

## Constitutional Recognition Speech

- I acknowledge the traditional owners of the land that we stand on today and pay my respects to elders past and present.
- Let me begin with a story, a true story that started in February 1965 from the lawns of Sydney university. A group of students from the university started on a Journey that would change Australia. They were called the Freedom Riders.
- Led by Arrernte man Charles Perkins from Central Australia they travelled throughout Western and Northern NSW and confronted the racism they found along the way.
- In those days Aboriginal children were banned from swimming pools in some of these towns, Aboriginal families were segregated in cinemas and even Aboriginal veterans who risked their lives for this country in WWII were prevent from drinking in RSL clubs.
- But the Freedom Riders changed all this and because their journey was covered by the then new medium of television their message resonated far beyond the communities they visited raising the consciousness of racial discrimination in Australia.
- They were able to bring about significant change, successfully tackling racism in the swimming pools, cinemas and RSL clubs of many of the towns they visited. But they couldn't get rid of racism from our Constitution.
- That is our job.
- How many of you have read our nation's founding document?
- If you have read it, you'd be surprised at what it contains
  - Section 25 is a clause that talks about states having the ability to stop people from voting on the basis of their race.
  - There is also Clause 51(26) which allows the government to make special laws for people on the basis of race – including detrimental laws
- You would also be surprised at what is missing
  - There is no mention of Aboriginal people in our founding document, and no mention of Australia's other First Peoples – the Torres Strait Islander peoples.
  - This was because at the time our Constitution was written people thought that Aboriginal and Torres Strait Islander people were dying out.
- We now know that is wrong. Aboriginal people have proudly survived and play a unique and valued role in our country.
- Their culture and heritage is something to be cherished by all Australians and recognition of this should be in our Constitution.
- Our Constitution is like a book that is missing its first chapter.

- People have been calling for change for many years. But in recent times it has been put back on the political agenda by John Howard when in the lead up to the 2007 election he announced that if elected he would pursue Constitutional Recognition.
- The fact that it was also in the Labor party platform meant that we then had bi partisan support. Although it was unclear as to the form in which it was being proposed.
- When Julia Gillard negotiated with the Greens and independents for her to form a minority government, one of the negotiating points was for a referendum to recognise Aboriginal and Torres Strait Islander peoples as First peoples to be held within her term.
- This has since been extended and all parties agree that it is best to hold the referendum at a time when it is most likely to succeed.
- The former PM established an Expert Panel to advise her on how to progress Constitutional Recognition
- The Expert Panel was made up of members from across the political spectrum, including former and current MPs, Aboriginal and Torres Strait Islander leaders, and other community leaders and leading constitutional lawyers.
- The panel consulted extensively, they visited 84 different communities in Australia and received more than 3600 submissions.
- If you go through the records of these consultations or read the submissions many positions were expressed, but three key themes keep occurring

1/ Aboriginal people wanted meaningful recognition in the constitution – they found that their exclusion from the founding document reflected their exclusion from many other parts of Australian life.

2/ They wanted the sections concerning race removed from the constitution because those sections reminded them of the racism they had experienced in their daily lives.

3/ The historical relationship between Aboriginal and Torres Strait Islander people and the government has left many people wary and because of this many people stated that they wanted to make sure that the process would not result in Aboriginal or Torres Strait Islander peoples being worse off after the change.

The panel listened to what these people had to say and responded with a list of recommendations

- Firstly – That the Constitution recognises Aboriginal and Torres Strait Islander peoples as First Peoples of Australia not in a preamble but in a new section 51A.
- That Section 51A would replace 51(26) and it would have 2 functions it would provide the recognition function in addition to being a new head of power to

legislate for Aboriginal and Torres Strait Islander people that would replace 51(26) - the current head of power based on race.

- The reason why 51(26) requires amendment as opposed to just getting rid of it, is that many positive laws are based on this such as native title and heritage protection.
- The panel also proposed the removal of section 25, the insertion of a guarantee against racial discrimination and a new section on the recognition of Aboriginal languages.
- ANTaR supports the thrust of those recommendations, however community reaction to the panel report indicates that there needs to be some refinement of the wording of some of these if the proposed model is going to succeed at a referendum.
- In September 2012, the former Government announced it would hold the referendum at a time when there is sufficient community support to carry a yes vote
- As an interim step towards a referendum, the Parliament unanimously passed an Act of Recognition.
- The legislation has a sunset period of two years, the current Prime Minister, Tony Abbott has promised to release the form of words for changing the Constitution within a year of him coming to office. A committee chaired by Attorney General George Brandis has been established to develop this model.
- That has given us the confidence to begin campaigning for meaningful change.
- People from across the political spectrum from the left to the right are going to have to work towards this if it is to succeed
- This constitutional change is about unity.
- ANTaR working with Recognise - the body set up by Reconciliation Australia and funded by the Government to run the campaign has been undertaking activities to progress the discussion across the nation and build this unity.
- We have produced materials to help as conversation starters.
- It is important that the discussion now continues within families, at work places and with your social networks.
- Recognise have set off on a Journey around Australia, starting in Melbourne from Federation Square, they walked across to Adelaide then cycled and drove up to the Northern Territory. Starting again in far northern Western Australia, they plan to continue journeying around the country until we go to referendum.
- The Journey will eventually make its way here – when it does we all should be ready to join in.

- We are confident that Australia will go to a referendum in a couple of years
- On referendum night I want to feel that I have done all that I can to bring about a successful yes vote.
- If, following my speech you would like to get more involved please register as a Constitutional Recognition Activist with ANTaR and Recognise.
- It has been more than half a century since the Freedom Riders set off from the lawns of Sydney University.
- They tilted the arc of history towards a just and reconciled Australia
- But as we know the journey of the Freedom Riders didn't finish in the 1960's it continues....
- When we reflect on the racism and injustice that continues to the present day we realise that their journey is our journey.
- We have a once in a generation opportunity to right one of Australia's oldest wrongs to remove race and to give the First Australians proper recognition in our nation's founding document.
- Thank you.