

Attachment 1 - Timeline and Overview of findings

Australian Human Rights Commission Submission to the Joint Select Committee on Constitutional Recognition relating to Aboriginal and Torres Strait Islander Peoples – July 2018

Event	Summary of event / response of Social Justice Commissioner
1991	
<p>The Royal Commission into Aboriginal Deaths in Custody (RCIADIC) releases its report</p> <p>Human Rights and Equal Opportunity Commission's (HREOC) National Inquiry into Racist Violence (NIRV) releases its report</p>	<p>Both reports state an ongoing historical connection between past racist policies and legislation and current systemic discrimination and intersecting issues of disadvantage experienced by Aboriginal and Torres Strait Islander peoples.</p> <p>NIRV states that Aboriginal and Torres Strait Islander peoples experience an endemic racism, causing serious racial violence associated with structural discrimination across Australian society.</p> <p>The RCIADIC puts forward 339 recommendations. This includes developing pathways to achieving Aboriginal and Torres Strait Islander self-determination, and the critical need to progress reconciliation to achieve the systemic changes recommended in the report.¹</p>
<p>The Council of Aboriginal Reconciliation (CAR) is established under the <i>Council for Aboriginal Reconciliation Act 1991</i> (Cth). CAR has a 10-year legislated period to advance a process of reconciliation by the year 2001, the centenary of Australia's Federation.</p>	<p>The Act states that CAR has been established because:</p> <ul style="list-style-type: none"> • Aboriginal and Torres Strait Islander peoples occupied Australia before British settlement at Sydney Cove on 26 January 1788; and suffered dispossession and dispersal from their traditional lands by the British Crown. • to date there has been no formal process of reconciliation • as part of the reconciliation process the Commonwealth will seek an ongoing national commitment from governments at all levels to co-operate and to co-ordinate with the Aboriginal and Torres Strait Islander Commission as appropriate to address progressively Aboriginal disadvantage and aspirations in relation to land, housing, law and justice, cultural heritage, education, employment, health, infrastructure, economic development and any other relevant matters in the decade leading to the centenary of Federation, 2001.²
1992	
<p>The High Court recognises native title in the landmark case Mabo v Queensland (No.2) (1992)</p>	<p>Native Title recognises the traditional rights and interests to lands and waters of Aboriginal and Torres Strait Islander peoples.</p>
<p>Prime Minister Paul Keating delivers the 'Redfern Speech'</p>	<p>The speech recognises the history of dispossession, violence and forced removal of Aboriginal children.</p>
1993	
<p>The Aboriginal and Torres Strait Islander Social Justice Commissioner role is established largely in response to the RCIADIC and the NIRV reports</p>	<p>Professor Mick Dodson is the first five-year appointment as the Aboriginal and Torres Strait Islander Social Justice Commissioner at the Human Rights and Equal Opportunity Commission.</p>
<p>The Native Title Act 1993 (Cth)</p>	<p>The preamble of the Native Title Act states that The High Court has:</p> <ul style="list-style-type: none"> • rejected the doctrine that Australia was terra nullius (land belonging to no-one) at the time of European settlement • held that the common law of Australia recognises a form of native title that reflects the entitlement of the indigenous inhabitants of Australia, in accordance with their laws and customs, to their traditional lands

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	<ul style="list-style-type: none"> held that native title is extinguished by valid government acts that are inconsistent with the continued existence of native title rights and interests, such as the grant of freehold or leasehold estates. <p>The Act recognises that as a consequence of past injustices, special measures contained within the Act are necessary to:</p> <ul style="list-style-type: none"> recognise the full rights of Aboriginal and Torres Strait Islander peoples provide compensation for the extinguishment of native title a special right to negotiate be provided to the holders of native title where appropriate not extinguish native title, but revive after a validated act ceases to have effect.³
1995	
<p>Consultations on a Social Justice Package commence – this is third part of the response to the Mabo decision (after the establishment of the NTA 1993 and the Indigenous Land Fund).</p>	<p>The Aboriginal and Torres Strait Islander Social Justice Commissioner, the Council of Aboriginal Reconciliation (CAR) and the Aboriginal and Torres Strait Islander Commission (ATSIC), prepare three complementary submissions for the Social Justice Package. Each submission recommends substantial structural reform to overcome historic violations of Aboriginal and Torres Strait Islander people’s rights.</p>
<p>ATSIC releases the report, Recognition, Rights and Reform, as its submission on the Social Justice Package</p>	<p>ATSIC recommends legislating a set of Social Justice principles⁴ to guide all future negotiations between the Commonwealth and Indigenous peoples to deliver major structural reforms essential to progressing reconciliation. These negotiations include: Constitutional reform and recognition, regional self-government and regional agreements, and the negotiation of a Treaty or comparable document, amongst other measures.</p>
<p>Mick Dodson’s 1995 Social Justice Report strongly puts forward his position on the social justice package as including constitutional reform alongside strategies to progress reconciliation and deliver social justice.</p>	<p>Dodson encourages the Commonwealth Government not to see Constitutional reform as changes to the constitution alone. He states, regarding constitutional work, <i>process</i> is as important as <i>product</i>.⁵ A good process would result in authentic constitutional reform.⁶ His recommendations include:</p> <ul style="list-style-type: none"> Three strategic possibilities for constitutional change, including amendment of the constitution, change in general structures of Australian political life which could involve re-organisation of responsibilities and relations among governments, and the creation of local constitutions to enable Indigenous peoples to manage their own affairs⁷ That the Commonwealth Government establish process and structures for constitutional reform and national renewal Public meetings and resources to enable Indigenous peoples to develop positions to be negotiated with government That structures and process for Constitutional reform are also directed to the renewal of relations between Indigenous and non-indigenous Australians.⁸
1996	
	<p>The Social Justice Package and the social justice strategy are abandoned by the newly elected Commonwealth Government.</p>
<p>Wik peoples v The State of Queensland</p>	<p>The High Court finds that pastoral leases do not give exclusive possession to pastoralists and that native title rights are not necessarily extinguished by the grant of a pastoral lease.</p>

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1997	
Howard Government 10-point plan to address the Wik decision ⁹	Many Indigenous leaders oppose the 10-point plan, seeing it as discriminatory. ¹⁰
Bringing them Home Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families (Human Rights and Equal Opportunity Commission)	The report finds the forcible removal policies are gross violations of human rights, amounting to genocide and systematic racial discrimination. ¹¹ Dodson highlights the continuum between the policy of forced removal and current levels of criminalisation and detention of Indigenous youths, and the resulting entrenched discrimination. Dodson states that the failure to reform juvenile justice law and practice means that Indigenous young people and their families' human rights are being abused. ¹²
1998	
Constitutional Convention is convened by Prime Minister John Howard to address the positions on republicanism in Australia.	The convention recommends that a new preamble to the constitution be drafted. ¹³ Two years following the Convention the Howard Government proposes a new preamble to the Australian people in a national referendum. The proposed preamble includes recognition of Aboriginal and Torres Strait Islander peoples, stating: <i>"honouring Aborigines and Torres Strait Islanders, the nation's first people, for their deep kinship with their lands and for their ancient and continuing cultures which enrich the life of our country."</i> ¹⁴ The preamble fails to pass referendum in November 1999.
The Hindmarsh Island Bridge Case.	The decision in the High Court's Hindmarsh Island Case leaves open the implication that section 51(xxvi) of the Constitution allows the making of laws that are not necessarily for the benefit of Aboriginal and Torres Strait Islander peoples. ¹⁵
The Native Title Act 1993 (Cth) is amended based on Prime Minister John Howard's 10-point plan.	Amendments authorised the states and territories to replace the 'right to negotiate' with a lesser 'right to be consulted', thereby discriminating in favour of non-indigenous interests and removing human rights protections. In 1999 the UN Committee on the Elimination of Racial Discrimination finds that the amendments are inconsistent with Articles 2 and 5 of ICERD. ¹⁶
1999	
	Dr William Jonas is appointed Aboriginal and Torres Strait Islander Social Justice Commissioner.
2000	
CAR marks the end of the formal reconciliation process , presenting two documents for reconciliation at Corroboree 2000. These are: <i>Australian Declaration Towards Reconciliation</i> and the <i>Roadmap for Reconciliation</i> . ¹⁷	In summary, the recommendations in the final report call for: setting benchmarks to overcome Indigenous disadvantage; enshrining principles in legislation for ongoing negotiation and reconciliation between governments and Indigenous peoples; preparing legislation for a constitutional referendum to recognise Indigenous peoples in the preamble, remove section 25, and introduce a constitutional prohibition of racial discrimination; undertaking public education to improve and support reconciliation; putting legislation in place to progress an agreement or treaty process. ¹⁸ CAR's final report: <i>Australia's Challenge</i>¹⁹, is tabled in federal parliament. The report is designed to give effect to the documents presented at Corroboree 2000.
Dr William Jonas's Social Justice Report 2000 outlines a human rights	In implementing the framework, Dr Jonas stipulates the need for constitutional and legislative reform to protect rights at a federal level to

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<p>framework for reconciliation, to ensure the adequate protection of Indigenous rights during the next implementation phase of the reconciliation process.</p>	<p>overcome structural inequalities and systemic racism. He outlined the possible following reforms:</p> <ul style="list-style-type: none"> • Amending the Constitution to guarantee equality and non-discrimination, and where appropriate adopt temporary special measures to overcome inequalities between racial groups • a legislated Bill of Rights (this would allow time for the public to become comfortable with a Bill of Rights, to build support for a referendum to Constitutionally enshrine it). <p>Jonas also states in addressing the ‘unfinished business’ of reconciliation, agreement-making – or treaty – at the national, regional and local levels are critical. He outlines agreement-making as taking place over two stages, as:</p> <ol style="list-style-type: none"> 1) legislating a framework of negotiation, including legislating the ATSIC social justice principles to guide that legislation. 2) amending the Commonwealth Constitution to enshrine protections for the agreements.²⁰
2004	
<p>Tom Calma is appointed Aboriginal and Torres Strait Islander Social Justice Commissioner.</p>	<p>In his first social justice report Calma calls for a targeted response to achieving Indigenous health equality and identifies concerns about a lack of participation of Aboriginal and Torres Strait Islander peoples in government decision making and service delivery.</p>
2005	
<p>ATSIC is abolished</p>	<p>Without ATSIC there is an absence of a representative Indigenous governance structure and national voice to guide decision making on issues that affect Aboriginal and Torres Strait Islander people. The role of the Social Justice Commissioner becomes the sole remaining national Aboriginal and Torres Strait Islander statutory advocacy role in a position to engage with Government.</p>
<p>Reconciliation Australia convenes the National Reconciliation Planning Workshop, held at the Old Parliament House, Canberra.²¹</p>	<p>Four themes emerge from the workshop as a priority in progressing reconciliation. They are: 1. Indigenous disadvantage; 2. Making progress on the rights agenda, this includes constitutional reform and formal recognition of past wrongs; 3. The need for an Indigenous representative body at the national level; 4. The importance of having many networks of reconciliation efforts working together effectively.²²</p>
2006	
<p>In his 2006 Social Justice Report, Tom Calma commits to working with Indigenous organisations and communities to identify sustainable options for establishing a National Indigenous Representative Body.</p>	<p>Calma states the urgent and compelling need for a national Indigenous Representative Body for Indigenous Australians to participate in the decisions made by Government. He sees the lack of engagement with Indigenous peoples at the national level as a major concern, which if left unchanged, will result in systemic problems in Indigenous policy and service delivery.²³</p>
2007	
<p>United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is adopted by the general assembly.</p>	<p>The Declaration provides the foundational principles that enable the advancement of the rights of Aboriginal and Torres Strait Islander peoples. The articles of UNDRP can be grouped under the following four key principles:</p> <ul style="list-style-type: none"> • self-determination • participation in decision-making, free, prior and informed consent and good faith

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	<ul style="list-style-type: none"> • respect for and protection of culture • equality and non-discrimination.²⁴
Social Justice Report 2007 calls for health equality within a generation	In response, the Close the Gap steering committee is established. This is the most authoritative national Indigenous advisory body on Indigenous health. A coalition of more than 40 Aboriginal and Torres Strait Islander and non-Indigenous health organisations and human rights organisations organise and commence the Close the Gap campaign. ²⁵
The Northern Territory National Emergency Response (NTER) legislation is enforced.	The Commonwealth Government enacts the NTER legislation causing the suspension of the Racial Discrimination Act and any discriminatory acts done pursuant of NTER are considered 'special measures'.
2008	
Review of NTER.	In October 2008 the incoming Australian Government pledges to reinstate the Racial Discrimination Act of 1975. The Government holds consultations with Aboriginal communities in the Northern Territory to identify the proper direction for the Northern Territory Emergency Response.
Prime Minister Kevin Rudd convenes Australia 2020 summit.	1,000 people from across Australia convene to imagine a modern Australia. Two groups consider Indigenous issues and determine that substantive constitutional recognition of Indigenous rights is needed. The groups also consider the need to remove racially discriminatory language in the constitution as a priority, and the need for a renewed national dialogue and compact on reconciliation. ²⁶
Apology to the Stolen Generations Prime Minister Kevin Rudd makes a formal apology to Australia's Indigenous peoples, particularly to the Stolen Generations. The Prime Minister also states that Closing the Gap will set concrete targets into the future.	Calma formally responds to the Apology, saying that the foundations for healing to take place had now begun. ²⁷ Close the Gap campaign culminates at the National Indigenous Health Equality Summit. The leader of the Commonwealth Government and Opposition Leader, alongside leaders of Indigenous health peak bodies sign the Close the Gap Statement of Intent in which they agree to work together to achieve equality in health status and life expectancy between Indigenous and non-Indigenous Australians by the year 2030. They agree to develop Indigenous health equality targets and report regularly on progress. ²⁸
National Indigenous Health Equality Summit takes place.	Following the summit all Australian States and Territories, with the exception of Tasmania, have signed Close the Gap Statement of Intent.
In his 2008 Social Justice Report , Tom Calma states that the Apology and Close the Gap are milestone achievements in progressing a new partnership between Indigenous peoples and governments. ²⁹ In response, Calma presents	A summary of the mutually-reinforcing positions for the development of a human rights framework are as follows: <ul style="list-style-type: none"> • A National Human Rights Act: to legislatively entrench the protection of human rights at all levels of government • Constitutional reform: recognising Aboriginal and Torres Strait Islander peoples in the preamble and consultation to look into the removal of section 25 and replacing it with a clause guaranteeing equality before the law and non-discrimination • A national Indigenous representative body: to begin by renewing and progressing negotiations for the social justice package

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<p>mutually-reinforcing positions to achieve an Indigenous human rights framework.</p>	<p>Framework for negotiation: to begin with legislating a set of principles for agreement making. For the framework to include the negotiation of policies such as 'Close the Gap'. Over time, Constitutional protections may be necessary for agreements struck under the framework.³⁰</p>
<p>Tom Calma releases an issues paper on Building a Sustainable National Indigenous Representative Body (NIRB).</p>	<p>The Issues paper outlines lessons that can be learnt from past Australian experiences, what representative bodies are currently in place in Australia and overseas models of representation for Indigenous peoples. The issues paper includes the possibility that a new National Indigenous Representative Body (NIRB) could have a role in the committee systems of the Australian Parliament. This includes two possibilities that the NIRB has:</p> <ol style="list-style-type: none"> 1) a formal role in Budget Estimates hearings 2) a formal role on parliamentary committees of review.³¹ <p>The Government funds the Social Justice Commissioner to conduct extensive national consultations to determine the role and function of an NIRB.³²</p>
<p>The Federal Government establishes a Committee to conduct nationwide human rights consultations. The Committee is chaired by Father Frank Brennan. ³³</p>	<p>In the Australian Human Rights Commission's (Commission) submission to the committee, the Commission states that constitutional amendments are necessary to protect and promote human rights. The Commission recommends the following:</p> <ul style="list-style-type: none"> • Indigenous peoples should be recognised in the preamble to Australia's Constitution • The Australian Government should begin a process of constitutional reform to protect the principle of equality for all people in Australia: • section 25 should be removed from the Constitution • the Constitution should be amended to guarantee racial equality and proscribe discrimination on the basis of race • there should be a comprehensive national inquiry considering: • the exact wording of a constitutional clause to protect the right to equality • the extent to which specific grounds of protection should be included • whether the clause should include any possible limitation.³⁴
2009	
<p>The National Congress of Australia's First Peoples (Congress) is established.</p> <p>UNDRIP is endorsed by Australia.</p>	<p>Congress is established after extensive community consultations that included 80 public meetings in each state and territory and a national summit in Adelaide.³⁵ The primary role of Congress is to formulate policy and advice from an Aboriginal and Torres Strait Islander perspective across government.³⁶</p>
2010	
<p>Mick Gooda becomes Social Justice Commissioner</p>	<p>During Mick Gooda's term he prioritises the recognition of Aboriginal and Torres Strait Islander peoples in the Constitution. From 2010 to 2016, Gooda is involved in all the substantial consultations and reports that take place about constitutional reform. This includes the Expert Panel on Constitutional Recognition of Indigenous Australians (Expert Panel), of which Gooda is as an ex-officio member. Gooda also makes substantial recommendations for how a successful referendum should take effect.</p>

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<p>Reinstatement of the operation of the Racial Discrimination Act in relation to the NTER.</p>	<p>In June 2010, the Australian Parliament passes legislation to "reinstate the operation of the Racial Discrimination Act in relation to the Northern Territory Emergency Response.</p> <p>The Commission noted that, although, since the coming into force of the 2010 Welfare Reform Act, the RDA now applies to decisions and actions done under or for the purposes of the NTER legislation, the amending legislation:</p> <ol style="list-style-type: none"> 1. Did not bring an immediate end to all intervention measures that were racially targeted; 2. Excludes from the scope of the RDA, discriminatory actions already taken under the intervention and 3. Fails to implement the Principles of the Declaration on the Rights of Indigenous Peoples, in particular through its failure to facilitate the exercise of the right to free, prior and informed consent.³⁷
<p>2012</p>	
<p>The Expert Panel on Constitutional Recognition of Indigenous Australians (Expert Panel) delivers recommendations.</p>	<p>A summary of the Panel recommendations are:</p> <ul style="list-style-type: none"> • That section 25 be repealed. • That section 51(xxvi) be repealed. • That a new Section 51A Recognition of Aboriginal and Torres Strait Islander peoples be inserted, • That a new Section 116A Prohibition of racial discrimination be inserted disallowing discrimination on the grounds of race, colour or ethnic or national origin. • That a new Section 127A Recognition of languages be inserted • The Panel also recommended that there be a single referendum question, that referendum proceed only when there is support by all major political parties, and a majority of State governments. • Alongside a referendum campaign there be properly resourced public education and awareness program.
<p>Recognise is established by Reconciliation Australia with funding from the Australian Government to raise awareness about the recommendations of the Expert Panel only and not to propose any specific position.</p>	<p>The Recognise campaign recommends that Australians vote in a referendum to:</p> <ul style="list-style-type: none"> • Remove section 25 – which says the states can ban people from voting based on their race. • Remove section 51(xxvi) – which can be used to pass laws that discriminate against people based on their race. • Insert a new section 51A – to recognise Aboriginal and Torres Strait Islander peoples and to preserve the Australian Government’s ability to pass laws for the benefit of Aboriginal and Torres Strait Islander people. • Insert a new section 116A, banning racial discrimination by government. • Insert a new section 127A, recognising Aboriginal and Torres Strait Islander languages were this country’s first tongues, while confirming that English is Australia’s national language. <p>Funding for the Recognise Campaign ends in 2017 immediately following the presentation of the Uluru Statement to the PM.</p>
<p>The Joint Select Committee (JSC) on Constitutional</p>	<p>Parliamentary Joint Select Committee established to progress constitutional recognition through a consideration of the Expert Panel recommendations,</p>

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<p>Recognition of Aboriginal and Torres Strait Islander Peoples is established.</p>	<p>including those which were not reflected in the Aboriginal and Torres Strait Islander Peoples Recognition Bill 2012.</p>
<p>Stronger Futures Legislation Amendments are enacted</p>	<p>The Commission provides a submission expressing broad human rights concerns, in particular around participation, consent, respect for culture, compulsory acquisition of leases, and discrimination.³⁸</p> <p>With respect to the latter, the Commission recommended that the Stronger Futures Bills be amended to include clauses that specify that in the event of ambiguity, the provisions of the RDA are intended to prevail over the provisions of the Stronger Futures legislation and that the Stronger Futures legislation does not authorise conduct that is inconsistent with the provisions of the RDA.</p>
<p>2013</p>	
<p>Aboriginal and Torres Strait Islander Peoples Recognition Act</p> <p>(2 years operation, extended until march 2018)</p>	<p>The Act:</p> <ul style="list-style-type: none"> • Recognises that Aboriginal and Torres Strait Islander peoples were the first inhabitants of Australia • Commits Parliament to placing before the Australian people at a referendum a proposal for constitutional recognition • Acknowledges the important work of the Expert Panel • Recognises that further engagement with Aboriginal and Torres Strait Islander peoples and other Australians is required to refine proposals for a referendum and to build the support necessary for successful constitutional change.
<p>2015</p>	
<p>The Joint Select Committee (JSC) submits its final report</p>	<p>The Committee recommends that a referendum be held when it has the highest chance of success and that:</p> <ul style="list-style-type: none"> • the government hold constitutional conventions to build support for referendum • conventions be made up of Aboriginal and Torres Strait Islander delegates, with a certain number of those delegates then selected to participate in national conventions • a parliamentary process be established to oversight progress towards a successful referendum. <p>In regards to Constitutional amendment a summary of recommendations are:</p> <ul style="list-style-type: none"> • To repeal section 25 of the Constitution • To repeal section 51(xxvi) but retain a persons power so that the Commonwealth government may legislate for Aboriginal and Torres Strait Islander peoples as per the 1967 referendum result. This could be achieved through the addition of one of the following proposed new sections 60A, 80A and 51A & 116A, • the Human Rights (Parliamentary Scrutiny) Act 2011 be amended to include UNDRIP in the list of international instruments which comprise the definition of human rights under the Act
<p>2017</p>	

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<p>June Oscar AO becomes Social Justice Commissioner</p>	
<p>The Referendum Council Dialogues and the Uluru Statement</p>	<p>The Referendum Council Dialogues take place nationally between December 2016 and May 2017. The purpose is to:</p> <ul style="list-style-type: none"> reach broad agreement on whether and, how to ‘recognise’ Indigenous Australians in the Australian Constitution by combining or modify existing options and ranking options in order of priority. <p>The priorities from each of the First Nations Dialogues were reported to a First Nations Convention at Uluru in May 2017 which resulted in the Uluru Statement from the Heart.</p> <p>The Uluru Statement presents that:</p> <ul style="list-style-type: none"> Sovereignty... has never been ceded or extinguished, and co-exists with the sovereignty of the Crown... With substantive constitutional change and structural reform, we believe this ancient sovereignty can shine through as a fuller expression of Australia’s nationhood. We call for the establishment of a First Nations Voice enshrined in the Constitution. We seek a Makarrata Commission to supervise a process of agreement-making between governments and First Nations and truth-telling about our history.
<p>Referendum Council releases report</p>	<p>Constitutional recommendations:</p> <ul style="list-style-type: none"> The First Nations Voice - is proposed as a body to take its structure from legislation enacted by the Parliament of the Commonwealth, which would also deal with how the body is to be given an appropriately representative character. It is not suggested that the body should have any kind of veto power. <p>The Council recommends that one of the specific functions of the body be to monitor the head of power section 51(xxvi) and section 122. It is proposed that this is achieved through legislative means, and not constitutional amendment.</p> <p>An extra-constitutional recommendations:</p> <ul style="list-style-type: none"> Statement of recognition The establishment of a Makarrata Commission A process to facilitate Truth Telling.
<p>2018</p>	
<p>Recognition Act lapses 27 March 2018</p>	
<p>Parliamentary Joint Select Committee on Constitutional Recognition is established. Call for submissions issued.</p>	<p>The Committee’s Terms of Reference (ToR) is extensive. Three significant points of the ToR are:</p> <ul style="list-style-type: none"> the recommendations from the four major reports on constitutional recognition how Aboriginal and Torres Strait Islander people are engaged in policies and legislation which affect them, and how, self-determination can be advanced, in a way that leads to greater local decision making, economic advancement and improved social outcomes

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<p>The Committee's final report is to be tabled in Parliament in November 2018</p>	<ul style="list-style-type: none">• recommend options for constitutional change and any potential complementary legislative measures which meet the expectations of Aboriginal and Torres Strait Islander Peoples and which will secure cross party parliamentary support and the support of the Australian people.
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¹ Commonwealth, Royal Commission into Aboriginal Deaths in Custody, *National Report* (1991) vol 5.

² *Council for Aboriginal Reconciliation Act 1991* (Cth), s 1.

³ *Native Title Act 1993* (Cth), Preamble.

⁴ For more information on the social justice principles see: Australian Torres Strait Islander Commission, 'Recognition, Rights and Reform: Report to Government on Native Title Social Justice Measures' (1995) pp.11–12.

⁵ Mick Dodson, *Social Justice Report 1995*, Australian Human Rights Commission, p.70.

⁶ Mick Dodson, *Social Justice Report 1995*, Australian Human Rights Commission, p.70.

⁷ Mick Dodson, *Social Justice Report 1995*, Australian Human Rights Commission, pp.106–110.

⁸ Mick Dodson, *Social Justice Report 1995*, Australian Human Rights Commission, pp.76–77.

⁹ Australian Institute of Aboriginal and Torres Strait Islander Studies, *Wik: Coexistence, pastoral leases, mining, native title and the ten point plan*, Native Title Research Unit Research Resource Page. At: https://aiatsis.gov.au/sites/default/files/products/research_outputs_statistics_and_summaries/wik-coexistence-pastoral-leases-mining-native-title-ten-point-plan_0.pdf (viewed 11 July 2018).

¹⁰ Australian Institute of Aboriginal and Torres Strait Islander Studies, *Native Title Newsletter* (April, 1997). At: <https://aiatsis.gov.au/publications/products/native-title-newsletter-april-1997> (viewed 11 July 2018).

¹¹ William Jonas, Moving forward from practical reconciliation to social justice (Speech delivered at the University of New South Wales, Moving Forward: Achieving reparations for the stolen generations, Sydney, 15-16 August 2001). At: <https://www.humanrights.gov.au/moving-forward-practical-reconciliation-social-justice> (viewed 11 July 2018).

¹² Mick Dodson, *Social Justice Report 1997*, Australian Human Rights Commission, pp.60-70

¹³ Law and Bills Digest Group, *The 1998 Constitutional Convention-First Impressions*, Current Issues Brief 11 1997-98 (23 March 1998). At:

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https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/Publications_Archive/CIB/CIB9798/98cib11 (viewed 11 July 2018).

¹⁴ Politics and Public Administration Group, *First Words: A Brief History of Public Debate on a New Preamble to the Australian Constitution 1991-99*

https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp9900/2000RP16

¹⁵ Mick Dodson, *Native Title Report 1998*, Australian Human Rights Commission, p.76.

¹⁶ Mick Dodson, *Native Title Report 1998*, Australian Human Rights Commission, p.13.

¹⁷ Final report of the Council for Aboriginal Reconciliation to the Prime Minister and the Commonwealth Parliament, *Reconciliation: Australia's Challenge*, Appendix 1. At:

<http://www5.austlii.edu.au/au/orgs/car/finalreport/contents.htm> (viewed 11 July 2018).

¹⁸ William Jonas, *Social Justice Report 2001*, Australian Human Rights Commission, p.193.

¹⁹ Final report of the Council for Aboriginal Reconciliation to the Prime Minister and the Commonwealth Parliament, *Reconciliation: Australia's Challenge*, Chapter 10 Recommendations. At:

<http://www5.austlii.edu.au/au/orgs/car/finalreport/contents.htm> (viewed 11 July 2018).

²⁰ William Jonas, *Social Justice Report 2000*, Australian Human Rights Commission, chapter 4.

²¹ Australians for Native Title and Reconciliation, "Are we there yet? Ten years on from the Decade of Reconciliation: A Reconciliation Progress Report" (November 2010). At:

https://antar.org.au/sites/default/files/reconciliation_progress_report_final_0.pdf (viewed 11 July 2018).

²² Tom Calma, *Social Justice Report 2005*, Australian Human Rights Commission, p.265.

²³ Tom Calma, *Social Justice Report 2006*, Australian Human Rights Commission, chapter 3.

²⁴ Australian Human Rights Commission, *Declaration dialogue series*. At:

<https://www.humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/publications/declaration-dialogue> (viewed 11 July 2018).

²⁵ Australian Indigenous HealthInfoNet, *History of Closing the Gap*. At:

<https://healthinfonet.ecu.edu.au/learn/health-system/closing-the-gap/history-of-closing-the-gap/> (viewed 11 July 2018).

²⁶ Megan Davis, 'The long road to Uluru: Walking together – truth before justice' (2018), Edition 60 *Griffith Review*, 17.

²⁷ Australian Institute of Aboriginal and Torres Strait Islander Studies, *Apology to Australia's Indigenous peoples* (13 February 2018). At:

<https://aiatsis.gov.au/explore/articles/apology-australias-indigenous-peoples> (viewed 11 July 2018).

²⁸ Tom Calma, *Close the Gap: National Indigenous Health Equality Targets*, Canberra (18-20 March 2008). At:

<https://www.humanrights.gov.au/publications/closing-gap-national-indigenous-health-equality-targets-2008> (viewed 11 July 2018).

²⁹ Tom Calma, *Social Justice Report 2008*, Australian Human Rights Commission, p.2.

³⁰ Tom Calma, *Social Justice Report 2008*, Australian Human Rights Commission, chapter 2.

³¹ Tom Calma, *Building a sustainable National Indigenous Representative Body – Issues for consideration*, Issues Paper 2008, p.99. At:

<https://www.humanrights.gov.au/publications/building-sustainable-national-indigenous-representative-body-issues-consideration> (viewed 11 July 2018).

³² Tom Calma, *Social Justice Report 2008*, Australian Human Rights Commission.

³³ APO Analysis & Policy Observatory, *National human rights consultation report* (8 October 2009). At:

<http://apo.org.au/node/19288> (viewed 11 July 2018).

³⁴ <https://www.humanrights.gov.au/submission-national-human-rights-consultation-2009>

³⁵ Tom Calma, *Social Justice Report 2009*, Australian Human Rights Commission,

³⁶ Report of the Steering Committee for the creation of a new National Representative Body, "Our future in our hands" - *Creating a sustainable National Representative Body for Aboriginal and Torres Strait Islander peoples* (2009). At: <https://www.humanrights.gov.au/publications/our-future-our-hands-2009> (viewed 11 July 2018).

³⁷ Australian Human Rights Commission, *The Suspension and Reinstatement of the RDA and Special Measures in the NTER*, At: <https://www.humanrights.gov.au/publications/suspension-and-reinstatement-rda-and-special-measures-nter-0> (viewed 11 July 2018).

³⁸ Australian Human Rights Commission, submission to the Senate Community Affairs Legislation

Committee, *Inquiry into the Stronger Futures in the Northern Territory Bill 2011 and two related Bills*. At:

<https://www.humanrights.gov.au/submission-stronger-futures-northern-territory-bill-2011-2012> (viewed 11 July 2018).