



7 June 2018

**To the members of the
Joint Standing Committee on Constitutional Recognition
Relating to Aboriginal and Torres Strait Islander Peoples**

I am writing to you on behalf the Catholic Education Office - Ballarat Diocese. (CEOB) The CEOB encompasses and supports a range of schools across the Western half of Victoria, including several small schools in rural and remote areas, as well as large schools in regional centres. These 64 diverse primary and secondary schools provide distinctive Catholic education from the “*Murray to the Sea*”. The mission of Catholic education is to ensure that every student will flourish and that every student, staff member and family will experience the presence of the risen Christ in our schools.

Our Catholic schools nurture students throughout their educational journey with a deep connection to the teachings of Jesus Christ. Working in partnership with parents, parish and the broader community, our schools provide an environment which enables all students to learn and flourish as a part of their human development. Our organisation is committed to respectful dialogue, recognition, justice and on-going reconciliation with Aboriginal and Torres Strait Islander Peoples. The CEOB respectfully acknowledge and celebrate the First Nation peoples, the Kulin, Wotjo, Mara and Jaara Nations, who for millennia have nurtured the country, where our schools and parishes are built.

Our organisation believes that the Australian curriculum has the potential to educate on authentic histories, contemporary issues, cultures, etc. If we are to stay “true” to what we expect our current and future students to learn, we need to have a statement/s in our Constitution that acknowledges Indigenous sovereignty.

Therefore, the Catholic Education Office- Ballarat Diocese strongly endorses the two recommendations of the **Referendum Council** (June 2017), concatenated with the sentiments espoused in the ***Uluru Statement from the Heart***, specifically:

- *That a referendum be held to provide in the Australian Constitution for a representative body that gives Aboriginal and Torres Strait Islander First Nations a Voice to the Commonwealth Parliament. One of the specific functions of such a body, to be set out in legislation outside the Constitution, should include the function of monitoring the use of the heads of power in section 51 (xxvi) and section 122. The body will recognise the status of Aboriginal and Torres Strait Islander peoples as the first peoples of Australia. Referendum Council*
- *That an extra-constitutional Declaration of Recognition be enacted by legislation passed by all Australian Parliaments, ideally on the same day, to articulate a symbolic statement of recognition to unify Australians. Referendum Council*
- *establishment of a First Nations Voice enshrined in the Constitution **Uluru Statement from the Heart***
- *establishment of a Makarrata Commission to supervise a process of agreement-making between governments and First Nations that includes truth-telling about Aboriginal and Torres Strait Islander people’s history. **Uluru Statement from the Heart***



We concur with Professor Greg Craven, an expert in Constitutional law, who describes these proposed achievable and sensible reforms as a “*modest, yet profound*” way to guarantee the inalienable human rights of first nation peoples in Australia.

The CEOB is fully supportive of the *Uluru Statement from the Heart* and the recommendations of the Referendum Council. We believe the intended outcomes of the Referendum Council (June 2017) and *Uluru Statement from the Heart*, resonate harmoniously with Catholic Church social teaching on the rights of Indigenous peoples. Pope Francis recently called on all governments to recognise “*that indigenous communities are part of the population to be appreciated and consulted, and whose full participation should be promoted at the local and national level.*” (Rome, Feb 2018).

We subscribe to the Catholic Church teaching that people or groups most directly affected by a decision or policy should have the key decision-making role. These principles of **participation** and of **subsidiarity** are relevant not only to the individual’s civil and political rights, *eg the right to vote*, but also to collective social, economic and cultural rights, *eg the right to preserve a given language and culture*. The principle of *subsidiarity* places responsibility as close as possible to the grassroots. As Pope John Paul II explains:

... a community of a higher order should not interfere in the internal life of a community of a lower order, depriving the latter of its functions, but rather should support it in case of need and help to coordinate its activity with the activities of the rest of society, always with a view to the common good. (1986)

The CEOB believes indigenous people should be truly the main authors of their own destiny. First Nations peoples need not only to be involved in the decisions that affect them, but also in designing those decision-making processes. That is why the Makarrata Commission proposed in the Uluru Statement and concept recommended by the Referendum Council is our preferred way forward. Since the early 1990s, the Australian Catholic Bishops Conference (ACBC) have called on governments to ‘*encourage Aboriginal self-management and independence*’ and to ‘*involve Aboriginal people in all decisions that affect them*’. The bishops also proposed that Aboriginal and Torres Strait Islander Peoples should have an ‘*assured place*’ in Australia’s political processes. The ACBC stated in 1990:

As descendants of Australia’s first occupants and as the primary custodians of the Aboriginal culture and heritage, Aborigines have the right to continue the management of their community affairs as autonomously as possible within the Australian nation...

We agree with Noel Pearson’s astute observation, that Australia is a “*triune nation*” with a National story in three parts, which when connected, make us one Australia:

- *ancient indigenous heritage*
- *inherited Anglo-Celtic institutions and cultures*
- *multi-cultural achievements*

We also argue that our Indigenous peoples currently lack their rightful place in contemporary life in our national trilogy, which would be remediated by creating a Constitutionally enshrined First Nations Voice body - *Makarrata Commission*. We trust the Referendum Council’s concept of a Declaration, outside of the Constitution, would also help unify our nation and recognise the three elements of our national story.



We also consider that the stipulated Constitutional reform and the establishment of Makarrata, will ensure Australian compliance with the *United Nations Declaration on the Rights of Indigenous Peoples* and ratification of the *International Labour Organisation Convention 169 on the rights of Indigenous and Tribal Peoples*.

More important than consistency with Church doctrine or compliance with international obligations, the CEOB steadfastly believes that that Constitutional reform to enshrine First Nations Voice will ameliorate the crisis of two centuries of disadvantage and discrimination, the *"torment of our (their) powerlessness"*. It will simultaneously improve the life of our indigenous peoples and enhance the social capital of our whole nation. We endorse the opinion of our indigenous peoples at the 2017 National Constitution Convention, concisely articulated in the *Uluru Statement*, that Constitutional reform will empower First Nation peoples to take a rightful place in our country. Lives will improve, because

*When we have power over our destiny our children will flourish.
They will walk in two worlds and their culture will be a gift to their country.*

Our Indigenous Support Officer, a proud Buanditj woman, recently wrote

Many voices need to be raised and heard.

We have been "looked after" enough by policies, organisations, etc. but now we need to manage ourselves, with support and advice when necessary. We are fortunate to be part of a country that is rich in cultures, material goods and thinkers/innovators. We can determine our own future if we are given opportunities and some guidance (when sought) but we need to find a way forward that is culturally appropriate. Being recognised in the Constitution and having a real voice in government is a great starting point (*read "voice" as a plural*). Pope Francis, in his prayer intention for July 2016, said, *"I want to be a spokesman for the deepest longings of indigenous peoples. And I want you to add your voice to mine in a heartfelt prayer that all will respect indigenous peoples, threatened in their identity and even in their existence."*

From my discussions and consultations with community groups and individuals, it is evident that **now is the time for change**. Although it could be argued that it is long overdue, there is a sense of "rightness" with the timing, fifty years on from the 1967 Referendum. Aboriginal way has always been that things will happen when they happen and whilst we cannot become too complacent, things occur for a reason, because timing is right or enough people support a proposal.

I thought back to past actions or speeches that have demonstrated real change. I believe that these times have heartened or empowered Aboriginal and Torres Strait Islander peoples. In fact, these have affected most Australians. They have sustained people and given them hope for the future. I sincerely believe that recognition in the Constitution and a voice in our Federal Parliament will help us to work towards better health, education, employment prospects, mortality statistics, etc.

- **Pope John Paul II** Alice Springs speech
- 10 December 1992 - **Prime Minister Paul Keating's** Redfern Speech
- 2000 - Walk for Reconciliation (across Australia, especially Sydney Harbour Bridge)
- 13 February 2008 – **Prime Minister Kevin Rudd** *The National Apology by the Parliament of Australia to the Stolen Generation and their families*





Our organisation was pleased with the recent paradigm shift at Uluru in 2017, when we witnessed the largest consensus of Australian indigenous peoples in history, agreeing with substantive Constitutional reform recommended by the Referendum Council. This exciting momentum for historical action, not repetitive rhetoric, was unfortunately lost by what appears to be political indecision. We were dismayed by the apparent disrespectful disregard of the outstanding process and report of the Referendum Council, by some members of Parliament. So, we want to encourage and exhort the *Joint Select Committee members* to ensure momentum is recaptured, bipartisanship is re-built, and the good will of the public is promoted.

Information gleaned from *Appendices J and K* of the Final report by the Referendum Council, indicates widespread consultation, with 2,824,702 engaged in the process, including 1,111 submissions. The data shows that a majority of Australians (63%) are in favour of the change and 80% of Indigenous and Torres Strait Islander peoples supported the option for an indigenous voice to Parliament. An even larger majority (90%) of submissions supported the constitutional recognition of Aboriginal and Torres Strait Islander peoples, although there were differing views on what proposals would constitute the most appropriate mechanisms for recognition.

The CEOB agrees wholeheartedly with both our indigenous education officer's astute understandings "*now is the time for change*" and Pope John Paul II, who when speaking to first-nation peoples in Alice Springs in 1986, said, "*...what has been done cannot be undone. But what can now be done to remedy the deeds of yesterday must not be put off until tomorrow.*" Bishop Hurley wrote in 2016,

"This is the right time and place when we, the Church, are invited and encouraged to listen to our Indigenous sisters and brothers and look at specific actions we need to take to ensure the meaningful roles and contribution of Aboriginal and Torres Strait Islander peoples in our Church and society. This timely theme is an invitation and call to us to create and ensure a change in societal attitude and promote not only rebirth and hope but justice and equal rights of Indigenous peoples."

More delays equate to more misery. Our Diocese in Ballarat has learnt this powerful lesson that more people are hurt when truth and justice is delayed, with the catastrophic mishandling of historic Clergy Child abuse issues. Governmental delays on contemporary issues like Royal Commissions into Banking, Institutional Abuse, Marriage equality plebiscite, etc can exacerbate problems. After over 200 years of delay, now is the time for change.

It is an opportune time to acknowledge the important words of Pope St John Paul II to indigenous peoples in Alice Springs in 1986:

'You are part of Australia and Australia is part of you. And the Church herself in Australia will not be fully the Church that Jesus wants her to be until you have made your contribution to her life and until that contribution has been joyfully received by others.'

We would extrapolate that Australia will not reach it's full potential as a nation, until First Nation peoples have their rights enshrined and recognised in the Constitution. We believe that the principles of Catholic Social Teaching clearly express that the Church and our Australian community cannot be whole unless and until all people, including our First Nations people, have a place at the common table. We concur with Caritas Australia (*Walk as One-The Path to Justice*, 2012) who argue that Australia "*... is poorer for their exclusion and oppression.*"

The outcomes from the Uluru statement indicate that Indigenous peoples themselves believe that this is the most effective way for self-determination to be enhanced, leading to better local decision making, improved economic advancement and superior social outcomes.

Importantly, the excellent consultative process enacted by the Referendum Council, means that First Nation peoples, have determined themselves that the intended outcomes of the Referendum Council and *Uluru Statement*, are the best way to meet most of the criteria developed by the Final Report of the Expert Panel on Recognising Aboriginal and Torres Strait Islander Peoples in the Constitution:

- i. *contribute to a more unified and reconciled nation;*
- ii. *be of benefit to and accord with the wishes of Aboriginal and Torres Strait Islander Peoples;*
- iii. *be capable of being supported by an overwhelming majority of Australians from across the political and social spectrums*
- iv. *be technically and legally sound;*
- v. *engage with key stakeholders, including Aboriginal and Torres Strait Islander Peoples and organisations*

We urge the Joint Standing Committee members to ensure that the recommendations of the *Referendum Council* and *Uluru Statement from the Heart* in their entirety, are enacted as soon as possible, so that Australia can be a better and more bountiful society for all. We consider these actions to be the optimal and most meaningful way of addressing the legacy of our colonial past. Many voices need to be raised and heard.

Yours sincerely



Audrey Brown
Director of Education

Acknowledgement of Country. *(Start of the School Year Mass- St Patricks Cathedral, Ballarat. January 2018)*

*We acknowledge and celebrate the Wadawarrung people,
who are the traditional and unbroken custodians of the sacred land
on which we gather today.*

*We also acknowledge and celebrate the First Nation peoples,
the Kulin, Wotjo, Mara and Jaara Nations,
who have nurtured the country,
where our schools and parishes are built, for millennia.*

We pay our respects to the Elders - past, present and emerging.

*We commit to respectful dialogue, recognition, justice and on-going reconciliation
with Aboriginal and Torres Strait Islander peoples.*

