

## APPENDIX G: KIRRIBILLI STATEMENT

**Monday, 6 July 2015**

**Statement presented by Aboriginal and Torres Strait Islander attendees  
at a meeting held today with the Prime Minister and Opposition Leader  
on Constitutional Recognition**

**HC Coombs Centre, Kirribilli, Sydney**

*We welcome* the willingness of the Prime Minister and Opposition Leader to meet with Aboriginal and Torres Strait Islander people to discuss next steps towards recognition of Aboriginal and Torres Strait Islander peoples in the Australian Constitution.

*We encourage* the Government and the Parliament to identify a strong, multi-partisan consensus on the timing, content and wording of a referendum proposal, and acknowledge the stated commitment of all parties to this end.

*We acknowledge* the work to date by the Expert Panel (2012), Joint Select Committees on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples (2013-15) and, prior to these, the Council for Aboriginal Reconciliation (1991-2000) in identifying options for recognition.

*We note* the guiding principles laid out by the Expert Panel that constitutional recognition must:

- Contribute to a more unified and reconciled nation;
- Be of benefit to and accord with the wishes of Aboriginal and Torres Strait Islander peoples;
- Be capable of being supported by an overwhelming majority of Australians from across the political and social spectrum; and
- Be technically and legally sound.

*Further, we agree with* the Joint Select Committee (Interim Report, July 2014), that a successful referendum proposal must:

- Recognise Aboriginal and Torres Strait Islander peoples as the first peoples of Australia
- Preserve the Commonwealth's power to make laws with respect to Aboriginal and Torres Strait Islander peoples; and
- In making laws under such a power, prevent the Commonwealth from discriminating against Aboriginal and Torres Strait Islander peoples.

**On this basis, the meeting participants:**

*Emphasize* the importance of leadership from the Prime Minister and Opposition Leader to ensure that:

- Constitutional recognition is progressed in a non-partisan manner; and

APPENDIX G: KIRIBILLI STATEMENT

- that the debate shifts to discussion of concrete proposals for reform to avoid the process stalling.

**Request that the Government and the Opposition identify the parameters of what they will support in relation to constitutional recognition, based on the issues identified by the various review processes to date, as well as their willingness to consider further measures to address the specific circumstances faced by Aboriginal and Torres Strait Islander peoples.**

Process issues

Call for the following process moving forward:

- a) An ongoing dialogue between Aboriginal and Torres Strait Islander people (via a referendum council, steering committee or other mechanism) and the government and parliament, based on the significant work already completed, to negotiate on the content of the question to be put to referendum;
- b) Development of accessible and useful information for the Aboriginal and Torres Strait Islander community about the key issues to enable informed decision making;
- c) Engagement over the coming months with Aboriginal and Torres Strait Islander peoples about the acceptability of the proposed question for constitutional recognition; and
- d) Continuation of a parliamentary process to oversight the work towards a successful referendum.

*Note* the Joint Select Committee's final report recommendations on engagement processes moving forward, including the role of National Congress, the ongoing public awareness and education role of Recognise, and the need to reform the referendum process. There is a need for ongoing resources to be allocated for these processes.

Substantive issues

*Identify* that any reform must involve substantive changes to the Australian Constitution. It must lay the foundation for the fair treatment of Aboriginal and Torres Strait Islander peoples into the future.

A minimalist approach, that provides preambular recognition, removes section 25 and moderates the races power [section 51(xxvi)], does not go far enough and would not be acceptable to Aboriginal and Torres Strait Islander peoples.

The recommendations of the Joint Select Committee were endorsed, noting that further engagement with Aboriginal and Torres Strait Islander peoples is

APPENDIX G: KIRIBILLI STATEMENT

required in relation to Recommendation 5 and in relation to a proposed Aboriginal and Torres Strait Islander advisory body and proposed Declaration.

To progress these matters, clarity from the Government and Opposition of their positions on two key issues is critical: prevention of racially discriminatory laws and the proposed advisory body.

There was significant concern expressed that the Constitution as it stands enables current and future parliaments to enact discriminatory measures against Aboriginal and Torres Strait Islander peoples. Any reform option must address this concern.

At this stage, there are several proposals on the table that are aimed at addressing this issue ranging from: a stand alone prohibition of racial discrimination (proposed new section 116A); a new, contained power to make laws for Aboriginal and Torres Strait Islander peoples that does not extend to making adverse discriminatory laws; and a role for a new advisory body established under the Constitution.

It is recognized that Constitutional Recognition is only part of the solution to ensuring that Aboriginal and Torres Strait Islander peoples are treated equally in Australia, and that it must be accompanied by other measures to address the historic and ongoing disadvantage that has resulted from our past mistreatment.

***Attachment A is a list of Aboriginal and Torres Strait Islander attendees at today's meeting with the Prime Minister and Opposition Leader.***

APPENDIX G: KIRIBILLI STATEMENT

**Attachment A:** List of Aboriginal and Torres Strait Islander attendees at meeting held today with the Prime Minister and Opposition Leader on constitutional recognition, Monday 6 July, 2015.

Djapirri Mununggirtj  
Sean Gordon  
Rachel Perkins  
Denise Bowden  
Selwyn Button  
Jason Mifsud  
Tanya Hosch  
Ngiare Brown  
Samuel Bush-Blanasi  
Noel Pearson  
Joe Morrison  
Kenny Bedford  
Megan Davis  
Bruce Martin  
Lester Irabinna Rigney  
Ken Wyatt MP  
David Ross  
Charlee-Sue Frail  
Richie Ah Mat  
Gail Mabo  
Djawa Yunupingu  
Pat Anderson AO  
Aden Ridgeway  
Shannan Dodson  
Shane Duffy  
Kirstie Parker  
Les Malezer  
Josephine Cashman  
Mick Gooda  
Tom Calma  
Geoff Scott  
Marcia Langton  
Jill Gallagher  
Patrick Dodson  
Nova Peris  
Warren Mundine  
Leah Armstrong  
Pat Turner  
Justin Mohamed