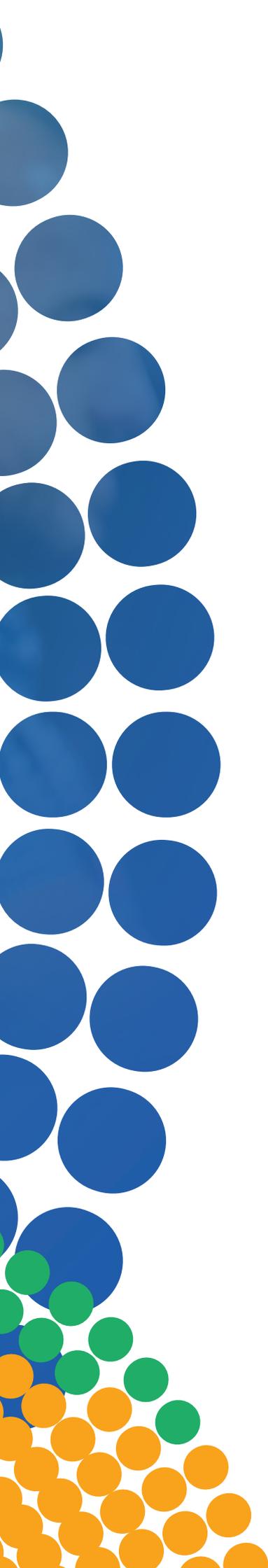


Referendum Council

COMMUNITY DISCUSSION KIT





ABOUT THIS KIT

This Community Discussion Kit is designed to help you host your discussions on constitutional recognition and reflect community views and ideas.

It will also support you to promote participation in the conversation by your members, networks and communities.

The Referendum Council wants to hear the views of all Australians on the issue of constitutional recognition.

We will share what we hear in a report to the Prime Minister and Leader of the Opposition later this year.

The report will be an important step in advising the Government and the Opposition on a way forward, toward a possible referendum on recognising Aboriginal and Torres Strait Islander peoples in the Constitution.

This guide will help you share the views of your community with the Referendum Council online, or encourage members of your community to do this directly.

It is critically important that the views of Aboriginal and Torres Strait Islander Australians are a central part of this national conversation.

If you have any questions about this kit, direct them to constitutionalrecognition@pmc.gov.au.

AN INTRODUCTION TO CONSTITUTIONAL RECOGNITION

The attached slides at the end of this document provide some important background on the Referendum Council and on the pathway to constitutional recognition.

These slides also tell an important story of how we are consulting with the Australian community.

These slides have been made into a video, which can be viewed on our website www.referendumcouncil.org.au.

They can also be used in printed form, as a way to share information and explain the broader process to members of the community.

THE OPTIONS:

EXPLAINING THE FIVE OPTIONS FOR REFORM

We would like to know what you think about recognising Aboriginal and Torres Strait Islander peoples in the Constitution.

Question 1: Do you support recognising Aboriginal and Torres Strait Islander peoples by changing the Constitution or making some other kind of legal change?

Question 2: If you do support a change, what should the change look like?

There are five key options for reform on constitutional recognition. We want to find out what Australians think about these five options, so that we can advise the Prime Minister and Leader of the Opposition.

More background and detail on the options and what they could look like, can be found in our Discussion Paper www.referendumcouncil.org.au/resources/discussion-paper.

The five key options are listed below:

- 1 A statement about the First Peoples of Australia
- 2 Power to make laws for Aboriginal and Torres Strait Islander peoples
- 3 Changing the Constitution to stop racial discrimination
- 4 An Indigenous voice
- 5 Getting rid of section 25.

You can have your say on the options for constitutional recognition by completing a submission to the Council using the submission form at www.referendumcouncil.org.au/submissions. Submissions close on 15 May 2017.

You can also leave a comment on the Council's website at referendumcouncil.org.au, or share your point of view on Facebook and Twitter using **#GetTheFullPicture**.



A statement about the First Peoples of Australia

A statement about the First Peoples of Australia could acknowledge that Aboriginal and Torres Strait Islander peoples lived on the continent and its islands before the British arrived.

It could also say that Aboriginal and Torres Strait Islander peoples still have a relationship with their lands and waters.

It could talk about the continuing cultures, languages and heritage of Aboriginal and Torres Strait Islander peoples.

Some people have suggested making a broader statement that acknowledges:

- Australia's ancient Indigenous heritage
- the rules and form of government that we inherited from the British
- Australia's multicultural achievements.

Some people say that making a statement would be a big step on the way to reconciliation.

People have suggested different ways of making a statement. One option would be to put the statement in the Constitution.

Another option would be for the Australian Parliament and all the state and territory parliaments to make a declaration in new laws.

Reconciliation

Reconciliation is about Indigenous and non-Indigenous people showing each other respect and sorting out their differences.

Question 3: Should we have a statement that acknowledges the First Peoples of Australia?

Question 4: Should a statement of recognition be inside the Constitution or outside it?

Question 5: If the statement goes in the Constitution, where is the best place to put it?

Question 6: What should the statement say?

2

Power to make laws for Aboriginal and Torres Strait Islander peoples

Section 51 is the part of the Constitution that lets the Australian Parliament make national laws about different matters, like tax and welfare.

Some words in section 51 give the Australian Parliament the power to make special laws for the people of any race.

This is called the race power. The race power lets the Australian Parliament make special laws about Aboriginal and Torres Strait Islander peoples.

One idea is to get rid of the race power from section 51 and put new words in a different section of the Constitution.

The new words would give the Australian Parliament the power to make specific laws for Aboriginal and Torres Strait Islander peoples.

Another similar idea is to get rid of the word race from section 51. New words could then be added to section 51 to give the Australian Parliament the power to make laws for Aboriginal and Torres Strait Islander peoples.

The new words would not be based on race, but on the unique status of Aboriginal and Torres Strait Islander peoples.

The Constitution

The Constitution is the main document for the law of Australia. It is like a rule book and it was written to help create the Commonwealth and Australia in 1901.

Race

The word race means a group of people who have things in common, like sharing the same language, culture and traditions.

The word race also means a group of people who share the same features, like skin colour. But this is an old idea about race and it is not right to use the word in this way anymore.

People in the same group are called a racial group.

Question 7: Do you support recognising Aboriginal and Torres Strait Islander peoples by changing the Constitution or making some other kind of legal change?

Question 8: Should the Australian Parliament keep the power to make special laws for Aboriginal and Torres Strait Islander peoples?

Question 9: Do you have any ideas on what new words could be used to describe that power, or where in the Constitution to put the power?

3

Changing the Constitution to stop racial discrimination

Racial discrimination is when a person or a group of people is singled out and treated differently because of how they look or because of their culture.

All of the states and territories have laws and policies to stop racial discrimination.

Also, a national law called the Racial Discrimination Act makes it against the law to discriminate against someone because of their race, colour or where they come from.

But the Constitution does not stop the Australian Parliament from making laws that discriminate against Aboriginal and Torres Strait Islander people.

One idea is to put a new section in the Constitution to stop the Australian Parliament from discriminating against people of any race or culture.

Another idea is to include words about discrimination in a new power for the Australian Parliament to make laws about Indigenous peoples.

Either way, the goal would be to make sure that the Australian Parliament's laws do not discriminate against Aboriginal and Torres Strait Islander peoples.

Racial discrimination

Racial discrimination is when a person or a group of people is singled out and treated differently because of how they look or because of their culture.

Question 10: Do you think that a guarantee against racial discrimination should go into the Constitution?

Question 11: Do you have any ideas about what words to use for that guarantee, or where in the Constitution to put it?

Question 12: Should the guarantee protect all Australians against racial discrimination, or only Indigenous Australians?

Question 13: 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?

4

An Indigenous voice

Aboriginal and Torres Strait Islander peoples are the First Peoples, but today they are less than 3% of the Australian population.

In Australia's system of democracy, that can make it hard to have their voice heard in elections for the Parliament.

It can also make it hard to influence laws that are made about them in the Parliament.

It is vital that Aboriginal and Torres Strait Islander people have a real say in the laws, policies and programs that affect their rights.

Some people think that Australia should set up a new group of Aboriginal and Torres Strait Islander people who can give advice to the Parliament about Indigenous issues.

The Constitution could be changed to set up this new group.

The group would make sure that the Parliament hears Indigenous voices when the Parliament makes new laws about Aboriginal and Torres Strait Islander peoples.

This could help the Parliament to make better and more effective laws for Aboriginal and Torres Strait Islander peoples.

Australia's First Peoples

Aboriginal and Torres Strait Islander peoples are also called the Indigenous peoples of Australia.

Question 14: Do you think that Indigenous people should have a say when the Australian Parliament and government make laws and policies about Indigenous affairs?

Question 15: 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?

Question 16: Is it worth creating the new group if it can only give advice and does not have the power to block new laws?

Question 17: Do you have any ideas about what the new group would look like?

5

Getting rid of section 25

Section 25 of the Constitution talks about the States banning people of any race from voting in State elections.

This section says that if a State chooses to ban a racial group from voting, it would have an effect on the Australian Parliament.

The number of seats a State has in the House of Representatives is based on the number of people in that State.

Section 25 says that if the State chooses to ban a racial group from voting, the people in that racial group would not be counted when working out the number of seats for that State in the House of Representatives.

The Racial Discrimination Act already stops states from banning a racial group at state elections.

This means that section 25 is called a dead letter, because it cannot be used anymore.

The problem is that the Constitution still contains a section that talks about states having the power to ban a race from voting at state elections.

There is a lot of support for getting rid of section 25 from the Constitution.

The House of Representatives

The House of Representatives is one of two main parts of the Australian Parliament.

Voters in all the states and territories of Australia vote at national elections to choose people for the House of Representatives.

Question 18: What would we achieve by getting rid of section 25?

Question 19: Is there any point in keeping it?

And one last question...

Question 20: Do you have any ideas on what new words could be used to describe that power, or where in the Constitution to put the power?

GET INVOLVED:

SHARING COMMUNITY VIEWS

Lead a conversation.
Share ideas. Encourage
others to do the same.



You can ensure the views of your members and communities are part of this important national conversation by:

- Getting all the facts about constitutional recognition and joining the conversation at referendumcouncil.org.au
- Following the Referendum Council on Facebook and Twitter, and sharing your point of view using **#GetTheFullPicture**

Promoting the opportunity to share your point of view on Facebook and Twitter using **#GetTheFullPicture**

Encouraging your members and networks to sign up for updates about the Referendum Council

 @ref_council

 facebook.com/referendum.council

- Displaying the poster in and around your organisation and at community events you are holding or attending
- Asking your members or communities what they think of the five options for constitutional recognition
- Sharing copies of the Discussion Guide and the attached slides at your organisation
- Hosting conversations on the issue of constitutional recognition within your organisation (see communication discussion checklist on page 11)
- Capturing the views of these community conversations and sharing them with the Referendum Council (on the website or on social media)

FAQS

The following are some of the Frequently Asked Questions about the Referendum Council, its role and the issue of constitutional recognition. They may be useful in hosting conversations with your members and community, and sharing key information about the process.

*Head to the Referendum Council website to find out more or feel free to ask your questions via social media using the hashtag **#GetTheFullPicture**.*

Why do we have a Referendum Council?

In December 2015, the Prime Minister and Leader of the Opposition established the Referendum Council on Constitutional Recognition of Aboriginal and Torres Strait Islander peoples.

The Council's job is to advise them on the steps they need to take to lead the country to a successful referendum on constitutional recognition. This advice will include details such as when the referendum could be held and what the question to voters could be.

What is a Referendum?

In Australia, a referendum is a vote of all enrolled Australian citizens that is used to change the Constitution. A referendum gives everybody enrolled to vote a say on changing the Constitution.

What is the Constitution?

The Constitution is often referred to as the rule book of the nation. It came into effect on 1 January 1901, joining together the Australian states and territories into a new Commonwealth of Australia. It sets out the basic rules of how the Government and legal system works and has a powerful influence in shaping Australian society – even if you can't see it.

As the founding document and highest law, the Constitution is different from other laws. Other laws, such as those passed by the Parliament, relate to lots of different topics. On the other hand, the Constitution relates to how laws themselves are made.

Similarly, other laws can be changed by the Parliament, but the Constitution can only be changed by a special vote of the Australian public called a referendum.

What has happened so far?

The Council has led three Indigenous leadership meetings to discuss constitutional recognition and the broader process for consulting Aboriginal and Torres Strait Islander peoples. It has also started a series of twelve First Nations' Regional Dialogues to hear the voices of Aboriginal and Torres Strait Islander peoples.

The Council has also released a Discussion Paper, designed to inform community conversations on constitutional recognition and to encourage all Australians to share their views on the proposals for constitutional change.

The Council will host online consultations with the broader Australian community from early 2017.

What does the Constitution say about Aboriginal and Torres Strait Islander peoples?

The Constitution doesn't contain any references to Aboriginal and Torres Strait Islander people, and doesn't recognise their unique status as the First Peoples of this land.

What does constitutional recognition actually mean?

Constitutional recognition can mean many things, from acknowledgment, to a non-discrimination clause, to a treaty. The Council's job is to determine what is meaningful recognition to the First Peoples as well as the Australian people.

Didn't we achieve recognition in the 1967 referendum?

The 1967 Referendum removed two parts of the Constitution that discriminated against Indigenous Australians. It allowed the Commonwealth Government to make laws relating to Indigenous Australians, and allowed Indigenous Australians to be counted in determining the populations of states. These counts affect the allocation of Parliamentary seats, and certain grants of funding which are based on

population. The referendum passed with an overwhelming 90.8% of votes.

While the results of this referendum are regarded by many as a form of recognition, they also potentially allow Parliament to make laws that could discriminate against First Peoples. This is because the change didn't say that the power to make laws for Aboriginal and Torres Strait Islander peoples could only be used for their benefit, and not to discriminate against them. This is one reason for the current constitutional reform process.

When is this all happening?

The Council is currently conducting a series of Dialogues and consultations and encourages all Australians to discuss the proposals for constitutional change.

The Council will deliver its Final Report on next steps to a successful referendum to the Prime Minister and the Leader of the Opposition in mid-2017. The timing of any referendum is up to the Government.

What about a treaty?

Whether the Government should enter into a treaty or treaties with Aboriginal and Torres Strait Islander peoples and whether Indigenous peoples are recognised in the Constitution are related but separate questions.

Both the Expert Panel and the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples concluded that constitutional recognition will not impact, one way or another, on any future discussions of sovereignty and treaty making. Similarly, a treaty can't make the change to the Constitution to recognise Aboriginal and Torres Strait Islander peoples that so many Australians have long wanted, and fought for. This change can only be made through a referendum.

To find out more, visit:

www.referendumcouncil.org.au.

HOSTING A COMMUNITY CONVERSATION ABOUT CONSTITUTIONAL RECOGNITION:

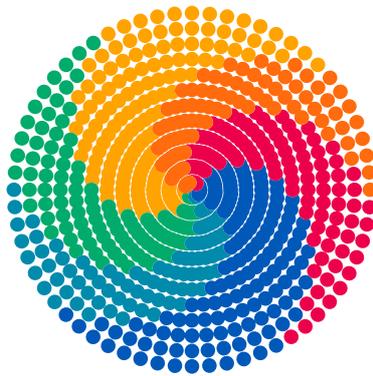
CHECKLIST

This checklist will help you prepare and host a conversation around constitutional recognition. For more ideas on how to engage your community, see page 8.

- Set a time and date for a community conversation
- Book a quiet and comfortable space
- Invite community members. This could be via email, social media, posters or letters
- Send background information to participants ahead of time. This could include the Council's Discussion Paper and links to the Council's website and Facebook and Twitter accounts
- Print hardcopies of important information to be available at the meeting
- Consider how the discussion and outcomes of the meeting may be captured.

You can share the outcomes of your conversations by:

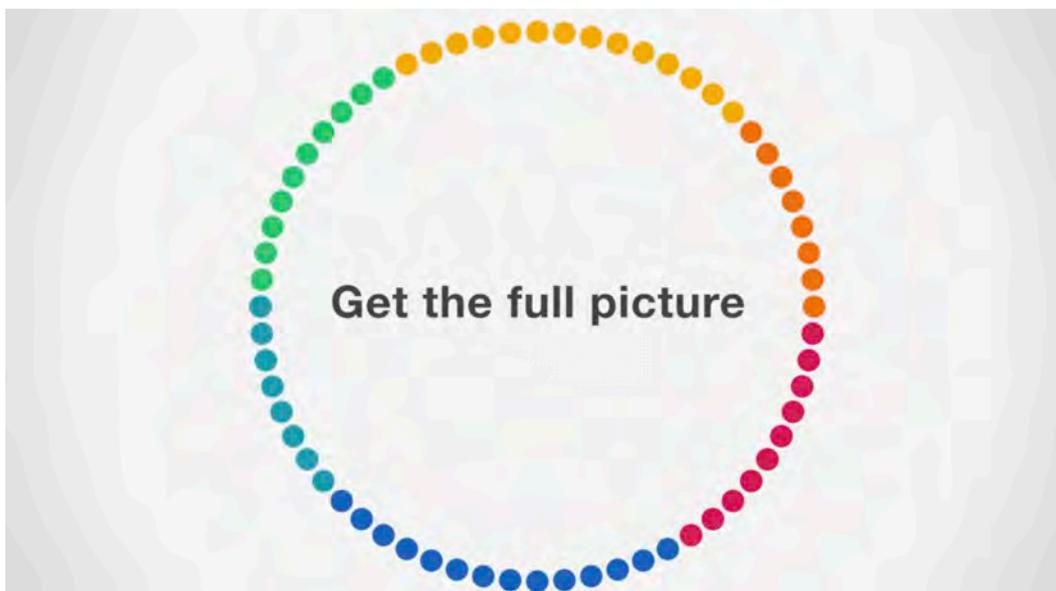
- completing a submission to the Council at www.referendumcouncil.org.au/submissions
- leaving a comment on the Council's website at www.referendumcouncil.org.au
- sharing your point of view on Facebook and Twitter using **#GetTheFullPicture**

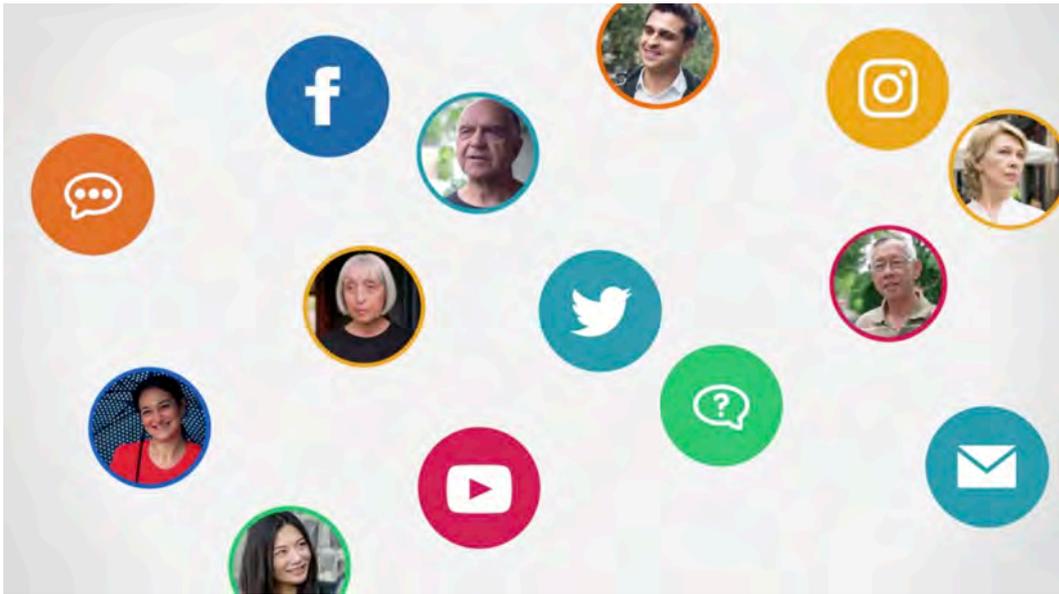


Referendum Council

An Introduction to Constitutional Recognition

These slides have been made into a video about constitutional recognition, which can be viewed at www.referendumcouncil.org.au

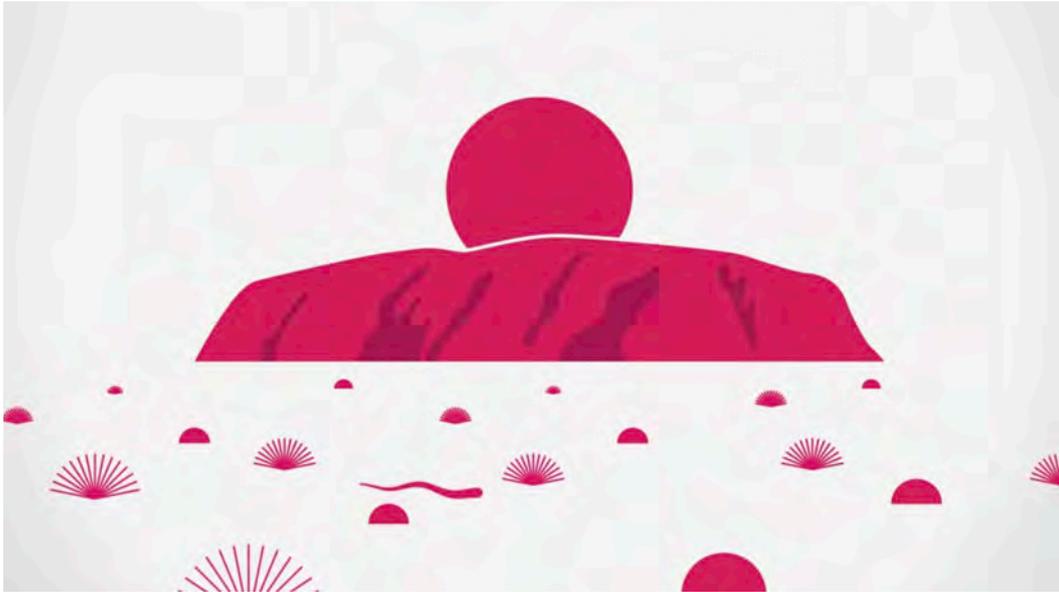




There are a lot of questions about what it means to recognise Australia's First Peoples in our Constitution. And a lot of places to find answers and opinions. But this is the only place where you can get the full picture.



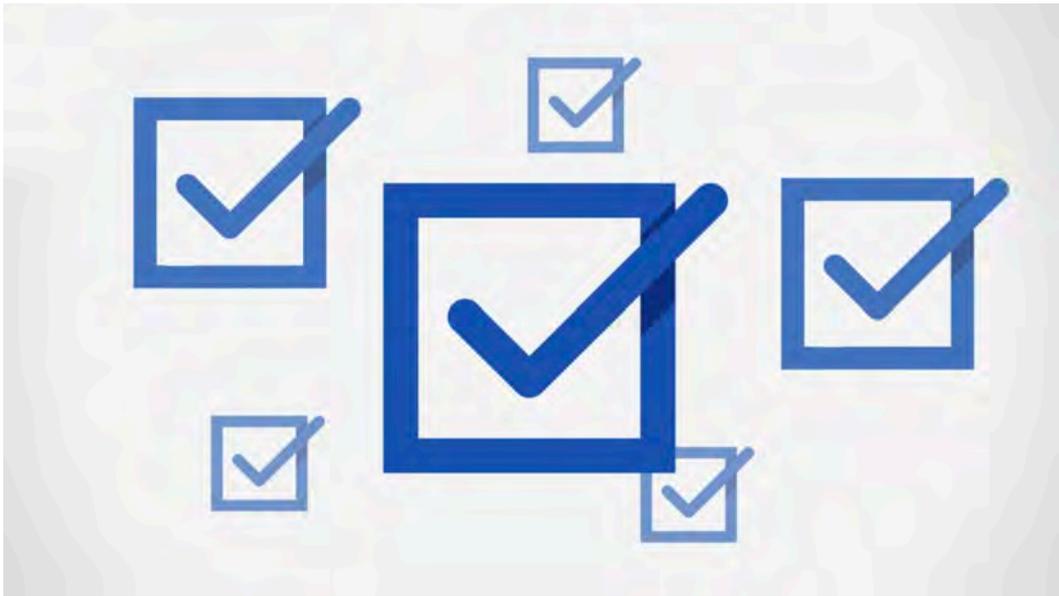
The Australian Constitution is our nation's 'rule book'. It sets out how our laws are made and enforced, but it was written over a century ago.



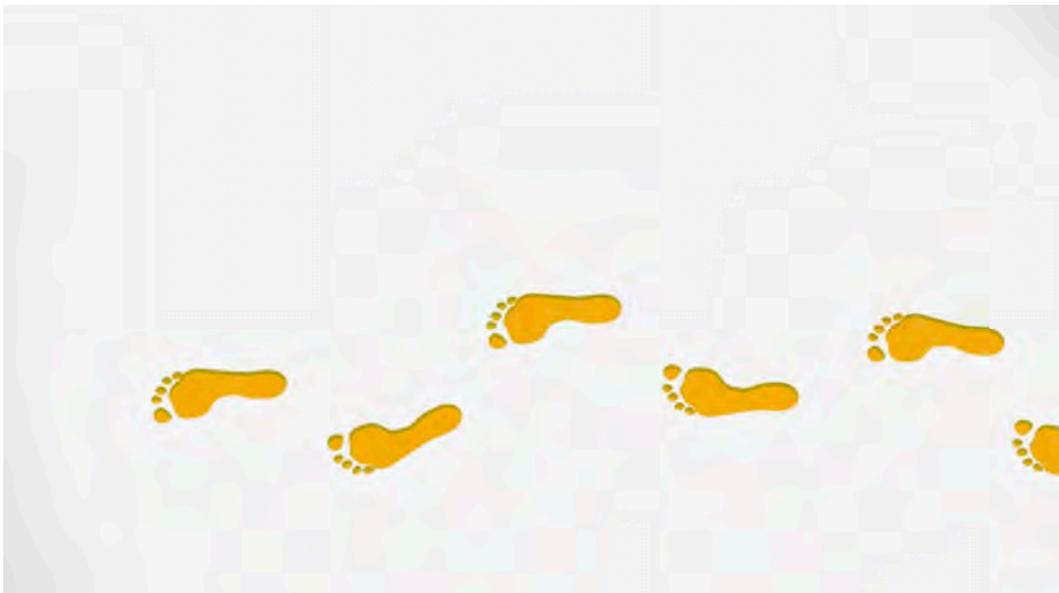
To this day, our Constitution doesn't represent Australia's complete history because it has never recognised Aboriginal and Torres Strait Islander peoples as our First Peoples, who have lived here for more than 50,000 years.



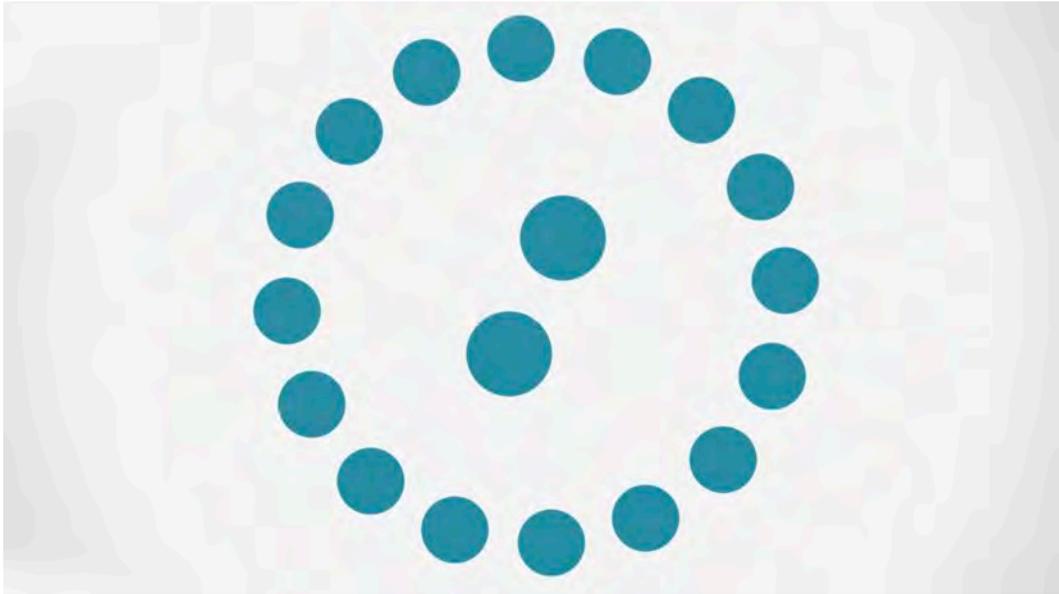
It was 1967 when we last removed sections of the Constitution that discriminated against Aboriginal people, and counted them equally in official estimates of the Australian population...



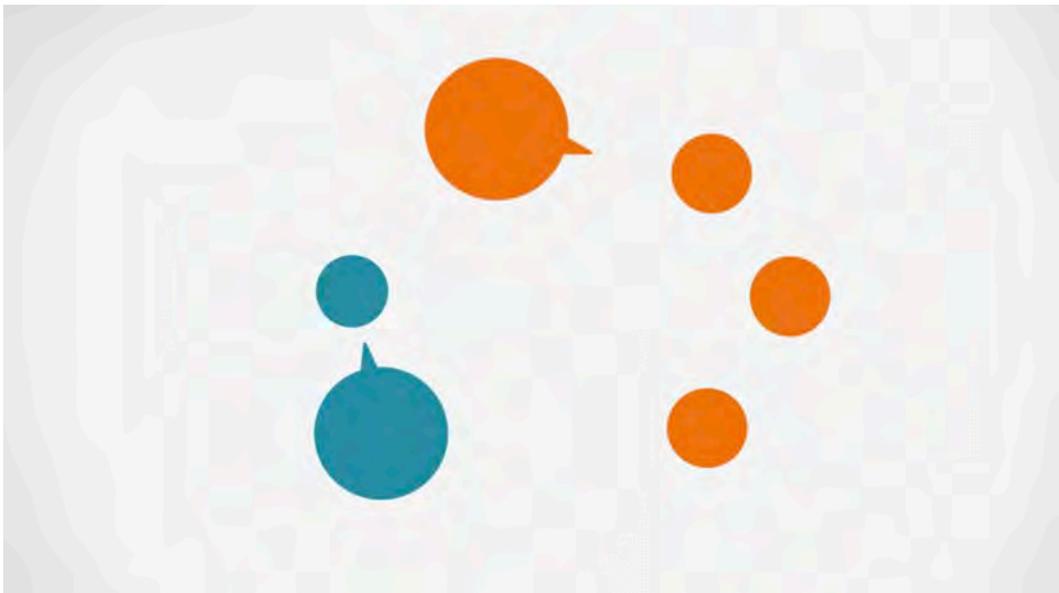
...in a vote called a referendum.



But that vote still didn't acknowledge their place in history as our First Peoples.



The Referendum Council was set up by the Prime Minister and Leader of the Opposition to recommend the next steps to a new referendum.



To do this, the Council is consulting with Aboriginal and Torres Strait Islander communities, plus hosting conversations with the Australian public on our website and social media.



So we can all get the full picture, and share our thoughts on constitutional recognition.

