



Referendum Council

MEDIA RELEASE

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STRUCTURAL REFORM WILL IMPROVE STATE AND COMMONWEALTH DECISION MAKING

On 7-9 April 2017, a Dialogue with Aboriginal people was held in Adelaide to discuss possible constitutional reform.

The Dialogue took place soon after the release of a consultation paper for a treaty or treaties in South Australia and people expressed different views about the state treaty process and how it related to changing the federal Constitution.

While there were some concerns about overlapping issues of treaty and constitutional recognition, Aboriginal delegates agreed that they have always had to deal with both levels of government as it is a federal system. Aboriginal and Torres Strait Islander peoples have always accepted that there are opportunities and risks associated with operating with governments at two levels.

State governments are leading the way on reform and agreement making with First Peoples and this era may be an example of where change and reform appears to be possible at both levels.

Similar to other Dialogues, the Aboriginal and Torres Strait Islander Commission was regarded as an Australian innovation model that had some flaws but also had many virtues, including important bush infrastructure that was stripped away by subsequent reforms.

Several people at the Dialogues said that focusing on the Constitution is important because unless change is embedded deep in the system, which is structural change, governments will keep changing their minds and undoing reforms.

“ATSIC was our peak body and so many people put so much effort into getting self-determination, only to have the rug pulled out from under us. Where does that come from? The Constitution.” (Delegate at First Nations Regional Dialogue in Adelaide)

Self-determination was a priority for the Dialogue. Consequently, an Aboriginal voice to the Federal Parliament was a shared preference.

A new Indigenous public institution was distinguished from other forms of "consultation", such as the Indigenous Advisory Council, which is a handpicked government advisory body; the National Congress of Australia's First Peoples which is a company limited by guarantee reliant on taxpayer funding; the four federal Aboriginal parliamentarians who represent their electorates, their political parties and are not proxy for Aboriginal and Torres Strait Islander

peoples and; parliamentary scrutiny bodies which are limited as scrutiny bodies cannot represent Aboriginal peoples.

Substantive reform was preferred by all, with the Dialogue refusing to settle for minimalism or incrementalism. The Recognise campaign slogan “Recognition in, Racism out” or deleting the word ‘race’ was rejected, like the previous Dialogue in Ross River, as it does not address the legal challenges faced by Aboriginal people in South Australia where the Hindmarsh Island Bridge case originated (*Kartinyeri v Commonwealth*).

The First Nations Regional Dialogue in Adelaide was the 10th in a series of 12 being held around Australia. The Dialogues culminate in a National Convention in Uluru in May.

In addition to the Dialogues, the Referendum Council is holding a nationwide consultation on constitutional reform and is seeking views from all Australians.

To get the full picture and join the conversation visit www.referendumcouncil.org.au.

Following the consultation, the Council will report to the Government and the Opposition on the public’s preferences regarding constitutional reform.

About the Referendum Council

The Referendum Council was jointly appointed by the Prime Minister Malcolm Turnbull and Leader of the Opposition, Bill Shorten on 7 December 2015.

The Referendum Council’s job is to advise the Prime Minister and Leader of the Opposition on progress and next steps towards constitutional reform.

The Regional Dialogues are designed to ensure the views of Aboriginal and Torres Strait Islander peoples are heard through this process.

A discussion paper has been released that outlines the main questions for Australians to consider.

All submissions and comments are welcome and can be provided through www.referendumcouncil.org.au

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