

DRAFT SECOND READING SPEECH

HON. WILL HODGMAN MP

Constitution Amendment (Constitutional Recognition of Aboriginal People) Bill 2016

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I acknowledge the traditional owners of this island, the Tasmanian Aboriginal people. I pay respect to their elders, acknowledge those who have passed before us, and acknowledge that Tasmanian Aboriginal people are the custodians of this land. I also acknowledge past injustices and present-day inequalities.

Madam Speaker, those words of acknowledgement of country are always significant, and today they underscore this Bill, that I have the very great privilege to present, to amend Tasmania's Constitution Act to recognise Aboriginal people as Tasmania's First People.

Tasmania is the only state that does not recognise Aboriginal people in its Constitution. This Bill will change that.

Madam Speaker,

On becoming Minister for Aboriginal Affairs in the new Liberal Government, I committed to 're-set' the Government's relationship with the Tasmanian Aboriginal community, and undertook extensive consultation on the issues important to them and to advance reconciliation. Constitutional recognition was an issue raised frequently in this consultation process. Though it has been recognised that meaningful reconciliation will take many steps, constitutional recognition is a significant one.

Subsequently, I announced the Government's support for the proposition to amend the Tasmanian constitution to recognise Aboriginal people as Tasmania's First People, and moved a motion to establish a Parliamentary Committee to enquire into the matter.

The Committee published its report in November 2015 recommending that the constitution of Tasmania should be amended to include recognition of Aboriginal people as Tasmania's First People.

Madam Speaker,

This Bill then seeks to implement this important change by amending the preamble of the *Constitution Act 1934* as follows;

"And whereas the Parliament, on behalf of all the people of Tasmania, acknowledges the Aboriginal people as Tasmania's First People and the traditional and original owners of Tasmanian lands and waters; recognises the enduring spiritual, social, cultural and economic importance of traditional lands and waters to Tasmanian Aboriginal people; and recognises the unique and lasting contributions that Tasmanian Aboriginal people have made and continue to make to Tasmania"

Madam Speaker,

Importantly, the Government has obtained legal advice on this matter. The Government's view is that no legal consequences are likely to arise if the Constitution is amended as proposed.

Indeed, the Parliamentary Inquiry also found that recognition is a statement of historical fact and that recognising Aboriginal people as the original inhabitants of the state *"will not give rise to any rights provisions nor will it confer obligations on the Tasmanian Government and the public."*

The Policy Division and the Office of Aboriginal Affairs within the Department of Premier and Cabinet developed the proposed amendment, consulting the Solicitor-General and the Office of Parliamentary Counsel.

The draft also takes account of consultation undertaken by the House of Assembly Standing Committee on Community Development in its inquiry.

The draft amendment was released publicly in June this year and published in major newspapers with a request for public comment, and also circulated to key stakeholders, including Tasmanian Aboriginal organisations, and the broader community inviting comment on the draft amendment.

Madam Speaker,

I acknowledge that there is not universal support for this amendment, though there is very broad support, as reflected in the findings of the Parliamentary Committee that included members of each political party, and which concluded that *"this initiative for constitutional reform is another step on the journey of reconciliation and it is hoped that the goodwill and cross-party support that has been extended to date will continue."*

In that light, I want to acknowledge the members of the Standing Committee on Community Development who undertook the inquiry and delivered its report which has supported the Government's proposal to amend our constitution, the Honourable Members Mr Barnett (Chair), Ms Courtney, Mr Jaensch, Ms O'Connor and Ms Ogilvie, along with all those who contributed to the consultation process on this significant piece of legislation.

Madam Speaker,

In Australia during the past twelve years, the parliaments of Victoria, Queensland, New South Wales, South Australia and Western Australia have amended their constitutions to formally recognise the status of Aboriginal peoples as the original occupants of those states.

At the national level, significant steps have been taken to recognise Aboriginal and Torres Strait Islander peoples in the Australian Constitution.

It is now time that we do the same thing here.

I commend the Bill to the House.