

APPENDIX C: REFERENDUM COUNCIL COMMUNIQUES

COMMUNIQUE, 14 December 2015

The Referendum Council, appointed by the Prime Minister, the Hon Malcom Turnbull MP, and the Leader of the Opposition, the Hon Bill Shorten MP, met in Sydney today, 14 December 2015, for its first meeting. The Council was announced on 7 December 2015.

The Council comprises sixteen Australians, and includes eight Aboriginal and Torres Strait Islander and eight non-Indigenous Members. Eight members are women; eight are men. Members have a range of backgrounds and bring different and important experiences and expertise to the table.

The Prime Minister and the Leader of the Opposition joined the Council at the start of its meeting. They discussed progress that has been made to date, the task before the Council, and the potential for constitutional recognition to make a significant contribution to Australia.

The Referendum Council Co-Chairs, Professor Patrick Dodson and Mr Mark Leibler AC, welcomed the shared, bipartisan commitment of the Prime Minister and the Leader of the Opposition to recognition. Their leadership and commitment will be critical on the path ahead.

The Co-Chairs also welcomed the shared commitment of all state and territory governments to recognition, which was reaffirmed by all Premiers and Chief Ministers at the Council of Australian Governments meeting on 11 December 2015.

The Referendum Council discussed the need for constitutional recognition to be progressed as part of a broader conversation that addresses concerns among Indigenous communities about Indigenous affairs and the settlement of 'unfinished business'.

The Referendum Council considers that consultation and community engagement is paramount. There have, to date, been two exhaustive processes with over 260 public meetings and over 3600 submissions.

There needs to be opportunities for all Australians to have their voices heard. This could commence with a digital platform, which will provide more information on options, and submissions and discussions will be encouraged.

As options are further distilled, community meetings or conferences could occur to get views on the proposition.

Given the importance of ensuring the proposition reflects the wishes of Indigenous Australians, a series of Indigenous-designed and led consultations will also occur.

The Referendum Council determined that an initial step will be the development of an information pack that will guide consultations and discussions. This information pack should provide a narrative about the contribution that recognition can make to Australia's national identity, and detail the various options for constitutional reform.

Further details will be announced in the near future.

COMMUNIQUE, 10 May 2016

The Referendum Council, appointed by the Prime Minister, the Hon Malcolm Turnbull MP, and the Leader of the Opposition, the Hon Bill Shorten MP, held its fourth meeting in Melbourne today.

The Council has agreed to a thorough and inclusive process for consulting Australians, including Aboriginal and Torres Strait Islander peoples, about recognising Indigenous peoples in the Constitution.

Indigenous leadership meetings

The Council will commence its consultation process with three significant meetings with Aboriginal and Torres Strait Islander leaders, including traditional owners and representatives of peak bodies.

At these Indigenous leadership meetings, participants will discuss constitutional recognition and the process of consulting Aboriginal and Torres Strait Islander peoples about options for recognition.

Indigenous, community-wide and digital consultations

The Council will conduct a concurrent series of Indigenous consultations and community-wide consultations in the second half of 2016. The Council will also lead a national conversation on recognition through an innovative digital platform that gives all Australians the chance to have their say.

These consultations will include a series of regional dialogues for Aboriginal and Torres Strait Islander peoples to discuss options for a referendum proposal that could be supported by Indigenous peoples.

All Australians will have the opportunity to contribute to the national discussion. At the same time as the Indigenous meetings, the Council will provide opportunities for all Australians to have their say through a range of online discussions on constitutional recognition. The Council will also hold community consultations in each State and Territory across Australia.

Consultation framework

The Council has also agreed on elements of potential referendum proposals that should form the basis of consultations:

- addressing the sections of the Constitution, including section 25 and section 51(xxvi), that are based on the outdated notion of 'race',
- ensuring continued capacity for the Commonwealth Government to make laws for Aboriginal and Torres Strait Islander peoples,
- formally acknowledging Aboriginal and Torres Strait Islander peoples as the First Peoples of Australia,
- providing an Aboriginal and Torres Strait Islander body to advise Parliament about matters affecting Indigenous peoples, and
- providing a constitutional prohibition on racial discrimination.

Timeframe

The Indigenous leadership meetings will begin in June. The regional dialogues, community-wide and digital consultations will take place in the second half of 2016.

The Council is confident that the decisions made today are an important step towards constitutional recognition.

The Co-Chairs will seek the approval of the Prime Minister and the Leader of the Opposition to continue the Council's work throughout the caretaker period.

The Council has set out a considered process for respectful and inclusive consultations and discussions with Aboriginal and Torres Strait Islander peoples and the wider Australian community about constitutional reform. This is an exciting opportunity for all Australians to have their say and create the foundations for a successful referendum.

The Council will step through this process carefully and deliver its final report to the Prime Minister and the Leader of the Opposition following the conclusion of the consultations.

COMMUNIQUE, 9 August 2016

The Referendum Council met in Melbourne today to discuss the progress of its work and next steps. Co-Chair Mark Leibler and Pat Anderson reported to members that Prime Minister Malcolm Turnbull and Leader of the Opposition Bill Shorten had reaffirmed to them their joint and ongoing commitment towards a successful referendum to recognise Aboriginal and Torres Strait Islander peoples in the Constitution.

The Prime Minister and the Leader of the Opposition have requested the Council provide them with an interim report by 8 September 2016 to outline progress to date and the next phase of consultation. In a conversation with the Co-Chairs, Mr Turnbull reiterated the imperative that the Council's report reflect the outcome of comprehensive consultation with Indigenous people and that no proposal should proceed without the support of Indigenous people. He also emphasised the importance of the proposal being achievable and having near-universal support.

Council members discussed the outcome of the first phase of consultation which comprised three meetings involving Aboriginal and Torres Strait Islander leaders in Broome, Thursday Island and Melbourne. The meetings were a critical first step for the Council to seek guidance from leaders about the upcoming series of Indigenous-led dialogues to be held around the country. Members noted that about 150 participants had attended the meetings, including participants who took part in the 6 July 2015 Kirribilli meeting with former Prime Minister Tony Abbott and Mr Shorten.

Members acknowledged the broad-ranging views being raised at the meetings and noted this was to be expected given the complexity of the issue, the diversity of people being canvassed across the country and the reality that Indigenous peoples had not been given such an opportunity previously to express their hopes and concerns to the wider community.

Members also noted the strong message received from meeting participants that the consultation process should not be rushed by working to an artificial deadline.

In light of the feedback, the Council today agreed to a new timeframe for its work, which will now see consultations continuing into 2017 with a view to presenting a final report to the Prime Minister and Leader of the Opposition by mid-year.

The Council agreed to the framework for the upcoming series of regional dialogues, set to begin in the coming months. It was noted that a separate engagement process would be held to take the conversation to the broader Australian community.

Members also considered a public discussion paper, which sets out the options and issues for constitutional change to help guide community discussion. The paper will be translated into a number of Indigenous languages and will be published just prior to the next phase of consultation.

During the meeting, Council members reinforced their commitment to the process and the role they had been tasked with, as well as their desire to ensure the process was managed with respect and understanding.

The Referendum Council consists of 16 eminent Australians and was appointed by Prime Minister Malcolm Turnbull and Leader of the Opposition Bill Shorten in December 2015. Its role is to provide advice on constitutional change, including a proposal to create the foundations for a referendum.

COMMUNIQUE, 20 October 2016

The Referendum Council has settled on timeframes and locations for its next phase of Indigenous consultation on constitutional recognition.

The council will hold 12 First Nations dialogues over November and December and into early 2017, and will culminate in a national convention of Indigenous leaders at Uluru.

The council's Indigenous steering committee members designed the series of Indigenous-led dialogues with Aboriginal and Torres Strait Islander leaders during the council's first phase of consultation earlier this year. Through the dialogues, the council will seek the views of Aboriginal and Torres Strait Islander representatives on options for a referendum proposal.

The council has agreed that between November and December 2016, locations for dialogues will include Adelaide, Hobart and Perth. Locations in 2017 will include Darwin, Broome, Dubbo, Brisbane, Torres Strait, Sydney, Melbourne, Cairns and Alice Springs.

The council will meet with Aboriginal and Torres Strait Islander representatives from across Australia, including representatives from First Nations and community organisations, as well as key individuals. The council's digital consultation process, which will complement the dialogues, is due to go live in November. The digital platform will provide information about constitutional recognition and an opportunity for people to put forward their views.

Given the complexity of the issue, council members emphasised the importance of helping people to better understand the options being explored for constitutional change so they are well placed to provide input when the council calls for formal submissions next year.

Members also discussed the latest iteration of the public discussion paper, which sets out the options and issues for constitutional change to help guide community discussion. The paper, which will also be available in a number of Indigenous languages, will be published next month.

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COMMUNIQUE, 25 November 2016

The Referendum Council met at Parliament House, Canberra, today to progress steps towards a national referendum on constitutional recognition.

The Prime Minister the Hon Malcolm Turnbull MP and the Leader of the Opposition, the Hon Bill Shorten MP, attended the meeting to discuss the work the council has undertaken to date, as well as to receive an update on the council's future plans.

The meeting was also attended by the Minister for Indigenous Affairs, Senator the Hon Nigel Scullion, Assistant Minister for Health and Aged Care, the Hon Ken Wyatt AM MP, Shadow Assistant Minister for Indigenous Affairs and Aboriginal and Torres Strait Islanders, Senator Patrick Dodson, Shadow Minister for Human Services, the Hon Linda Burney MP, and Senator Malarndirri McCarthy.

The Prime Minister and the Leader of the Opposition both reaffirmed their strong, bipartisan commitment to the Referendum Council's work.

The Referendum Council remains committed to maintaining momentum in its consultations and providing all Australians with the opportunity to consider all possible proposals for constitutional change.

The Prime Minister and the Leader of the Opposition asked the Council to progress its work without delay and to provide its report by 30 June 2017 to enable the Parliament to give due consideration to the issues.

The council has now published a discussion paper designed to support conversations with Australians about five key proposals, available on its website. The Prime Minister and the Leader of the Opposition had previously endorsed these proposals forming the basis of consultations.