

# A Destiny Together

## Justice for First Peoples

### Constitutional Recognition

When the Australian Constitution was written, Aboriginal and Torres Strait Islander peoples were not included in the debate over the formation of the nation to be located on their ancestral lands. The Constitution still makes no mention of them and allows for laws to be implemented on the basis of race. This makes Australia the only country with a constitution that allows for prejudice against its indigenous peoples on the basis of race.

Australia's First Peoples suffer high levels of mortality and lower levels of wellbeing compared to non-Aboriginal Australians. These statistics are a manifestation of continued social and economic disadvantage, and the legacy of our colonial history. When Aboriginal and Torres Strait Islander peoples are not acknowledged in our nation's founding document, there is a negative impact on their sense of identity. It also allows discrimination to linger and erodes the respect that should be accorded to First Peoples by the wider community.

Our Constitution reflects our values, acknowledges our past and provides hope for our future. Recognition and acknowledgement of First Peoples as the world's longest continuing traditional culture would demonstrate that they possess a valued place in our national identity. Currently, the state Constitutions of Victoria, Queensland, South Australia and New South Wales all formally acknowledge Aboriginal and Torres Strait Islander peoples.

In order to amend the Constitution, changes must be approved through a referendum, which must receive a 'double majority'. This means a 'yes' vote by the majority of Australian voters across all States and Territories, and a 'yes' vote in a majority of States.

In 2011, the then-Federal Government established an Expert Panel to lead consultations on constitutional change and to present a report on their findings. There was overwhelming support for change in the 85 different communities where consultations were held. In the Report, the Panel endorsed specific recommendations for the following changes:

- recognition of the prior occupation and continuing cultures, languages and heritage of Aboriginal and Torres Strait Islander peoples;
- acknowledgement of the continuing relationship of Aboriginal and Torres Strait Islander people to the lands and waters;
- removal of Section 25 that refers to States being able to ban people from voting based on their race;
- removal of Section 51(xxvi) that refers to the capacity of governments to make laws to the detriment of Aboriginal and Torres Strait Islander peoples, or the people of any race; and
- introduction of Section 116A to prohibit discrimination on the basis of race, colour or ethnicity.

***“We commit ourselves to build understanding between your people and ours in every locality, and to build relationships which respect the right of your people to self determination in the church and in the wider society.”***

**Uniting Church in Australia, Covenanted Statement, 1994.**



The recommendations for changes to the Constitution that have been suggested by the Expert Panel would help build a fairer and more harmonious society and better future for Aboriginal and Torres Strait Islander peoples and non-Aboriginal Australians alike.

In 2013, as an interim step towards constitutional change via a referendum, the Australian Parliament unanimously passed the *Act of Recognition*. There are three key features of this legislation:

- it provides a mechanism for continuing the work of the Expert Panel on Constitutional Recognition through a review and reporting mechanism;
- it expresses recognition of the unique place and importance of Australia's First Peoples; and
- it has a two-year sunset clause that sets a firm timeframe for moving towards constitutional change.

All major political parties have expressed their support for the Constitutional Recognition of the First Peoples, with the current Government planning to hold a referendum before the next Federal election.

With Constitutional Recognition of First Peoples, our nation will continue to move beyond the shame and distrust that has characterised political relationships of the past. A referendum will provide all Australians with the opportunity to address some of the 'unfinished business' of reconciliation in Australia.

## Where can I find out more information?

You can access the latest resources on the *A Destiny Together* website  
<http://assembly.uca.org.au/adestinytogether>

The UnitingJustice website also contains resources that will be helpful in learning more about issues faced by many Aboriginal and Torres Strait Islander people  
<http://www.unitingjustice.org.au/justice-for-indigenous-australians>



***“After much struggle and debate, in 1994 the Assembly of the Uniting Church in Australia discovered God’s call, accepted this invitation and entered into an ever deepening covenantal relationship with the Uniting Aboriginal and Islander Christian Congress.***

***This was so that we may all see a destiny together, praying and working for a fuller expression of our reconciliation in Jesus Christ.”***

**Revised Preamble to the Uniting Church Constitution, 2009.**

