

You may submit your response in a language other than English. If you do, what language is your response below?

My response is in English.

Do you support recognising Aboriginal and Torres Strait Islander peoples by changing the Constitution or making some other kind of legal change?

Yes

A statement about the First Peoples of Australia

Should we have a statement that acknowledges the First Peoples of Australia?

Yes. This should be in the Constitution.

Do you have any other comments on a statement about the First Peoples of Australia?

Yes (at the end)

Powers to make laws for Aboriginal and Torres Strait Islander peoples

Should the word ‘race’ be taken out of the Constitution?

No. However, the use of the word ‘race’ should only be used to prevent racial discrimination.

Should the Australian Parliament keep the power to make special laws for Aboriginal and Torres Strait Islander peoples?

Yes

Do you have any other comments on powers to make laws for Aboriginal and Torres Strait Islander peoples?

Yes (at the end)

Changing the Constitution to stop racial discrimination

Do you think that a guarantee against racial discrimination should go into the Constitution?

Yes

If there is not enough support for a guarantee in the Constitution, what other things can we do to stop racial discrimination in national laws?

Continue to improve existing laws

Do you have any other comments on changing the Constitution to stop racial discrimination?

No

An Indigenous voice

Do you think Indigenous people should have a say when Parliament and government make laws and policies about Indigenous affairs?

Yes

Should a new Indigenous group be set up under the Constitution to give advice and make sure Indigenous people have a voice in political decisions that affect them?

Yes

Do you have any other comments on this Indigenous group?

Yes (at the end)

Getting rid of section 25

Section 25 of the Constitution contemplates that certain races could be banned from voting in State elections.

Should we delete section 25?

Yes

What would we achieve by getting rid of section 25?

Removal of section 25 would remove the possibility States could ban certain races from voting.

Is there any point in keeping it?

No

Other

Do you have any other comments?

Yes (at the end)

Your Details

* Indicates mandatory fields.

Are you making a submission on behalf of a person (such as yourself) or organisation? *

Person

I believe, in addition to the repeal of section 25 and 51(xxvi), there should be:

- (a) a new section 51A,
- (b) a new section 51B,
- (c) a new section 116A,
- (d) a new chapter VIA, and
- (e) a new section 128A.

51A Recognition of Aboriginal and Torres Strait Islander peoples

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;

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.

51B Agreements about Aboriginal and Torres Strait Islander peoples

- (1) The Commonwealth, States, Territories and local governments may make agreements or treaties with Aboriginal local governments and Torres Strait Islander local governments with respect to:
 - (a) recognition of land title;
 - (b) protection of sacred places;
 - (c) land acquisition on just terms;
 - (d) administration of laws made under section 51 or 51A or recognised under section 108;
 - (e) health care;
 - (f) aged care;
 - (g) education;
 - (h) finances;
 - (i) customs;
 - (j) languages;
 - (k) beliefs; and
 - (l) traditions; and
 - (m) prior approval of proposed laws that directly affect Aboriginal and Torres Strait Islander people.
- (2) The Parliament may make laws for validating any such agreement made before the commencement of this section.

- (3) The Parliament may make laws for the carrying out by the parties thereto of any such agreement.
- (4) Any such agreement may be varied or rescinded by the parties thereto.
- (5) Every such agreement and any such variation thereof shall be binding upon the Commonwealth, States, Territories and local governments, Aboriginal local governments and Torres Strait Islander local governments notwithstanding anything contained in:
 - (a) this Constitution or in any law of the Parliament of the Commonwealth; or
 - (b) the Constitution of the several States or in any law of the Parliament of any State; or
 - (c) in any law of a local government; or
 - (d) in any law of an Aboriginal local government; or
 - (e) in any law of a Torres Strait Islander local government.

116A Prohibition of racial discrimination

The Commonwealth, a State, a Territory, a local government, an Aboriginal local government, or a Torres Strait Islander local government shall not discriminate on the grounds of race, colour or ethnic or national origin.

Chapter VIA—Aboriginal local government and Torres Strait Islander local government

124A Aboriginal local governments

- (1) An Aboriginal local government is a distinct and essential tier of government consisting of Councils democratically elected by Aboriginal peoples having the functions and powers that the Parliament of the Commonwealth considers are necessary to ensure the peace, order and good government of each district may which may overlap with the boundaries of States, Territories or local governments.
- (2) Subject to section 124C, each Aboriginal local government—
 - (a) is responsible for the governance of the area designated by its boundaries; and
 - (b) is constituted by democratically elected Councillors as the governing body which is—
 - (i) accountable for its decisions and actions; and
 - (ii) responsible for ensuring good governance; and
 - (c) includes an administration which—
 - (i) implements the decisions of the Council; and
 - (ii) facilitates the performance of the duties and functions of the Council.

124B Torres Strait Islander local governments

- (1) A Torres Strait Islander local government is a distinct and essential tier of government consisting of Councils democratically elected by Torres Strait Islander peoples having the functions and powers that the Parliament of the Commonwealth considers are necessary to ensure the peace, order and good government of each district may which may overlap with the boundaries of States, Territories or local governments.
- (2) Subject to section 124C, each Torres Strait Islander local government—
 - (a) is responsible for the governance of the area designated by its boundaries; and
 - (b) is constituted by democratically elected Councillors as the governing body which is—
 - (i) accountable for its decisions and actions; and
 - (ii) responsible for ensuring good governance; and
 - (c) includes an administration which—
 - (i) implements the decisions of the Council; and
 - (ii) facilitates the performance of the duties and functions of the Council.

124C Local government laws

- (1) The Parliament of the Commonwealth may make any laws it considers necessary for or with respect to—
 - (a) the constitution of Councils; and
 - (b) the objectives, functions, powers, duties and responsibilities of Councils; and
 - (c) entitlement of Aboriginal or Torres Strait Islander people to vote and enrolment for elections of Councils; and
 - (d) the conduct of and voting at elections of Councils; and
 - (e) the counting of votes at elections of Councils; and
 - (f) the qualifications to be a Councillor; and
 - (g) the disqualification of a person from being or continuing to be a Councillor; and
 - (h) the powers, duties and responsibilities of Councillors and Council staff; and
 - (i) any other act, matter or thing relating to local government administration.
- (2) A State, a Territory or a local government may delegate their power make laws for the peace, order and good government to a Council.
- (3) A Council cannot be dismissed except by an Act of the Parliament of the Commonwealth relating to the Council.
- (4) The Parliament of the Commonwealth may make laws for or with respect to—

- (a) the suspension of a Council; and
- (b) the administration of a Council during a period in which the Council is suspended or dismissed; and
- (c) the re-instatement of a Council which has been suspended; and
- (d) the election of a Council if a suspended Council is not re-instated; and
- (e) the election of a Council where a Council has been dismissed.

124D Inconsistency of laws

When a law of an Aboriginal local government or Torres Strait Islander local government:

- (a) is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid; and
- (b) is inconsistent with a law of a State, Territory or local government, the former latter shall prevail, and the latter shall, to the extent of the inconsistency, be invalid.

128A Mode of ratification of a treaty with an Aboriginal local government or Torres Strait Islander local government

A treaty with an Aboriginal local government or Torres Strait Islander local government shall not be ratified or altered except in the following manner:

The proposed law for the ratification or alteration thereof must be passed by an absolute majority of each House of the Parliament, and not less than two nor more than six months after its passage through both Houses the proposed law shall be submitted in each State and Territory to the electors qualified to vote for the election of members of the House of Representatives.

But if either House passes any such proposed law by an absolute majority, and the other House rejects or fails to pass it, or passes it with any amendment to which the first-mentioned House will not agree, and if after an interval of three months the first-mentioned House in the same or the next session again passes the proposed law by an absolute majority with or without any amendment which has been made or agreed to by the other House, and such other House rejects or fails to pass it or passes it with any amendment to which the first-mentioned House will not agree, the Governor-General may submit the proposed law as last proposed by the first-mentioned House, and either with or without any amendments subsequently agreed to by both Houses, to the electors in each State and Territory qualified to vote for the election of the House of Representatives.

When a proposed law is submitted to the electors the vote shall be taken in such manner as the Parliament prescribes. But until the qualification of electors of members of the House of Representatives becomes uniform throughout the Commonwealth, only one-half the electors voting for and against the proposed law shall be counted in any State in which adult suffrage prevails.

And if in a majority of the States a majority of the electors voting approve the proposed law, and if a majority of all the electors voting also approve the

proposed law, it shall be presented to the Governor-General for the Queen's assent.

In this section, ***Territory*** means any territory referred to in section one hundred and twenty-two of this Constitution in respect of which there is in force a law allowing its representation in the House of Representatives.