

THE CONVERSATION ABOUT CONSTITUTIONAL RECOGNITION

The Government, Opposition and Greens have committed to holding a referendum to recognise the First Peoples of this land. Changes are also being considered to ensure our Constitution reflects the principle of racial equality.

This is an opportunity to come together to show respect to the First Peoples and affirm our belief in the fair go.

The public discussion about Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples has focused on three main problems with our nation's founding document:

1. There is no mention of Aboriginal or Torres Strait Islander Peoples in the Constitution.
2. Section 25 contemplates laws that allow State Governments to ban people from voting in elections on the basis of their race.
3. Section 51(xxvi) is a 'race power' which allows 'special laws' to be directed at the people of a particular 'race'. While this power allows laws to protect Aboriginal heritage it also enables governments to make other laws to the detriment of people based on their race.

THE FORMAL PROCESS SO FAR

Aboriginal and Torres Strait Islander people have been calling for Constitutional change for decades.

In 2011 the then Government established an Expert Panel to lead consultations on constitutional change with the Australian people and present a report to the Government. The Panel was made up of Members of Parliament from across the political spectrum, Aboriginal and Torres Strait Islander elders, community leaders and respected legal experts. Consultations on Constitutional reform were held in 85 different communities across metro, regional and remote Australia.

There was overwhelming support for change.

In January 2012, the Panel presented its report to the Australian Government. In its Report, the Panel unanimously endorsed a specific proposal to amend the Constitution. If adopted, this amendment would:

1. Recognise the prior occupation and continuing cultures, languages and heritage of Aboriginal and Torres Strait Islander Peoples.
2. Acknowledge the continuing relationship of Aboriginal and Torres Strait Islander Peoples to these lands and waters.

3. Remove the section that talks about States being able to ban people from voting based on their "race" [section 25].
4. Remove the capacity of governments to make laws to the detriment of Aboriginal and Torres Strait Islander Peoples or the people of any "race" [section 51(xxvi)].
5. Insert a protection against discrimination on the basis of race, colour or ethnicity.

In 2013, as an interim step towards a referendum, the parliament unanimously passed an Act of Recognition.

The Act of Recognition has three key features:

1. It expresses Parliamentary recognition of the unique place of Australia's First Peoples
2. It provides a mechanism for continuing the work of the Expert Panel, through a review and reporting process;
3. It has sunset clause that sets a timeframe for advancing towards Constitutional change.



WHAT HAPPENS NEXT?

In order to amend the Constitution, changes must be approved by a referendum – a vote by the Australian people. To be successful a referendum must receive a double majority. A double majority means a 'yes' vote by:

1. The majority of Australian voters across all States and Territories; and
2. A majority of States.

Parliamentary processes are considering the model and wording for the change to be put to the Australian people. It is expected a referendum will be held on this issue within the next two years.

In the mean time **ANTaR** continues to be a campaign partner of Recognise - the people's movement to achieve recognition of Aboriginal and Torres Strait Islander peoples in our Constitution.

Recognise has invited all Australians to participate in the 'Journey to Recognition' – an epic relay across our country building momentum to recognise Aboriginal and Torres Strait Islander peoples in our Constitution.

To find out when the Journey will be near you and to get involved go to recognise.org.au/thejourney

TOWARDS A RECONCILED AUSTRALIA

In 1967, a referendum was held on the status of Aboriginal and Torres Strait Islander Peoples.

Australians voted overwhelmingly to:

Count Australia's First Peoples in the census; and enable the Federal Government to make laws for Aboriginal and Torres Strait Islander Peoples.

This was a watershed moment in Australian history. However, the 1967 referendum didn't recognize Aboriginal and Torres Strait Islander peoples in the Constitution or remove sections from the document that still discriminate on the basis of race.

In 2008, the then Prime Minister and Opposition leader apologised to the Stolen Generations. The Parliament's recognition of past wrongdoing was a significant moment for the nation and demonstrated the potential of a powerful symbolic action to contribute to a more reconciled Australia.

Recognising Aboriginal and Torres Strait Islander Peoples and removing race from the Constitution presents an historic opportunity to address the unfinished business in our reconciliation journey. It's time to bring the Australian Constitution into the twenty-first century and protect future generations of Australians from discrimination on the basis of their race.

WHAT YOU CAN DO

Go to www.antar.org.au/constitutional_recognition to:

- ◆ Get Informed
- ◆ Download our fact sheet and FAQ
- ◆ Register to be a local activist and receive the full activist kit
- ◆ Have a conversation with family and friends



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