



Melbourne Law School

Guidance on how to make a submission to the Joint Select Committee Inquiry into Constitutional Recognition Relating to Aboriginal and Torres Strait Islander Peoples

Workshop
30 April 2018

Contents:

What is the purpose of making a submission to a parliamentary inquiry?	2
What should I put in my submission?	3
What is the process for making a submission?	5
What is the deadline for making a submission?	7

Q: What is the purpose of making a submission to a parliamentary inquiry?

The current **Joint Select Committee Inquiry into Constitutional Recognition Relating to Aboriginal and Torres Strait Islander Peoples** provides an important opportunity for Australians to participate in discussions about the measures proposed in the Uluru Statement from the Heart and the Final Report of the Referendum Council of 30 June 2017.

The aim of making a submission to a parliamentary inquiry is to assist the Committee responsible for conducting the inquiry to discharge their **'terms of reference'**. The 'terms of reference' set out the questions and issues into which a Committee has been asked to inquire and about which it must report to the parliament. The Government is then required to publish its response to the report.

A submission can have value to an inquiry in many ways. It can help the Committee to decide who it might want to invite for a public or private hearing. It can provide needed expertise on particular questions. It can also help the Committee to see where the weight of opinion lies with respect to possible recommendations that the Committee might make as part of its reporting process.

The terms of reference on which the Joint Select Committee Inquiry into Constitutional Recognition Relating to Aboriginal and Torres Strait Islander Peoples has invited submissions can be found here:

https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Constitutional_Recognition_2018/ConstRecognition

Q: What should I put in my submission?

The Committee responsible for conducting an inquiry must investigate only those issues that arise from its terms of reference. This means that submissions made to an inquiry must also **focus only on issues raised in the terms of reference**. The Joint Select Committee has made clear that it will welcome submissions on the following points:

1. A Joint Select Committee on Constitutional Recognition relating to Aboriginal and Torres Strait Islander Peoples will inquire into and report on matters relating to constitutional change, and in conducting the inquiry, the committee:
 - a. consider the recommendations of the Referendum Council (2017), the Uluru Statement from the Heart (2017), the Joint Select Committee on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples (2015), and the Expert Panel on Constitutional Recognition of Indigenous Australians (2012);
 - b. examine the methods by which Aboriginal and Torres Strait Islander Peoples are currently consulted and engaged on policies and legislation which affects them, and consider if, and how, self-determination can be advanced, in a way that leads to greater local decision making, economic advancement and improved social outcomes;
 - c. 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;
 - d. ensure that any recommended options are consistent with the four criteria of referendum success set out in

the Final Report of the Expert Panel on Recognising Aboriginal and Torres Strait Islander Peoples in the Constitution:

- i. contribute to a more unified and reconciled nation;
- ii. be of benefit to and accord with the wishes of Aboriginal and Torres Strait Islander Peoples;
- iii. be capable of being supported by an overwhelming majority of Australians from across the political and social spectrums; and
- iv. be technically and legally sound;
- v. engage with key stakeholders, including Aboriginal and Torres Strait Islander Peoples and organisations; and
- vi. advise on the possible steps that could be taken to ensure the referendum has the best possible chance of success, including proposals for a constitutional convention or other mechanism for raising awareness in the broader community;

What you put in your submission is entirely up to you. **You do NOT need to address all of the issues raised in the terms of reference!** You can focus on just one, or some of them. You should however make clear that your submission has been prepared solely for the purposes of the inquiry. Amongst other things, this is important to ensure that the submission will be protected by parliamentary privilege in the event that it is published.

Q: What is the process for making a submission?

The Joint Select Committee's website contains specific instructions on how to make a submission:

https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Constitutional_Recognition_2018/ConstRecognition

Those interested in doing so should especially note the following:

- (a) You can make a submission as an **individual**, as a **group of individuals**, or as an **association**: it's entirely up to you.
- (b) The **form of the submission is flexible**. For example, if you would prefer to make your submission through a voice recording rather than a written document, this would be acceptable.
- (c) The submission can be as **long or short as you would like** it to be.
- (d) It is fine if **your submission says the same thing as other submissions**. The submission will still be valuable to the Committee as it will demonstrate the extent to which certain issues or recommendations proved to be of particular concern among submissions received.
- (e) If you want to **make a recommendation** for what the Committee should ultimately recommend to Parliament in its report, you should do this in a way that **stands out clearly** from the surrounding text. For example, you could put your recommendation in bold at the beginning or end of your submission.
- (f) There are **different ways to submit** your submission. You can **email** your submission to the Committee's secretariat

(jscqr@aph.gov.au), with or without attachments. The **‘My Parliament’ online portal** is however the easiest route. You can **register** for My Parliament and **‘track’** the Joint Select Committee here:

[https://www.aph.gov.au/Help/My Parliament](https://www.aph.gov.au/Help/My_Parliament). Once you are on the inquiry’s website, you can **‘Upload your submission’**.

- (g) Submissions generally **form part of the public record** of an inquiry. This is what is meant by submissions being ‘published’.
- (h) Your **name will be included** in any submission that is published (unless anonymity is requested). The rest of your personal details will not be published. The ‘My Parliament’ portal allows you to enter your personal details separately from your submission to ensure your privacy. If you have concerns about the privacy aspects of making a submission, you should contact the Joint Select Committee’s Secretariat at jscqr@aph.gov.au.

For further **general guidance** on how to make a submission to a parliamentary inquiry, see:

[https://www.aph.gov.au/Parliamentary Business/Committees/House/Making a submission](https://www.aph.gov.au/Parliamentary_Business/Committees/House/Making_a_submission)

Q: What is the deadline for making a submission?

The deadline the Joint Select Committee has announced for receiving submissions is **11 June 2018**.

The timeframe is tight, but it is designed to serve the Committee's obligation to publish an **interim report** of their findings by **30 July 2018**, and a **final report** by **29 November 2018**.

Should you need more time, you should contact the Committee's Secretariat directly on jscrr@aph.gov.au.