey.young@humanrights.gov.au)>  
**Sent:** Friday, March 31, 2023 1:52 PM  
**To:** Rosalind Croucher <[rosalind.croucher@humanrights.gov.au](mailto:rosalind.croucher@humanrights.gov.au)>; Leanne Smith <[leanne.smith@humanrights.gov.au](mailto:leanne.smith@humanrights.gov.au)>; Darren Dick <[darren.dick@humanrights.gov.au](mailto:darren.dick@humanrights.gov.au)>  
**Subject:** FW: AHRC Web Enquiry re. commentary in the Australian newspaper regarding the proposed Voice [SEC=OFFICIAL]

Dear Ros, Leanne and Darren

Proposed response to the email below for your approval. I realise it doesn't stray much from our media statement, but I wondered if you would like to address anything specifically in the originally correspondent's email.

s 22

s 22



**From:** [Media AHRC](#)  
**To:** [Communications Unit](#)  
**Cc:** [Media AHRC](#); [Tracey Young](#)  
**Subject:** FW: AHRC Web Enquiry re. commentary in the Australian newspaper regarding the proposed Voice [SEC=OFFICIAL]  
**Date:** Friday, 31 March 2023 3:37:25 PM

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Hi Saskia

Could you please respond to the original correspondent from the Communications inbox with the following, which was approved by Ros and Darren:

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s 22

[Redacted content]

[Redacted content]

[Redacted content]

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**From:** Communications Unit <[Communications@humanrights.gov.au](mailto:Communications@humanrights.gov.au)>  
**Sent:** Friday, March 31, 2023 8:46 AM  
**To:** Media AHRC <[media@humanrights.gov.au](mailto:media@humanrights.gov.au)>  
**Subject:** FW: AHRC Web Enquiry re. commentary in the Australian newspaper regarding the proposed Voice [SEC=OFFICIAL]

Fyi...

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**From:** Australian Human Rights Commission <[noreply@humanrights.gov.au](mailto:noreply@humanrights.gov.au)>  
**Sent:** Friday, March 31, 2023 8:19 AM  
**To:** Communications Unit <[Communications@humanrights.gov.au](mailto:Communications@humanrights.gov.au)>; Web Feedback <[webfeedback@humanrights.gov.au](mailto:webfeedback@humanrights.gov.au)>  
**Subject:** AHRC Web Enquiry

You have received an enquiry via the Australian Human Rights Commission contact form.

The enquiry is in regards to Communications

s 22

[Redacted content]

<https://www.theguardian.com/australia-news/2023/mar/30/human-rights-commissioners-view-of-indigenous-voice-likely-to-mislead-voters-five-predecessors-say>

This enquiry was sent on Fri, 03/31/2023 - 08:18

**From:** [Rosalind Croucher](#)  
**To:** [Tracey Young](#); [Rachel Holt](#); [Leanne Smith](#); [Darren Dick](#); [Julie O'Brien](#)  
**Subject:** RE: AHRC Web Enquiry [SEC=OFFICIAL:Sensitive]  
**Date:** Friday, 31 March 2023 1:51:00 PM  
**Attachments:** [image001.png](#)

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s 47C



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**From:** Tracey Young <tracey.young@humanrights.gov.au>  
**Sent:** Friday, March 31, 2023 1:13 PM  
**To:** Rachel Holt <rachel.holt@humanrights.gov.au>; Leanne Smith <leanne.smith@humanrights.gov.au>; Rosalind Croucher <rosalind.croucher@humanrights.gov.au>; Darren Dick <darren.dick@humanrights.gov.au>  
**Subject:** RE: AHRC Web Enquiry [SEC=OFFICIAL:Sensitive]

Hi Ros, Leanne and Rachel

We are also getting some reactions from members of the public – from email via the website (one email pasted below) and also via social media (example pasted below in response to Ed Santow's post opposing Lorraine's position).



s 22

s 47C



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You have received an enquiry via the Australian Human Rights Commission contact form.

The enquiry is in regards to Communications

s 22



s 22

[Redacted]

[Redacted]

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Cheers, Tracey

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**From:** Rachel Holt <[rachel.holt@humanrights.gov.au](mailto:rachel.holt@humanrights.gov.au)>  
**Sent:** Thursday, March 30, 2023 5:25 PM  
**To:** Leanne Smith <[leanne.smith@humanrights.gov.au](mailto:leanne.smith@humanrights.gov.au)>; Rosalind Croucher <[rosalind.croucher@humanrights.gov.au](mailto:rosalind.croucher@humanrights.gov.au)>  
**Cc:** Tracey Young <[tracey.young@humanrights.gov.au](mailto:tracey.young@humanrights.gov.au)>  
**Subject:** FW: AHRC Web Enquiry [SEC=OFFICIAL:Sensitive]

s 47C

[Redacted]

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**From:** Australian Human Rights Commission <[noreply@humanrights.gov.au](mailto:noreply@humanrights.gov.au)>  
**Sent:** Thursday, March 30, 2023 4:13 PM  
**To:** Info Service <[InfoService@humanrights.gov.au](mailto:InfoService@humanrights.gov.au)>; Web Feedback <[webfeedback@humanrights.gov.au](mailto:webfeedback@humanrights.gov.au)>  
**Subject:** AHRC Web Enquiry

You have received an enquiry via the Australian Human Rights Commission contact form.

The enquiry is in regards to Complaints

s 22

[Redacted]

s 22

This enquiry was sent on Thu, 03/30/2023 - 16:13

**From:** [Tracey Young](#)  
**To:** [Julie O'Brien](#)  
**Subject:** FW: AHRC Web Enquiry [SEC=OFFICIAL:Sensitive]  
**Date:** Friday, 31 March 2023 4:02:00 PM  
**Attachments:** [image001.png](#)

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Hi Julie – I forgot to include you on the original email chain seeking approval for a draft response to the email below. The text below is what Ros approved as the reply to the original correspondent, which will be send from the Communications inbox.

Cheers, Tracey

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s 22



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**From:** Rosalind Croucher <[rosalind.croucher@humanrights.gov.au](mailto:rosalind.croucher@humanrights.gov.au)>  
**Sent:** Friday, March 31, 2023 1:52 PM  
**To:** Tracey Young <[tracey.young@humanrights.gov.au](mailto:tracey.young@humanrights.gov.au)>; Rachel Holt <[rachel.holt@humanrights.gov.au](mailto:rachel.holt@humanrights.gov.au)>; Leanne Smith <[leanne.smith@humanrights.gov.au](mailto:leanne.smith@humanrights.gov.au)>; Darren Dick <[darren.dick@humanrights.gov.au](mailto:darren.dick@humanrights.gov.au)>; Julie O'Brien <[julie.obrien@humanrights.gov.au](mailto:julie.obrien@humanrights.gov.au)>  
**Subject:** RE: AHRC Web Enquiry [SEC=OFFICIAL:Sensitive]

s 47C



Ros

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**From:** Tracey Young <[tracey.young@humanrights.gov.au](mailto:tracey.young@humanrights.gov.au)>  
**Sent:** Friday, March 31, 2023 1:13 PM  
**To:** Rachel Holt <[rachel.holt@humanrights.gov.au](mailto:rachel.holt@humanrights.gov.au)>; Leanne Smith