



PO Box 4773, Kingston ACT 2604

Old Parliament House,
King George Terrace, Parkes, ACT 2600

TEL 61 2 6273 9200
EMAIL enquiries@reconciliation.org.au
WEB www.reconciliation.org.au

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

11 January 2013

Dear Committee Members,

Re: Inquiry into Aboriginal and Torres Strait Islander Peoples Recognition Bill 2012

Thank you for the opportunity to comment on the Aboriginal and Torres Strait Islander Peoples Recognition Bill 2012.

This submission is a joint response from Reconciliation Australia and Recognise (formerly You Me Unity).

Changing the Constitution to recognise Australia's unique Aboriginal and Torres Strait Islander cultures and peoples can be the next big milestone in the journey towards a reconciled Australia.

Recognising the unique contribution of Aboriginal and Torres Strait Islander peoples as First Australians and custodians of the world's oldest continuing cultures and removing the potential for racial discrimination from the Constitution would help to build greater respect and better relationships between Aboriginal and Torres Strait Islander people and other Australians, and improve fairness and equality for all.

Reconciliation Australia and Recognise support the passage of a Bill that recognises, on behalf of the Parliament and the people of Australia, the unique contribution of Aboriginal and Torres Strait Islander peoples as Australia's First Peoples and custodians of Australia's first cultures. We particularly welcome the preamble reference that Parliament declares its commitment to building the national consensus required for a successful referendum.

The Aboriginal and Torres Strait Islander Peoples Recognition Bill 2012 (the Bill) should be an important step in the journey towards a successful referendum to recognise Aboriginal and Torres Strait Islander peoples in Australia's Constitution. We concur with the Minister's second reading speech that parliamentary recognition is not a substitute for constitutional recognition.

We would also make three other points for consideration:

1. The Act should be accompanied by other measures to progress the Parliament's deliberations on a referendum model.

This Bill does not detail the next steps the Parliament will take to develop the recommendations of the Expert Panel and build an acceptable model to be put to the people. We therefore welcome the Parliament's commitment, in establishing the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples, for the committee to be asked immediately following passage of the Act of Recognition to build a "secure, strong multi-partisan Parliamentary consensus around the timing, specific content and wording of referendum proposals for Indigenous constitutional recognition." (Message no 558, dated 27 November 2012). This work by the committee will be crucial in Australia taking the next steps toward the ultimate goal of a successful referendum.

2. The Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples must work in partnership with Aboriginal and Torres Strait Islander communities, leaders, organisations and representatives.

We welcome the inclusion in the committee's Terms of Reference that it should "consider the creation of an advisory group whose membership includes representatives of Aboriginal and Torres Strait Islander people to guide the work of the committee." We draw to the committee's attention a rare but powerful precedent in the Australian Parliament – in special instances, committees have appointed non-Parliamentarians as Parliamentary Commissioners to their deliberations. Using such a title in this instance would emphasise a genuine partnership between Aboriginal and Torres Strait Islander leadership and, other than Ken Wyatt, the mostly non-Indigenous membership of the Joint Select Committee. It would be a powerful way to bring to life one of the goals of constitutional recognition – the ideal of Indigenous and non-Indigenous Australians forging the next chapter of our nation's story together – rather than apart from one another.

Meaningful and ongoing consultation with Aboriginal and Torres Strait Islander communities and continuous input by Aboriginal and Torres Strait Islander leaders and organisations will be crucial to the success of this project. We suggest this should include the National Congress of Australia's First Peoples and the Constitutional Recognition Reference Group.

3. The process of examining and developing the model and timetable for referendum should be underpinned by the Expert Panel's recommendations.

We support the reference in Section 4 (2) (b) that the Review of the Act will take into account the work of the Expert Panel on Constitutional Recognition of Aboriginal and Torres Strait Islander peoples and Reconciliation Australia.

We thank you again for the opportunity to comment on the Aboriginal and Torres Strait Islander Peoples Recognition Bill 2012, and look forward to celebrating this important milestone and continuing to build public support and momentum toward a referendum.

Kind regards,

Leah Armstrong
Chief Executive Officer
Reconciliation Australia

Tim Gartrell
Campaign Director
Recognise (formerly You Me Unity)