

Redfern Legal Centre



The Secretary
Joint Select Committee on Constitutional Recognition
By e-mail: jscatsi@aph.gov.au

10 January 2013

Aboriginal and Torres Strait Islander Peoples Recognition Bill ('The Bill')

1. Introduction: Redfern Legal Centre

Established in 1977, Redfern Legal Centre ("RLC") is an independent, non-profit, community-based legal organisation with a prominent profile in the Redfern area. RLC has a particular focus on human rights and social justice.

Our specialist areas of work are domestic violence, tenancy, credit and debt, employment, discrimination and complaints about police and other governmental agencies. By working collaboratively with key partners, RLC specialist lawyers and advocates provide free advice, conduct casework, deliver community legal education, organise consultations and write publications and submissions. RLC works towards reforming our legal system for the benefit of the community.

2. RLC's work with Aboriginal and Torres Strait Islander clients

RLC has a priority access policy for ATSI clients. The policy recognises the historic issues for Aboriginal and Torres Strait Islander communities in accessing justice. As a result of this policy, Aboriginal and Torres Strait Islander clients can, in most instances, be referred to the solicitor on duty if they drop-in to the service.

In 2011, we provided legal services to some 3400 individuals from Redfern and surrounding areas, approximately 200 of whom identified as Aboriginal or Torres Strait Islander. Sydney Women's Domestic Violence Court Advocacy Service, which is auspiced by RLC, assisted female clients who identified as Aboriginal and Torres Strait Islander with 869 service events in 2010; these service events involved providing information, advocacy and referrals in domestic violence proceedings.

3. Community consultation in Redfern about Aboriginal and Torres Strait Islander recognition in the Australian Constitution

On 15 September 2011, Redfern Legal Centre participated in a community

consultation in Redfern about Aboriginal and Torres Strait Islander recognition in the Australian Constitution. The consultation was organized by Redfern Legal Centre in partnership with the Metropolitan Local Aboriginal Land Council, Mudgin-gal Aboriginal Women's Corporation and Wirringa Baiya Aboriginal Women's Legal Centre. The Indigenous Law Centre at the University of NSW presented on the topic of Australia's current Constitution and how to change it; the Gilbert + Tobin Centre for Public Law at the University of NSW presented options for changing the Constitution to recognise Indigenous people; and Mudgin-gal Aboriginal Women's Corporation presented a personal view on the proposed Constitutional changes.

The opportunity was welcomed by those in attendance. The aim was to provide a forum for discussion and to inform one another of possible options, opportunities and concerns.

In summary, Aboriginal and Torres Strait Islander attendees who are involved with Constitutional, legal or political issues on a day-to-day basis displayed significant knowledge about the options for Constitutional reform, but held differing opinions on whether and what kind of Constitutional change should be pursued. There were approximately 4 attendees who fell into this category.

Both the non-Aboriginal participants and other Aboriginal and Torres Strait Islander attendees – members of the local Redfern community and representatives of Aboriginal community organisations – were generally unaware of the options for Constitutional reform. There was also a degree of confusion and concern over the possible effects of Constitutional reform. There was, however, a general feeling that opportunities for Constitutional reform should be seized and that any changes should be substantive and not just include a symbolic recognition of Aboriginal and Torres Strait Islander people as the first people of Australia.

Overall, this event indicated that the Aboriginal and Torres Strait Islander community (at least in Redfern) has not been adequately engaged in the discussion about Constitutional reform, and that many Aboriginal and Torres Strait Islander people who did attend think that they need more time to develop a proper understanding of the issues. Members of the Aboriginal and Torres Strait Islander community displayed weariness of government intervention based on past experience. Attendees passionately desire to improve living standards within their communities, and seek greater respect and recognition from government and the wider Australian public.

4. Views on the Bill

Based on the consultation described above, we welcome the Bill's approach of setting up a timetable for constitutional change, rather than attempting to introduce constitutional change at this stage.

We note that much work needs to be done in relation to raising awareness about Constitutional Recognition both within Indigenous Communities and more broadly.

We endorse the submission of Australians for Native Title and Reconciliation (AnTaR) in relation to principles for guiding future work in this area.

Yours Sincerely,

Joanna Shulman
Chief Executive Officer
Redfern Legal Centre