

**Opening statement to the Joint Select Committee on
Constitutional Recognition of Aboriginal and Torres Strait
Islander Peoples**

22 January 2013

I would like to begin by acknowledging the Gadigal people of the Eora Nation and pay my respects to Elders, past and present.

ANTaR is a national advocacy organisation in support of justice, rights and respect for Australia's First Peoples. We have been active in the community campaign for Constitutional Recognition, working to build awareness amongst our supporters and the broader community through the development of online and print resources, community events and social and other media. ANTaR has approximately 10,000 supporters around the country. We work in partnership with Aboriginal and Torres Strait Islander leaders to achieve our vision of "A just Australia in which Aboriginal and Torres Strait Islander peoples' rights as First Peoples are recognised, respected and enjoyed."

Thank you for the opportunity to appear before the Committee today. In my opening comments, I would like to highlight key points in ANTaR's submission to the Inquiry and commenting on some issues raised in other submissions.

As stated in our submission:

- ANTaR is strongly supportive of Constitutional reform to recognise Australia's First Peoples and to remove racially discriminatory aspects of Australia's founding document.
- Our key focus is on Constitutional change, via a successful referendum, as the 'end goal'.
- We believe that the reform proposals advanced by the Expert Panel offer a "sound, robust and reasonable platform to take both the issue and the process of Constitutional Recognition forward". The extensive consultations conducted by the Panel, the detailed consideration given to the complex issues before it and the consensus of Panel member's behind the report's recommendations are all compelling reasons why its report should provide the basis for the process from here.
- However, we appreciate that further time is needed to maximise the chances of referendum success, and support the passage of the bill currently before the committee as an interim measure, and an affirmation of Parliamentary intent to progress towards a referendum.
- ANTaR believes that partnership, negotiation and engagement with Aboriginal and Torres Strait Islander peoples will be essential to the ongoing legitimacy of the process, to ensuring the appropriateness of any final model for reform and to respecting human rights under the UN Declaration on the Rights of Indigenous Peoples. We believe a framework and structure for engagement should be agreed with Aboriginal

and Torres Strait Islander leaders and peak bodies. We have not taken a position on the preferred engagement model, instead deferring to Aboriginal and Torres Strait Islander leaders. We note suggestions for non-Parliamentarian Committee members ('Commissioners') and the inclusion in the Committee's terms of reference consideration of "the creation of an advisory group whose membership includes representatives of Aboriginal and Torres Strait Islander people".

We believe that the Bill should be strengthened by:

- Setting out a more specific process to build the required political and community support for Constitutional Recognition (e.g. through a constitutional convention or citizens' assembly as proposed by the G&T Centre for Public Law) and including more detail about the proposed review (e.g. scope [should not be confined to issues identified in the Bill] + who will undertake the review + Aboriginal representation + what process and resource implications?) and reporting provisions.
- Including stronger recognition of the work of the Expert Panel as providing a sound platform to progress towards a referendum.
- The inclusion of language which recognises the need to remove or reform racially discriminatory elements in the Constitution, affirming Parliament's support for changes which go beyond the symbolic.

- The inclusion of a reference to the need to continue efforts to achieve social and economic equality for Australia's First Peoples. We have noted the debate around the term 'advancement' proposed by the Panel, and note other options proposed by submitters (including, for example, the AHRC's proposal to link to efforts to Close the Gap). As noted in our submission, the need to maintain a Federal Government legislative power to address disadvantage and uphold existing rights and interests was an integral part of the Expert Panel's proposed package of changes.

Thank you.