



Briefing Paper on the Joint Select Committee Final Report June 2015

Reconciliation Victoria welcomes the final report of the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples, tabled on the 25th June, 2015. We applaud the Committee's stance so that each proposal for constitutional reform include the protection from racial discrimination for Aboriginal and Torres Strait Islander Peoples. RecVic also commends the Committee for including a recommendation to amend the Human Rights Act to incorporate the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP) as one of the international instruments which defines human rights. There is also thoughtful and respectful discussion on treaty and sovereignty.

Reconciliation Victoria's impact and input into this space has been noted on numerous occasions within this report. In particular our advocacy around including a provision for protection from racial discrimination as well as discussions around the importance to move towards discussions around treaties and sovereignty were noted.¹ Both the Shepparton Region Reconciliation Group and Geelong One Fire were also mentioned in the report, this is a strong indication to the role and impact that the reconciliation network in Victoria has made to raising awareness on this issue.

The JSC have put forward 10 recommendations:

- Recommendation 1 – that each House of Parliament set aside a full day of sitting to debate concurrently the recommendations of the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples
- Recommendation 2 - that the referendum on constitutional recognition be held when it has the highest chance of success.
- Recommendation 3 - that section 25 of the Constitution be repealed
- Recommendation 4 - the repeal of section 51(xxvi) and the retention of a persons power so that the Commonwealth government may legislate for Aboriginal and Torres Strait Islander peoples as per the 1967 referendum result.
- Recommendation 5 – 3 new options to be considered at the Indigenous leaders summit on July 6 and a series of national conventions.

“The three options recommended by the panel are: a new section 60A based on a proposal advocated by the University of Adelaide that includes recognition and a racial non--discrimination clause covering states and the commonwealth; a new section 80A that would -include a statement of recognition and a power to make laws to the benefit of indigenous Australians; or a proposed new section 51A, which

¹ RecVic was quoted directly on p 52 & 72 and our [2nd submission \(#35\)](#) was referenced 6 times and the [HANSARD recordings of our presentation to the JSC on the 14th August](#) was referenced five times.

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would include a statement of recognition and a prohibition of racial discrimination incorporating the Expert Panel’s proposed amendment to 116a.”²

Recommendation 6 - that the Human Rights Act 2011 be amended to include the UNDRIP in the list of international instruments which comprise the definition of human rights.

Recommendation 7 & 8- that the government hold constitutional conventions and that these conventions have Aboriginal and Torres Strait Islander delegates attend.

Recommendation 9 - that a referendum be held on the matter of recognising Aboriginal and Torres Strait Islander peoples in the Australian Constitution (when it has the highest chance of success).

Recommendation 10 - that a parliamentary process be established to oversee progress towards a successful referendum.

RecVic sees the Indigenous Leaders’ Summit on July 6 and the proposal for national conventions as a critical next steps in progressing this work forward. It is integral that Aboriginal and Torres Strait Islander Peoples lead this discussion, as well as strong leadership from all sides of government. We encourage that these recommendations are considered both at a governmental level and community level. It is clear from the report and evidenced in the consultation period that symbolic recognition is not enough, and substantive change; including protection from racial discrimination is necessary. RecVic is committed to continuing to raise awareness on this issue, and support culturally safe and respectful conversations at the local level.

² Sarah Martin, “Parties unite on race discrimination ban in the Constitution” The Australian Newspaper, June 25, 2015: http://www.reconciliationvic.org.au/user-data/Constitutional_Recognition/Final_JSC_Report_Martin.pdf