



Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples

Progress Report

October 2014

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ISBN 978-1-76010-102-2

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Printed by the Senate Printing Unit, Parliament House, Canberra.

Committee membership

Committee members

Mr Ken Wyatt AM MP, Chair
Senator Nova Peris OAM, Deputy Chair
The Hon Shayne Neumann MP
The Hon Christian Porter MP
Mr Stephen Jones MP
Senator Bridget McKenzie
Senator James McGrath
Senator Rachel Siewert

Western Australia, LP
Northern Territory, ALP
Queensland, ALP
Western Australia, LP
New South Wales, ALP
Victoria, NATS
Queensland, LP
Western Australia, AG

Committee secretariat

Ms Toni Matulick, Secretary
Dr Jon Bell, Principal Research Officer
Ms Erin Pynor, Senior Research Officer
Ms Kimberley Balaga, Administrative Officer
Mr Cale Woods, Administrative Officer

Committee address

PO Box 6100
Parliament House
Canberra ACT 2600

Phone: 02 6277 3544
Fax: 02 6277 5719
Email: jscatsi@aph.gov.au
Internet: <http://www.aph.gov.au/jscatsi>

Duties of the committee

- (1) On 2 December 2013, the Parliament agreed that a Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples be appointed to inquire into and report on steps that can be taken to progress towards a successful referendum on Indigenous constitutional recognition, and in conducting the inquiry, the committee:
 - (a) work to build a secure strong multi-partisan parliamentary consensus around the timing, specific content and wording of referendum proposals for Indigenous constitutional recognition; and
 - (b) consider:
 - (i) the creation of an advisory group whose membership includes representatives of Aboriginal and Torres Strait Islander people to assist the work of the committee;
 - (ii) the recommendations of the Expert Panel on Constitutional Recognition of Indigenous Australians; and
 - (iii) mechanisms to build further engagement and support for the constitutional recognition of Aboriginal and Torres Strait Islander peoples across all sectors of the community, and taking into account and complementing the existing work being undertaken by Recognise; and
- (2) the committee present to Parliament an interim report on or before 30 September 2014 and its final report on or before 30 June 2015.

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List of recommendations

Recommendation 1

1.7 The committee recommends that each House of Parliament set aside a full day of sittings to debate concurrently recommendations of the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples as set out in this report with a view to achieving near-unanimous parliamentary support for and building momentum towards a referendum to recognise Aboriginal and Torres Strait Islander peoples in the Constitution.

Recommendation 2

1.10 The committee recommends repealing section 25 of the Constitution.

Recommendation 3

1.13 The committee recommends not inserting the Expert Panel's proposed new section 127A.

Recommendation 4

1.17 The committee recommends the repeal or amendment of section 51(xxvi) to remove the reference to race.

Recommendation 5

1.19 The committee recommends that the Parliament consider three structural options for constitutional recognition of Aboriginal and Torres Strait Islander peoples that follow, noting the committee's view that any proposal must preserve both existing Commonwealth laws relying on section 51(xxvi) and the Commonwealth's power to make laws with respect to Aboriginal and Torres Strait Islander peoples.

OPTION 1 – New section 51A with a broad prohibition of racial discrimination incorporating the Expert Panel's section 116A amendment

51A Recognition of Aboriginal and Torres Strait Islander Peoples

Recognising that the continent and its islands now known as Australia were first occupied by Aboriginal and Torres Strait Islander peoples;

Acknowledging the continuing relationship of Aboriginal and Torres Strait Islander peoples with their traditional lands and waters;

Respecting the continuing cultures, languages and heritage of Aboriginal and Torres Strait Islander peoples;

The Parliament shall, subject to this Constitution, have power to make laws for the peace, order and good government of the Commonwealth with respect to Aboriginal and Torres Strait Islander peoples.

116A Prohibition of racial discrimination

The Commonwealth, a State or a Territory shall not discriminate on the grounds of race, colour or ethnic or national origin.

Subsection (1) does not preclude the making of laws or measures for the purpose of overcoming disadvantage, ameliorating the effects of past discrimination, or protecting the cultures, languages or heritage of any group;

OPTION 2 – New section 51A with a limited prohibition of discrimination by the Commonwealth against Aboriginal and Torres Strait Islander peoples

51A Recognition of Aboriginal and Torres Strait Islander peoples

Recognising that the continent and its islands now known as Australia were first occupied by Aboriginal and Torres Strait Islander peoples;

Acknowledging the continuing relationship of Aboriginal and Torres Strait Islander peoples with their traditional lands and waters;

Respecting the continuing cultures, languages and heritage of Aboriginal and Torres Strait Islander peoples;

- (1) The Parliament shall, subject to this Constitution, have power to make laws for the peace, order and good government of the Commonwealth with respect to Aboriginal and Torres Strait Islander peoples, but not so as to discriminate adversely against them.
- (2) Subsection (1) does not preclude the making of laws or measures for the purpose of overcoming disadvantage, ameliorating the effects of past discrimination, or protecting the cultures, languages or heritage of Aboriginal and Torres Strait Islander peoples.

OPTION 3 – Redraft section 51(xxvi) to allow the Commonwealth Parliament to make laws with respect to Aboriginal and Torres Strait Islander peoples with the option of enacting an Act of Recognition

51 Legislative Powers of the Parliament

The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to:

(xxvi) Aboriginal and Torres Strait Islander peoples.

Recommendation 6

1.41 The committee recommends that a referendum to recognise Aboriginal and Torres Strait Islander peoples in the Constitution take place at or shortly after the next federal election in 2016.

Recommendation 7

1.43 The committee recommends that the *Aboriginal and Torres Strait Islander Peoples Recognition Act 2013* should be extended to align with the proposed timing of a referendum.

Chapter 1

Achieving constitutional recognition

1.1 This is a progress report by the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples to the 44th Parliament.

1.2 The committee tabled an interim report on 15 July 2014. In that report, the committee expressed a view that a successful referendum proposal on constitutional recognition of Aboriginal and Torres Strait Islander peoples will need to meet three primary objectives. The committee remains of the view that in order to be successful, a referendum proposal must:

- recognise Aboriginal and Torres Strait Islander peoples as the first peoples of Australia;
- preserve the Commonwealth's power to make laws with respect to Aboriginal and Torres Strait Islander peoples; and
- in making laws under such a power, prevent the Commonwealth from discriminating against Aboriginal and Torres Strait Islander peoples.

1.3 Based on the content of written submissions and public hearings so far, the committee is convinced of the benefits of recognising Aboriginal and Torres Strait Islander peoples in the Constitution.

1.4 The committee notes that the Final Report of the Aboriginal and Torres Strait Islander Act of Recognition Review Panel (the Review Panel) found that levels of community support for constitutional recognition had increased between August 2013 and August 2014.¹ However, the committee shares the Review Panel's concern that while support for recognition grew, awareness of the proposed referendum fell from 42 per cent to 34 per cent during the same period.²

1.5 The committee is of the view that action is needed to focus the nation's attention on, and build momentum towards, what would be a significant change to our founding document. The committee agrees with the Review Panel's recommendation that:

A 'circuit breaker' needs to be rapidly identified to settle the final form of words and draw debate on the model to a conclusion. This will build a

1 The Hon John Anderson AO, Ms Tanya Hosch and Mr Richard Eccles, *Final Report of the Aboriginal and Torres Strait Islander Act of Recognition Review Panel*, 19 September 2014, p. 25.

2 Ibid, p. 26.

sense of national urgency and provide renewed certainty that the country will proceed to a referendum.³

1.6 Ultimately, a referendum proposal must take the form of a bill submitted to Parliament and that bill must be passed by an absolute majority in both houses.⁴ It is therefore imperative that the wording of that bill be capable of achieving near-unanimous parliamentary support. The committee considers that in order to achieve that unanimity, the House of Representatives and the Senate should each set aside a full day of Parliamentary sittings to debate concurrently the three options for constitutional recognition of Aboriginal and Torres Strait Islander peoples put forward in this report.

Recommendation 1

1.7 The committee recommends that each House of Parliament set aside a full day of sittings to debate concurrently recommendations of the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples as set out in this report with a view to achieving near-unanimous parliamentary support for and building momentum towards a referendum to recognise Aboriginal and Torres Strait Islander peoples in the Constitution.

Disqualification from voting (section 25)

1.8 Section 25 of the Constitution contains a formula for allocating parliamentary seats for each state according to population. The section contemplates reducing a state's representation in Federal Parliament should that state remove the right to vote at state elections from certain residents based on their race,⁵ as follows:

25 Provision as to races disqualified from voting

For the purposes of the last section, if by the law of any State all persons of any race are disqualified from voting at elections for the more numerous House of the Parliament of the State, then, in reckoning the number of the people of the State or of the Commonwealth, persons of that race resident in that State shall not be counted.

3 The Hon John Anderson AO, Ms Tanya Hosch and Mr Richard Eccles, *Final Report of the Aboriginal and Torres Strait Islander Act of Recognition Review Panel*, 19 September 2014, p. 7.

4 *Commonwealth of Australia Constitution Act 1901*, s. 128.

5 George Williams, 'Recognising Indigenous Peoples in the Australian Constitution: What the Constitution Should Say and How the Referendum Can be Won', *Land, Rights, Laws: Issues of Native Title*, vol. 5, no. 1, September 2011, p. 4.

1.9 The committee is persuaded by written submissions and submissions given at public hearings that section 25 is no longer necessary.⁶ The committee agrees that its repeal 'involves the removal of a vestige of racial concepts and practices that have no place in contemporary Australia.'⁷

Recommendation 2

1.10 The committee recommends repealing section 25 of the Constitution.

Recognition of languages

1.11 In its interim report, the committee considered the recommendation of the Expert Panel on Constitutional Recognition of Indigenous Australians (Expert Panel) to include a declaratory provision in relation to Aboriginal and Torres Strait Islander languages,⁸ a new section along the following lines:

127A Recognition of languages

- (1) The national language of the Commonwealth of Australia is English.
- (2) The Aboriginal and Torres Strait Islander languages are the original Australian languages, a part of our national heritage.⁹

1.12 Based on the content of written submissions and public hearings so far, the committee is of the view that the recognition of Aboriginal and Torres Strait Islander languages would be better achieved by other means.

6 Mr Shane Duffy, Chief Executive Officer, Aboriginal and Torres Strait Islander Legal Services, *Committee Hansard*, 30 June 2014 pp 2, 6; Mr Ian Brown, President, Queensland Law Society, *Committee Hansard*, 30 June 2014, p. 7; Ms Annette Kogolo, Vice-Chair, Mangkaja Arts Resource Agency, *Committee Hansard*, 23 July 2014, p. 11; Dr Peter Lewis, Aboriginal and Torres Strait Islander Peoples Rights Advocacy Lead, Oxfam Australia, *Committee Hansard*, 14 August 2014, p. 16; Ms Priscilla Collins, Chief Executive Officer, Aboriginal Peak Organisations Northern Territory, *Committee Hansard*, 20 August 2014, p. 2; Ms Lee Jacobsen, President, Kalgoorlie-Boulder Chamber of Commerce and Industry, *Committee Hansard*, 9 September 2014, p. 10; Ms Tammy Solonec, Member, Aboriginal Lawyers Committee, Law Society of Western Australia, *Committee Hansard*, 10 September 2014, p. 2; Ms Dierdre Robertson, Co-Convenor, Shepparton Region Reconciliation Group, *Committee Hansard*, 13 August 2014, p. 8; Mr Peter Quinlan SC, President, Western Australian Bar Association, *Committee Hansard*, 10 September 2014, p. 8.

7 Mr Peter Quinlan SC, President, Western Australian Bar Association, *Committee Hansard*, 10 September 2014, p. 7.

8 Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples, *Interim report*, 15 July 2014, pp 27–29.

9 *Recognising Aboriginal and Torres Strait Islander Peoples in the Constitution: Report of the Expert Panel*, January 2012, p. xviii.

Recommendation 3

1.13 The committee recommends not inserting the Expert Panel's proposed new section 127A.

Power to make laws with respect to people of any race (section 51(xxvi))

1.14 Section 51(xxvi) of the Constitution provides the head of power for the Commonwealth to legislate for the people of any race for whom it is deemed necessary to make special laws, as follows:

51 Legislative Powers of the Parliament

The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to:

(xxvi) the people of any race, ~~other than the aboriginal race in any State,~~* for whom it is deemed necessary to make special laws;

**removed by referendum 25 in 1967*

1.15 As noted in the interim report, the words 'other than the aboriginal race in any State' were repealed at referendum in 1967, allowing the Commonwealth to make special laws for Aboriginal and Torres Strait Islander peoples.¹⁰

1.16 The committee is of the view that the Commonwealth no longer requires the power to make laws with respect to people of any race. In addition, the committee has received overwhelming evidence that it is no longer acceptable for the Commonwealth to make laws with respect to race, and recommends the repeal or amendment of section 51(xxvi) in order to remove the constitutional reference to race.¹¹

Recommendation 4

1.17 The committee recommends the repeal or amendment of section 51(xxvi) to remove the reference to race.

Power to make laws with respect to Aboriginal and Torres Strait Islander peoples

1.18 While recommending the repeal or amendment of section 51(xxvi) to remove the reference to race, the committee considers that the Commonwealth should retain an ability to make laws with respect to Aboriginal and Torres Strait Islander peoples in order to preserve the operation of the following pieces of existing legislation:

10 Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples, *Interim report*, 15 July 2014, p. 7.

11 *The Commonwealth of Australia v Tasmania* (1983) 158 CLR 1, para. 77, (Brennan J).

- *World Heritage Properties Conservation Act 1983*;
- *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*;
- *Native Title Act 1993*; and
- *Corporations (Aboriginal and Torres Strait Islander) Act 2006*.¹²

Recommendation 5

1.19 The committee recommends that the Parliament consider three structural options for constitutional recognition of Aboriginal and Torres Strait Islander peoples that follow, noting the committee's view that any proposal must preserve both existing Commonwealth laws relying on section 51(xxvi) and the Commonwealth's power to make laws with respect to Aboriginal and Torres Strait Islander peoples.

OPTION 1 – New section 51A with a broad prohibition of racial discrimination incorporating the Expert Panel's section 116A amendment

1.20 The committee noted in its interim report that section 51(xxvi) of the Constitution is still considered to contemplate discrimination against Aboriginal and Torres Strait Islander peoples.¹³ The divided High Court decision in *Kartinyeri v Commonwealth*¹⁴ (Hindmarsh Island Bridge case) is considered by many submissions to the committee as establishing the potential for section 51(xxvi) to be used to enact laws that discriminate against people of a particular race.¹⁵

1.21 Based on the content of written submissions and submissions at public hearings so far, it is clear that the possibility of racial discrimination is of critical importance to Aboriginal and Torres Strait Islander peoples in contemplating constitutional change. Aboriginal and Torres Strait Islander peoples have referred consistently to the dispossession of their land, the loss of their languages and the destruction of their cultures since colonial settlement. Aboriginal and Torres Strait Islander witnesses referred to their long experiences suffering racial discrimination and their desire for a constitutional protection against future discrimination.

1.22 A prohibition of racial discrimination is perceived by Aboriginal and Torres Strait Islander peoples as real and substantive constitutional change deserving support

12 *Recognising Aboriginal and Torres Strait Islander Peoples in the Constitution: Report of the Expert Panel*, January 2012, p. 33.

13 *Ibid*, p. xiv.

14 (1998) 195 CLR 337.

15 See *Recognising Aboriginal and Torres Strait Islander Peoples in the Constitution: Report of the Expert Panel*, p. 137; Geoffrey Lindell, 'The Constitution Commission and Australia's first inhabitants: its views on agreement making and a new power to legislate revisited', *Australian International Law Review* vol. 15, no. 2, 2011, p. 36; Megan Davis, 'Constitutional reform and Aboriginal and Torres Strait Islander people: why do we want it now?', *Indigenous Law Bulletin*, vol. 7, no. 25, 2011, p. 10.

from all Australians, as another step on our national journey of reconciliation. Co-Chair of the Expert Panel Mr Mark Leibler AC submitted that:

At every single consultation that we held, there was a reference to substantive recognition—'We want substantive recognition.' What did that mean? It turned out that substantive recognition means something to preclude racial discrimination.¹⁶

1.23 Mr Leibler AC submitted to the committee that 'if we do not give effect to something that is important to Aboriginal and Torres Strait Islanders, we are wasting our time to begin with.'¹⁷ This view was shared by a large number of other witnesses.¹⁸

1.24 The committee considers that Parliament should consider the Expert Panel's proposed new sections 51A and 116A. The former provides the Commonwealth with the power to make laws with respect to Aboriginal and Torres Strait Islander peoples and gives effect to recognition of Aboriginal and Torres Strait Islander peoples, and the latter prohibits racial discrimination by the Commonwealth, states and territories in the exercise of either legislative or executive power.

1.25 The committee notes a lack of public support for the fourth line of preambular language proposed by the Expert Panel, which reads 'Acknowledging the need to secure the advancement of Aboriginal and Torres Strait Islander peoples.'¹⁹ In its interim report, the committee discussed that the legal meaning of advancement²⁰ does not equate to popular understanding of the term. For example, the 2013 *Youth Report*

16 Mr Mark Leibler AC, Senior Partner, Arnold Bloch Leibler, *Committee Hansard*, 14 August 2014, p. 37.

17 *Ibid*, p. 38.

18 The Hon Delia Lawrie MLA, Leader of the Opposition, Northern Territory Parliament, *Committee Hansard*, 20 August 2014, p. 29; Ms June Oscar AO, Chief Executive Officer, Marninwarntikura Women's Resource Centre, *Committee Hansard*, 23 July 2014, p. 8; Mr Peter Arndt, Executive Officer, Brisbane Archdiocese Catholic Justice and Peace Commission, *Committee Hansard*, 30 June 2014, p. 24; Mr Ian Trust, Chairman and Executive Director, Wunan Foundation, *Committee Hansard*, 22 July 2014, p. 16; Ms Priscilla Collins, Chief Executive Officer, Aboriginal Peak Organisations Northern Territory, *Committee Hansard*, 20 August 2014, p. 2; Ms Olga Havnen, Chief Executive Officer, Danila Dilba Health Service, *Committee Hansard*, 20 August 2014, p. 20; Ms Tammy Solonec, Member, Aboriginal Lawyers Committee, Law Society of Western Australia, *Committee Hansard*, 10 September 2014, p. 2; Mr Nolan Hunter, Chief Executive Officer, Kimberley Land Council, *Committee Hansard*, 21 July 2014, pp 1–2.

19 *Recognising Aboriginal and Torres Strait Islander Peoples in the Constitution: Report of the Expert Panel*, January 2012, p. 153.

20 Anne Twomey, 'A revised proposal for indigenous constitutional recognition', *Sydney Law Review*, vol. 36, no. 3, 2014, p. 394–395; United Nations Committee on the Elimination of Racial Discrimination, *General Recommendation No 32: The Meaning and Scope of Special Measures in the International Convention on the Elimination of All Forms of Racial Discrimination*, 75th session, United Nations Doc. CERD/C/GC/32, 24 September 2009.

on *Constitutional Recognition*, RECOGNISE THIS,²¹ submitted that 'the term "advancement" does not adequately reflect Indigenous peoples' right to self-determination as it implies that governments can determine what is best for us'.²²

1.26 Accordingly, the committee recommends that Parliament consider as a first structural option a new section 51A without the fourth line of preambular language recommended by the Expert Panel, and new section 116A as recommended by the Expert Panel, along the following lines:

51A Recognition of Aboriginal and Torres Strait Islander peoples

Recognising that the continent and its islands now known as Australia were first occupied by Aboriginal and Torres Strait Islander peoples;

Acknowledging the continuing relationship of Aboriginal and Torres Strait Islander peoples with their traditional lands and waters;

Respecting the continuing cultures, languages and heritage of Aboriginal and Torres Strait Islander peoples;

The Parliament shall, subject to this Constitution, have power to make laws for the peace, order and good government of the Commonwealth with respect to Aboriginal and Torres Strait Islander peoples.

116A Prohibition of racial discrimination

(1) The Commonwealth, a State or a Territory shall not discriminate on the grounds of race, colour or ethnic or national origin.

(2) Subsection (1) does not preclude the making of laws or measures for the purpose of overcoming disadvantage, ameliorating the effects of past discrimination, or protecting the cultures, languages or heritage of any group;

1.27 Also, the committee received submissions that noted an amendment to constitutionally prohibit racial discrimination by any of the Commonwealth, states and territories would represent a significant change to the Constitution.²³

21 RECOGNISE THIS is a youth-led movement to recognise Aboriginal and Torres Strait Islander peoples in the Australian Constitution, a partnership between RECOGNISE, the National Centre of Indigenous Excellence and YourExtraLife.

22 RECOGNISE THIS, *Youth Report on Constitutional Recognition*, Indigenous Youth Engagement Council, 2013, p. 31.

23 See, for example, Reconciliation Victoria, *Submission 35*, p. 1; ANTaR, *Submission 7*, p. 6; Oxfam Australia, *Submission 10*, p. 5; Mr Ian Brown, President, Queensland Law Society, *Committee Hansard*, 30 June 2014, p. 9; Mr Selwyn Button, CEO, Queensland Aboriginal and Islander Health Council, *Committee Hansard*, 30 June 2014, p. 19; Mr Peter Arndt, Executive Officer, Brisbane Archdiocese Catholic Justice and Peace Commission, *Committee Hansard*, 30 June 2014, p. 24; Ms Dierdre Robertson, Co-Convenor, Shepparton Region Reconciliation Group, 13 August 2014, p. 8; Mr Peter Quinlan SC, President, Western Australian Bar Association, *Committee Hansard*, 21 July 2014, p. 10.

OPTION 2 – New section 51A with a limited prohibition of discrimination by the Commonwealth against Aboriginal and Torres Strait Islander peoples

1.28 Noting paragraph 1.27 above, the committee recommends that Parliament consider a proposed new section 51A to allow the Commonwealth to make laws with respect to Aboriginal and Torres Strait Islander peoples and to prohibit discrimination against them by the Commonwealth in the exercise of its legislative power.

1.29 The proposed new section 51A in Option 2 would remove the fourth line of preambular language used by the Expert Panel (as discussed above in paragraph 1.25), and incorporate subsection (2) of the Expert Panel's proposed new section 116A, along the following lines:

51A Recognition of Aboriginal and Torres Strait Islander peoples

Recognising that the continent and its islands now known as Australia were first occupied by Aboriginal and Torres Strait Islander peoples;

Acknowledging the continuing relationship of Aboriginal and Torres Strait Islander peoples with their traditional lands and waters;

Respecting the continuing cultures, languages and heritage of Aboriginal and Torres Strait Islander peoples;

- (1) The Parliament shall, subject to this Constitution, have power to make laws for the peace, order and good government of the Commonwealth with respect to Aboriginal and Torres Strait Islander peoples, but not so as to discriminate adversely against them.
- (2) Subsection (1) does not preclude the making of laws or measures for the purpose of overcoming disadvantage, ameliorating the effects of past discrimination, or protecting the cultures, languages or heritage of Aboriginal and Torres Strait Islander peoples.

1.30 In its interim report, the committee noted that the prohibition of racial discrimination proposed by the Expert Panel would allow for the enactment of laws for the benefit of Aboriginal and Torres Strait Islander peoples, or special measures:

The inclusion of an exception for 'special measures' would minimise the risk that a general non-discrimination clause would invalidate laws for the benefit of Aboriginal and Torres Strait Islander peoples. While Australians are wary of the overuse of affirmative action policies which are perceived to unfairly favour one group of people over others, the approach proposed by the Panel is one that is needs-based, rather than one based on Aboriginal or Torres Strait Islander identity.²⁴

24 *Recognising Aboriginal and Torres Strait Islander Peoples in the Constitution: Report of the Expert Panel*, January 2012, p. 172; Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples, *Interim report*, 15 July 2014, p. 17.

1.31 Subsection (2), as drafted above, is designed to ensure that laws that are designed to be special measures are not inadvertently prohibited by subsection (1).

1.32 This option is limited expressly to prohibit racial discrimination by the Commonwealth in the exercise of its legislative power in relation to Aboriginal and Torres Strait Islander peoples. The committee notes that it would not limit the legislative power of state and territory parliaments.

OPTION 3 – Redraft section 51(xxvi) to allow the Commonwealth Parliament to make laws with respect to Aboriginal and Torres Strait Islander peoples with the option of enacting an Act of Recognition

1.33 In its interim report, the committee noted a proposal to frame a constitutional amendment so as to require the Commonwealth to legislate on the subject of recognition, including recognising Aboriginal and Torres Strait Islander languages in an Act of Recognition, along the following lines:²⁵

51 Legislative Powers of the Parliament

The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to:

(xxvi) Aboriginal and Torres Strait Islander peoples, and within this power must enact and maintain an Act of Recognition.

1.34 The committee has received and accepted advice that, while there are few limits on alterations that can be made to the Constitution at referendum, there are a broad range of 'problems and uncertainties' with an amendment that compelled the Parliament to legislate on a particular topic.²⁶ For example, it is uncertain how the requirement to enact and maintain an Act of Recognition would be enforced, or how disagreement would be resolved between members of Parliament on the enactment or form of that Act.²⁷ Professor Anne Twomey identified a number of unanswered questions about an amendment that compelled an Act of Recognition, including:

Who would decide what amounted to 'recognition'? What if Parliament passed a law that it entitled an 'Act of Recognition', but a court decided that it did not involve adequate recognition, or it included other matter that should not be 'tacked on' to a special law of this nature? What if the law was amended in the future in a way that lessened the nature of the 'recognition'? Would the obligation only be to enact such a law once, or would there be a perpetual obligation to maintain it in existence? Could it

25 Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples, *Interim report*, 15 July 2014, p. 26.

26 Professor George Williams AO, Advice to the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples, 29 September 2014, p. 2.

27 Ibid.

be amended or repealed, and if repealed, would it have to be replaced by another Act of Recognition at the same time?²⁸

1.35 Further, Professor George Williams discussed the uncertain effect that an Act of Recognition would have on future constitutional interpretations, considering that:

Ordinarily, legislation enacted in accordance with the Constitution does not itself impact upon interpretation of that document. It is not clear whether this would be the case for an Act of Recognition, due to its unusual status. It is possible that the Court might view the Act of Recognition as a quasi-constitutional instrument that justifies greater reference to it in constitutional interpretation, statutory construction and common law development.²⁹

1.36 Noting this advice, as a further alternative to the two options discussed above, the committee recommends that the Parliament consider a new section 51(xxvi) providing a power to make laws with respect to Aboriginal and Torres Strait Islander peoples, along the following lines:

51 Legislative Powers of the Parliament

The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to:

(xxvi) Aboriginal and Torres Strait Islander peoples.

1.37 This power would allow, but not require, the Parliament to enact an Act of Recognition.

1.38 The committee notes that it was suggested to the Expert Panel that 'legislative recognition could have a useful role in public education in the lead-up to a referendum'.³⁰

1.39 In addition, in a submission to the committee, Mr Damien Freeman and Mr Julian Leeser propose a declaration of recognition 'decoupled from the Constitution' following a public competition to draft 'a historical and aspirational statement of no more than 300 words'.³¹ In their view, a declaration would 'recognise the place of [Aboriginal and Torres Strait Islander peoples] in our history, and the enduring value of their culture for Australia'.³²

28 Dr Anne Twomey, Advice to the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples, 30 September 2014, pp 2–3.

29 Professor George Williams AO, Advice to the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples, 29 September 2014, p. 3.

30 *Recognising Aboriginal and Torres Strait Islander Peoples in the Constitution: Report of the Expert Panel*, January 2012, p. 224.

31 Mr Damien Freeman and Mr Julian Leeser, *Submission 29*, p. 2.

32 *Ibid.*

Timing

1.40 The committee is also required to build parliamentary consensus around the timing of referendum proposals for constitutional recognition of Aboriginal and Torres Strait Islander peoples. The committee is of the view that the momentum for recognition will only build once the proposed wording is publicly known, and therefore recommends that a referendum take place at or shortly after the next federal election in 2016.

Recommendation 6

1.41 The committee recommends that a referendum to recognise Aboriginal and Torres Strait Islander peoples in the Constitution take place at or shortly after the next federal election in 2016.

1.42 The Review Panel recommended that Parliament should amend the *Aboriginal and Torres Strait Islander Recognition Act 2013* so that the Act does not sunset in March 2015. The committee agrees that the Act should be extended to align with the proposed timing of a referendum.

Recommendation 7

1.43 The committee recommends that the *Aboriginal and Torres Strait Islander Peoples Recognition Act 2013* should be extended to align with the proposed timing of a referendum.

Mr Ken Wyatt AM MP
Chair

Appendix 1

Background

Role of the committee

A1.1 The Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander People was re-established by the 44th Parliament on 2 December 2013 to inquire into and report on steps that can be taken to progress towards a successful referendum on Indigenous constitutional recognition.

A1.2 The resolution establishing the committee in the 44th Parliament states that:

- (1) a Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples be appointed to inquire into and report on steps that can be taken to progress towards a successful referendum on Indigenous constitutional recognition, and in conducting the inquiry, the committee:
 - (a) work to build a secure strong multi-partisan parliamentary consensus around the timing, specific content and wording of referendum proposals for Indigenous constitutional recognition; and
 - (b) consider:
 - (i) the creation of an advisory group whose membership includes representatives of Aboriginal and Torres Strait Islander people to assist the work of the committee;
 - (ii) the recommendations of the Expert Panel on Constitutional Recognition of Indigenous Australians; and
 - (iii) mechanisms to build further engagement and support for the constitutional recognition of Aboriginal and Torres Strait Islander peoples across all sectors of the community, and taking into account and complementing the existing work being undertaken by Recognise;
- (2) the committee present to Parliament an interim report on or before 30 September 2014 and its final report on or before 30 June 2015.¹

A1.3 In its interim report, the committee noted that the report of the Expert Panel on Constitutional Recognition of Indigenous Australians (the Expert Panel) provided the Parliament with a comprehensive option for constitutional change, based on the results of over 250 public consultations. In preparing this report, the committee further refines its view of which recommendations are likely to gain public support at a referendum, and those which are likely to have multipartisan support.

1 Hon Mr Christopher Pyne MP, Leader of the House, Minister for Education, *House of Representatives Hansard*, 21 November 2013, p. 969.

Activities in the 44th Parliament

A1.4 The committee has received and published 37 submissions on its website. The committee has held 10 public hearings and met with a range of advisers. A list of witnesses at the committee's public hearings and submissions received is in Appendices 3 and 5.

A1.5 The committee is calling for submissions on steps that can be taken to progress towards a successful referendum on the constitutional recognition of Aboriginal and Torres Strait Islander peoples. The committee thanks all of the individuals and organisations that have already contributed to its work.

A1.6 The committee is required to present a final report to the Parliament on or before 30 June 2014.

Expert Panel on Constitutional Recognition of Indigenous Australians

A1.7 As discussed in the committee's first interim report, former Prime Minister Julia Gillard appointed the Expert Panel in December 2010 to consult on the best possible options for a constitutional amendment to be put to a referendum. Led by co-chairs Professor Patrick Dodson and Mr Mark Leibler AC, the Expert Panel conducted over 250 consultations around Australia, with the aim of building public awareness of constitutional recognition.

A1.8 The Expert Panel provided its comprehensive report to government in January 2012, recommending repeal of sections 25 and 51(xxvi) of the Constitution and insertion of new sections 51A, 116A and 127A. The Expert Panel's recommendations are set out in Appendix 2 to this report.

Activities in the 43rd Parliament

A1.9 The 43rd Parliament first appointed a Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples on 28 November 2012. The 43rd Parliament committed to 'placing before the Australian people at a referendum a proposal for constitutional recognition of Aboriginal and Torres Strait Islander peoples,' passing the *Aboriginal and Torres Strait Islander Recognition Act 2013* (Recognition Act) on 14 March 2013.²

A1.10 Appendix 1 of the committee's first interim report provides more detail on the activities of the committee in the 43rd Parliament.

2 *Aboriginal and Torres Strait Islander Recognition Act 2013* (Commonwealth), preamble.

Appendix 2

Recommendations of the Expert Panel

The Expert Panel made the following recommendations:

Recommendations for changes to the Constitution

- 1 That section 25 be repealed.
- 2 That section 51(xxvi) be repealed.
- 3 That a new 'section 51A' be inserted, along the following lines:

Section 51A Recognition of Aboriginal and Torres Strait Islander peoples

Recognising that the continent and its islands now known as Australia were first occupied by Aboriginal and Torres Strait Islander peoples;

Acknowledging the continuing relationship of Aboriginal and Torres Strait Islander peoples with their traditional lands and waters;

Respecting the continuing cultures, languages and heritage of Aboriginal and Torres Strait Islander peoples;

Acknowledging the need to secure the advancement of Aboriginal and Torres Strait Islander peoples;

the Parliament shall, subject to this Constitution, have power to make laws for the peace, order and good government of the Commonwealth with respect to Aboriginal and Torres Strait Islander peoples.

The Panel further recommends that the repeal of section 51(xxvi) and the insertion of the new 'section 51A' be proposed together.

- 4 That a new 'section 116A' be inserted, along the following lines:

Section 116A Prohibition of racial discrimination

- (1) The Commonwealth, a State or a Territory shall not discriminate on the grounds of race, colour or ethnic or national origin.
- (2) Subsection (1) does not preclude the making of laws or measures for the purpose of overcoming disadvantage, ameliorating the effects of past discrimination, or protecting the cultures, languages or heritage of any group.

- 5 That a new 'section 127A' be inserted, along the following lines:

Section 127A Recognition of languages

- (1) The national language of the Commonwealth of Australia is English.
- (2) The Aboriginal and Torres Strait Islander languages are the original Australian languages, a part of our national heritage.

Recommendations on the process for the referendum

- a. In the interests of simplicity, there should be a single referendum question in relation to the package of proposals on constitutional recognition of Aboriginal and Torres Strait Islander peoples set out in the draft Bill (Chapter 11).
- b. Before making a decision to proceed to a referendum, the Government should consult with the Opposition, the Greens and the independent members of Parliament, and with State and Territory governments and oppositions, in relation to the timing of the referendum and the content of the proposals.
- c. The referendum should only proceed when it is likely to be supported by all major political parties, and a majority of State governments.
- d. The referendum should not be held at the same time as a referendum on constitutional recognition of local government.
- e. Before the referendum is held, there should be a properly resourced public education and awareness program. If necessary, legislative change should occur to allow adequate funding of such a program.
- f. The Government should take steps, including through commitment of adequate financial resources, to maintain the momentum for recognition, including the widespread public support established through the YouMeUnity website, and to educate Australians about the Constitution and the importance of constitutional recognition of Aboriginal and Torres Strait Islander peoples. Reconciliation Australia could be involved in this process.
- g. If the Government decides to put to referendum a proposal for constitutional recognition of Aboriginal and Torres Strait Islander peoples other than the proposals recommended by the Panel, it should consult further with Aboriginal and Torres Strait Islander peoples and their representative organisations to ascertain their views in relation to any such alternative proposal.
- h. Immediately after the Panel's report is presented to the Prime Minister, copies should be made available to the leader of the Opposition, the leader of the Greens, and the independent members of Parliament. The report should be released publicly as soon as practicable after it is presented to the Prime Minister.

Appendix 3

Public hearings and participants

BRISBANE, 30 June 2014

DUFFY, Mr Shane, Chief Executive Officer, Aboriginal and Torres Strait Islander Legal Services

BROWN, Mr Ian, President, Queensland Law Society

D'CRUZ, Ms Raylene, Policy Solicitor, Queensland Law Society

DUNN, Mr Matthew, Principal Policy Solicitor, Queensland Law Society

GSCHWIND, Mr Daniel, Chief Executive Officer, Queensland Tourism Industry Council

WHARTON, Mr Wayne Morris, Kooma man and Representative, Brisbane Aboriginal Sovereign Embassy

BENNET, Mrs Pele, Queensland Aboriginal and Islander Health Council

BUTTON, Mr Selwyn, CEO, Queensland Aboriginal and Islander Health Council

ARNDT, Mr Peter, Executive Officer, Brisbane Archdiocese Catholic Justice and Peace Commission

MILLER, Mr David, Member, Brisbane Archdiocese Catholic Justice and Peace Commission

WALDREN, Ms Ravina, Coordinator, Catholic Archdiocese of Brisbane Murri Ministry Team

BROOME, 21 JULY 2014

BIRCH, Mr Tom, Deputy Chairman, Kimberley Land Council

DIA, Ms Melody, Remote Care Coordinator, Kimberley Aged and Community Services

DODSON, Professor Patrick Lionel, Private capacity

GORRING, Mr Bruce, Acting Director, Nulungu Research Institute, University of Notre Dame Australia

HUNTER, Mr Nolan, Chief Executive Officer, Kimberley Land Council

McKENNA, Ms Raeylene, Team Leader, Kimberley Aboriginal Medical Services Council Inc.

POELINA, Dr Anne, Managing Director, Madjulla Inc.

ROBERTS, Ms Faith, ACAT Coordinator, Kimberley Aged and Community services

HALLS CREEK, 22 JULY 2014

EDWARDS, Councillor Malcolm, President, Shire of Halls Creek

TAIT, Mr Greg, Lungga Gidja man

TRUST, Mr Ian Richard, Chairman and Executive Director, Wunan Foundation

GREEN, Mr Ribnga Kenneth, Private capacity

GREEN, Ms Shantelle, Private capacity

GARSTONE, Ms Brenda, Private capacity

YOUNG, Mr Benjamin, Private capacity

FITZROY CROSSING, 23 JULY 2014

BROWN, Mr Joe, Adviser, Kimberley Aboriginal Law and Cultural Centre

CARTER, Mr Neil Angus, Kimberley Aboriginal Repatriation Officer, Kimberley Aboriginal Law and Cultural Centre

HERRING, Mr Scott, Project Officer, Kimberley Aboriginal Law and Cultural Centre

STREET, Mr Mervyn, Chair, Kimberley Aboriginal Law and Cultural Centre

WISE, Mr Butcher, Kimberley Aboriginal Law and Cultural Centre

OSCAR, Ms June, AO, Chief Executive Officer, Marninwarntikura Women's Resource Centre

KOGOLO, Ms Annette, Vice Chair, Mangkaja Arts Resource Agency

BEDFORD, Mr Dickie, Executive Director, Marra Worra Worra Aboriginal Corporation

JOHNSTON, Mr Sam, Private capacity

McCORD, Mr Edward Mort, Private capacity

MONTAG, Miss Jemima Esther, Private capacity

NERI, Mr Gabriel Luc, Private capacity

OMOND, Miss Charlotte Emily, Private capacity

SHADFORTH, Miss Tashina Marie, Private capacity

TENEILLE, Ms Francis, Private capacity

SHEPPARTON, 13 AUGUST 2014

POLAN, Councillor Michael, Councillor, Greater Shepparton City Council

THOMSON, Ms Kaye, Director, Community, Greater Shepparton City Council

NICHOLLS, Mr Bobby, Co-Convenor, Shepparton Region Reconciliation Group

ROBERTSON, Ms Dierdre, Co-Convenor, Shepparton Region Reconciliation Group

PARNELL, Reverend Chris, Secretary, Shepparton Interfaith Network

PURCELL, Dr Frank, President, Shepparton Interfaith Network

ATKINSON, Mr John Edward (Sandy), OAM, Bangerang Cultural Centre

HAZELMAN, Mr Chris, Manager, Ethnic Council of Shepparton and District

BILLS-KERR, Rhianna, Private capacity

COOPER, Billy, Private capacity

COOTE, Chris, Private capacity

MORRIS, Mr Neil, Private capacity

WARWICK, Mr Timothy, Private capacity

WEST, Dalton, Private capacity

HANEY, Mr Nicholas, Regional Manager, CatholicCare Sandhurst

MELBOURNE, 14 AUGUST 2014

GUTHRIE, Ms Mary, General Manager of Policy, The Lowitja Institute

MOKAK, Mr Romlie, Chief Executive Officer, The Lowitja Institute

BAXTER, Mr John, Council Member, Reconciliation Victoria

CHAPMAN, Ms Deb, Acting Statewide Coordinator, Reconciliation Victoria

CHAUVEL, Ms Emily, Project Facilitator, Reconciliation Victoria

CLARK, Ms Vicki, Co-Chair, Reconciliation Victoria

GROSSER, Ms Vicky, Project Coordinator, Geelong Constitutional Recognition Project

MULROY, Ms Sheenagh, Planning Group Member, Geelong Constitutional Recognition Project

LEWIS, Dr Peter, Aboriginal and Torres Strait Islander Peoples Rights Advocacy Lead, Oxfam Australia

SMITH, Reverend Ian, Executive Officer, Victorian Council of Churches, Victorian Recognition Reconciliation Coalition

CHAUVEL, Ms Emily, Project Facilitator, Reconciliation Victoria, Victorian Recognition Reconciliation Coalition

DONNELLY, Ms Jude, Head of Government Relations, Australian Football League

MIFSUD, Mr Jason, Head of Diversity, Australian Football League

CARTER, Mr Daniel, Indigenous Student Representative, Monash Student Association; Member, Monash Reconciliation Group

GALLAGHER, Ms Jill, AO, Private capacity

LEIBLER, Mr Mark, AC, Senior Partner, Arnold Bloch Leibler

KATHERINE, 19 AUGUST 2014

MILLER, Councillor Christina Fay, Mayor, Katherine Town Council

HILLEN, Mrs Sharon, Director of Council Services and Infrastructure, Roper Gulf Regional Council

ROPER, Mr Stephen, employee, Roper Gulf Regional Council

RAVONCIRI, Ms Jossy, Manyallaluk Community

RAVONCIRI, Mr Mikaele, Manyallaluk Community

WILLIRI, Ms Cynthia, Manyallaluk Community

WILLIRI, Ms Tanya, Manyallaluk Community

CASTINE, Mr Graham, Chair, Katherine Regional Aboriginal Health and Related Services; Chief Executive Officer, Sunrise Health Service

FAWKNER, Mr Matt, Member, Sunrise Health

LEE, Ms Anne Marie, Chief Executive Officer, Katherine Regional Aboriginal Health and Related Services

DARWIN, 20 AUGUST 2014

COLLINS, Ms Priscilla, Chief Executive Officer, Aboriginal Peak Organisations Northern Territory

COOPER, Dr David, Manager Research Advocacy Policy, Aboriginal Medical Services Alliance Northern Territory

PATERSON, Mr John, Chief Executive Officer, Aboriginal Medical Services Alliance Northern Territory

SHARP, Mr Jared, Manager Law and Justice Projects, NAAJA, Aboriginal Peak Organisations Northern Territory

SINGH, Ms Maria, Liaison Officer, Northern Land Council

McLINDEN, Mr Peter, Manager, Transport and Infrastructure, Local Government Association of the Northern Territory

TAPSELL, Mr Tony, Chief Executive Officer, Local Government Association of the Northern Territory

HURLEY, Bishop Eugene, Catholic Diocese of Darwin

HAVNEN, Ms Olga, Chief Executive Officer, Danila Dilba Health Service

McLAUGHLIN, Ms Joy, Senior Project Officer, Danila Dilba Health Service

LAWRIE, Ms Delia Phoebe, Leader of the Opposition, Northern Territory Parliament

VOWLES, Mr Ken, Shadow Minister for Indigenous Policy, Northern Territory Parliament

D'ANTOINE, Ms Heather, Associate Director, Aboriginal Programs, Menzies School of Health Research

FEJO, Mr Eric, Private capacity

GONDARRA, Rev. Dr Djiniyini, OAM, Chairman, Arnhem Land Progress Aboriginal Corporation

COLLINS, Ms Priscilla, Chief Executive Officer, Aboriginal Peak Organisations Northern Territory

COOPER, Dr David, Manager Research Advocacy Policy, Aboriginal Medical Services Alliance Northern Territory

PATERSON, Mr John, Chief Executive Officer, Aboriginal Medical Services Alliance Northern Territory

SHARP, Mr Jared, Manager Law and Justice Projects, NAAJA, Aboriginal Peak Organisations Northern Territory

SINGH, Ms Maria, Liaison Officer, Northern Land Council

KALGOORLIE, 9 SEPTEMBER 2014

McLERIE, Mrs Linda Marie, President, Rotary Club of Hannans-Kalgoorlie

COULSTON, Mr David John, Private capacity

GALLAGHER, Mr Hugh, Chief Executive Officer, Kalgoorlie-Boulder Chamber of Commerce and Industry

JACOBSEN, Ms Lee, President, Kalgoorlie-Boulder Chamber of Commerce and Industry

BOKELUND, Mr Hans Paul, Chief Executive Officer, Goldfields Land and Sea Council

DONALDSON, Mr Trevor, Traditional Custodian

CROOK, Mr Anthony (Tony) John, Board Chairman, Goldfields-Esperance Development Commission

ROBINS, Mr Steven, Acting Chief Executive Officer, Goldfields-Esperance Development Commission

BROWNLEY, Mrs Marcia, Private capacity

BROWNLEY, Mr Linden, Private capacity

BROWNLEY, Mr Trevor John, Private capacity

BROWNLEY, Mr Tyrone, Private capacity

MARTIN, Mr Francis, Private capacity

PERTH, 10 SEPTEMBER 2014

KEOGH, Mr Matthew, Senior Vice President, Law Society of Western Australia

SOLONEC, Ms Tammy, Member, Aboriginal Lawyers Committee, Law Society of Western Australia

QUINLAN SC, Mr Peter Damien, President, Western Australian Bar Association

HENRY, Mr Reginald James, Culture and Workforce Development Senior, Ruah Community Services

LYNCH, Mr Francis, Chief Executive, Ruah Community Services

BENJAMIN, Miss Kimberley, Program Officer, Reconciliation WA

CARTER, Mr Alan John, Co-chair, Reconciliation WA

MORRISON, Mr James, Reconciliation WA

SEBIRE, Miss Verity Jane, Board member, Reconciliation WA

HOUGHTON, Miss Cassandra, Private capacity

WHEARE, Ms Janette, Private capacity

Appendix 4

Private briefings and participants

SYDNEY, 21 FEBRUARY 2014

BURMESTER, Mr Henry, AO, QC, Private capacity

DAVIS, Professor Megan, Private capacity

FERGUSON, Mr Glenn, Managing Director, Ferguson Cannon Lawyers

MALEZER, Mr Les, Co-Chair, National Congress of Australia's First Peoples

MORRIS, Ms Shireen, Cape York Institute

PARKER, Ms Kirstie, Co-Chair, National Congress of Australia's First Peoples

PRITCHARD, Dr Sarah, SC, Eleven Wentworth Barristers

TWOMEY, Professor Anne, Director, Constitutional Reform Unit, University of Sydney

WILLIAMS AO, Professor George, Private capacity

CANBERRA, 5 MARCH 2014

HOSCH, Ms Tania, Deputy Campaign Director, Recognise

GARTRELL, Mr Tim, Campaign Director, Recognise

SCHUBERT, Ms Mischa, Communications Director, Recognise

CANBERRA, 26 MARCH 2014

DAWSON, Mr Peter, Recognise This Campaign Coordinator, Recognise

FRAIL, Ms Charlee-Sue, Recognise This Campaign Coordinator, Recognise

SYDNEY, 21 MARCH 2014

BURMESTER, Mr Henry, AO, QC, Private capacity

DAVIS, Professor Megan, Private capacity

TWOMEY, Professor Anne, Director, Constitutional Reform Unit, University of Sydney

WILLIAMS AO, Professor George, Private capacity

SYDNEY, 19 MAY 2014

ELLCOTT QC, The Hon Robert, Head of Chambers, 16 Wardell Chambers

PRITCHARD SC, Dr Sarah, Eleven Wentworth Barristers

TWOMEY, Professor Anne, Director Constitutional Reform Unit, University of Sydney

WILLIAMS AO, Professor George, Private capacity

YOUNG QC, Mr Neil Young, Seven Wentworth Barristers

TELECONFERENCE, 20 MAY 2014

CRAVEN AO, Professor Gregory, Vice-Chancellor, Australian Catholic University

CANBERRA, 25 JUNE 2014

PARKER, Ms Kirstie, Co-Chair, National Congress of Australia's First Peoples

SCOTT, Mr Geoff, Chief Executive Officer, National Congress of Australia's First Peoples

DARWIN, 20 AUGUST 2014

McDONALD QC, Mr Colin, Private capacity

DARWIN, 20 AUGUST 2014

ECKHARDT, Mr Robert (Bob), Director, Indigenous Electoral Participation Program, Australian Electoral Commission

LEW-FATT, Mr Anthony, Indigenous and Community Engagement Officer, Australian Electoral Commission

PARSONS, Mr Nick, Acting Territory Manager (Northern Territory), Australian Electoral Commission

POLLARD, Ms Charlene, Indigenous and Community Engagement Officer, Australian Electoral Commission

SNOWDON MP, Hon Mr Warren, Member for Lingiari

Appendix 5

Submissions received

Submission Number	Submitter
1	Reconciliation Victoria
2	Mr Nick Hobson
3	Mr Moyle AM, Mr Moore and Mr Botsman
4	Mr Darren Siems
5	Mrs V.D. Burnett
6	Constitution Education Fund Australia (CEFA)
7	ANTaR
8	Mrs Diana Ekman
9	Mr James Lewis
10	Oxfam Australia
11	Geelong Constitutional Recognition Project
12	Mr Peter Forde
13	Victorian Constitutional Recognition Coalition
14	Mr Luke Beck
15	Concerned Australians
16	Mr Robert Ludlow
17	Mr Paul Nolan
	<ul style="list-style-type: none">• Supplementary Submission

18	Dr A. Wood
	• Supplementary submission
19	Catholics in Coalition for Justice and Peace
20	Roper Gulf Regional Council
21	Mr Marc Ferre
22	Miss Cassie Houghton
23	Cr Murray Cook
24	Mr Colin Jones
25	Goldfields Land and Sea Council
26	Baptist Care
27	Mr David Williams
28	Sisters of Mercy Parramatta
29	Mr Damien Freeman and Mr Julian Leeser
30	Mr Doug Trace
31	Mr Keith Irwin
32	Dr Lester-Irabinna Rigney
33	West Daly Regional Council
34	City of Melbourne
35	Reconciliation Victoria
36	St Vincent de Paul Society
37	New South Wales Aboriginal Land Council

Tabled documents and additional information

- 1 Tabled Document: Speech on Madayin Law, received from Dr Rev. Gondarra OAM, Chairman, Arnhem Land Progress Aboriginal Corporation on 20 August 2014.
- 2 Tabled Document: Speech, newspaper articles and photographs received from Mr Eric Fejo, Private Capacity on 20 August 2014.
- 3 Additional Information: Legal Question for Advice from the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples.
- 4 Additional Information: Opinion on the effect of proposed amendments to the Commonwealth Constitution on certain Commonwealth laws, Mr Stephen Lloyd SC and Mr David Hume, 24 June 2014.
- 5 Additional Information: Opinion on recommendations made by the Expert Panel on the Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples, Mr Neil Young QC, 11 June 2014.
- 6 Additional Information: Advice to the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples, Act of Recognition, Professor George Williams, 29 September 2014.
- 7 Additional Information: Advice on an Act of Recognition to the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples, Act of Recognition, Dr Anne Twomey, 30 September 2014.