

Reconciliation South Australia Inc
GPO Box 11023
ADELAIDE SA 5001
Tel: 8463 6382
Mob: - 0417 834 938
Email: reconciliationsa@adam.com.au
www.reconciliationsa.org.au



Statement to the Joint Select Committee on Constitutional Recognition Relating to Aboriginal and Torres Strait Islander Peoples

Just over one year ago on 26th May 2017, nearly 250 Aboriginal and Torres Strait Islander delegates stood on sacred soil and presented the Uluru Statement from the Heart. An unprecedented document in both scope of consultation and unanimity, The Uluru Statement proposes three broad objectives for reform;

- the establishment of a Constitutionally enshrined First Nations Voice to Parliament
- truth-telling and reconciliation
- a Makarrata Commission towards a Treaty.

Self Determination

The Uluru Statement is a clear example of self-determination. The Referendum Council established with bi-partisan support from then Prime Minister Tony Abbott and the Leader of the opposition, Bill Shorten sought the views of Aboriginal people in Australia on Constitutional Recognition.

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) advocates adherence to its Articles 3, 4 and 18. Aboriginal and Torres Strait Islander Peoples have the right to participate in decisions that affect them such as choosing their own representatives or using their own decision-making procedures.

On 3rd April 2009 the Australian Government made a public statement in support of the UN Declaration. Despite endorsing the UNDRIP, the Australian Government has been called out in subsequent UN Rapporteur reports for its “failure to respect their rights to self-determination and to full and effective participation...”. The first step now is to turn the Declaration into action. The Parliament has the responsibility to make this happen.

On this basis, Reconciliation South Australia supports recommendations outlined in both the Referendum Council’s Report and by the Uluru Convention. Ensuring equal rights to all Australians will only be achieved when the Australian Constitution is reformed to name Aboriginal and Torres Strait Islander peoples as the First People of Australia.

Voice to Parliament

“In 1967 we were counted, in 2017 we seek to be heard” Uluru Statement from the Heart, 2017

The extensive consultation of Aboriginal and Torres Strait Islander Peoples in the dialogue that culminated in the Uluru Statement of the Heart highlights the national consensus to pursue tangible forms of recognition. The proposal for the establishment of a body which has the function of providing advice to Parliament is a clear example of this fact. A Voice to Parliament, upheld by constitutional law, embodies a form of living recognition and a means of substantive input into the decisions directly impacting the lives of First Nation Australians.

The assertion that such a proposal contends to be a third House of Parliament is quite simply misconceived. Such a body, which would provide lived and expert advice to Parliament, would not have the power to initiate, pass or veto bills. Its format would be like that of so many advisory bodies which have come before it without dispute; such as the Productivity Commission or the Australian Human Rights Commission. A First Nations Voice to Parliament is in our collective benefit and therefore should be discussed across the country; it is difficult to understand how this could be regarded as objectionable.

The proposed shape of such a body has been left deliberately vague, so as to ensure Parliamentary control (yet another example of the good faith in which these recommendations were made; and a position that has been misrepresented). Reconciliation South Australia raises the following points relating to this issue:

- Firstly, as an advisory body it is imperative that any Voice to Parliament is representative of the diverse opinions, experiences and languages that make up Aboriginal and Torres Strait Islander Australia.
- Successive Governments have tended to appoint a select group of Aboriginal and Torres Strait Islander peoples as Advisory Committees to Government. Whilst the individuals are recognised as having both profile and important opinions, they could never be seen to be representative of the diverse interests of the Aboriginal and Torres Strait Islander peoples across the country (and indeed, never consulted effectively to ascertain a wider opinion than their own).
- Finally, this body must be enshrined in the Australian Constitution to ensure its sustainability (and so that it cannot be arbitrarily disbanded). Australia has a long history of ignoring, dismantling and disempowering Aboriginal and Torres Strait Islander voices and this negative legacy needs to be rectified by the highest legal framework available. Constitutional reform, through public vote, provides a powerful legal, political and moral imperative to protect and empower the voice of Aboriginal and Torres Strait Islander Australians.

We think that the call for the Uluru Statement from The Heart to be discussed across the country with the Australian people is reasonable.

“We invite you to walk with us in a movement of the Australian people for a better future”

Uluru Statement from the Heart, 2017

Truth –telling and reconciliation

The State of Reconciliation in Australia Report from Reconciliation Australia (2016), outlines a key dimension of “Historical Acceptance”. This document sets the reconciliation policy

agenda in Australia for the next 10 years. Overseas the Truth and Reconciliation Commissions (vis South Africa, Burundi etc) have led to the capacity to face past history and unite together for the future.

This is a firm but modest solution that calls for historical truth-telling. As the Uluru Statement from the Heart says: -

“Makaratta.....the coming together after a struggle.....captures our aspirations for a fair and truthful relationship with the people of Australia....”

Makarrata Commission

The call for the establishment of a Makarrata Commission has merit. As explained by Noel Pearson:

The Yolngu concept of Makarratais about acknowledging that something has been done wrong, and it seeks to make things right.

How truly generous and softening this recommendation is for white Australia. At the hands of colonisation and assimilation, Aboriginal and Torres Strait Islander Peoples have survived through repeated acts of genocide, oppression, degradation and discrimination. Yet here they stand as a united front, offering the very system responsible for their suffering, an olive branch of peace and reconciliation leading towards agreement making. ;

To dismiss such a reasonable recommendation continues the approach of the white, privileged colonist. It is assimilationist and dismisses the very foundation of reconciliation.