

17 September 2018

Joint Select Committee on Constitutional Recognition
Relating to Aboriginal and Torres Strait Islander Peoples
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**DIVERSITY
COUNCIL
AUSTRALIA**

Joint Select Committee on Constitutional Recognition Relating to Aboriginal and Torres Strait Islander Peoples Interim Report

Dear Committee Secretariat,

Thank you for the opportunity to provide a submission to the *Joint Select Committee on Constitutional Recognition Relating to Aboriginal and Torres Strait Islander Peoples' Interim Report*.

Diversity Council Australia (DCA) is the independent not-for-profit peak body leading diversity and inclusion in the workplace, representing over 520 members, many of whom are Australia's leading and largest diversity employers. We have a wealth of experience providing advice to our members on the business benefits of diversity and inclusion.

The issue of recognition of the unique status of Aboriginal and Torres Strait Islander peoples in our country's history is of significant interest to DCA and our members and we welcome the opportunity to make this submission.

To enable DCA to represent our members' views in this submission, we administered an online survey to our members. In summary, this survey revealed the vast majority of DCA members who responded:

- Supported DCA advocating on their behalf for recognition of Aboriginal and/or Torres Strait Islander peoples in the Constitution, and
- Reported that Aboriginal and Torres Strait Islander peoples are best placed to lead the design of any constitutional recognition.

Further detail on DCA members' views is provided in the attached submission.

Please feel free to contact myself or DCA's Governance, Policy & Research Officer Karla Dunbar on 0410 058 759 should you require any further information about this matter.

Yours sincerely


Lisa Annese
Chief Executive Officer

I. ABOUT DIVERSITY COUNCIL AUSTRALIA

Who we are

Diversity Council Australia (DCA) is the independent not-for-profit peak body leading diversity and inclusion in the workplace. We provide unique research, inspiring events and programs, curated resources and expert advice across all diversity dimensions to a community of member organisations.

DCA has over 520 members, many of whom are Australia's business diversity leaders and biggest employers. Some of our founding members include ANZ Bank, AMP, Boral, Coles, IBM Australia, Myer, Orica, Rio Tinto and Westpac.

DCA is not government funded – its income is generated from membership fees, sponsorships (including for research and events), and services to business.

DCA, formerly known as the Council for Equal Opportunity in Employment Ltd, was established in 1985 as a joint initiative of the Australian Chamber of Commerce and Industry and the Business Council of Australia to demonstrate the business community's commitment to equal opportunity for women.

Our focus since then has expanded to cover all aspects of diversity in employment, reflecting the move in human resources more generally to embrace all areas of workforce diversity.

What we do

We work in partnership with members and thought leaders to generate ground breaking diversity and inclusion projects. DCA identifies internationally emerging diversity and inclusion trends, and brings these first to market to Australia, introducing them in a well-considered way which speaks to Australia's unique context.

Our research and other member services:

- *Establish leading diversity thinking and practice*, enabling Australian organisations to re-imagine and reconfigure the way they manage talent in today's dynamic operating environments.
- *Drive business improvement* through providing evidence-based guidance on how to fully leverage the benefits of a diverse talent pool.
- *Are practice-focused*, responding to the information needs of industry leaders and the people they employ.
- *Speak to Australia's unique institutional, cultural and legal context.*

II. Summary

The issue of recognition of the unique status of Aboriginal and Torres Strait Islander peoples in our country's history is of significant interest to DCA and our members and we welcome the opportunity to make this submission.

DCA, on behalf of its members, seeks to promote and facilitate reconciliation between the wider Australian community and Aboriginal and/or Torres Strait Islander peoples, specifically with respect to better labour market engagement and recognition of the talents and untapped potential of Aboriginal and/or Torres Strait Islander peoples.

Collectively, DCA members represent more than ten per cent of the Australian workforce. We believe it is important for these organisations to express a view on matters of reconciliation as they play a major role in bringing it to life, especially through active engagement with Aboriginal and Torres Strait Islander communities in workplaces and in the wider economy.

Contributing their perspective to the *Joint Select Committee on Constitutional Recognition Relating to Aboriginal and Torres Strait Islander Peoples'* Interim Report is one key way in which Australian organisations can contribute pragmatically to reconciliation.

With this in mind, we surveyed our members with a view to representing their views in this submission to the Joint Select Committee. In summary, this survey revealed the vast majority of responding DCA members:

- Supported DCA advocating on their behalf for recognition of Aboriginal and /or Torres Strait Islander peoples in the Constitution (91%); and
- Reported that Aboriginal and Torres Strait Islander peoples were best placed to lead the design of any constitutional recognition (97%).

Responding DCA members also indicated that they would value additional information and resources to enable their organisation to support a 'Yes' campaign to enshrine appropriate recognition into the Australian Constitution.

On the basis of these views, DCA makes the following recommendations.

1. The Australian government should proceed with a process to achieve constitutional recognition, enshrining in the Constitution a voice to the Parliament.
2. The Australian government should ensure that Aboriginal and/or Torres Strait Islander peoples lead the design of that constitutional recognition.
3. The Australian government should invest in an educational campaign targeting the general population and the business community to raise awareness about the benefits that constitutional recognition would have for all Australians, and how this constitutional recognition would work in practice.

DCA is committed to continuing to consult with and provide support to our members to meet this end, and of doing so with the support and guidance of its newly appointed Aboriginal and/or Torres Strait Islander External Advisory Panel (See Appendix A for Panel Members).

III. Introduction

DCA believes that reconciliation between the wider Australian community and Aboriginal and/or Torres Strait Islander peoples should be foundational to any organisation's diversity and inclusion practice.

DCA, on behalf of its members, seeks to promote and facilitate reconciliation between the wider Australian community and Aboriginal and/or Torres Strait Islander peoples, specifically with respect to better labour market engagement and recognition of the talents and untapped potential of Aboriginal and/or Torres Strait Islander peoples.

DCA has over 520 member organisations, many of whom are Australia's leading and largest diversity and inclusion employers. Some of our founding members include ANZ Bank, AMP, Boral, Coles, IBM Australia, Myer, Orica, Rio Tinto and Westpac. Collectively, DCA members represent more than ten per cent of the Australian workforce.

DCA believes it is important for its members to express a view on matters of reconciliation as they play a major role in bringing it to life, especially through active engagement with Aboriginal and Torres Strait Islander communities in workplaces and in the wider economy.¹

Contributing their perspective to the *Joint Select Committee on Constitutional Recognition Relating to Aboriginal and Torres Strait Islander Peoples'* Interim Report is one key way in which Australian organisations can contribute pragmatically to reconciliation.

In February 2018, DCA's [Building Capability for Indigenous Australia network](#) explored the practical implications for corporate Australia of the *Uluru Statement from the Heart*. This event led to DCA deeming it appropriate and timely to actively consult with and provide support to our members on the issue of constitutional recognition relating to Aboriginal and Torres Strait Islander peoples.

To assist with this, DCA established an [Aboriginal and/or Torres Strait Islander External Advisory Panel](#) (see Appendix A for list of Panel members) to guide and advise us on this process and our broader reconciliation journey.

DCA believed that it was essential to be advised by Aboriginal and/or Torres Strait Islander peoples before putting forward this submission. To that end, DCA consulted with its [Aboriginal and/or Torres Strait Islander External Advisory Panel](#) to develop a survey for our members about how Australian organisations could, and should, contribute to this process. Our panel is made up of respected Aboriginal and/or Torres Strait Islander community members across Country, with representatives throughout Australian states and territories.

¹ Currently 20% of DCA's 520 members have a Reconciliation Action Plan. DCA believes RAPs are an important part of developing respectful relationships with, and meaningful opportunities for, Aboriginal and/or Torres Islander peoples.

IV. DCA Member Consultation

As a member-based organisation, it is important for DCA to reflect the views of members in its submission.

We consulted with our membership via an online survey open only to DCA members, the creation of which was guided by our Aboriginal and/or Torres Strait Islander External Advisory Panel.

Given corporate Australia is relatively new to engaging with the topic of constitutional recognition of Aboriginal and/or Torres Strait Islander peoples, DCA's External Advisory Panel recommended the survey focus on determining the level of support for constitutional recognition rather than the particular form that recognition should take.

DCA has over 520 member organisations, many of whom are Australia's business diversity leaders and biggest employers. Some of our founding members include ANZ Bank, AMP, Boral, Coles, IBM Australia, Myer, Orica, Rio Tinto and Westpac.

The individual members from these organisations include primarily diversity and inclusion practitioners and HR professionals.

We received 34 responses to our survey. This relatively low response rate reflects the low level of confidence corporate members have in expressing a perspective – through DCA's *Building Indigenous Capability Network* we have received feedback that our organisations are interested in constitutional recognition but are not sure where to start.

While the response rate is relatively low, we are confident these responses speak to the views of our overall membership, as the views expressed in the survey are consistent with those shared during DCA's *Building Workplace Capability for Indigenous Australia* network event, which explored the practical implications for DCA members of the [Uluru Statement from the Heart and constitutional recognition](#) and was attended by 225 practitioners.

Moreover, a number of DCA members emailed us to advise that, while their organisation was supportive of constitutional recognition of Aboriginal and/or Torres Strait Islander peoples, they were not able to respond to the consultation survey due to:

- Having insufficient time to engage in meaningful internal consultations before putting forward their organisation's position; and
- Needing to better understand the various forms constitutional recognition could take.

Findings from DCA Member Survey on Constitutional Recognition of Aboriginal and/or Torres Strait Islander Peoples

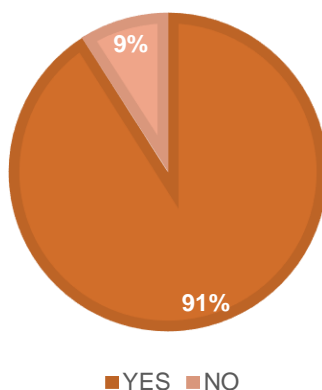
Question	Yes
Do you support DCA bringing the talent and resources of its members together to support and advocate for recognition of Aboriginal and/or Torres Strait Islander peoples in Australia’s Constitution?	91%
Would your organisation support a ‘Yes’ referendum campaign to enshrine a National Aboriginal and/or Torres Strait Islander Voice in the Australian Constitution?	96%
Do you agree that the best placed people to lead the design of any constitutional recognition are Aboriginal and/or Torres Strait Islander people?	97%

1. Do you support DCA bringing the talent and resources of its members together to support and advocate for recognition of Aboriginal and/or Torres Strait Islander peoples in Australia’s Constitution?

The vast majority of respondents to this question responded in the affirmative (91%, 31 DCA members), with only 9% (3 DCA members) responding in the negative – only one explanatory comment was provided in this regard, this being:

‘This is much too broad a statement for me to be comfortable in responding yes to. The Statement from the heart calls for “the establishment of a First Nations Voice enshrined in the Constitution.” When you say “recognition” you may be talking about something entirely different from what Aboriginal and Torres Strait Islanders desire.’

Figure 1. Do you support DCA bringing the talent and resources of its members together to support and advocate for recognition of Aboriginal and/or Torres Strait Islander peoples in Australia’s Constitution?



2. Would your organisation support a 'Yes' referendum campaign to enshrine a National Aboriginal and/or Torres Strait Islander Voice in the Australian Constitution?

Of those who responded to this question, there was overwhelming agreement (96%, 26 responding DCA members) that their organisation would support a 'Yes' referendum, as reflected in the comments below.

'As a company, we would strongly support constitutional recognition for our First Nations people.'

'Yes, provided the referendum question(s) were supported by Aboriginal and Torres Strait Islander communities and representative organisations (in the same way the Uluru Statement from the Heart was).'

Organisations that indicated their support, compared this to their support for the yes vote in the Marriage Equality campaign.

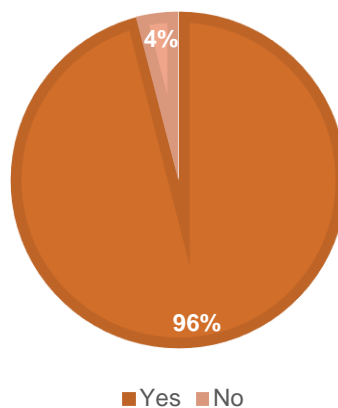
Only one respondent indicated that their organisation would not support a 'Yes' referendum.

Seven respondents indicated they were unable to respond to this question at this time due to:

- The long lead time required to confirm their organisations' formal view;
- Requiring further clarity as to the form a national Voice would take before coming to a corporate decision; or
- Their organisation intending to wait until the *Joint Select Committee on Constitutional Recognition* released its report in November, before coming to a corporate decision.

'I think yes [our organisation would support a 'Yes' campaign] - but I would need to get the formal approval of the senior leadership team before I can definitely say yes. We are currently working on our first RAP and starting to put a focus on Aboriginal and Torres Strait Islander engagement but we are at the very beginning of this journey and, although I think we would publicly support this I can't give a definite answer just yet.'

Figure 2. Would your organisation support a 'Yes' referendum campaign to enshrine a National Aboriginal and/or Torres Strait Islander Voice in the Australian Constitution?



3. Do you agree that the best placed people to lead the design of any constitutional recognition are Aboriginal and/or Torres Strait Islander people?

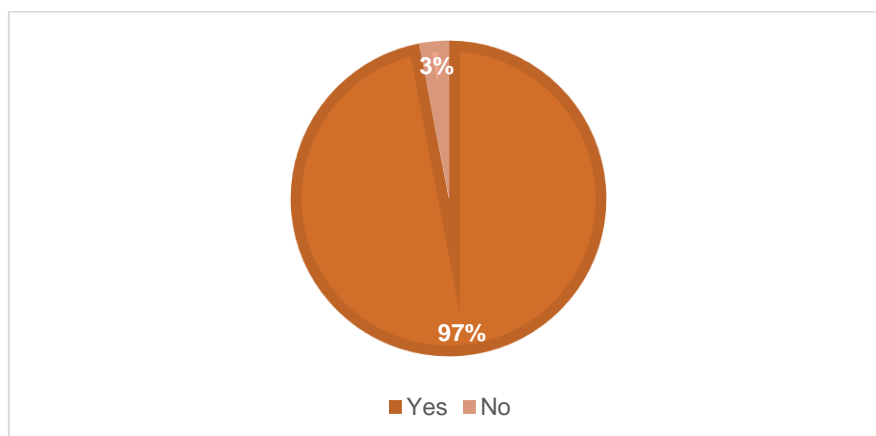
DCA members supported constitutional recognition, though they wanted to be guided by Aboriginal and/or Torres Strait Islander communities when it came to determining the precise form that recognition took.

In all, 97% (32) of survey respondents indicated that they believed that Aboriginal and/or Torres Strait Islander people are the best placed people to lead the design of any constitutional recognition.

'When we think about Inclusive Design in Australia the voices we must listen to are Aboriginal and Torres Strait Islander.'

Only one respondent did not agree with this question.

Figure 3. Do you agree that the best placed people to lead the design of any constitutional recognition are Aboriginal and/or Torres Strait Islander people?



4. What, if any, internal frameworks/governance structures (e.g. Reconciliation Action Plan Committee) does your organisation have to support a 'Yes' referendum campaign to enshrine a National Aboriginal and/or Torres Strait Islander Voice in our Constitution?

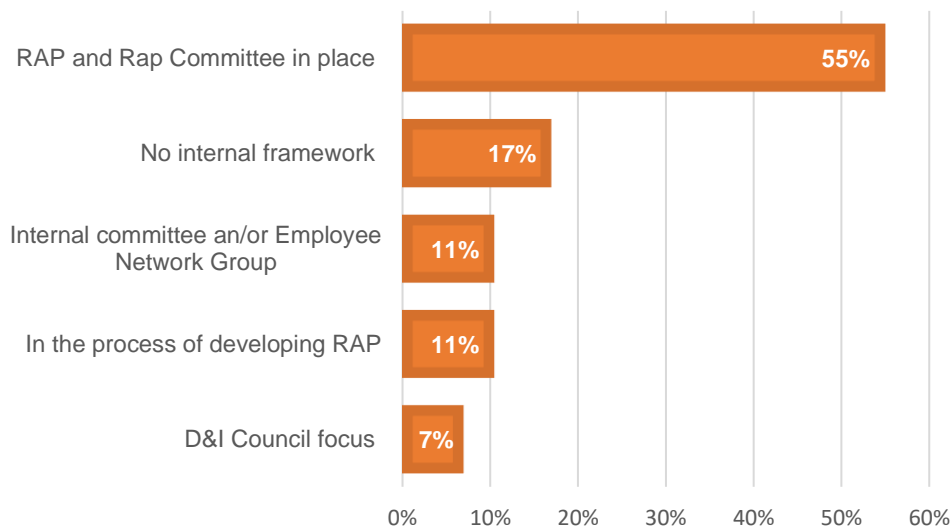
In all, 83% of DCA survey respondents had an internal framework and/or governance structure in place in their organisation that could provide support to a 'Yes' referendum campaign to enshrine a National Aboriginal and/or Torres Strait Islander Voice in Australia's Constitution.

- Most commonly, this internal framework/governance structure took the form of their organisation's Reconciliation Action Committee and Plan (55%).
- A further 11% of DCA survey respondents indicated that they are currently in the process of developing their RAP or setting up a RAP working group.
- Another 11% indicated their organisation had an Aboriginal and/or Torres Strait Islander Internal Committee and/or Employee Network Group.
- 7% of DCA survey respondents stated that their Diversity & Inclusion Council had a keen focus on or was passionate about Aboriginal and/or Torres Strait Islander employee support and therefore could provide support to their organisation.

- One respondent indicated that their organisation has endorsed their support for the *Uluru Statement* in its submission to the committee and hence already had the needed frameworks in place to support a ‘Yes’ referendum campaign.

Approximately 17% of respondents believed that their organisation had no internal framework or governance structure in place to support a ‘Yes’ referendum campaign.

Figure 4. What, if any, internal frameworks/governance structures (e.g. Reconciliation Action Plan Committee) does your organisation have to support a ‘Yes’ referendum campaign to enshrine a National Aboriginal and/or Torres Strait Islander Voice in our Constitution?



5. What, if any, resources does your organisation need to support a ‘Yes’ referendum campaign to enshrine a National Aboriginal and/or Torres Strait Islander Voice in our Constitution?

Nearly half of DCA survey respondents (42%) indicated that they required resources to support a ‘Yes’ referendum campaign to enshrine a National and/or Torres Strait Islander Voice in our Constitution.

Resources described included promotional materials, fact sheets, Indigenous-led video content, infographics and content for social media, and access to speakers.

‘Support to design and implement an effective means of sponsorship of this great cause.’

‘Education tools – easily digestible facts and figures to disseminate to a variable group of stakeholders – social media resources such as short and engaging videos which can be shared – campaign merchandise.’

Many respondents believed this was vital in order to put forward a case to their executive teams.

Another DCA member emphasised the importance of these resources for educating migrant staff who had recently arrived in Australia:

'Indigenous voices who can speak to this and explain it clearly for those whom it is still a foreign concept including staff who have only recently arrived in this country.'

DCA members also indicated their support for engaging with community:

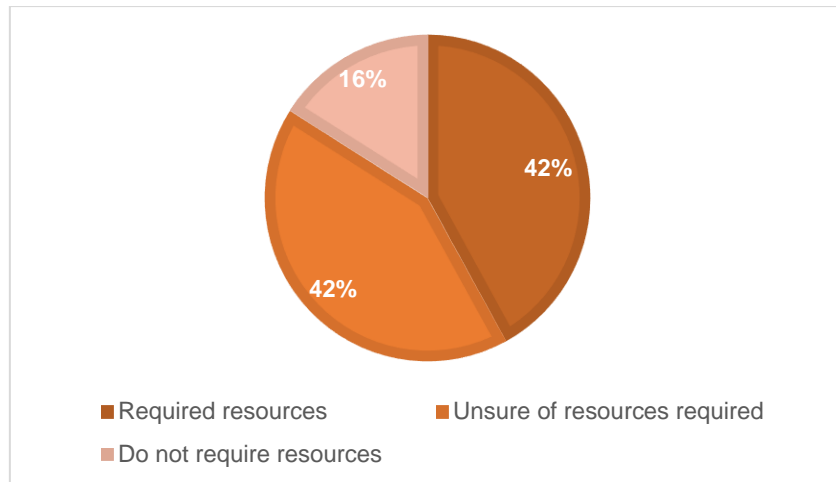
'Stakeholder mapping - what leadership organisations within the Indigenous community should we be working and engaging with to help get this over the line.'

One respondent also expressed gratitude for the opportunity that this consultation and submission to the Joint Committee provided:

'Fantastic that DCA is providing an avenue to support this movement.'

Indicative of the uncertainty of available resources and information available for organisations, 42% of respondents were unsure of what resources they needed.

Figure 5. What, if any, resources does your organisation need to support a 'Yes' referendum campaign to enshrine a National Aboriginal and/or Torres Strait Islander Voice in our Constitution?



CONCLUSION & RECOMMENDATIONS

The issue of recognition of the unique status of Aboriginal and Torres Strait Islander peoples in our country's history is of significant interest to DCA and our members and we welcome the opportunity to make this submission.

DCA, on behalf of its members, seeks to promote and facilitate reconciliation between the wider Australian community and Aboriginal and/or Torres Strait Islander peoples, specifically with respect to better labour market engagement and recognition of the talents and untapped potential of Aboriginal and/or Torres Strait Islander peoples.

Collectively, DCA members represent more than ten per cent of the Australian workforce. We believe it is important for these organisations to express a view on matters of reconciliation as they play a major role in bringing it to life, especially through active engagement with Aboriginal and Torres Strait Islander communities in workplaces and in the wider economy.

Contributing their perspective to the Joint Select Committee on Constitutional Recognition Relating to Aboriginal and Torres Strait Islander Peoples' Interim Report is one key way in which Australian organisations can contribute pragmatically to reconciliation.

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- Reported that Aboriginal and Torres Strait Islander peoples were best placed to lead the design of any constitutional recognition (97%).

Responding DCA members also indicated that they would value additional information and resources to enable their organisation to support a 'Yes' campaign.

On the basis of these views, DCA makes the following recommendations.

1. The Australian government should proceed with a process to achieve constitutional recognition, enshrining in the Constitution a voice to the Parliament.
2. The Australian government should ensure that Aboriginal and/or Torres Strait Islander peoples lead the design of that constitutional recognition.
3. The Australian government invest in an educational campaign targeting the general population and the business community to raise awareness about the benefits that constitutional recognition would have for all Australians, and how this constitutional recognition would work in practice.

DCA remains committed to continuing to consult with and provide support to our members to meet this end, and doing so with the support and guidance of its Aboriginal and/or Torres Strait Islander External Advisory Panel.

APPENDIX A: DCA's Aboriginal and/or Torres Strait Islander External Advisory Panel Members

Kate Russell

Awabakal (NSW)

DCA Aboriginal and/or Torres Strait Islander External Advisory Panel Chair

DCA Board Director

Director Diversity and Culture, NSW Department of Planning and Environment

Luke Briscoe

Kuku Yalanji (QLD)

Co-Founder and Company Director, Indigilab

John Paul Janke

Wuthathi (QLD)

Murray Island (TSI)

Communications Director, Rork Projects

Lauren Letton

Ngarrindjeri (SA)

Narungga (SA)

Planning and Audit Officer, South Australia Police

Thomas Mayor

Zenadth Kes (TSI)

Northern Territory Branch Secretary, Maritime Union of Australia

Jason Mifsud

Gunditjmara (VIC)

Managing Director, Mifsud Consulting

Nareen Young

Inner City Sydney (NSW)

Professor Indigenous Policy (Indigenous Workforce Diversity), University of Technology Sydney