

General Issues Paper

1. What are the Dialogues about?

The Dialogues are a series of meetings of Indigenous Australians, which will be held around the country over the next few months.

Their purpose is to reach broad agreement on whether and, if so, how, to ‘recognise’ Indigenous Australians in the Australian Constitution.

The Dialogues also provide an opportunity for participants to discuss the main options for recognition, understand what they mean, combine or modify existing options and rank options in order of priority.

The priorities from each of the First Nations Dialogues will be reported to a First Nations Convention at Uluru in April, where final decisions will be made.

There will be five delegates to this Convention from each of the regional Dialogues.

2. What does ‘recognition’ mean?

Constitutional recognition provides an opportunity to make a meaningful change in the relationship between Indigenous Australians and Australia as a whole.

What such a change might involve and how constitutional recognition can contribute to it are up to the Dialogues to decide.

In recent years both an Expert Panel and a Parliamentary Committee have identified possible options for constitutional recognition. These options now are for the Dialogues to consider.

3. What are the options?

The options suggested so far are as follows. Each is explained further in the issues paper/facts sheets that are attached.

- **A statement of acknowledgement** concerning Indigenous Australians. The wording of this would need to be worked out, but it presumably it would refer at least to history and culture. An acknowledgement might be included in an introduction or ‘preamble’ to the Constitution as a whole or to a section of the Constitution. It might also be made outside the Constitution altogether.
- **A new power** for the Commonwealth Parliament to make laws applying specifically to Indigenous Australians, **in place of the existing ‘race’ power**, which would be removed or amended.

- **Removal of section 25 of the Constitution**, which refers to the possibility of discrimination against racial groups in voting laws.
- **A constitutional prohibition against racial discrimination.**
- **An Indigenous voice to advise the Commonwealth Parliament in making decisions that affect the First Nations.**
- **Constitutional provision for agreements or treaties with Indigenous Australians.**

Some of these options can be combined with others. Some of them could be given effect inside or outside the Constitution or both. All of them could co-exist with a separate, bottom-up treaty making process.

4. What is the process after the Uluru Convention?

The Uluru Convention will try to come to a broadly agreed view on what recognition is from the point of view of Indigenous Australians and what constitutional change is required to achieve it.

This view will be taken to the Prime Minister and the Leader of the Opposition by the Referendum Council. They will need to decide whether to proceed with constitutional change and, if so, what change to make.

If they decide to proceed with constitutional change, it will be necessary for a proposed law setting out the changes to be passed by the Commonwealth Parliament and put to a vote of the Australian people at referendum. A referendum vote is passed if (a) it is accepted by a majority of Australians and (b) that majority also includes majorities in at least four States.

5. What do you think?

- What do you think recognition means?
- What would you like it to achieve?
- What changes do you think should be made to the Constitution to achieve recognition?
- Are any of the current options unclear?
- Is there anything else that you would like to say about constitutional recognition?