

Central Tablelands CLSD Program meeting

15 August 2023, 2-3:30PM, Online

MINUTES

Present: Aloka **Welch-Hammial** (CLSD Regional Coordinator), Georgia **Murphy-Haste** (Sparke Helmore), Penny **Watt** (Housing Plus), Yvonne **De Borde** (Macarthur Legal Centre), Dane Millerd, Maryam **Soleymanpour** (WDVCAS, Housing Plus); Carlene **McConnell** (Fair Trading); Kim **Richardson** (Youth Law Australia); Bryce **O'Neill Baker** (AbSec); Janelle **Jarman** (WDVCAS, Housing Plus); Rhee **Ryan** (Barnados); Simone **D'Elboux-Gough** (Mission Australia); Sharron **Shepherd** (WNSW LHD); Racheal **Eldridge** (TAFE, Bathurst); Debbie **Alexander** (Orange AMS); Dominic **Holles** (ALS); Ellen **Tilbury** (PIAC); Sally **Trevelton** (PIAC); Tessa **Sparks** (CTBMCLC), Nick **Meumann** (CTBMCLC), Simon **Colyer** (Relationships Australia), Ellen **Newton** (Housing Plus), Jill **Marshall** (Legal Aid NSW), Peter **Ringbauer** (Macarthur Legal Centre); Seema **Sanghi** (Legal Aid NSW)

Apologies: Gina **Sykes** (JAS)

Agenda item	Discussion	Action/Outcome
1. Opening	<ul style="list-style-type: none">Aloka gave an acknowledgement of CountryGeneral welcome - CLSD partners introduced themselves (name, pronouns, role, organisation) and shared something exciting happening in their professional or personal life	
2. Purpose of today's meeting	<ul style="list-style-type: none">To arm attendees with the legal and historical knowledge needed to make an informed decision when voting in the upcoming referendum.	
3. Guest speakers and group discussion	<p>Public Interest and Advocacy Centre (PIAC) Ellen Tilbury and Sally Trevelton</p>	

- Ellen and Sally presented on the First Nations Voice to Parliament and discussed the history and place of Aboriginal and Torres Strait Island people in the Australian constitution and the legal and practical implications of the Voice.

Indigenous people in the Constitution

- Section 127: 'In reckoning the number of people of the Commonwealth, or of a State or other part of the Commonwealth, **aboriginal natives** shall not be counted.'
- Section 51(xxvi): The power to make laws with respect to '[t]he people of any race, other than the **aboriginal race** in any State, for whom it is necessary to make special laws'.
- Section 25: if by the law of any State all **persons of any race** are disqualified from voting at elections for the more numerous House of the Parliament of the State, then, in reckoning the number of the people of the State or of the Commonwealth, persons of that race resident in that State shall not be counted.

The 1967 Referendum

- ~~Section 127: 'In reckoning the number of people of the Commonwealth, or of a State or other part of the Commonwealth, aboriginal natives shall not be counted.'~~
- Section 51(xxvi): The power to make laws with respect to '[t]he people of any race, other than the aboriginal race in any State, for whom it is necessary to make special laws'.
- But not:
 - Voting rights/citizenship
 - Positive recognition

After the 1967 Referendum

- 1970's
 - Land Rights in the Northern Territory
 - The Racial Discrimination Act
- 1980's
 - The Barunga Statement and the promise of treaty
- 1990's
 - The movement for 'reconciliation'

- Mabo and the Native Title Act;
- The republic referendum and preamble proposal
- The Roadmap for Reconciliation

2000s: Momentum for recognition

- State constitutional recognition
- 2007: Howard commits to resolving the 'unfinished business' of recognition
- 2008: Rudd's 2020 summit: a 'new national, bipartisan dialogue'
- 2010: Gillard establishes the Expert Panel on Constitutional Recognition of Indigenous Australians
- 2013: Abbott establishes the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples
- 2015: Turnbull establishes the Reconciliation Council

The First Nations Regional Dialogues

- 'What is meaningful recognition to you?'
- 13 Regional Dialogues
- 1200 delegates
- National Constitutional Convention at Uluru in May 2017

The Uluru Statement from the Heart

- Empowering Aboriginal and Torres Strait Islander people 'take a rightful place in our own country'
- Substantive recognition – not 'mere symbolism'.
- Recognition based on status as first peoples – not race.
- The Reconciliation Council: 'modest', 'substantive', 'reasonable' and 'unifying'.

First Nations Referendum Working Group Design Principles

- The Voice will give independent advice to the Parliament and Government
- The Voice will be chosen by Aboriginal and Torres Strait Islander people based on the wishes of local communities

- The Voice will be representative of Aboriginal and Torres Strait Islander communities, gender balanced and include youth
- The Voice will be empowering, community-led, inclusive, respectful and culturally informed
- The Voice will be accountable and transparent
- The Voice will work alongside existing organisations and traditional structures
- The Voice will not have a program delivery function
- The Voice will not have a veto power

Chapter IX – Recognition of Aboriginal and Torres Strait Islander Peoples

129 Aboriginal and Torres Strait Islander Voice

- In recognition of Aboriginal and Torres Strait Islander peoples as the First Peoples of Australia:
 - (i) there shall be a body, to be called the Aboriginal and Torres Strait Islander Voice;
 - (ii) the Aboriginal and Torres Strait Islander Voice may make representations to the Parliament and the Executive Government of the Commonwealth on matters relating to Aboriginal and Torres Strait Islander peoples;
 - (iii) the Parliament shall, subject to this Constitution, have power to make laws with respect to matters relating to the Aboriginal and Torres Strait Islander Voice, including its composition, functions, powers and procedures.

Observations about the Bill

- The proposal is constitutionally sound.
- Creating a new Chapter avoids any disturbance to the current structure of the Constitution.
- Parliament will determine how the Voice is structured and how it engages with government.
- There is no obligation to consult with the Voice.
- Fears of a rash of litigation are ill-founded.

Q & A session

- Q. How will be Voice be formed? Who will make up the Voice?

	<ul style="list-style-type: none"> • A. These matters will be legislated for after the referendum by parliament. The Voice will likely be made up of over 20+ First Nations people from around the country representing various communities. <p>Additional Resources</p> <ul style="list-style-type: none"> • Explaining the Uluru Statement: https://ulurustatement.org/education/faqs/ • Yes perspective: Yes23 https://www.yes23.com.au/voice • Legal literacy project: https://www.referendum-voice.com.au/ • Govt site: https://voice.gov.au/community-toolkit 	
<p>4. Standing items</p>	<p>Referrals</p> <p>Legal Health Check & Guides to Free Legal Help Update</p> <ul style="list-style-type: none"> - Aloka has developed a Legal Health Check and associated Guides to Free Legal Help to help non-legal services to make legal referrals. - The Legal Health Check is being revised to correspond with the Guides to Free Legal Help (joint legal service referral guide) so that once a community worker uses the health check, they can then easily refer to the guide and refer their clients to the relevant legal service. - These documents have been sent out to the services listed on them for feedback and consultation. - Once these tools are finalised, Aloka will be holding free training workshops across the Central Tablelands region to educate community workers and non-legal services on how to use these tools. This training will likely occur towards the end of the year and in early 2024. <p>Outreach events this year</p> <p>Central West Community Services Expo in Orange</p> <ul style="list-style-type: none"> - Date: Wednesday 6th September - CLSD network is running a Fines Clinic at the Expo - Attendees: Legal Aid, CTBMCLC and Revenue NSW - Free Birth Certificates will also be on offer 	

	<p>Cowra Wills Clinic</p> <ul style="list-style-type: none"> - Planned for early 2024 - Sparke Helmore attending - Free birth certificates to be on offer <p>Other events where free birth certificates will be on offer</p> <ul style="list-style-type: none"> - The Central Tablelands region is allocated a certain amount of birth certificates each financial year so we have to be more planned in terms of which events we offer birth certificates - Potential for Aloka + lawyer to go to a homelessness service who provide meals and offer birth certificates and conduct legal health checks - A small account of birth certificates have been allocated for two NAIDOC events in Forbes and Orange <p>CLSD Program Update</p> <ul style="list-style-type: none"> - The Justice Advocacy Service (JAS) is looking for volunteers to join their volunteer program, JAS volunteers support people with cognitive impairment if they are victims, witnesses, suspects and defendants at police stations, court and legal appointments. If you know people who willing to volunteer, they can apply here https://idrs.org.au/volunteers/volunteer-application-forms/ - Peter Ringbauer is now working at Macarthur Legal Centre as is doing the ROCP clinics in Cowra. Legal Aid and Macarthur Legal Centre alternative at the Cowra clinic. - Macarthur Legal Centre has updated their flyer and referral form which are attached. Clients are welcome to self-refer or a service provider can make a warm referral. All details are on the attached flyers. 	
7. Next Meeting	TBD	