

Agenda Item 9.1

ACKNOWLEDGING JANUARY 26 AND CITIZENSHIP CEREMONIES

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PURPOSE

To provide Council with recommendations on citizenship ceremonies due to the changes of the Federal Government Citizenship Ceremony's rules which now enables ceremonies to be held on three days either side of January 26.

ISSUES SUMMARY

- On 6 December 2022, Council considered a report with detailed recommendations developed through a First Nations led engagement process which has built on the "Let's Talk January 26" consultation process, detailing how January 26 could be acknowledged into the future. At this meeting Council made seven resolutions which acknowledges January 26 as a day of mourning for many First Nations people.
- At the time of the Council meeting, it was a requirement for Local Governments to hold Citizenship Ceremonies on January 26.
- Throughout 2021 and 2022, Council conducted a broad ranging, and deliberative consultation process with the First Nations communities the culturally diverse community and the community more broadly. Those consulted had a clear preference that Citizenship Ceremonies not be conducted at all on that date, and that Council should consider this, along with providing public statements to the community explaining Council's decision and the meaning of the day to First Nations Peoples. It was felt that such an approach acknowledges the truth telling process being undertaken by the Victorian Government and the importance for reconciliation. It would also demonstrate to the First Nations community and broader community that Council is highly in support of reconciliation and recognising First Nations Australian history.
- In December 2022, the Federal Government changed the Australian Citizenship Ceremonies Code; particularly relevant are the rules pertaining to the holding of ceremony events. The Australian Citizenship Ceremonies Code (2022) states: "Councils must hold a ceremony on Australia Day, or the three days prior or the three days after Australia Day."

ATTACHMENTS

Nil.

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OFFICER RECOMMENDATION

That Council:

- 1. Notes the recent changes to the Federal Governments Citizenship Code, which enables Council's to choose to hold Citizenship Ceremonies on dates three days either before or after 26 January;**
 - 2. Discontinues Citizenship Ceremonies on January 26, in recognition that 26 January is considered a day of reflection, mourning and loss for many First Nations Communities;**
 - 3. Schedules future Citizenship Ceremonies in adherence to the Federal Government Citizenship Code rules, on the three days either side of January 26; and**
 - 4. Authorises the Chief Executive Officer to determine the exact date for Citizenship Ceremonies in future years based on operational requirements.**
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BACKGROUND

For some people 26 January is a time to catch up with family and friends, to become an Australian Citizen or to attend a civic event. However for many First Nations People this day signifies the beginning of dispossession, destruction of culture and the separation from families. Consequently, some Australians refer to 26 January as Invasion Day, Survival Day and a The Day of Mourning and deep sadness.

The Nationwide debate around changing the date, saving the date or cancelling the public holiday remains a challenge and there are many perspectives within the community. Council recognises these challenges following the resolution of March 16 2021, officers commenced a broad ranging, and deliberative consultation process with the First Nations communities, the culturally diverse community and the community more broadly.

On 16 March 2021, Council resolved:

That Council engages in a broad ranging and deliberative consultations process with the First Nations and the wider established and newly arrived people of Maribyrnong. The intent of this clear community engagement process is to assist the sitting Councillors in generating a clear direction on how the Maribyrnong City Council should respond to 26 January.

Following the broad ranging consultation, Council resolved on 6 December 2022 to:

1. *Acknowledge that January 26 is a day of mourning for many First Nations people, and the day often symbolises a history of loss and trauma that has occurred since British colonisation and should be marked in a more inclusive and respectful way*
2. *Continue to lower the Australian, Aboriginal and Torres Strait Islander flags to half-mast on January 26 as a symbol of the grief and loss the day represents for many First Nations people*
3. *Continue to hold Citizenship Ceremonies on January 26, in line with the requirement from the Commonwealth, but also invite First Nations People to conduct a Welcome to Country, Smoking Ceremony and/or other appropriate activity to contextualise the day for new Australians*
4. *Invite Traditional Owners to participate in the ceremony, to provide a small gift to new Australians, procured from local First Nations businesses*
5. *Works with local First Nations People to develop and implement better community education regarding First Nations People's experience of January 26*
6. *Writes to the Prime Minister, the Hon Anthony Albanese MP, the Minister for Immigration, Citizenship and Multicultural Affairs, the Hon Andrew Giles MP, the Minister for Indigenous Australians, the Hon Linda Burney MP and the Member for Maribyrnong, the Hon Bill Shorten MP advocating:*
 - a) *that the current requirement of holding of Citizenship Ceremonies be removed from the Australian Citizenship Ceremonies Code 2019 to allow Councils to choose whether to continue to hold ceremonies on January 26;*
 - b) *that the Commonwealth Government consider changing the date of Australia's national day, to one more suitable in order that all Australians can better celebrate equally;*

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- c) *that the Commonwealth Government include First Nations information and history as part of Australian Citizenship tests;*
7. *Table an advocacy motion at the 2023 Australian Local Government Association National Conference in support of First Nations People's experience of January 26*

In December 2022, the Federal Government changed the Australian Citizenship Ceremonies Code; particularly relevant are the rules pertaining to the holding of ceremony events. The Australian Citizenship Ceremonies Code (2022) states: "Councils must hold a ceremony on Australia Day, or the three days prior or the three days after Australia Day."

In addition to the proposed changes to the date of Citizenship Ceremonies, and in line with the previous resolution, Council will continue to lower the Australian, Aboriginal and Torres Strait Islander flags to half-mast on January 26 as a symbol of the grief and loss the day represents for many First Nations people; Traditional Owners were invited to the 2023 Ceremony to participate with a smoking ceremony and Welcome to Country conducted by Uncle Bill Nicholson. Officers sought to provide a small gift to new Australians, procured from local First Nations businesses.

DISCUSSION/KEY ISSUES

1. Key Issues

Key Consultation in relation to 26 January

The broad ranging deliberative engagement process with the First Nations Community, The culturally diverse community and the community more broadly has involves a number of engagements including:

- Big business meetings with Traditional Elders and Councillors
- Focus groups with First Nations Community and culturally diverse communities
- Your City Your Voice surveys
- Postcard surveys
- Annual community survey
- First Nations led deliberative engagement process.

Further deliberative consultation occurred with First Nations People, led by a specialist First Nations consultant, Dawaray Consulting. The consultation included:

- a. A face to face workshop conducted at the Maribyrnong community centre.
- b. One on one conversations with First Nations People who were unable to attend
- c. A survey of First Nations People on initial findings seeking additional feedback to ensure key recommendations were supported.

In addition, the key findings and recommendations were shared with both the Wurundjeri Woi Wurrung Council and Bunurong Land Council, seeking feedback.

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Consultation Themes

Following all of the consultations, officers have conducted an assessment of the comments and verbatim feedback provided by engagement with First Nations, culturally diverse and the broader communities.

Throughout the process, evidence emerged that there are consistent themes that are common to the all of the groups consulted. Whilst there is some variation in the specifics across these three groups, common key themes have nonetheless emerged from the consultation.

The four themes were:

- Key theme 1: Acknowledging 26 January should not be seen as a “celebration” but rather should be culturally inclusive and respectful of First Nations People, based on true reconciliation.
- Key theme 2: Greater cultural understanding and education of the community of Australian history is required
- Key Theme 3: The way we acknowledge 26 January should be led by First Nations People
- Key theme 4: Citizenship Ceremonies on 26 January should be considered and re-imagined

In September 2022 Councillors were provided with a detailed update on the consultation process and findings thus far and requested that a further First Nations led deliberative engagement process occur to support Council to make a decision around a respectful way to acknowledge January 26 going forward.

Subsequently, Dawaray Consulting a First Nations led consultancy firm was engaged and conducted a consultation session with First Nations Community members and organisations, Metropolitan representatives of the Treaty Assembly, the multicultural community as well as Traditional Land Owners. This consultation session built on the previous consultation work that has occurred and enabled a deeper conversation to occur regarding what January 26 could look like going forward for Maribyrnong City Council.

The additional deliberative consultation was wide ranging and covered topic areas that went somewhat beyond the specifics of January 26. However, it was felt that these additional considerations were essential to providing the full context to First Nation People’s views and experience of the day. The recommendation that was made through this engagement process related to this report is the conducting of Citizenship Ceremonies.

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a) Conducting of Citizenship Ceremonies

The consultation found that for many First Nations People, the conducting of Citizenship Ceremonies on January 26 is very challenging. Whilst the desire of some new Australians to become citizens on Australia's national day is understood, the lack of context, education and understanding of the trauma and grief that the day represents for many First Nations People must be addressed. It was therefore seen as critical that Council should invite First Nations involvement in the planning, development and implementation of Citizenship Ceremonies along with being invited guests.

Those consulted had a clear preference that Citizenship Ceremonies not be conducted at all on that date, and that Council should consider this, along with providing public statements to the community explaining Council's decision and the meaning of the day to First Nations Peoples. It was felt that such an approach acknowledges the truth telling process being undertaken by the Victorian Government and the importance for reconciliation. It would also demonstrate to the First Nations community and broader community that Council is highly in support of reconciliation and recognising First Nations Australian history.

In terms of the ceremony itself, greater involvement of First Nations People and Traditional Owners should be included. A Welcome to Country and Smoking Ceremony and/or other appropriate event should accompany the citizenship ceremony(s) to provide greater context, information and inclusion to the day.

Those consulted also advised that Council should invite Traditional Owners to be involved and participate in Citizenship Ceremonies in the welcoming of new citizens in the presentation ceremony and provision of certificates, with an accompanying small First Nations gift procured by Council. Officers advise that this proposal could be accommodated.

The ability to deliver Citizenship Ceremonies on other days enables Council to demonstrate a progressive step towards the broader political movement in relation to First Nations policy at a state and national level, especially with respect to Treaty. It also demonstrates to the First Nations community and broader community that Council is in support of reconciliation and recognising First Nations Australian history.

2. Council Policy/Legislation

Council Plan 2021-2025

This report contributes to Council's strategic objectives contained in the Council Plan 2021-2025 by considering:

- Strategic Objectives
 - Council will proactively lead our changing City using strategic foresight, innovation, transparent decision making and well-planned and effective collaboration and community engagement to support community and economic growth during the ongoing challenges of the pandemic and beyond.

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Legislation

Aboriginal Heritage Act 2006
Aboriginal Heritage Regulations 2018
Traditional Owner Settlement Act 2010
Native Title Act 1993
Racial Discrimination Act 1975
Human Rights Act 1998
Australian Citizenship Ceremonies Code 2022

Conflicts of Interest

No officer responsible for, or contributing to, this report has declared a direct or indirect interest in relation to this report.

Human Rights Consideration

This report complies with the rights listed in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

3. Engagement

As previously presented to Council, engagement related to this resolution includes two consultant led focus groups; one with the First Nations community members and one with Culturally Diverse leaders. As well as two big business meetings with the Mayor, Councillors and Traditional Owner group elders.

In consulting with the broader community an online survey on Your City, Your Voice was used which was complimented by the distribution of 38,000 postcards to every rate payer owned property in the City, this engagement piece occurred between October 2021 and January 2022.

The Annual Community Satisfaction Survey of 800 randomly selected participants was also used to ask the community their sentiments on January 26.

2,688 responses were received through the postcard and online survey engagement.

In addition to this a First Nations led deliberative engagement process was held with First Nations community and organisations, culturally diverse communities, Traditional Land owners and members of the Treaty Assembly.

A further round of First Nations led engagement occurred in November 2022 that supported a deeper and more specific conversation to assist Council's decision making regarding January 26.

4. Resources

This engagement work has been delivered within the existing budget.

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5. Environment

Nil.

CONCLUSION

The “Let’s Talk: January 26” engagement process and the deeper conversation held identified key themes, including the provision of Citizenship Ceremonies. With the recent amendments by the Federal Government to the Citizenship Ceremonies Code, specifically the notable provision which now allows for Citizenship Ceremonies to take place on the three days preceding or following 26 January.

This development presents our Council with a unique opportunity to foster a further sense of respect for the experiences and wishes of First Nations People while also accommodating the sentiments expressed by the broader community.

Addressing this, it is proposed that Citizenship Ceremonies be arranged on a date separate from January 26, aligning with the shared desire for inclusivity and acknowledgment.

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NOTICE OF MOTION: 2023/07 SUPPORT FOR AN ABORIGINAL AND TORRES STRAIT ISLANDER VOICE TO PARLIAMENT

Notice of Motion No: 2023/07

Councillor: Simon Crawford

BACKGROUND

Australia, in contrast to many other advanced nations, has yet to achieve a substantive acknowledgment of its First Nations people.

The Uluru Statement from the Heart calls for a significant reform: the establishment of a First Peoples Voice to Parliament.

This reform represents the initial step outlined in the Uluru Statement, embodying the principles of Voice, Makarrata, and Truth.

The Voice envisions a constitutionally entrenched body of First Nations individuals with a direct conduit to the Federal Parliament. This body would possess the authority to influence legislative measures and policies that impact the First Nations communities.

These three principles, as encapsulated in the Uluru Statement, are crucial components identified by Aboriginal and Torres Strait Islander people for the purpose of healing and progressing as a unified nation.

The concept of "voice" signifies the presence of a First Nations representative within the parliament. This representative body could comprise elected Indigenous Australians who offer informed guidance to the parliament concerning laws and policies affecting their communities. "Makarrata" denotes the fostering of bridges and treaties, while "Truth" involves the acknowledgment of a nationwide process of truth-sharing.

Currently, the momentum for the First Peoples Voice is gaining ground. Nine Victorian Local Government Associations have officially endorsed their support, joined by 38 Councils across the nation.

Moreover, six Victorian Mayors have signed the Mayors for The Voice to Parliament Public Statement, reflecting the growing backing for this reform.

The Maribyrnong Council Plan for 2021-2025 underscores three core themes: "A Place for All," "Future Focused," and "Ethical Leadership."

Within this framework, Objective 4 emphasizes the priority of cultivating pride and identity by recognizing our diverse cultural heritage and the historical significance of our First Nations people.

Objective 5, which pertains to Ethical Leadership, underscores the commitment to upholding human rights and displaying robust social responsibility in all aspects of the Council's operations.

ATTACHMENTS

Nil.

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MOTION

That Council:

- 1. Supports the Uluru Statement from the Heart as part of Council's ongoing commitment to reconciliation;**
- 2. Support an alteration to the Australian Constitution that establishes the principle of an Aboriginal and Torres Strait Islander Voice to Parliament;**
- 3. Will publicly declare support for The Voice to Parliament;**
- 4. Provide opportunities to raise awareness and inform the community about the upcoming referendum; and**
- 5. Looks forward to working with our constituents, other levels of governments and all Australians to take this next step in our shared future.**