



**SUBMISSION IN RESPONSE TO A NATIONAL CONVERSATION ABOUT  
ABORIGINAL AND TORRES STRAIT ISLANDER CONSTITUTIONAL  
RECOGNITION**



**SEPTEMBER 2011**



The YWCA of Canberra proudly recognises the rights of Aboriginal and Torres Strait Islander peoples, including the right to own and control their cultures, and pays respect around these rights. The YWCA of Canberra commits to respecting and actively supporting the diversity of Aboriginal and Torres Strait Islander cultures and worldviews.

## **YWCA of Canberra's commitment to reconciliation with Indigenous Australians**

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The YWCA of Canberra is a values led, non-profit community based organisation working and advocating for social justice within a feminist framework. The Organisation has been providing community services and representing women's issues in the Canberra community since its establishment in 1929. We currently work with thousands of Canberran's through the delivery of 28 programs, across 20 physical locations, in the areas of children's services, community development, housing, youth services, personal and professional training, and women's leadership.

The YWCA of Canberra has been committed to reconciliation throughout its long history. For several years now we have worked to develop relationships with Aboriginal and Torres Strait Islander people and organisations, build respect and identify and pursue opportunities for reconciliation.

In 2011, the YWCA of Canberra launched its Reconciliation Action Plan (RAP) Refresh for 2011-2013. This builds on our achievements and our learnings from our first RAP launched in 2009, and endeavours to advance our contribution to reconciliation.

Supporting and participating in the campaign to reform the Australian Constitution to include recognition of Aboriginal and Torres Strait Islander peoples as Australia's first peoples is an identified action under our new RAP. This submission represents one aspect of this commitment.

### **Background**

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The content of this submission has been largely drawn from the outcomes of an event that focused on the theme of recognition which was held on 2 June 2011 as part of National Reconciliation Week. Questions discussed at the event include *why is recognition important for Aboriginal and Torres Strait Islander Australians, and non-indigenous Australians?* and *what is the relationship between recognition and reconciliation?*

The event was organised by the YWCA of Canberra in collaboration with three other community service organisations, Woden Community Services, Communities@Work and ACT Council of Social Services. These four organisations came together due to their individual work on developing RAPs, and because of a joint commitment to engage more broadly around the theme of reconciliation.

The event attracted 52 people, including ten people who identified as Aboriginal or Torres Strait Islander. There were a mix of staff members from the represented organisations, key partners of these organisation and interested members of the public.

## **The importance of recognition**

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*“Recognising Aboriginal and Torres Strait Islander people is recognising our nation’s and our peoples’ heart which is our foundation”* Forum participants

The YWCA of Canberra strongly believes in the importance of recognising Aboriginal and Torres Strait Islander peoples in the Australian Constitution as the first Australians and traditional custodians of our lands. The values that sit behind proposals for constitutional recognition – respect, fairness, equity, diversity and empowerment – reflect the values that guide and inspire the work of the YWCA of Canberra and our approach to reconciliation with Aboriginal and Torres Strait Islander Australians.

Generally speaking, being recognised allows us to feel that we belong, and that we are valued and respected. Accordingly, recognising Aboriginal and Torres Strait Islander peoples in Australia’s foundational legal and political document, the Australian Constitution, would show the importance of Aboriginal and Torres Strait Islander cultures and heritage to our identity as a nation, as well as recognise the valuable contribution of Aboriginal and Torres Strait Islander Australians to our community.

The YWCA of Canberra also sees constitutional recognition as an important step to redressing injustices inflicted upon Aboriginal and Torres Strait Islander communities, and an important step in the reconciliation process in Australia.

Support for constitutional recognition from within the ACT community was also evident from the discussions held during our Reconciliation Week event. Participants at the event discussed the need to recognise history and to recognise the achievements of Aboriginal and Torres Strait Islander individuals and communities. The discussion in the forum strongly supported the notion that recognition of Indigenous Australians in the Constitution would more accurately reflect our national identity. The YWCA of Canberra strongly endorses these sentiments.

## **Amending the Constitution**

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*“Recognition of First Peoples of Australia is important because it validates and honours their histories and connection to these lands, seas and skies”* Forum participants

The YWCA of Canberra supports a form of constitutional recognition which reflects the principles of equality, fairness and non-discrimination. We believe that a statement recognising Aboriginal and Torres Strait Islander peoples should include:

- recognition of Aboriginal and Torres Strait Islander peoples’ unique place as the first peoples of Australia
- recognition of the importance of Aboriginal and Torres Strait Islander culture to all Australians
- recognition of Aboriginal and Torres Strait Islander peoples’ rights, including self determination, relationships to land, the maintenance and growth of cultures and equal access to the benefits of being Australian.

We are in support of a statement which is respectful, meaningful and empowering for Aboriginal and Torres Strait Islander Australians and non-indigenous Australians. The YWCA of Canberra supports inclusion of a 'statement of values', either in a preamble or as a provision in the body of the Constitution, which would include a statement of recognition, as well as incorporating a broader commitment to freedoms, rights and responsibilities, including gender equality.

Given the legal complexities of the questions around new heads of power, removal of Section 51(xxvi) (race power) and agreement provisions, the YWCA of Canberra has not developed a position on this issue except that wherever possible, we believe amendments which provide real rights protection, in addition to symbolic statements, are preferred.

The YWCA of Canberra also supports removal of any discriminatory provisions from the Constitution which would detract from a statement of formal recognition of Aboriginal and Torres Strait Islander peoples and their culture.

To this end, the YWCA of Canberra supports the removal of section 25 of the Constitution, a provision which contemplates a state government denying certain people the right to vote based on their race. This provision is out-dated and inconsistent with the values of equality and non-discrimination that we believe should be emphasised in the Constitution to reflect Australia's contemporary identity as a diverse, multi-cultural country.

### **Commitment to Change**

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*"Constitutional reform is important for all Australians. Recognition is the first step, reconciliation is the action that follows."* Forum participants

We agree with the above statement made by forum participants which sees recognition as a crucial step in real reconciliation between Indigenous and non-Indigenous Australians. Whilst we acknowledge the complexities and challenges of the constitutional change process, we implore governments at all levels to maintain vocal support for the process of constitutional recognition of Aboriginal and Torres Strait Islander peoples. Voices in support from both sides of politics, and at a federal and state level, are a known pre-requisite for any amendment to the Constitution to be successful.

We also recognise the need for broad ranging support for constitutional reform from within the community in order for this endeavor to be successful. The YWCA of Canberra is committed to remain actively engaged with the campaign for recognition of Aboriginal and Torres Strait Islander peoples in the Australian Constitution. We will:

- promote engagement in the campaign amongst our staff, members, service users, stakeholders and supports
- publicly present our views around the campaign, including our strong support for constitutional recognition of Aboriginal and Torres Strait Island peoples
- continue to inform ourselves of the issues and the perspectives of both Aboriginal and Torres Strait Islander and non Indigenous peoples and use this to inform our engagement around the specific options for constitutional reform.

Further information can be obtained by contacting Rebecca Vassarotti, Executive Director, YWCA of Canberra on (02) 6175 9900 or [rebecca.vassarotti@ywca-canberra.org.au](mailto:rebecca.vassarotti@ywca-canberra.org.au)