

FAQ

SOME FREQUENTLY ASKED QUESTIONS ABOUT CONSTITUTIONAL RECOGNITION

WHAT IS THE CONSTITUTION?

The Constitution is the set of rules that defines how this country is run, it is the highest law in this country and the nation's founding document.

WHY IS CHANGE NEEDED?

There is a silence in our Constitution, it is missing the first chapter of Australia's story, a story that is tens of thousands of years old.

We have the oldest continuing cultures in the world right here in Australia, it is a rich and unique heritage that should be recognised.

We also have parts of our constitution that still enable governments to discriminate on the basis of race. Discrimination on the basis of race has no place in the constitution of a modern Australia.

DIDN'T 67' SORT THIS OUT?

In the 1967 referendum, more than 90 percent of Australians voted yes to remove discriminatory references to Aboriginal and Torres Strait Islander people.

BUT WE DIDN'T FINISH THE JOB.

The Constitution still does not recognise Aboriginal and Torres Strait Islander peoples as the First Peoples of this land and it also still contains sections that discriminate on the basis of race.

WHAT ARE THE RECOMMENDATIONS?

An Expert Panel – which included Aboriginal and Torres Strait Islander leaders, parliamentarians from across the political spectrum and constitutional experts was established to consult the nation on the best possible options for a constitutional amendment.

The panel received more than 3500 submissions and held more than 300 public meetings.

The final report submitted to the Prime Minister in January 2012 recommended:

Removal of Section 25 – which says the states can ban people from voting based on their race;

Removal of section 51(xxvi) – which can be used to pass laws that discriminate against people based on their race;

Insertion of a new section 51A - to recognise Aboriginal and Torres Strait Islander peoples and to preserve the Australian Government's ability to pass laws for the benefit of Aboriginal and Torres Strait Islander peoples;

Insertion of a new section 116A, banning racial discrimination by government; and

Insertion of a new section 127A, recognising Aboriginal and Torres Strait Islander languages were this country's first tongues, while confirming that English is Australia's national language.

HOW DO YOU CHANGE THE CONSTITUTION?

In order to amend the Constitution, changes must be approved by a referendum – a vote by the Australian people.

To be successful a vote at a referendum requires a double majority, that is a majority of people nation wide and a majority of states.

WHO IS SUPPORTING THE CHANGE?

Aboriginal and Torres Strait Islander leaders have been calling for Constitutional Recognition for some time.

Professor Patrick Dodson has said

"Recognition of the First Peoples in the Constitution of a country starts to send a message that you are valued, you are important, that we want to respect you, and we want to deal with the things that have caused us division and discord in the past."

Dr Lowitja O'Donoghue has said:

"Constitutional recognition of the First Australians would be good not only for our own heads and hearts, but also for the nation's soul."

Mr Noel Pearson has said:

"This is much more than a question of symbolism, this is a question of national wellbeing and national identity. It's about coming to terms with who we are as a nation and deciding who we want to be in the future"

IS THERE POLITICAL SUPPORT FOR THE CHANGE?

There is strong support for Constitutional Recognition of Aboriginal and Torres Strait Islander peoples across the political spectrum.

In 2013 as an interim step towards a referendum the parliament unanimously passed the 'Act of Recognition' which lays the framework for advancing towards constitutional change, including setting of a time frame with the inclusion of a 2 year sunset clause in the act.

CAN CONSTITUTIONAL RECOGNITION HELP CLOSE THE GAP?

Yes. We won't be able to close the gaps in education and health unless we also close the gaps in respect and understanding. Constitutional Recognition of Aboriginal and Torres Strait Islander peoples will provide a solid foundation based on respect and understanding.

The Royal Australian and New Zealand College of Psychiatrists have said that constitutional recognition can have a positive practical effect on the well being of Aboriginal and Torres Strait Islander people.

DOES CONSTITUTIONAL RECOGNITION CEDE SOVEREIGNTY OR A TREATY?

No. Constitutional recognition of Aboriginal and Torres Strait Islander people, sovereignty (the power of a people to rule their own affairs) and a treaty are separate issues.

Legal experts say recognition in the Constitution would in no way negate a later discussion by Australians on whether our country should have a treaty or Aboriginal and Torres Strait Islander people have sovereignty.

Regardless of your views on treaty or sovereignty, these are separate issues from that of constitutional recognition.

WHAT NEEDS TO HAPPEN?

The people of Australia need to join the discussion. Popular awareness and popular ownership are key characteristics of successful referendums.

The discussion must reach the lounge rooms, lunchrooms and boardrooms, parks, pubs, café's and schools around the nation.

Support for the movement has begun, it now must continue to grow in numbers and strength until the referendum is called.



HOW CAN I GET INVOLVED?

1. **Get Informed and register to be a local activist**
antar.org.au/constitutional_recognition
2. **Start conversations**
antar.org.au/reports/spread-word
3. **Join Recognise and be part of The Journey**
recognise.org.au

