



Referendum to acknowledge Australian Aboriginal & Torres Strait Islander Peoples in our constitution

The Australian Constitution

The constitution is the most powerful set of laws in Australia and can only be altered by the Australian people. As the basis for our legal and political life, it's also one of the defining elements of our national identity. In its current form, the Australian constitution neither acknowledges nor honours the Aboriginal and Torres Strait Islander people to whom we owe so much, and offers no protection for their culture.

The Australian Constitution was written in 1900, and the institutionalised racism of this era meant that the original inhabitants of our land were excluded from the nation's legal and political foundations. At the time it was feared that officially recognising Aboriginal and Torres Strait Islander people would lead to claims for land rights, and the prevailing belief was that this was an 'inferior' race who would eventually die out.

Throughout the 1960s, Australian Indigenous and non-Indigenous activists campaigned for Aboriginal and Torres Strait Islander people to be counted officially as citizens of the Commonwealth. This meant changing the constitution to allow Indigenous Australians the right to vote and be counted in the census. The 1967 referendum that enacted these changes was the most momentous in Australian history, and a fantastic win for the movement of equality. An overwhelming 90.7% of Australians voted 'yes' to the proposition, mutually acknowledging the need for this change to improve our nation.

Why do we need to change the constitution?

Today we live in a very different world than that of pre-Federation Australia. We share different values, and understand the importance of Australia's history before colonisation, and the continuing significance of Aboriginal and Torres Strait Islander culture. Accordingly, it is incoherent that our nation's most important document should not reflect the ideals of equality that Australian people now take for granted.

As it stands, the Constitution of Australia permits racial discrimination. For example, Section 25 permits a state to disqualify all members of a particular race from voting in a parliamentary election; and Section 51 (xxvi) allows the Commonwealth Parliament the power to create laws specifically for any racial group. In the 21st Century we have no excuse and no place for this kind of prejudice, as Australia is now the only nation with a constitution that permits discrimination against its Aboriginal and Torres Strait Islander people based on race. We have already made significant progress in re-writing this document to bring it into line with our beliefs—this is simply another step that needs to be taken.

By changing the constitution we can help foster a mutual trust and respect, leading to stronger relationships and better communication between Indigenous and non-Indigenous Australians.

Recognition in the Constitution

In 2010, the Gillard Government established a bi-partisan panel of experts to build support for Indigenous recognition in the Australian constitution, and determine the best way to enact these changes. The public-nominated members hosted over 200 public consultations in remote, regional and metropolitan Australia to discuss ideas or concerns for constitutional change. They, as the Expert Panel on Constitutional Recognition of Indigenous Australians, advised that the government proceed under the guidelines that the changes make Australia more unified; that Aboriginal and Torres Strait Islander people—and Australians from all walks of life—want and support the changes; and that the changes be technically and legally correct. The Panel then concluded that a statement of recognition should be included in the body of the Constitution, rather than as a preamble. This statement would aim to:

- ⇒ Recognise that the continent and its islands now known as Australia were first occupied by Aboriginal and Torres Strait Islander peoples;
- ⇒ Acknowledge the continuing relationship of Aboriginal and Torres Strait Islander peoples with their traditional lands and waters;
- ⇒ Respect the continuing cultures, languages and heritage of Aboriginal and Torres Strait Islander peoples;
- ⇒ Acknowledge the need to secure the advancement of Aboriginal and Torres Strait Islander peoples.

The Expert Panel also put forward suggestions for sections on prohibition of racial discrimination and recognition of languages, and made recommendations on the process for the referendum.

As the findings of the panel were accepted and endorsed by Julia Gillard, the proposed amendments could be put to the Australian people in a referendum before or on the date of the next general election in 2013. While there are still details to be ironed out in parliament, the Australian public can expect a large-scale education and public awareness campaign leading up to the Referendum.

Will it proceed?

Although recognition of Aboriginal and Torres Strait Islander people in the Constitution seems like a straightforward decision, doubts have been raised by some parties. Tony Abbott, for example, has raised "some reservations about anything that might turn out to be a one-clause bill of rights". The report made by the Expert Panel is emphatic about the need for referendum success, and the potentially damaging consequences of failure. To achieve this, bipartisan support—unanimous agreement in parliament—is needed, but also for all Australians to be thoroughly educated on what it is they are supporting.

Reflection

God of Love,
You are the Creator of all good things. Give us the courage to accept the realities of our history so that we may build a better future for our nation. Teach us to respect all cultures and each other through your love.
Amen.

TO DO:

Visit the official website (www.youmeunity.org.au) for more information and the latest news on the proposed referendum. Talk to your friends and family about the referendum—inform others about the importance of this Referendum's success. Cut out our reflection (at left) and place under your CLRI(NSW) fridge magnet.

The Referendum

A Referendum in Australia means that every citizen may vote either 'yes' or 'no' to a proposed constitutional change. In order for the change to pass, a majority of voters in at least 4 states must vote 'yes'. It can be difficult for a referendum in Australia to pass due to this need for a "double majority" — since 1906, we have had 44 referendums and approved only 8.

*"We are big enough and it is the right time to say yes to an understanding of our past, to say yes to constitutional change, and to say yes to a future more united and more reconciled than we have ever been before."
- Julia Gillard*