

CONSTITUTIONAL RECOGNITION FACT SHEET

This Fact Sheet outlines the Business Council's views on the recommendations of the Parliamentary Joint Select Committee on Constitutional Recognition (JSCCR).

Background

Aboriginal and Torres Strait Islander peoples have long struggled for constitutional recognition, which is arguably Australia's longest standing unresolved issue. Many prime ministers have been aware of the issue. In 1972, Gough Whitlam spoke of the need for Indigenous peoples to take "their rightful place in this nation". On the eve of the 2007 federal election, John Howard committed to a referendum saying "I believe we must find room in our national life to formally recognise the special status of Aboriginal and Torres Strait Islanders as the first peoples of our nation". Yet to this day, constitutional recognition is unfinished business.

Over 2016 and 2017 the Referendum Council, appointed by the Prime Minister and Leader of the Opposition, coordinated Regional Dialogues with Indigenous leaders from across the nation to understand what meaningful constitutional recognition looks like. This has been the most comprehensive dialogue with Indigenous Australians on constitutional recognition to date.

The Regional Dialogues were followed by the First Nations Convention at Uluru in May 2017. At the Convention, Indigenous leaders articulated how meaningful constitutional recognition and structural reform could take shape through the historic Uluru Statement from the Heart:

'We call for the establishment of a First Nations Voice enshrined in the Constitution.'

The Voice will ensure the views of Indigenous Australians are considered on matters of government that impact Indigenous communities, leading to better outcomes. The Voice will be an important step forward, as Indigenous perspectives are not always adequately included in the development of legislation, policy and programs that impact Indigenous communities, particularly those aimed at addressing long-standing challenges. The Uluru Statement described this as 'the torment of our powerlessness'.

The Uluru Statement also called for 'a process of agreement-making between governments and First Nations and truth-telling about our history'.

2018 Joint Select Committee on Constitutional Recognition

In March 2018, the JSCCR was set up to make recommendations on the question of constitutional recognition. The JSCCR presented its [final report](#) and below recommendations on 29 November 2018.

Recommendation 1 - That the Australian Government initiate a process of co-designing The Voice with Indigenous peoples and report to the Government within the term of the 46th Parliament with enough time to give The Voice legal form. The co-design process should consider national, regional and local structures.

Recommendation 2 - Following the co-design process, the Australian Government consider, in a careful and timely manner, the legal, executive and constitutional options to establish The Voice.

Recommendation 3 - That the Australia Government support the process of truth-telling which could include the involvement of local organisations and communities, and may require national coordination to provide incentive and vision. Projects should include both Indigenous peoples and descendants of local settlers.

Recommendation 4 - That the Australian Government consider the establishment in Canberra of a National Resting Place for Aboriginal and Torres Strait Islander remains, which would be a place of commemoration, healing and reflection.

What is the Business Council's view on the JSCCR's recommendations?

The Business Council acknowledges the work of the JSCCR to deliver its final report and recommendations.

The Business Council recognises the need to work through important design questions of The Voice and its associated national, regional and local structures, however this should be conducted purposefully, and as a matter of urgency, to maintain momentum on constitutional recognition which has been unresolved for too many years.

The Business Council has long supported meaningful constitutional recognition of Indigenous peoples and strongly supports constitutional enshrinement of The Voice, as outlined in our [initial](#) and [supplementary](#) submissions to the JSCCR.

A co-design process (Rec 1) should outline how The Voice will be progressed to referendum as quickly as is practicably possible, and before any plebiscite on a republic, in a manner that is Indigenous-led and engages all Australians.

The Uluru Statement from the Heart has been framed as a gift to the nation. This gift has clearly struck a resonant chord with many Australians. Given this, the Business Council believes the role of the government is not to decide on The Voice itself, but to give the Australian people the opportunity to decide via a referendum (Rec 2).

This demands political courage and the Business Council strongly calls for bipartisan support for a constitutionally enshrined Voice. Without support from both major parties, a referendum is unlikely to take place or succeed.

The Business Council supports a process of truth-telling (Rec 3) that engages Indigenous communities and all Australians and the creation of a National Resting Place in consultation with Indigenous peoples (Rec 4).

Why is a constitutionally enshrined First Nations Voice important to business?

The Uluru Statement called for a constitutionally enshrined First Nations Voice as the sole, meaningful form of constitutional recognition. It did not call for a body with any veto power over the functions of parliament or one which would place any constraint upon the Parliament's legislative powers.

This historic consensus emerged from the comprehensive Regional Dialogues that engaged Indigenous Australians nationally; this significance must not be underestimated and is deserving of the highest respect.

Business Council members have demonstrated their commitment to Indigenous economic development by:

- Employing more than 20,000 Indigenous Australians;
- Spending or contracting over \$2 billion with Indigenous owned businesses and joint ventures, since 2014;
- Contributing over \$40 million to Indigenous education initiatives, between 2014 and 2016.

Like the rest of Australia, the business community wants to see an end to the disadvantage experienced by Indigenous communities, so that Australia's First Peoples can fully participate in the economy.

It is also clearly in the interest of business who are working with Indigenous peoples and communities that the circa \$34 billion spent on Indigenous affairs each year is addressing the needs of all Indigenous peoples. This can only be achieved by guaranteeing that Indigenous peoples have a formal Voice to Parliament.

How can members contribute?

Members can use this fact sheet to develop messages for their employees and other stakeholders they wish to engage. Members may also like to consider hosting events that provide their employees and other stakeholders with the opportunity to learn from subject matter experts on constitutional recognition.

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