

Submission: Joint Select Committee Inquiry into Constitutional Recognition Relating to Aboriginal and Torres Strait Islander Peoples

In making this submission to the Joint Select Committee Inquiry into Constitutional Recognition Relating to Aboriginal and Torres Strait Islander Peoples we take this opportunity to acknowledge the Traditional Owners of this land and pay our respects to Elders past, present and emerging.

We make the following recommendations with regards to the terms of reference.

Terms of Reference	Recommendations
1. (a)	We strongly recommend the Committee support the Uluru Statement from the Heart (2017) and recommendations of the Referendum Council (2017); in particular a First Nations constitutional voice to Parliament and a Makarrata Commission.
1. (b)	We recommend the Committee invite Victorian Treaties Advancement Commissioner Ms. Jill Gallagher AO and Mr. Thomas Mayor to speak on the methods by which Aboriginal and Torres Strait Islanders were consulted leading up to the Uluru Statement from the Heart (2017). As this is the first time a national position has been agreed this statement should be treated with the upmost respect.
1. (c)	We recommend the Committee invite Constitutional and Legal experts from the Melbourne University School of Law to advise on constitutional change and any potential complementary legislative measures.

We make the following comments with regards to items under terms of reference 1 (d).

Terms of Reference	Comments
1 (d).i	The Uluru Statement from the Heart (2017) is an offer of reconciliation and friendship from the Traditional Owners of this land. This is most eloquently put in its closing sentence - <i>“We invite you to walk with us in a movement of the Australian people for a better future”</i> .
1 (d).ii	After a wide ranging and inclusive consultation process, the Uluru Statement from the Heart (2017) was developed by and for Aboriginal and Torres Strait Islander people and as such should stand as the most recent and accurate reflection available of their wishes.
1 (d).iii	The results of the Australian Constitutional Values Survey, conducted by Griffith University, found widespread support for indigenous constitutional recognition, including the Voice to Parliament proposal. Among their key findings – 71% of respondents generally supported recognition and 61% supported the representative Voice to Parliament.
1 (d).iv	Based on our research it is clear constitutional lawyers in Australia agree that the creation of an advisory indigenous body would not be a third chamber of Parliament as it would have no executive nor legislative power. What is being asked for is in our view modest, reasonable and well overdue; particularly when compared to the extent of constitutional recognition of first nations peoples in other similar, international jurisdictions (e.g. New Zealand and Canada).

Finally, it is difficult to express our profound disappointment on reading the Prime Minister, Attorney-General and Minister for Indigenous Affairs media release of 26 October 2017 in which they rejected the Referendum Council’s report on Constitutional Recognition. We believe the reasons they gave for rejecting the recommendations are unsound and the manner in which it was done showed a lack of respect for Aboriginal and Torres Strait Islander people.