



Australian Network of Environmental
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29 September 2011

Expert Panel on Constitutional Recognition of Indigenous Australians
PO Box 7576, Canberra Business Centre
ACT 2610

By email: contact@youmeunity.org.au

Dear Professor Dodson and Mr Leibler,

**Submission to Expert Panel on the Recognition of Aboriginal and Torres Strait
Islander Peoples in the Australian Constitution**

Thank you for the opportunity to contribute to your consultation process.

The Australian Network of Environmental Defender's Offices (ANEDO) is a network of nine community legal centres in each state and territory, specialising in public interest environmental law and policy. Through its litigation and policy and law reform work, ANEDO has had a long association with endeavours to protect the cultural heritage of Aboriginal people and Torres Strait Islanders in Australia. Various EDO offices have provided legal advice and policy support, and have represented Indigenous clients in cases before the courts.¹

¹ For example, EDO Tasmania assisted the Tasmanian Aboriginal Centre in its efforts to oppose the Brighton Bypass being built over a significant Aboriginal heritage site. EDO NSW has acted in a number of cases for Aboriginal clients seeking to challenge consents to destroy Aboriginal cultural heritage (see *Anderson & Anor v D-G, Department of Environment and Climate Change* [2008] NSWLEC 182; *Munro & Nean v Minister for Planning & Moree Plains Shire Council*).

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ANEDO provided a submission to the National Human Rights Consultation in 2009 on the relationship between environmental issues and human rights, including specific consideration of Indigenous and cultural rights. In 2009, ANEDO also provided a submission on proposed reforms to the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*.

ANEDO has reviewed the Expert Panel's discussion paper and supports amendments to the Australian Constitution that would bring Australia into conformity with the *United Nations Declaration on the Rights of Indigenous Peoples (the Declaration)*, endorsed by the Australian Government in 2009. In particular, the Declaration enshrines the rights of Indigenous peoples to self-determination. ANEDO submits that formal constitutional recognition of the contribution of Aboriginal and Torres Strait Islanders to Australia's history, culture and society – including in the context of environmental management – is a vital element to giving content to such rights.

ANEDO submits that recognising the distinct identity of Aboriginal peoples in the Constitution will pave the way for recognition of this identity in other spheres. In particular, constitutional recognition will provide a valuable underpinning for the protection of Indigenous culture and heritage, and for a broader appreciation of the unique history, experience and insight of Aboriginal and Torres Strait Islander peoples as members of the Australian community.

Yours sincerely

Jeff Smith

Director

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On behalf of the Australian Network of Environmental Defender's Offices

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