Business Council of Australia

SUBMISSION

Progressing Constitutional Recognition: Supplementary Submission to the Joint Select Committee on Constitutional Recognition Relating to Aboriginal and Torres Strait Islander Peoples

September 2018

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ABOUT THIS SUBMISSION

The Business Council of Australia has a longstanding commitment to enhance economic development for Aboriginal and Torres Strait Islander (in this report referred to as Indigenous) peoples. This work is led by the Business Council's Indigenous Engagement Task Force, which consists of chief executives and other senior leaders of Business Council member companies.

In the spirit of ensuring Indigenous voices are represented in matters that relate to Indigenous peoples, the Business Council has recently invited two leaders from the Indigenous community to join the Task Force.

Empowerment is necessary to achieve full participation in the Australian economy. The Business Council has long supported constitutional recognition and presents this second submission to the Joint Select Committee on Constitutional Recognition Relating to Aboriginal and Torres Strait Islander Peoples.

DISCUSSION

An Indigenous Voice to Parliament should be enshrined in the Constitution

The Business Council welcomes the Committee's interim report, particularly its focus on the Indigenous Voice to Parliament. In the report, the Committee has outlined it is continuing to consider proposals regarding whether the Voice should be enshrined in the Australian Constitution.

The Business Council strongly supports constitutional enshrinement of an Indigenous Voice to Parliament, which is understood to be the preferred form of constitutional recognition nominated by Indigenous leaders at the Uluru National Convention.

The Uluru Statement from the Heart called for "the establishment of a First Nations Voice enshrined in the Constitution" as the sole, meaningful form of Indigenous constitutional recognition. This historic consensus emerged from the comprehensive Regional Dialogues that engaged Indigenous Australians across the nation; this significance must not be underestimated and is deserving of the highest respect.

The Dialogues determined that the Voice must be established through constitutional enshrinement over statute. The thirteen Dialogues and the Uluru National Convention did not call for a legislated body that is vulnerable to repeal.

As noted in the Business Council's first submission, providing Indigenous Australians with a stronger say on parliamentary matters that impact Indigenous communities will lead to better policy and outcomes. Given the many complex challenges that have affected Indigenous communities for many years, it is clear that long-term approaches are required to address these challenges and achieve economic prosperity.

Further, the solutions to these challenges are dependent on there being a guarantee that the perspectives of Indigenous peoples are included in policy and approaches delivered by the

government. Such a guarantee can only be assured through constitutional enshrinement of an Indigenous Voice to Parliament.

Process to Constitutional Recognition

With a robust, detailed and adequately resourced process, the Business Council believes a referendum can and should be held within 12 months of the next federal election.

The Committee's interim report outlines that the Voice will need to encompass national, regional and local elements to be effective, a notion which the Business Council supports. It is understood that the Committee has posed several questions regarding the design and intersection of national, regional and local voices.

The Business Council strongly believes that discourse addressing the design details of the Voice to Parliament, and associated regional and local structures, should be Indigenous-led. It is understood that a number of organisations and individuals will be putting forward submissions in response to the Committee's questions, regarding the function and structure of voices at national, regional and local levels.

It is recognised that there may be various possible outcomes following this next stage of enquiry undertaken by the Committee. This may include the identification of a preferred model for the Voice or that further community consultation may be required. In the case that further consultation is needed, this should be conducted in a purposeful manner to ensure momentum is maintained.

In any situation, the Business Council urges the Committee to outline a detailed process as to how an Indigenous Voice to Parliament will be progressed to referendum as quickly as practicably possible, in a manner that is Indigenous-led and engages all Australians. The Business Council stands ready to support the role of business in this process.

The Parliament should work with such an Indigenous-led process to ensure an effective mechanism is outlined regarding how advice will be provided at the most appropriate time, for it to be considered and acted upon.

The process should be assured of the resources required, such as budget and staff, to effectively meet its purpose of progressing the Voice to a referendum.

Bipartisanship

Bipartisan support will be of critical importance as the nation works towards a successful referendum, supported by the Australian people.

The Business Council notes that previously there was bipartisanship on constitutional recognition following the release of the final report of the Expert Panel in 2012. However, last year the government rejected the Referendum Council's recommendation that a referendum be held regarding an Indigenous Voice to Parliament.

Following the rejection, there is still strong evidence of growing support for the Voice. This has been exhibited in polling conducted in February this year, and in the submissions and evidence presented to the Committee.

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 the ongoing support for the Voice, the Business Council believes the role of the government is not to approve or reject the Voice itself, but to serve the community by rightfully providing the Australian people with the opportunity to respond via referendum. However, without support from both major parties, a referendum is unlikely to take place and less likely to succeed.

Such a momentous occasion in our nation's history demands political courage and the Business Council strongly calls for bipartisan support for a constitutionally enshrined Indigenous Voice to Parliament.

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