



The 2013-2014 Governor-General's Undergraduate Essay Prize is supported by Reconciliation Australia Ltd, trading as Recognise

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Competition entries answered one of the following six questions.

1. The High Court's 1992 Mabo judgment was a radical shift in the Australian legal position regarding Aboriginal and Torres Strait Islander peoples' connection to land. What impact did this have on the relationship between Indigenous and non-Indigenous Australians? Could we see a similar change as a result of Indigenous constitutional recognition?

2. "The experience of the 1967 referendum on Aboriginal people has nothing to tell us about conducting a referendum on Indigenous constitutional recognition in the 21st century." Discuss.

3. Aboriginal and Torres Strait Islander people, as well as others, have been subject to a number of damaging racially discriminatory policies, practices, and attitudes in the past. The Expert Panel on Indigenous Constitutional Recognition has recommended that a constitutional prohibition on racial discrimination be placed on the government, except where it enacts laws "for the purpose of overcoming disadvantage, or ... the effects of past discrimination."

Could such a constitutional provision help us avoid repeating the mistakes of the past?

4. What is the current legal position relating to the ambit of the Commonwealth's legislative power pursuant to the "race power", s 51 (xxvi)? Discuss with particular, but not exclusive, reference to *Kartinyeri v Commonwealth*. In your answer, consider the extent to which, if at all, it is true to say that the Commonwealth Parliament has plenary power to make laws with respect to the people of any particular race, irrespective of whether those laws are for their benefit or detriment.

5. In addressing the Parliament on the passing of the 2013 Aboriginal and Torres Strait Islander Peoples Recognition Bill, the Leader of the Opposition, the Hon. Tony Abbott MP, said: "We only have to look across the Tasman to see how it all could have been done so much better. Thanks to the Treaty of Waitangi in New Zealand two peoples became one nation." Can Indigenous and non-Indigenous peoples become one nation while still maintaining and appreciating that which makes them different?

6. Section 25 of the Australian Constitution permits Australian citizens to be banned from voting on the basis of their race. What were the reasons for the Constitution's drafters including such a section, and is its continued existence consistent with modern Australian values?

The essay must not exceed 2,500 words.

All sources must be cited, however footnotes and bibliography are not included in the word count.