



Yamatji Marlpa
ABORIGINAL CORPORATION



Our Ref: Joint Select Committee on Constitutional Recognition
Office: Perth
Date: 5 July 2018

To: Secretariat
Joint Select Committee on Constitutional Recognition
Relating to Aboriginal and Torres Strait Islander Peoples
PO Box 6021 Parliament House
Canberra ACT 2600

Dear Committee Members

Submission on the Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples

Yamatji Marlpa Aboriginal Corporation (YMAC) is the native title representative body for the Pilbara, Murchison, Mid-West and Gascoyne regions of Western Australia. YMAC has a representative area of over one-third of WA and represents over 24 native title claims, all with their own language, culture and traditions. YMAC is a not-for-profit organisation run by an Aboriginal Board of Directors and provides a range of services to its members including claim and future-act representation, heritage protection services, community and economic development and natural resource management.

We are aware that a Public Hearing of the Joint Select Committee on Constitutional Recognition Relating to Aboriginal and Torres Strait Islander Peoples will be held in Perth on Friday 6 July 2018. We understand that YMAC has not been invited to present a statement at this hearing. However, we would appreciate this letter being read out to the Public Hearing, and being formally accepted as a submission for consideration in the Committee's report that is due on 30 July 2018.

The *Uluru Statement from the Heart* set out three proposals:

- **A Voice to Parliament**: That a referendum be held to provide in the Australian Constitution for a representative body that gives Aboriginal and Torres Strait Islander First Nations a Voice to the Commonwealth Parliament. A key function of the body should include monitoring the use of the heads of power in section 51 (xxvi) and section 122 of the Constitution. The body will recognise the status of Aboriginal and Torres Strait Islander peoples as the first peoples of Australia.
- **Declaration of Recognition**: A Declaration of Recognition should be developed, containing inspiring and unifying words articulating Australia's shared history, heritage and aspirations. The Declaration should bring together the three parts of our Australian story: our ancient First Peoples' heritage and culture, our British institutions, and our multicultural unity.
- **Makarrata Commission**: The Uluru Statement called for the establishment of a Makarrata Commission with the function of supervising agreement-making and facilitating a process of local and regional truth telling.

YMAC officially supports the *Uluru Statement from the Heart* and is committed to working with local, regional and national partners to build support for the proposals at the political level, and among all Australian people.

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YMAC understands the need for ongoing work on the proposals contained in the Statement to ensure they can be practically achieved and deliver the outcomes sought by First Nations peoples. These outcomes include formal recognition of First Nations peoples' sovereign status and acknowledgement of the injustices we have suffered throughout our shared history. YMAC understands the power that such recognition could have in reshaping Australia's national identity and establishing our moral integrity.

YMAC supports the establishment of a Voice to Parliament, as proposed in the Uluru Statement. We also acknowledge that significant work will be required to ensure that such a body respects and accommodates the rich cultural diversity of First Nations. It is also essential that a Voice to Parliament is genuinely able to hold governments to account in relation to protecting the rights and interests of Aboriginal and Torres Strait Islander peoples.

We acknowledge Uphold & Recognise, a non-profit organisation committed to its charter for upholding the Australian Constitution and recognising Indigenous Australians. We consider their work a logical next step in the process to resolve technical issues associated with Constitutional recognition.

Finally, it is essential we learn from the last fifty years of our shared political history and identify where and why Indigenous representative and advisory bodies have failed to deliver the outcomes sought by their constituencies. History has shown that, unless it is armed with appropriate levels of funding, input from local Indigenous communities and mechanisms to genuinely influence policy development, the Voice to Parliament will be powerless to effect real, meaningful change to the lives of the people it represents.

The *Uluru Statement from the Heart* is unique in the emphasis it places on a genuine two-way relationship between First Nations and the Parliament. YMAC supports this call and urges the Federal Government to take advantage of this opportunity to officially acknowledge the true history of our nation; to heal centuries-old wounds and establish a new foundation of integrity for Australia based on justice, fairness and equality.

Taking all this into account, YMAC looks forward to contributing to public debate and discussion with local First Nations communities, subject-area experts and other Indigenous leaders to further develop the proposals set out in the Uluru Statement. The seed has now been planted for a new mechanism to properly recognise Australia's First Nations' unique place within our legal framework. It is essential that we get the detail and process right, in order to unite all Australians behind this vital and well-overdue project.

Please contact me directly on (08) 9268 7000 if you require additional information or would like to discuss the submission in person.

Yours faithfully

Mr Peter Windie
Co-Chair Yamatji

Ms Natalie Parker
Co-Chair Pilbara

Mr Simon Hawkins
Chief Executive Officer

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