

CHECK OUT

CCJP

March 2012

At Last! Righting the Wrong

Referendum to Acknowledge Aboriginal & Torres Strait Islander Peoples in the Australian Constitution. (No. 2)

How is the Constitution changed?

In Australia the only way anything can be changed in the Constitution is through a referendum. A Constitutional referendum is when all voting age Australians vote 'yes' or 'no' to a proposed change. For a change to be accepted a national majority of voters in majority of states must vote 'yes'. Australians have not accepted many proposed changes, we've voted in 44 Constitutional referendums and only voted 'yes' for 8.



Why was the 1967 referendum so successful?

In the 1967 referendum, our nation's most successful, more than 90% of voters said 'yes' to having Indigenous Peoples counted in the census and to removing discriminatory references to them in the Australian Constitution. Indigenous and non-Indigenous Australians campaigned side by side for more than a decade to educate the community on the importance of the 'yes' vote. Both main political parties also supported the 'yes' vote.

What is the Expert Panel on Constitutional Recognition of Indigenous Australians and what did it do?

On 23 December 2010, following nominations from the public, the Prime Minister announced the appointment of the 20 member Expert Panel on the Constitutional Recognition of Indigenous Australians.

It was made up of Indigenous and community leaders, people with legal expertise and parliamentary members. The Panel was co-chaired by Professor Patrick Dodson and Mr Mark Leibler AC.

The Panel talked with thousands of people from across the country, hosting over 200 public consultations across 84 communities in remote, regional and metropolitan Australia.

At these consultations, over 4000 individuals and representatives of business, media, government and nongovernment organisations spoke to members of the Panel about their ideas or concerns for constitutional change.

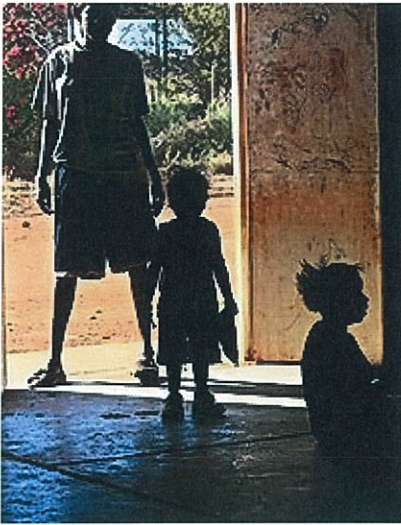
What changes has the Panel recommended?

The Panel completed its process and handed its Report to the Prime Minister in January 2012

The report's recommendations include changes to the Constitution which: recognise the continuing cultures, languages and heritage of Aboriginal and Torres Strait Island peoples; remove racist elements; and prohibit discrimination on the grounds of race, colour or ethnic or national origin.

What benefits will constitutional recognition have for Aboriginal and Torres Strait Islander Australians?

Constitutional recognition would help create mutual trust and respect leading to stronger relationships between Aboriginal and Torres Strait Islander Australians and other Australians



Report of the Expert Panel Recommendations for changes to the Constitution

The Panel recommends that:

- **section 25** be removed
- **section 51(xxvi)** be removed
- a new section **51A** adopted to recognise Aboriginal and Torres Strait Islander peoples and to preserve the Australian Government's ability to pass laws for the benefit of Aboriginal and Torres Strait Islander peoples
- a new section **116A** adopted, prohibiting racial discrimination
- a new section **127A** adopted, recognising Aboriginal and Torres Strait Islander languages while confirming that English is Australia's national language

Suggested Draft Bill

Section 51A—Recognition of Aboriginal and Torres Strait Islander peoples

The Panel suggests the following words for a new section 51A:

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, and

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.

Section 116A Prohibition of racial discrimination

The Panel suggests the following words for a new section 116A:

(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.

Section 127A Recognition of languages

The Panel suggests the following words for a new section 127A:

(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 how to achieve a successful referendum

a. To keep it simple, the referendum should ask voters in a single yes/no question if they support the 6 changes to recognise Aboriginal and Torres Strait Islander peoples.

For the full Report go to:

<http://www.youmeunity.org.au/final-report>

Should you wish to receive further **CHECK OUTS**, contact Cecily May, CCJP, PO Box A21 Enfield South 2133, ☎/Fax 9745 0820 Email: ccjp@bigpond.com Web: www.ccjpoz.org

Information for this Checkout from:
Reconciliation Australia: YouMeUnity:
Report of Expert Panel 2012.