

JOINT SELECT COMMITTEE ON ABORIGINAL CONSTITUTIONAL RECOGNITION

Assembly's Resolution

Message from the Assembly requesting concurrence in the following resolution now considered —

The Legislative Assembly acquaints the Legislative Council that it has agreed to the following motion—

- (1) That a joint select committee of the Legislative Assembly and Legislative Council be established to consider and report on the appropriate wording to recognise Aboriginal people in the Constitution of Western Australia.
- (2) That the joint select committee consist of seven members —
 - (a) three will be members of the Council; and
 - (b) four will be members of the Assembly;and of those seven members —
 - (a) two will be members of the Liberal Party;
 - (b) two will be members of the National Party;
 - (c) three will be members of the Australian Labor Party.
- (3) The standing orders of the Legislative Assembly relating to standing and select committees will be followed as far as they can be applied.
- (4) That the joint select committee report to both houses by 26 March 2015.

and requests the Legislative Council to agree to a similar resolution.

Further, subject to the Legislative Council agreeing to the above paragraphs, the following Legislative Assembly members are appointed:

- the member for Kimberley;
- the member for Victoria Park;
- the member for Murray–Wellington; and
- the member for Kalgoorlie.

Motion to Concur

HON PETER COLLIER (North Metropolitan — Minister for Aboriginal Affairs) [9.30 pm] — without notice: I move —

That in response to Legislative Assembly message 89, the Legislative Council agree to the following motion —

- (1) That a joint select committee of the Legislative Assembly and Legislative Council be established to consider and report on the appropriate wording to recognise Aboriginal people in the Constitution of Western Australia.
- (2) That the joint select committee consist of seven members —
 - (a) three will be members of the Council; and
 - (b) four will be members of the Assembly;and of those seven members —
 - (a) two will be members of the Liberal Party;
 - (b) two will be members of the National Party;
 - (c) three will be members of the Australian Labor Party.
- (3) The standing orders of the Legislative Assembly relating to standing and select committees will be followed as far as they can be applied.
- (4) That the joint select committee report to both houses by 26 March 2015.
- (5) That the following members are appointed to the Joint Select Committee on Aboriginal Constitutional Recognition —

- Hon Michael Mischin (Attorney General);
- Hon Jacqui Boydell; and
- Hon Sally Talbot.

and that the Legislative Assembly be acquainted accordingly.

I am delighted to support the motion, with a couple of reservations; first of all, on the structure of the committee, which will comprise four members from the Legislative Assembly and three members from the Legislative Council. That is unusual for a select committee, as normally they comprise equal numbers from both chambers. Having said that, these circumstances are unusual and I will not allow that to dissuade the government side of the chamber from its support of the motion; it will not vote against the motion.

There has been a long-held desire from all sides of politics for Aboriginal recognition in the Constitution. We think that is long overdue. It was prompted more recently through the Constitution Amendment (Recognition of Aboriginal People) Bill 2014 moved in the other place by the member for Kimberley, Josie Farrer. It was a very honourable gesture on her part and a sincere endeavour to rectify something that should have been done years ago. The government supported the intent of that piece of legislation but was not convinced that the legislation, in its form, was necessarily going to, dare I say, cover all bases, and the government had some areas of concern. That is the origination of this motion that we would have a joint select committee established from members of the Labor Party, the Liberal Party the National Party to discuss the notion of constitutional recognition. The Attorney General, for all intents and purposes—of course, it will be up to the committee—will chair that committee. That is appropriate given the significant role that he has played, particularly in the native title settlement that is currently being discussed throughout the state.

The second issue of concern to some members, particularly the Greens and the Shooters and Fishers Party, is their non-representation on the committee. I acknowledge that and the concerns they will probably have. Having said that—I have spoken to the Premier about this—they will, of course, be given every opportunity to make a contribution to the deliberations of the committee in either written form or perhaps through appearing with the committee. I would like to think they will do so. I am very conscious that both members of the Greens in the Legislative Council, Hon Robin Chapple and Hon Lyn MacLaren, have shown their genuine regard for Aboriginal people and I would like to think they will contribute to the deliberations of the committee.

I think this is a positive step forward. I would like to think that from this we can get unanimous support from across all political parties and all divides for a bill that will recognise Aboriginal people in our Constitution and that that bill will have the support of all members of both the Legislative Assembly and the Legislative Council. The government will support this motion.

HON SUE ELLERY (South Metropolitan — Leader of the Opposition) [9.34 pm]: I rise to indicate our support for the motion before the house. This is a very important matter. It is an important matter in particular for WA Labor because a private member's bill was introduced into the Assembly earlier this year by the member for Kimberley, Josie Farrer, to officially recognise Aboriginal people as the first people of this land. Before I talk about that, I want to concur with the Leader of the House's comments about the make-up of the committee. I note that we would not want a 4–3 make-up to set some precedent and become the rule. This should be seen as an exception and not something that is carried on into the future.

Some people might say that this recognition will not make a practical difference to Aboriginal people. The way the member for Kimberley described this to me, it will indeed make a practical difference because symbols are important and recognition, acknowledgement and acceptance are necessary steps towards true and lasting reconciliation. It is just as important that we take steps such as this as it is to address some of the social issues, for example, that are affecting Indigenous people in Western Australia. This is an important step.

It is a matter of agreement that we will process this matter by way of a joint standing committee but it is not actually rocket science. Other jurisdictions in Australia have managed to do this without tearing themselves apart. We are not breaking new ground here and we ought be able to do this ourselves without resorting to suggestions that somehow the sky is going to fall down around us and that all sorts of legal and financial consequences will follow. Other jurisdictions have taken this step and done it with pride. I look forward to the day that the member for Kimberley can tell her people and other Indigenous people around Western Australia that this step has been taken and that we have properly recognised the Aboriginal people of Western Australia as the first people of Western Australia.

HON ROBIN CHAPPLE (Mining and Pastoral) [9.37 pm]: I think this has been a tremendous move by the member for Kimberley, Josie Farrer. In the past, we have urged the Premier to fully engage and support the recognition of Aboriginal and Torres Strait Islander people in the Constitution at both a state and federal level. It is potentially a mistake to wait for the Australian Constitution to be changed before we are willing to deal with WA as it may send a negative message on recognition to the federal jurisdiction. As has been mentioned, other

states have already changed their Constitutions. I believe that strong cross-party work—unfortunately, we will not be on the committee but I assure members that we will be there—is needed at both federal and state level to help build support and understanding for the recognition of Indigenous people in the Constitution. This is ahead of what will be an important referendum at a federal level.

We already know from extensive consultation with the expert panel and the joint select committee that it is clear that Aboriginal and Torres Strait Islander people want substantive and meaningful change to the federal Constitution and also to the state Constitution. The Greens agree with the views shared with the committee during the federal inquiry that constitutional change needs to be symbolic. Constitutional recognition is a key part of addressing past injustices and is a genuine step towards meaningful recognition. The Greens support the view that there is a need for a strong campaign to educate and inform the Australian community about this issue before the federal constitutional referendum. It is in that regard that we hope that this committee will work diligently and as well as working within the committee, will work outside the committee to inform the general public of the honest need to include Aboriginal people in our state Constitution, something that we do not need a referendum for in this state and something that can be done.

I commend Josie Farrer in the other place for bringing forward the amendments to the Constitution. I thank the government, the opposition and the National Party for enabling this resolution to establish a joint select committee to come before this place. I thank all parties involved and I hope that the work that they do is fruitful, meaningful and has a good positive outcome of which Indigenous people can be proud.

HON COL HOLT (South West — Parliamentary Secretary) [9.41 pm]: I rise on behalf of the National Party in support of the resolution. It is important to recognise and congratulate the member for Kimberley for bringing this matter before Parliament for us to consider. It is absolutely just that we recognise her role in getting us to this point.

I agree with the Leader of the Opposition that it is not rocket science, but we want people in this place and the other place—100 per cent of Parliament—to agree and to celebrate the recognition of Aboriginal people in our Constitution. This is an important task that has been set down for this joint select committee. I look forward to seeing the committee take on board all points of view from both within this place and the community to ensure that its recommendations for the wording and changes to the Constitution are absolutely 100 per cent supported by both houses of Parliament and all sides of the political divide. This event is way too important, in my mind, to have anything but 100 per cent agreement. When the day comes that we pass those changes through both houses of Parliament, each and every one of us should be proud and celebrate long and hard that we have reached that milestone. The house has our complete support for this resolution.

Question put and passed.