

Submission to the Referendum Council from Tasmanians for Recognition

12 May 2017

This submission is made by Tasmanians for Recognition, a working group that came together in 2013 to raise awareness and support across Tasmania, for recognising Aboriginal and Torres Strait Islander peoples in the Australian Constitution and reforming the race powers in it. The group is volunteer-based and is currently co-chaired by Ms Fiona Hughes and Mr Bill Lawson AM.

Tasmanians for Recognition has engaged with thousands of people across the state during the past four years or longer and has convened a special meeting to produce the following advice. This advice does not reflect the views of any employer or workplace.

Tasmanians for Recognition supports recognising Aboriginal and Torres Strait Islander peoples by changing the Constitution. This change should acknowledge them as First Peoples and it should convey the continuity of Aboriginal and Torres Strait Islander cultures as a significant part of our nation's identity.

This statement of recognition should be inside the Constitution, and it should be placed together with a new head of power replacing section 51(26). In our view, this new head of power should provide for a respectful relationship between the Commonwealth Government and Australia's First Peoples, rather than the one-sided authorization for government to discriminate on the basis of race, currently articulated in section 51(26).

An appropriate guarantee against racial discrimination should go into the Constitution. In our engagement with Tasmanians over recent years, we have found consistent, widespread support for a measure such as the proposed section 116A, which would apply to all levels of government, and would protect all Australians, just as all Australians are already protected under the Constitution from other forms of discrimination, such as discrimination based on religion, or based on state of residence.

Further, if the replacement for section 51(26) is to be a power relating to a certain people, rather than relating to a subject matter, then those people should have a say in the laws and decisions made under that head of power. If a new Indigenous group is set up under the Constitution to give advice and make sure Indigenous people have a voice in political decisions that affect them, then the group should have appropriate governance and powers to ensure that its advice is taken into account.

We support the removal of section 25 as part of a wider package of reform including the items mentioned above.

Thank you for the opportunity to provide input.