



NATIONAL CONGRESS
OF AUSTRALIA'S FIRST PEOPLES

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January 11, 2013

Senator Crossin
Chair

Joint Select Committee on Constitutional Recognition of
Aboriginal and Torres Strait Islander Peoples
SG. 64, PO Box 6100
Parliament House
Canberra ACT 2600
Australia
jscatsi@aph.gov.au

Dear Senator Crossin

The National Congress of Australia's First Peoples (Congress) welcomes the opportunity to provide a response to the Joint Committee Constitutional Recognition of Aboriginal and Torres Strait Islander peoples regarding the Inquiry into the Aboriginal and Torres Strait Islander Peoples Recognition Bill.

Congress members overwhelmingly support reform of the Australian Constitution to eliminate racial discrimination by governments and to provide a basis for recognition and protection of the culture, languages and identity of Aboriginal and Torres Strait Islander Peoples.

We continue to support the recommendations of the Expert Panel's report, *Recognising Aboriginal and Torres Strait Islander peoples in the Constitution*.

Success in achieving the required constitutional reform relies on strong political leadership as well as commitment from all parties to ensure a referendum in the next term of Government.

Congress remains committed to substantive reform and the recommendations of the Expert Panel. We also maintain that Aboriginal and Torres Strait Islander peoples must lead the community conversation to ensure a successful referendum.

Effective process for a successful referendum

Consistent with the UN Declaration on the Rights of Indigenous Peoples, Aboriginal and Torres Strait Islander peoples should provide their free, prior and informed consent to legislation for their benefit. Any process now undertaken must ensure full participation of Aboriginal and Torres Strait Islander people.

Congress had previously made a formal request to Minister Macklin for non-parliamentary representatives of Aboriginal and Torres Strait Islander Peoples such as Congress to be appointed to the Joint Select Committee, either in a formal or advisory capacity. Whilst this particular request was not enacted, this is the type of representation that is required to facilitate greater participation in the Constitutional Reform process by Aboriginal and Torres Strait Islander peoples. We would expect that representation of this kind is afforded to Aboriginal and Torres Strait Islander people on any subsequent Committees or bodies formed during the Constitutional Reform process.

We support ongoing engagement and negotiation with Aboriginal and Torres Strait Islander peoples in support of Recommendation G of the Expert Panel's Report, *Recommendations on the process for the referendum* which outlines:



If the Government decides to put to referendum a proposal for constitutional recognition of Aboriginal and Torres Strait Islander peoples other than the proposals recommended by the Panel, it should consult further with Aboriginal and Torres Strait Islander peoples and their representative organisations to ascertain their views in relation to any such alternative proposal.

Congress supports a persuasive, community led campaign complemented by multi-partisan support and strong leadership by the Government. We maintain that any Act of Recognition must be accompanied by a statement from Government which outlines a clear process to generate awareness and community support to ensure a successful referendum in the next term of Government.

Congress recommends that efforts to increase awareness must be accompanied by appropriate funding to mobilise and utilise the capacity of Aboriginal and Torres Strait Islander representative organisations.

Aboriginal and Torres Strait Islander Peoples Recognition Bill 2012

In relation to the Bill, Congress makes the following recommendations:

- (i) Stronger language and a clearer commitment to the substantive reform agenda outlined by the Expert Panel should be applied.
- (ii) Congress suggests replacing the term 'important work of the Expert Panel' in the Preamble to include the 'recommendations of the Expert Panel'.
- (iii) The elimination of racial discrimination is one of the core recommendations of the Expert Panel and a clause supporting the removal of racist elements of the Constitution should be inserted into the Draft Bill following section 3.
- (iv) Congress considers that the term "engagement and negotiation" is more appropriate than "engagement" in the preamble to the Bill.
- (v) The commitment to "building the national consensus" should be accompanied by a comprehensive statement which outlines a course of action to generate community awareness.

Request for Meeting

We would request a meeting with the Joint Select Committee on these issues prior to its reporting to Parliament on 30 January 2013.

Yours sincerely,

Jody Broun
Co-Chair

Les Malezer
Co-Chair

