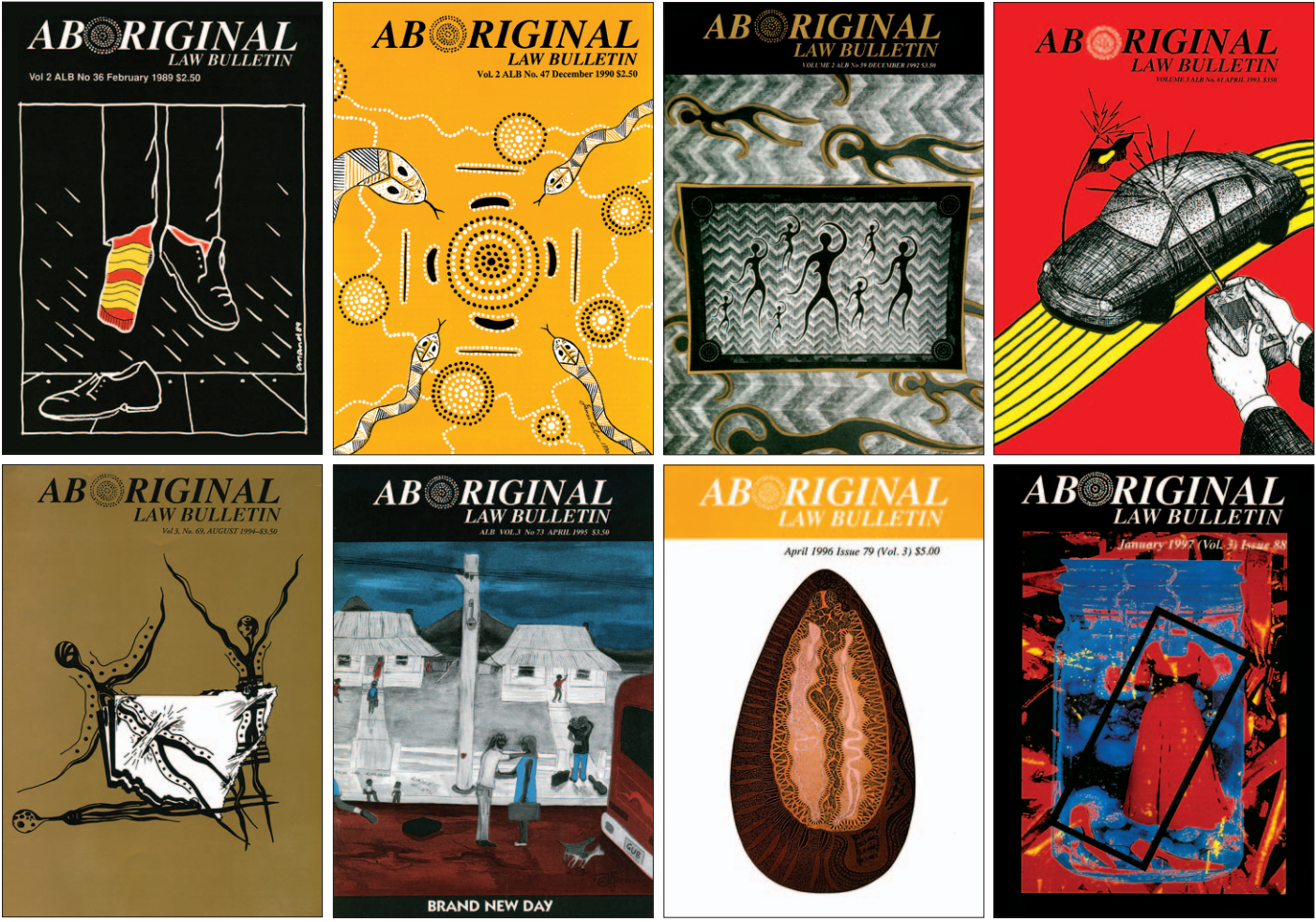


Timeline reproduced and developed from Indigenous Law Centre Constitutional Reform and Indigenous Peoples Research Brief No 2, 2010.

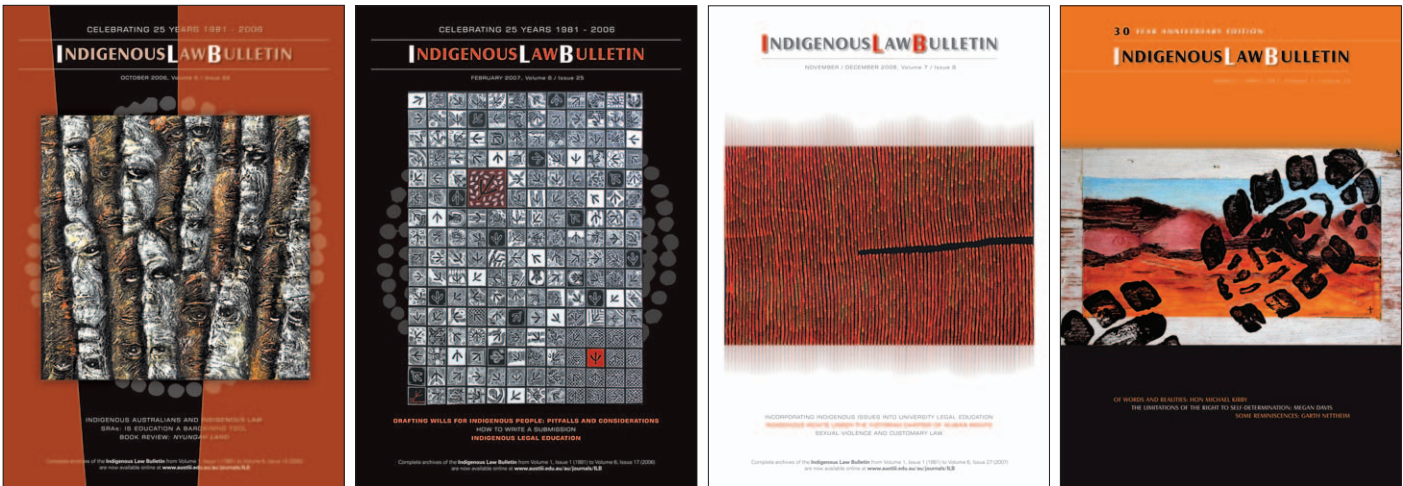
TIME CONSTITUTIONAL REFORM

1891–1898	Convention Debates for a federal constitution take place; Indigenous people are not involved and are barely mentioned in the Debates.
1901	Federation; the <i>Australian Constitution</i> comes into effect; ‘aboriginal natives’ in the States are excluded from the power to make ‘special laws’ on the basis of race (s 51(xxvi)) and from the reckoning of the population (s 127).
1929	Royal Commission on the Constitution recommends against amending s 51(xxvi) to empower the Commonwealth to make special laws concerning Indigenous people in the States, because ‘on the whole the States are better equipped for controlling aborigines than the Commonwealth’. ¹
1938	Australian Aborigines Conference. Aboriginal people ask for a new policy which will raise Aboriginal people to full citizen status and equality within the community. ²
1944	Referendum proposes to insert 14 new Commonwealth powers for a five-year post-war reconstruction period, including a power to make laws concerning ‘the people of the aboriginal race’; the referendum is defeated. ³
1967	Following a long campaign by Indigenous and non-Indigenous activists, a referendum is held to delete s 127 and to give the Commonwealth power to make special laws concerning Indigenous people in the States; the referendum succeeds with over 90 per cent of voters approving the changes. ⁴
1974	Referendum puts four separate questions to Australian voters, one of which includes the deletion of s 25; all four questions fail.
1983	Senate Standing Committee on Constitutional and Legal Affairs recommends that the Constitution be amended to facilitate the implementation of a treaty between Indigenous peoples and the Australian state; no action is taken by the Hawke Government. ⁵
1988	The Barunga Statement, an assertion of national Aboriginal political objectives written on bark, is issued to Prime Minister Hawke. The statement called for Aboriginal self-management, a national system of land rights, compensation for loss of lands, respect for Aboriginal identity, an end to discrimination and the granting of full civil, economic, social and cultural rights. The Prime Minister responded by saying that he wished to conclude a treaty by 1990, but his wish was not fulfilled. ⁶
1992	Constitution Commission’s Report. The Individual and Democratic Rights Advisory Committee advised that ‘the Preamble should acknowledge the historical truth of the settlement of Australia by Europeans in 1788. It is appropriate to recognise in the Preamble that prior to the arrival of European settlers Australia was owned by the Aboriginal people. Such recognition in the Constitution would be an act of good faith and symbolic importance in furthering reconciliation between Aboriginal and non-Aboriginal Australians’. ⁷
1992–1995	High Court hands down its decision in <i>Mabo v Queensland</i> (No 2), holding that native title survived the acquisition of sovereignty by the British.
1992–1995	In response to the <i>Mabo</i> judgment, the Keating Government proposes to implement, amongst other things, a ‘Social Justice Package’; Indigenous groups and organisations propose the package should include a range of constitutional reforms; the Keating Government loses office before the package can be implemented. ⁸
1999	Referendum proposes to make Australia a republic and to insert a preamble recognising Indigenous people; both referendum questions are defeated.
2000	Council for Aboriginal Reconciliation recommends several constitutional reforms, including the insertion of a preamble recognising Indigenous people, the deletion of s 25, the insertion of a section making it unlawful to discriminate on racial grounds, and the amendment of s 51(xxvi) so that it only permits the making of ‘beneficial’ race-based laws; the recommendations are not adopted by Parliament.



2003	The Senate Legal and Constitutional Affairs Committee recommends the insertion of a preamble recognising Indigenous peoples, the deletion of s 25, and the amendment of s 51(xxvi) so that it only permits race-based laws for the benefit of any particular race; despite receiving partial support from government Senators on the Committee, the recommendations are not acted upon.
2004	A new section is inserted into the <i>Victorian Constitution Act 1975</i> giving recognition to Victoria’s Aboriginal people.
2007	In the lead-up to the 2007 election, Prime Minister John Howard commits to achieving constitutional recognition of Indigenous people if re-elected. This recognition is limited to preambular recognition.
2008	Prime Minister Kevin Rudd commits to constitutional recognition of Indigenous people in the national apology and later after a petition by Yolngu and Bininj elders.
2009	In its National Platform, the Labor Party commits to inserting a constitutional preamble recognising Indigenous people and to removing or amending ss 25 and 51(xxvi) so that they cannot be used to discriminate against Indigenous people.
2010	Queensland Parliament provides preambular recognition of Aboriginal and Torres Strait Islander peoples in the <i>Constitution of Queensland 2001</i> . The recognition includes a clause saying that the changes do not create any legal right or give rise to any civil cause of action.
2010	New South Wales Government proposes to insert a new section into the <i>Constitution Act 1902</i> recognising Aboriginal people.
2010	New South Wales Government introduces a bill to amend the <i>New South Wales Constitution</i> so that it acknowledges and honours Aboriginal people as the traditional custodians of the land. It also includes a clause saying the changes do not give rise to compensation claims. ¹⁰
2010	The Australian Government appoints an Expert Panel to lead the process of consulting and engaging with Australians on the proposal to recognise Indigenous people in the Australian Constitution.

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