

# Appendix 1

## Background

### Role of the committee

A1.1 The Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander People was re-established by the 44<sup>th</sup> Parliament on 2 December 2013 to inquire into and report on steps that can be taken to progress towards a successful referendum on Indigenous constitutional recognition.

A1.2 The resolution establishing the committee in the 44<sup>th</sup> Parliament states that:

- (1) a Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples be appointed to inquire into and report on steps that can be taken to progress towards a successful referendum on Indigenous constitutional recognition, and in conducting the inquiry, the committee:
  - (a) work to build a secure strong multi-partisan parliamentary consensus around the timing, specific content and wording of referendum proposals for Indigenous constitutional recognition; and
  - (b) consider:
    - (i) the creation of an advisory group whose membership includes representatives of Aboriginal and Torres Strait Islander people to assist the work of the committee;
    - (ii) the recommendations of the Expert Panel on Constitutional Recognition of Indigenous Australians; and
    - (iii) mechanisms to build further engagement and support for the constitutional recognition of Aboriginal and Torres Strait Islander peoples across all sectors of the community, and taking into account and complementing the existing work being undertaken by Recognise;
- (2) the committee present to Parliament an interim report on or before 30 September 2014 and its final report on or before 30 June 2015.<sup>1</sup>

A1.3 In its interim report, the committee noted that the report of the Expert Panel on Constitutional Recognition of Indigenous Australians (the Expert Panel) provided the Parliament with a comprehensive option for constitutional change, based on the results of over 250 public consultations. In preparing this report, the committee further refines its view of which recommendations are likely to gain public support at a referendum, and those which are likely to have multipartisan support.

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1 Hon Mr Christopher Pyne MP, Leader of the House, Minister for Education, *House of Representatives Hansard*, 21 November 2013, p. 969.

### **Activities in the 44<sup>th</sup> Parliament**

A1.4 The committee has received and published 37 submissions on its website. The committee has held 10 public hearings and met with a range of advisers. A list of witnesses at the committee's public hearings and submissions received is in Appendices 3 and 5.

A1.5 The committee is calling for submissions on steps that can be taken to progress towards a successful referendum on the constitutional recognition of Aboriginal and Torres Strait Islander peoples. The committee thanks all of the individuals and organisations that have already contributed to its work.

A1.6 The committee is required to present a final report to the Parliament on or before 30 June 2014.

### **Expert Panel on Constitutional Recognition of Indigenous Australians**

A1.7 As discussed in the committee's first interim report, former Prime Minister Julia Gillard appointed the Expert Panel in December 2010 to consult on the best possible options for a constitutional amendment to be put to a referendum. Led by co-chairs Professor Patrick Dodson and Mr Mark Leibler AC, the Expert Panel conducted over 250 consultations around Australia, with the aim of building public awareness of constitutional recognition.

A1.8 The Expert Panel provided its comprehensive report to government in January 2012, recommending repeal of sections 25 and 51(xxvi) of the Constitution and insertion of new sections 51A, 116A and 127A. The Expert Panel's recommendations are set out in Appendix 2 to this report.

### **Activities in the 43<sup>rd</sup> Parliament**

A1.9 The 43<sup>rd</sup> Parliament first appointed a Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples on 28 November 2012. The 43<sup>rd</sup> Parliament committed to 'placing before the Australian people at a referendum a proposal for constitutional recognition of Aboriginal and Torres Strait Islander peoples,' passing the *Aboriginal and Torres Strait Islander Recognition Act 2013* (Recognition Act) on 14 March 2013.<sup>2</sup>

A1.10 Appendix 1 of the committee's first interim report provides more detail on the activities of the committee in the 43<sup>rd</sup> Parliament.

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2 *Aboriginal and Torres Strait Islander Recognition Act 2013* (Commonwealth), preamble.