

Submission to the Joint Select Committee regarding Constitutional Recognition for Aboriginal and Torres Strait Islander People

The Centre for Excellence in Child and Family Welfare (the Centre) welcomes the opportunity to submit this supporting statement to the Joint Select Committee regarding Constitutional Recognition for Aboriginal and Torres Strait Islander People. As the peak body for child and family services in Victoria for over 100 years, the Centre has advocated for the rights of children and young people to be heard, to be safe, to access education and to remain connected to family, community and culture. We represent over 150 community service organisations, students and individuals throughout Victoria working across the continuum of child and family services, from prevention and early intervention to the provision of out-of-home care.

Through our work, and the work of our member agencies, the Centre recognises the on-going struggle for equality and self-determination faced by Aboriginal Victorians, particularly children and young people. The Uluru Statement from the Heart writes:

Proportionally, we are the most incarcerated people on the planet. We are not an innately criminal people. Our children are aliened from their families at unprecedented rates. This cannot be because we have no love for them. And our youth languish in detention in obscene numbers. They should be our hope for the future.

These key issues identified by the Uluru Statement resonate strongly for Victoria's Aboriginal children and young people. In 2016-17, a quarter of Victoria's Aboriginal children received Child Protection services, a rate 10 times higher than for non-Aboriginal children.¹ This disparity in numbers is even harsher for children separated from their birth parents. The rate of Aboriginal children living in out-of-home care in Victoria in 2016-17 was 16 times higher than non-Aboriginal children.² Aboriginal young people aged 10-17 are also overrepresented in youth detention by over 12 times the rate of non-Aboriginal young people.³ Across many aspects of health and wellbeing, the data highlights how much harder the State and Federal government must work towards closing the gap in outcomes for Aboriginal and Torres Strait Islander children and young people. Crucially, Aboriginal self-determination must be the driver of the political and social change necessary to close those gaps.

As noted by previous submissions to the Joint Select Committee's interim report, we know that local empowerment and self-governance leads to improved socio-economic outcomes for Aboriginal communities. We know that when children and young people are connected to culture and community, their health, social and educational outcomes improve. The Centre therefore strongly supports the constitutional recognition of Aboriginal and Torres Strait Islander people as Australia's First Peoples, as a crucial step forwards in self-determination, and one that is long overdue.

In particular, the Centre supports the Committee's view that, whatever form the constitutional recognition of Aboriginal and Torres Strait Islander people takes in practice, the legitimacy of 'The

¹ AIHW (2018) [Data tables: Child Protection Australia 2016-17 – Table S3](#)

² AIHW (2018) [Data tables: Child Protection Australia 2016-17 – Table S43](#)

³ AIHW (2018) [Youth Justice - Data table: Detention S74 to S127 - Table S79b](#)

Voice' to Parliament must be grounded in the full and proper representation, and meaningful participation, of all Aboriginal and Torres Strait Islander communities and people across Australia.⁴ The process of determining the design, structure and implementation of a Voice to Parliament should be widely consultative, culminating in work that is truly collaborative between government and Aboriginal and Torres Strait Islander people.

The Centre also supports the consistent theme present in the Interim Report that suggests there should be strong local and regional structures that feed into a national Voice; as a one-size-fits-all, Western approach to governance would not be appropriate. As noted in the Interim Report, previous models of providing an Aboriginal and Torres Strait Islander Voice to Parliament in Australia have failed when the governance and structure of the process has been based around Western political models and did not fairly or legitimately represent the diversity of the communities it aimed to represent.

Finally, and critically, as the Victorian Government steps forwards on the path to Treaty with Aboriginal Victorians, and the idea of constitutional recognition and the establishment of a Voice to Parliament for Aboriginal and Torres Strait Islander people gains traction, these notions must have bipartisan support across all levels of government. In the face of upcoming State and Federal elections in the coming year, the path to Aboriginal self-determination and constitutional recognition must exist outside the churn of political cycles. The Centre supports the sentiments shared by Mr. Ian Trust, Chairperson and Executive Director of the Wunan Foundation, in the Interim Report. Through constitutional recognition, Aboriginal and Torres Strait Islander people require a self-determined representative body that provides political stability and enables policies to be thoroughly planned out in advance and roll out consistently, withstanding any political change.

⁴ Joint Select Committee on Constitutional Recognition relating to Aboriginal and Torres Strait Islander Peoples (2018) [Interim Report](#), p. 116.