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Notes for Constitutional Reform
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Uluru Constitutional Reform Convention

As a Delegate to the Dubbo First Nations Regional Dialogue on February 17 – 19, I write this submission paper in regards to the Constitutional Reform topic.

First and foremost it must be stated that it seems as though there may be a set agenda by the Government, facilitated through the Government funded Referendum Council and Recognise campaign for a 'Yes' support by Blackfullas for Constitutional Reform. This has been going on for 10 years now with millions of tax payer dollars spent on their meaningless options for reform. This set agenda is for the 5 options of reform conducted by the so called expert panel and parliamentary committee.

During the Regional Dialogue in Dubbo, when they put together the final piece of paper that was meant to be an analysis of what was said over the 3 day dialogue. Critical options were not written in such as power of veto for black parliament, allodial title and reparations such as not paying rent to live on country. The Co-conveyors were extremely patronising and condescending as on numerous occasions one had shown tremendous disrespect towards me as I was one of the only young people actively taking part in this significant dialogue, although I am the nephew of one of the Co-conveyors I should have been treated with equal respect as my elders and unfortunately I did not experience that. Another example was when the same Co-conveyor mocked someone who was referencing the United Nations over the weekend stating 'well I dunno you reckon you know all about the United Nations'

In regards to the 5 options that we workshoped, in my opinion I think all options by the expert panel and parliamentary committee are meaningless and must be rejected wholeheartedly. The 5 options only appease the parliament and Australian voters as they focussed on what's going to win a Referendum. Blackfullas have no chance from the get go as our voting population makes up approximately 1.3% of the overall Australian population.

The following points are vital in that it not only provides basic common sense to the expert panels/parliamentary committees recommendations but also provides practical solutions to this constitutional crisis.

- Blackfullas must vote first on whatever is agreed to by those attending this National Constitutional Convention as the representatives of our people. This can be done through a plebiscite that polls everyone across the country.
- **Do we campaign for a republic?** The constitution is a British Act of Parliament and a foreign head of state. Whatever we do it has to shake up the political system on a radical level and this would need a radical solution. Perhaps a republic campaign is the way to go; the constitution is outdated (it stills references pounds) it's no good that it is nothing other than imperialism and it needs to be thrown in the bin with a new one made that reflects today's Australia. Australia needs to decolonise, our people and the Australian people need to decolonise. Of course we need to brainstorm this option in much further detail with others as it seems like a practical solution to bypass Constitutional Reform. This would benefit everyone living in this country; we will have a new flag, new anthem, new national day. We would unite under the Australian nation but first let's explore the pros and cons for that at another time.

- The constitution already allows for most of our demands. Section 127 is left completely blank and could be an opportunity to again make it all about Blackfullas but with a focus around First Nations Sovereignty.
- Section 29 states that ‘until the parliament otherwise provides’ each electorate division shall not be formed out of parts of different states. This allows us to create our own electorate as the First Peoples division across all state jurisdictions, all we need is for the Parliament to enact the legislation. We will have 4 seats in Federal Parliament; 2 in the upper and 2 in the lower house as this reflects our population. It is critical that we are treated like any other political party where we vote on all forms of legislation and not just legislation relating to Aboriginal affairs.
- Section 27 allows for the Parliament to increase or diminish the number of members in the lower house. This compliments to point above to have set seats in parliament.
- Section 75 states that for any matter dealing in a treaty, it must go through the high court. So basically if the High Court does not agree with the treaty, it will not be issued. Victoria and South Australia are pursuing dialogues. Questions that need to be answered... Is the treaties an agreement between two states under international law or between the Commonwealth and ‘Domestic Dependant Nations’?

Another note is that South Australia's Letters Patent 1836 specifically acknowledges Aboriginal Sovereignty by King William IV. What does Federal Constitutional Reform do for them? Should they just focus on lobbying the South Australian Government to enact their Letters Patent rights? Does Constitutional Reform demonise their Letters Patent Rights?

- What goes down on paper is critical and we are down as representatives of the Aboriginal people. In the hope that we have rejected all 5 options by the so called expert panel and parliamentary committee, it is essential that over the next few days, while we all together, we workshop what our governance will look like. We will come back in 6 months time with a document to give to the Prime Minister and the Opposition Leader on where we stand as Blackfullas on this issue.
 1. We could look at the ATSIC model; and although ATSIC was accountable to parliament in regards to Executive response, we can learn from the mistakes and ensure this new elected body is accountable to its constituents as its peak representative body.
 2. The representative body could be enshrined in the constitution under the proposed new section (127) and will have executive powers for the peace, order and good government of First Nations People's of the Commonwealth of Australia.
 3. Add a proposed new section 127. This section was deleted in 1967 as it ‘discriminated’ against us by not being counted in the census. Whilst we were thought about at the creation of the constitution during then late 19th and early 20th century, we have never had the chance to participate in the law making of our ancestral homeland. This new section is all about the First People's and can be used as a enactment of recognition of our sovereignty thus enabling us to be serious contributors in the Australian and international economy.
 4. No Parliament can repeal this as it is not an Act of Parliament but a safe section from the First People's in the nations founding document, the constitution.

5. This representative body must be transformative and have a significant impact on the way laws are passed in this country. For that reason it is essential that this representative body holds a minimum of 4 seats; two in the upper and 2 in the lower house. These politicians will be chosen directly by First People's across Australia during the election. The representative body will have regional commissioners chosen by their local people to be their representative and hold elected politicians accountable to their constituents.

What do we forfeit? What do we gain?

Subject to each individual region around the continent. (keeping in mind this is my vision as an individual through my experience as a Blackfulla)

- We will give up any form of monetary value from the commonwealth such as our welfare payments, health, education, law enforcement etc. However, we will receive freehold land equivalent to 2000msq for every individual Blackfulla that's living on they country, we will receive a minimum of 100 acres of land for family/community groups to manage for cultural and economic prosperity. Basically every house that Blackfullas are living in, they no longer pay rent to live there. We will have a housing system that's unique to our people that enables us enter the housing market as owners and not as renters. We will have a welfare system that empowers our people when they need a hand up, that gives our kids a chance to succeed. We will have a health care system that specialises in our traditional medicines and we will farm our medicines for not only us but for the rest of the world to benefit from thanks to the knowledge we have held since the beginning of time. We will have a prison system that is culturally appropriate, basically all low crime offenders be released into the care of their community and go through cultural healing camps to ensure they are safe to return to they mob. We will work collaboratively with Australian law enforcement to apprehend the most violent offenders and ensure the most violent offenders go through our form punishment and the Australian form of punishment as it is evident Blackfullas do not get justice in their system. We will have an education system that teaches our kids our history, it's struggles and its triumphs, teach them both ways learning (western and Aboriginal) system and encourage states and territory governments to work with us to achieve this
- We will disband our so called representative bodies such as the NSWALC, Congress and every other government initiated organisation that seeks to represent us and advocate for us.
- We will have land to bury our people and we will not be paying any funeral director money to be buried on country. For too long our sorry business has become a money making machine for funeral directors, it's a bad way when we can't even afford to die.
- We will give up our identified jobs, government jobs and we will work together with the commonwealth and parliament to ensure a smooth transition as we will have our own public sector that is culturally appropriate for us. The private organisations that employ identified jobs are more then welcomed to keep doing what they doing, but it would be wise for mob to continue to capitalise on their opportunities.
- We will withdraw all native title and land rights claims as we have struck a better deal for our people. This is not the end all be all as we will still be seen as significant stakeholders on development on our lands. As this is enshrined in the constitution, local councils and big business will have no choice but to negotiate with us and constitutional law superseded Federal, State and Territory laws.
- We will have control over our identity. Too many people claiming to be black with no

backing whatsoever. It's a common trend to now identify being a Blackfulla. We will have our own form of identification that will regulate who is a Blackfulla. If you know your mob then u got nothing to worry about. It is a confronting subject but it has to be discussed as it has got way out of hand over the years.

- We will have all our children who are in state care to removed from their institutionalised care at their discretion and our kids will be in the care of their own people and placed in healing environments that gives them a chance to live a healthy life. Already there plenty of Blackfullas out there that are quite capable of the job.
- Whilst bearing in mind that we do not want to send the country broke; We will receive a minimum of 5-8% of the overall Australian Gross Domestic Profit (GDP) for a minimum period of 49 years. We have never had a chance at competing in the real global economy, this move will only improve the overall Australian economy in the long term as we are self sustaining ourselves and not dependant upon the Australian government. A reminder that this 5-8% of GDP compensates our appalling living conditions and a chance to save our race from systemic poverty and ongoing assimilation. We have survived attempted genocide from the Australian Parliament and British Crown, we are still trying to survive in their world and we do need to be treated differently to ensure our survival remains in tact.
- When/if we do agree on solid options for a referendum on Constitutional Reform; this is where the organisation Recognise could take part and continue to campaign for Constitutional Reform. Recognise would have to change their tune and advocate this message of sovereignty. It is also worth noting that Recognise has become a household name and it would be wise to take advantage of their work they have done over the past 5+ years. They have the database and their job will be to get the Australian population on side for a successful Referendum.
- We are already as united as we can be. We have a flag that binds us together, we have a history that connects us, we have been living with each other since the beginning of time. I don't want us to become just like another Aussie. Go to work to pay taxes to a government that is for big business and not the average joe blow.
- We have a responsibility to our brothers and sisters overseas to lobby Australian government to help them out. E.g West Papua, Palestine, South Pacific region.
- The Referendum Council chose the worst place to hold the gathering. In my opinion it shows nothing other than pure tokenism and it would of cost hundreds of thousands in travel, meals and accommodation. It would have been more convenient and cost effective to hold the National Constitutional Convention in a Capital or Regional city.
- If Torres Strait mob wanna be recognised then go ahead. They have their land, sea and trading treaty between them, the Commonwealth Government and the Papua New Guinea. They have the Torres Strait Regional Authority that represents them. However if they not happy with how things are for them, I guess now is the time for them to speak up.
- This Uluru convention is the best opportunity for us to get our shit together and develop a better option for our people. The so called 'leaders' think about the average Australian before they think about the people they supposedly 'lead'. This I evident in their Expert Panel Report as they focussed on what will win a referendum and did not explore practical solutions to our poverty crisis. By focussing in what will win a referendum that immediately sidelines all options out up by Blackfullas.

- All Blackfullas are just as relevant in this conversation as these so called leaders and we don't need no law, doctorate degree or any formal white mans piece of paper to justify ourselves as we have every right to develop a better option for our people, just like they are and we are just as important as they are regardless of 'who we are speaking for'.
- At the end of the day we all in the same boat and we all living in systematic poverty. I speak for my own opinions through my experience as a Blackfulla and whether other Blackfullas agree with me or not, I'm speaking up for them and will continue to encourage others to speak up for themselves, their families/communities.
- A question that I have been thinking about is that as we are a distinct people who hold the most significant place in this country, are we officially coming together as a collective to ask to be governed by the Australian Government? Why do they need to govern us? We are quite capable of governing ourselves and the evidence speaks for itself that they don't know how to govern us. Just look at our condition they put us in and we have the opportunity to get ourselves out of this system poverty if we put our heads together and work together.
- They already included us in the constitution without our consent, for this reason I find it difficult to comprehend that including us in the constitution diminishes our sovereignty as whatever is not included in the constitution is left up to the States for responsibility.
- Too many Blackfullas have the mind of an Aussie. We might look black but we think white. We need to think of our country the way our old people did to ensure the environment is looked after and not being desecrated by unethical development.
- Liberation is reconciliation, not assimilation. E.g we are all equal, we are all Australian. . . . Not we are not as some are more equal than others. The last thing I think we as Blackfullas don't want is to be regarded as every other Australian, because we are not.

It's important to look at the facts. We are negatively over represented in every socio economic indicator from health, education, incarceration, housing etc. Their system has turned us into drug addicts and alcoholics. We have the chance to change all this but it needs strong leadership and dedicated vision, this constitutional change could do that for us if we do it the right way. When they first arrived in our lands every man was given 100 acres of free land, he received an extra 20 if he were married and an extra 10 per child, he did not pay any taxes or rates for 10 years giving him enough time to establish himself and their descendants are still profiting today from our stolen lands. We are not asking anyone to pack up and leave their land as they will be compensated. Convicts were released from prison as the man power was needed to grow the colony. Many farmers do not know how to manage our land and we see that everyday. We have an opportunity to farm our own native plants and wildlife and bring them back to life as many have disappeared for a long time.

Whilst recognising that our Sovereignty has never been ceded, do we put this constitutional reform debate on pause until we deal with that question? All in all I am optimistic about Constitutional Reform, I just want it to be so substantial that it effectively shakes up the way law and policy making are made in this country with Blackfullas leading the change.