

# INDIGENOUS CONSTITUTIONAL RECOGNITION

## VOX POPULI: VOICE OF THE PEOPLE

compiled by Daniel Threlfall

**'It's the next step to take'**. Aunty Matilda House, Ngannawai Elder (2011)

**'It's time to bring the Constitution in line with contemporary values ... a Constitution that acknowledges and embraces our first people'**. Alexander Ward, President, of the Law Council of Australia (2011)

**'We have the opportunity to build better relationships, to come together and find common ground ... But the nation has to find courage in the quest to recognise Indigenous Australians ... If it is to be a preamble only, why bother? It ought not to be supported. A substantive change should be supported'**. Pat Dodson, Former Commissioner into the Royal Commission on Aboriginal Deaths in Custody (2011)

**'Wrongs have been done to the Indigenous people ... including in the Constitution that binds us all. The lesson is that, so long as racist provisions exist in the Australian Constitution, they stand at risk of being used. The present races power is a relic of colonial thinking'**. Michael Kirby AC CMG, Former Justice of the High Court of Australia (2011)

**'Our Constitution has been frozen since the White Australia policy era ... if constitutional change is to start with wisdom we need to ask Indigenous people what they want'**. Dr Jeff McMullen AM, Director of the Australian Indigenous Mentoring Experience (2011)

**'We don't want to look back at this as a missed opportunity for substantive change. ... The Congress is excited to be involved in this work because it gives the process input from an Aboriginal Representative Body.'** Jody Broun, Co-Chair of the National Congress of Australia's First Peoples (2011)

**'A referendum wouldn't pass in this current racist climate'**. Aunty Grace Smallwood (2011)

**'If we insert words in a new preamble, those words should refer to our prior ownership and possession of the country, it should reflect our pre existing rights to land ... given the political climate, given the history, we have to be realistic about the possibilities we put our support behind.'** Mick Dodson, National Centre for Indigenous Studies (2011)

**'The role of a preamble is to give context to the body of the document. To simply change the preamble would be to include a false statement in the Constitution. The Constitution was not drafted with the intent that it be read in the context of Aboriginal and Torres Strait Islander rights. And it cannot now be said that it was'**. Tony McAvoy (2011)

**'My views don't matter right now ... I'm a white fella ... I'll support what the Aboriginal and Torres Strait Islander Communities want'**. Chris Ronalds, SC (2011)

**'At the moment we don't have one Aboriginal and Torres Strait Islander view'**. Tom Calma, former Race Discrimination and Aboriginal and Torres Strait Islander commissioner, Patron of the Rural Health Education Foundation and National Coordinator of Tackling Indigenous Smoking

**'ANTaR believes that the proposed referendum offers an historic opportunity to recognise the unique identity, status and rights of Aboriginal and Torres Strait Islander peoples as the First Peoples of this nation and to ensure that our founding document reflects contemporary values, including the fundamental principles of racial equality and non-discrimination.'** Jacqui Phillips, National Director of Australians for Native Title and Reconciliation (ANTaR) (2011)

**'Since the 1967 Referendum, Australia has been living a lie. It has patted itself on the back as a fair country, one that treats its citizens equally and, especially, protects the vulnerable...But it also pains me to know that the Constitution still contains a potentially discriminatory power, which can be used by the Commonwealth against our people or, indeed, any other race. And that it still lacks any explicit recognition of us or our place as the First Australians. In order to move beyond superficialities in a unified way, we first need to have an informed and robust discussion amongst ourselves'**. Dr Lowitja O'Donoghue AC, CBE, DSG, Former Chairperson of the Australian and Torres Strait Islander Commission (2011)

**'[It's] a conversation on the subject that is very important for the first Australians of this country and important**

to all Australians who live on Ngunnawal land ... about our place in the Constitution, our nation's foundation document... [It is] one of the most pressing issues of our times, our rightful place in this nation'. Agnes Shea, Ngunnawal Elder (2011)

'A referendum package that will actually do something practical to address the situation of Indigenous people is arguably more likely to gain majority support than one which confines itself to symbolic change'. Sean Brennan, Director of the Indigenous Legal Issues Project at the Gilbert + Tobin Centre of Public Law (2011)

'Instead of pussy footing around the edges of the Constitution the collective effort should be to introduce a whole raft of new legislation based on the principle of self determination ... for constitutional change to be effective

it must come about as the culmination of collaboration between government and Aborigines, reflect the mood of the general public and be part of an agreed grander plan. There is no evidence of any of those features in the current proposal being looked at'. Michael Mansell, Secretary of Aboriginal Provisional Government (2011)

'We (CJPC) are keen to make sure, constitutional recognition, whatever form it takes, goes beyond lip service and tokenism'. Peter Arndt, Executive officer of Brisbane archdiocese's Catholic Justice and Peace Commission (CJPC)(2011)

'We know that we have to come up with a proposition that is acceptable to the broad mass of Australian people across class and party lines...We know that it also needs to be satisfactory for Aboriginal and Torres Strait Islander



people, and we know that it has to be legally sound, and it has to be something that the overwhelming majority of Australians think would be good for all of us and bring us together...Really the time has come to acknowledge that the original Australians are people who are still here, who still have a distinctive law and culture and that that's an ongoing part of Australian life'. Fred Chaney Former Aboriginal Affairs Minister (2011)

**'The 110 year old history of the Australian Constitution has served as a platform for both national unity and cultural segregation. When the Constitution was being developed we were excluded from that conversation, when it was given Royal Assent 110 years ago, we were even expressly excluded in the text of the Constitution. As a consequence, the Constitution did not, and still does not make adequate provision for us as the first peoples of**

**this nation'**. Mick Gooda Aboriginal and Torres Strait Islander Social Justice Commissioner. (2011)

**'It is important that Australians realise that constitutional recognition is not only about Aboriginal and Torres Strait Islander peoples, but is about the nation as a whole... Constitutional recognition can only improve the trust and respect between Indigenous and non-Indigenous Australia and for that reason alone it has the potential to make a real difference to people's lives'** The Hon. Catherine Branson QC, The President of the Australian Human Rights Commission and Human Rights Commissioner (2011)

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