

Resolution of Council

25 June 2018

Item 3.4

Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples

File No: X009272

Minute by the Lord Mayor

To Council:

The City's Aboriginal and Torres Strait Islander Advisory Panel has expressed the importance of self-determination, truth-telling and justice and highlighted the need for action. This includes acting on the recommendations of the Referendum Council, appointed by the Prime Minister and Leader of the Opposition in December 2015.

The Panel has requested Council's support for this.

The Referendum Council was tasked with advising the Prime Minister and Leader of the Opposition of the progress and next steps towards a successful referendum to recognise Aboriginal and Torres Strait Islander peoples in the Constitution.

The Referendum Council carried out regional dialogues with Aboriginal and Torres Strait Islander peoples in 12 locations throughout Australia. This thorough consultation revealed Aboriginal and Torres Strait Islander people and communities had vastly different needs and held vastly different viewpoints on constitutional recognition.

The regional dialogues were followed by the First Nations National Constitutional Convention in Uluru. This produced the ***Uluru Statement from the Heart*** which acknowledges the unique status of Aboriginal and Torres Strait Islander peoples' sovereignty and their immutable connection to country. The statement also calls for a First Nations voice to be enshrined in the Constitution and the establishment of a Makarrata Commission to oversee agreement making with governments and truth telling about our shared history.

On 30 June 2017, the Referendum Council handed its final report to the Prime Minister and

Opposition Leader. Its first recommendation was:

“That a referendum be held to provide in the Australian constitution for a representative body that gives Aboriginal and Torres Strait Islander First Nations a voice to the Commonwealth Parliament.”

This report proposed that Parliament would determine the structure and functions of this representative body and stated that providing for this representative body would “recognise the status of Aboriginal and Torres Strait Islander peoples as the first peoples of Australia.”

Critics of this recommendation suggested that this representative body would be a third tier of parliament. It would not. Parliament would determine whether this body would have decision making powers or merely an advisory role. Enshrining the representative body in the Constitution would, however, ensure that it would endure. Without this, any such representative body could be easily abolished. Leaving it to Parliament to determine its structure and functions would enable this body to evolve and meet changed circumstances.

The final report also recommended that a Declaration of Recognition be passed by all Australian Parliaments that would acknowledge:

“Our ancient First Peoples’ heritage and culture, our British institutions and our multicultural unity.”

The Commonwealth Parliament has established a Joint Select Committee on Constitutional Recognition relating to Aboriginal and Torres Strait Islander Peoples. The Terms of Reference for this inquiry require the Committee to consider the recommendations of the Referendum Council and the Uluru Statement from the Heart, along with previous reports on Constitutional recognition and to recommend options for constitutional change and complementary legislative measures.

I propose that the City make a submission to this inquiry.

Recommendation

It is resolved that Council:

- (A) recognise the unique status of Aboriginal and Torres Strait Islander people as custodians who have nurtured this land for tens of thousands of years and have an immutable connection to country;
- (B) support the recommendations of the Uluru Statement from the Heart to empower the voices of Aboriginal and Torres Strait Islander First Nations peoples;
- (C) support the recommendations of the Referendum Council's final report for an Aboriginal and Torres Strait Islander First Nations voice to the Commonwealth Parliament that is enshrined in the Constitution;
- (D) support the establishment of a Makarrata Commission to oversee agreement making between governments and Aboriginal and Torres Strait Islander peoples and truth telling about our shared history; and
- (E) request the Chief Executive Officer to make a submission reflecting this resolution to the Commonwealth Parliament's Joint Select Committee on Constitutional Recognition Relating to Aboriginal and Torres Strait Islander Peoples.

COUNCILLOR CLOVER MOORE

Lord Mayor

Moved by the Chair (the Lord Mayor), seconded by Councillor Miller –

That the Minute by the Lord Mayor be endorsed and adopted.

Carried unanimously.