2014

Rights, Recognition and Reconciliation

PRESENTED BY PATRICK DODSON

Ngaji gurrjin. We are meeting tonight on the traditional lands of the Kaurna (pron: Garna) people. I begin, in the ancient and enduring custom of this land, by acknowledging the traditional owners and by paying my respects to your elders and ancestors. I offer my thanks for a warm and generous welcome to your country and I acknowledge your lasting custodianship of it.

I am honoured by the invitation to deliver this year's Lowitja O'Donoghue Oration. I thank Lowitja herself, the Don Dunstan Foundation and the University of Adelaide. I also thank each of you who have made the time to come to this event or to tune in to a broadcast.

I acknowledge:

- Uncle Lewis O'Brien, Kaurna Elder;
- Dr Lowitja O'Donoghue;
- His Excellency Rear Admiral Kevin Scarce, the Governor of South Australia, and Mrs Scarce;
- Senator Nigel Scullion – the Federal Minister of Indigenous Affairs;
- Ian Hunter MP – the South Australian Minister for Aboriginal Affairs and Reconciliation;
- Former Premier and State MPs Lynn Arnold, Greg Crafter and Anne Levy;
- Professor Michael Barber – the Vice Chancellor of Flinders University;
- Professor Denise Kirkpatrick – representing the Vice Chancellor of the University of Adelaide;
- Professor Peter Buckskin and Robyn Layton QC – the co-chairs of Reconciliation SA;
- The Very Reverend Frank Nelson – Dean of St Peter's Cathedral;
- Professor Lester-Irabinna Rigney, representing the Deputy Vice-Chancellor and Vice-President (Academic) at the University of Adelaide;
- Associate Professor Veronica Arbon, director of the Wirltu Yarlu Aboriginal Education Unit, The University of Adelaide.

- Daryle Rigney, Dean, Indigenous Strategy and Engagement Flinders University

As I began to prepare some thoughts on what I might say to you tonight, the seasons up north were turning. Yellow flowers were blooming, the long grass was beginning to dry and die off, signalling the salmon were running, and the set of tasks and obligations for our people in managing country ticked over into the next part of the cycle, the season of Wirralburu.

Such management of country is guided by a deep knowledge of the land that has sustained civilisation in the harshest continent on earth over millennia – by sophisticated and clever design, rather than any imagined fluke or coincidence. And yet regrettably many Australians remain less than familiar with stories like this of our nation's origins, and of the remarkable achievements of the first Australians. I suggest that one of the underlying reasons this unfamiliarity persists is in part because modern Australian's founding document, the Constitution of Australia, continues to remain silent about this history of occupation.

So tonight I want to speak to you about the constitutional recognition of Aboriginal and Torres Strait Islander peoples, and the once in a generation opportunity that we have to address this silence.

I want to talk a little about the recommendations of the Expert Panel and urge our political leaders and the committees charged with deliberating further on the model of recognition and assessing public readiness to be bold, and to have courage and confidence in the Australian people. I ask that they do not give us cause to walk away from this moment of promise.

I also want to put the struggle for rights and recognition into some perspective and acknowledge the dedication, leadership and resilience of my fellow Aboriginal and Torres Strait Islander Australians, whose determination has brought us this opportunity at long last.

I want to speak briefly to the handful of doubters who seek to bring fear where there is need for none. And I want to recognise the growing movement of mainstream Australians who understand the rareness of the opportunity before us, and who are working together for this chance to make Australia a better place for all of us. One that will improve our international standing and respect if we get it right. No doubt our derision if we don't.

On Rights

In many respects, Lowitja O'Donogue's life reveals and reflects a little of our Nation's evolution. Taken from her Yankunytjatjara (pron:yan-kun-jarra) mother as a two-year-old, she was raised in the Colebrook Children's Home.

There was time spent as a domestic servant for a family with six children before blazing a trail into the world of nursing to become one of the first Aboriginal nurses in South Australia. She helped to push open many doors that had been shut to Aboriginal people, through activism in the Aboriginal Advancement League and as part of the movement of black and white campaigners who gave us the resounding 1967 Referendum victory.

A long and distinguished career in public service would follow, accumulating enormous public regard and recognition. She would lead landmark negotiations on native title and chair ATSIC; become an Australian of the Year, a National Living Treasure, and an Order of Australia amongst her many honours. In time, too, would come a reunion with the mother who had yearned for her through all those lost years, and whose language and country and culture Lowitja was denied in that long and painful separation.

Hers is a story that should remind younger generations of Australian about the injustices and exclusions of law and policy, and the prejudice that Aboriginal and Torres Strait Islander people have endured in our own land. It should also spur them on to question the unjust foundations for such laws and policies so they might work to make Australia a better place.

Equally, it should remind us of the determination, courage and perseverance of the many who worked to create a better future, a more just future, for our people and our nation. And it gives us a glimpse of how we have worked methodically and constructively to help the country take each next step forward.

Discipline, stamina and resilience are required to achieve outcomes of great moment. In this, history can be our guide. Each of those watershed moments of the last century – the Day of Mourning in 1938, the Yirrkala bank petitions in 1963, the Gurindji walk-off of 1966, the Referendum victory of 1967, the *Northern Territory Land Rights Act* of 1976, the Royal Commissions into Aboriginal Deaths in custody, the 'Bringing Them Home' Report on the Stolen Generations, *Mabo* and – and the 2008 Apology – each of them came after sustained and resolute effort by our own leaders and by non-Indigenous leaders who stood with us.

None of these events by themselves resolved every issue that confronts our people. But each of them took us a step forward, so we could then contemplate another.

Don Dunstan's personal story reflects another part of this jigsaw of progress. For in his powerful legacy as a social reformer, whether it was campaigning for justice for my friend Max Stuart, advocating alongside Aboriginal people for land rights in South Australia or supporting the advocacy of the 1967 Referendum campaigners, he remains fondly remembered by many. Personal courage and leadership are always associated with his legacy.

It is also heartening to watch the passion and commitment of the next generations of young campaigners for this recognition Referendum – younger leaders like Tanya Hosch and Jason Glanville and Shannan Dodson along with Charlee-Sue Frail and Pete Dawson and all of their many contemporaries who are helping to build the movement of recognition.

On the walls of our Yawuru office hangs a series of art panels from an exhibition called: 'Opening the Common Gate: Challenging the Boundaries in Broome'. The term common Gate referred to a fence line on the outskirts of Broome that was used to keep cattle out of the town, but following the passing of the 1905 Aborigines Act was used as a physical boundary to keep 'natives in law' out of the town.

This exhibition was developed to commemorate the 40th Anniversary of the 1967 Referendum, and tells personal stories of local people's experience with laws and policies that sought to segregate, marginalise and exclude them. This segregation is explicit in a 1928 map of Broome, which is reproduced on one of the exhibition panels. This map shows the demarcated zones where people of different nationalities could live, with each house colour-coded according to the race of the occupants – Blue for Whites, Green for Aborigines and 'half-castes', Red for half-castes, Asiatics and 'FB's (for 'full-bloods') and Yellow for 'Asiatic only'. Underpinning this formalised discrimination in Broome was the White Australia Policy and the Aboriginal Protection policy, both of which were informed by the racist thinking of the time. This happened not just because it was the policy of the era, but also because notions of race that informed the drafting of our Constitution gave confidence to all those who pursued such policies.

As Australians we still live with the original dispossession of Aboriginal and Torres Strait Islander peoples and the devastating impact of colonisation on Indigenous peoples of this continent.

We live with a history that has involved systematic efforts to wipe out the rich cultures and languages that existed before any permanent European presence. The devastating death tolls of the frontier wars and the forced exile of Indigenous people from their spiritual and ancestral homelands; the displacement and destabilisation of families; and the efforts to wipe out traces of our very being, were part of the settler history of this country.

People of my parents' generation lived with formal discrimination and servitude; they were treated as second-class citizens on their own lands and had their lives subjected to intrusive administrative surveillance and control.

The disadvantage and dependency that some of our people experience – the chronic poverty, the poor health, the substance abuse, family violence and high incarceration rates – cannot be divorced from this history. Our disadvantage is not ahistorical – it has a history of structural violence – which we must deal with in order to be liberated from the past.

This has always been part of the challenge of the Reconciliation – truth, mercy, justice, forgiveness – each goes to the hard work of building peace and reconciliation. Each requires a personal decision – a choice – to acknowledge and repair the wrong, to re-build trust, to let go of the grievance and re-set the relationship.

I speak of these heart-breaking parts of our national story not to dwell on the past or become stuck in it – but so we might go forward – with an understanding of why race and discrimination should no longer be part of our legal framework – and why meaningful Recognition of Indigenous people is a cause worth fighting for.

On Recognition

I was part of an Expert Panel established by the Gillard Government in 2011. The Expert Panel comprised of 22 Australians from diverse backgrounds and political persuasions and was co-chaired by Mark Leibler and myself. I want now to outline some of our recommendations.

The Expert Panel's task was to consult on possible options for Aboriginal and Torres Strait Islander peoples of Australia to be recognised in the Australian Constitution. We had one year to report back. During that time we consulted as widely as we could, received numerous submissions and sought extensive advice from Indigenous leaders and constitutional law experts. We also gathered data through research, surveys and polling.

When formulating our recommendations, the Panel were guided by four principles. These principles were that each proposal must be technically and legally sound, and be capable of being supported by an overwhelming majority of Australians from across the political and social spectrums. In addition, they had to be of benefit and accord with the wishes of Aboriginal and Torres Strait Islander peoples, and contribute to a more reconciled nation.

The Expert Panel recommended five specific changes to the Constitution. I will briefly outline them, and then talk about some of the options we recommended. I urge those who have not already done so to read our Report. It is on the 'Recognise website' and there is a plain English version.

The Panel proposed changes that entail the removal of two sections and the insertion of three sections to the body of the Constitution.

- Firstly, we recommended the removal altogether of section 25 of the Constitution. This is a section that still enables the states to disenfranchise people on the basis of race.

- Secondly, the Panel recommended the removal of section 51(26), otherwise known as the race power.

- Thirdly, the Panel recommended that a new power – section 51A – be inserted to replace 51/26. This new section 51A would contain a preambular statement and give the Commonwealth Parliament the power to pass laws for Aboriginal and Torres Strait Islander peoples.

- Fourth – the Panel recommended the insertion of a non-discrimination provision – section 116A. Such a provision would prohibit the Commonwealth, States and Territories from discriminating on the basis of race, colour or ethnic or national origin, but would still allow for laws to address the effects of past discrimination, to

overcome disadvantage amongst a group of people, or to protect the culture or heritage of any group.

- The Fifth recommendation was the insertion of a new section 127A that affirms English as the national language of Australia and recognises Aboriginal and Torres Strait Islander languages as a part of our national heritage.

The Commonwealth Parliament passed the Act of Recognition in 2013 to ensure that this matter is progressed by Parliament within two years. The recommendations of our panel are now being considered by a committee of the Commonwealth Parliament, Chaired by Ken Wyatt MP with Senator Nova Peris as Deputy Chair. This committee is tasked with the responsibility of finalising the question or proposition to be put to Parliament in the form of a Bill, and then to the Australian voters by way of a Referendum.

The call for constitutional recognition of Aboriginal and Torres Strait Islander peoples is not new. Throughout the last century many Indigenous groups and leaders have noted the glaring omission in the founding document of our nation state. Most notable were the 1967 Referendum campaigners, who helped bring about one of the most successful Referendums in our country's history. This was no mean feat, as a double majority was required – that is a majority of 'yes' votes by those eligible to vote in a majority of the states.

Australia does not have a very good record of voting 'yes' in a Referendum, with only 8 out 44 Referendums delivering a successful outcome. The 1967 Referendum was won with more than a 90% 'yes' vote, making it a great source of inspiration – a testament not only to the perseverance and hard work of those who campaigned for decades to bring about this reform; but to all Australians who voted overwhelmingly to end the constitutional exclusion of Aboriginal people from the national polity.

In this respect, I regard the 1967 Referendum as a pivotal turning point in the relationship between Indigenous and non-Indigenous Australians – arguably one of first steps we have taken as a nation on the long journey toward reconciliation.

While the 1967 Referendum addressed the provisions that expressly excluded us, it did not deal with the recognition of Indigenous peoples. Nor did it eliminate the potential for laws in Australia to be racially discriminatory. Both section 25 and section 51(26) in their current form allow for the making of laws by reference to the concept of 'race'.

Section 25 gives the states the ability to disenfranchise people on the basis of race. Even though there are consequences for the state in terms of their representation in the House of Representatives if they were to do this; it still remains that the Australian Constitution permits the states to discriminate against an entire race of people by excluding them from voting. By any standards, this is simply unacceptable.

When we turn to Section 51(26) we are confronted with the same potential for discrimination. The intent of this power was clear from the outset. As Sir Edmund Barton – the man who would go on to become Australia's first Prime Minister said in 1898, it was regarded as necessary 'to regulate the affairs of the people of coloured or inferior races who are in the Commonwealth'. It is no surprise then that first Act passed under this head of power was the *Immigration Restriction Act,* an act that laid the foundations of the 'White Australia Policy'.

As it currently exists, section 51(26) allows the Commonwealth to make laws for people of any race for whom it is deemed necessary. Prior to 1967, Aboriginal people were expressly excluded from this power. In the main this was because Aboriginal people were regarded as being the responsibility of the States, rather than the Commonwealth.

Following the 1967 Referendum, the words prohibiting the Commonwealth from passing laws for Aboriginal people under section 51(26) were removed. This enabled the Commonwealth to use this head of power to pass national laws for us, and therein to assume greater responsibility for Indigenous affairs.

However, relying on the race power for law-making was not without concern. During the parliamentary debate people like Sir Robert Menzies and Billy Snedden – both members of the Liberal Party – warned about the potential for unfavourable use of the race power in its current form if Aborigines were included. Billy McMahon argued it should only ever be used in a favourable manner, but we now know from the Hindmarsh Island Bridge Case there is no requirement for the laws passed under this head of power to be for the benefit of a group of people. This means that laws which have an adverse or discriminatory effect on a particular 'race' of people can also be passed.

It thus remains that in at least two important respects our Nation's Constitution wants for something imperative and fundamental. Firstly, it makes no reference to Indigenous people's occupation of this land prior to British settlement, and it contains anachronistic

race provisions that do not reflect our modern values or our obligations under international conventions to eliminate racial discrimination.

To complete the work of those leaders of the 1967 Referendum we must ensure that the laws passed for our people cannot be for an adverse purpose. In order to do this we must deal with the race provisions once and for all, and eliminate race as a basis of law-making. Nor can we ignore the discriminatory potential of section 51(26). If we are to sever any future legal interpretation based on that abhorrent thinking about 'inferior or coloured races' we must consign the 'race power' to the dustbin of history.

That is why the Expert Panel proposed deleting the race power altogether, and recommend the insertion of a new head of power – section 51A. This new section would provide recognition of our unique status as the First Australians through the inclusion of a preambular statement, and give the Commonwealth Parliament the power to make laws with respect to Aboriginal and Torres Strait Islander peoples. The Panel also found a new head of power, such as the proposed section 51A, was necessary because repealing section 51(26) would have implications for the validity of legislation enacted previously under 51(26). This includes legislation like the Native Title Act.

With regard to a preamble, the Expert Panel took the view that a preamble of 'no legal effect' would not be in accord with the wishes of the majority of Indigenous Australians, and would likely be regarded as tokenistic and half-hearted. There were also a number of other issues to do with structure and content, which indicated that the proposition of a stand-alone preamble would not be straightforward. This is why the Expert Panel recommended that the preambular statement of recognition be incorporated into the new section 51A. The words proposed were:

> Recognising that the continent and its islands now known as Australia were first occupied by Aboriginal and Torres Strait Islander peoples;
>
> Acknowledging the continuing relationship of Aboriginal and Torres Strait Islander peoples with their traditional lands and waters;
>
> Respecting the continuing cultures, languages and heritage of Aboriginal and Torres Strait Islander peoples;

> The Parliament shall, subject to this Constitution, have power to make laws for the peace, order and good government of the Commonwealth with respect to Aboriginal and Torres Strait Islander peoples.

We also proposed that as a modem democracy our Constitution should provide a guarantee against racial discrimination. To that end, we proposed that a new Section 116A on non-discrimination should also be adopted. Such a provision would prohibit the Commonwealth, State and Territories Governments from passing laws that discriminate against people on the basis of their race, ethnicity or nationality. Such a guarantee is a feature of other constitutions, including both Canada and South Africa.

There is clear and compelling logic of how these proposals fit together as two halves of the whole – the recognition of Aboriginal and Torres Strait Islander peoples and non-racial discrimination against any citizen.

You can't have the recognition of Aboriginal and Torres Strait Islander peoples and then maintain the ability of the Commonwealth to racially discriminate against us.

The racial non-discrimination protection proposed in section 116A affirms the principle that all citizens of this country should be protected from laws that discriminate on the basis of race, ethnicity or nationality. In this regard, it is a protection for all – not just Indigenous Australians.

The proposal for a racial non-discrimination provision is not a one-step Bill of Rights. At the end of the day, our Constitution is not like the American Constitution. It is primarily concerned with setting out the powers of the Commonwealth Parliament, the Executive and Judiciary. In this regard, it says more about institutions and their powers rather than the rights of citizens.

Lowitja once remarked: 'Our Constitution says little about what it means to be Australian. It says nothing about how we find ourselves here, save being an amalgam of former colonies of Britain. It says nothing of how we should behave towards each other as human beings and as Australians.'

I also want to take the opportunity to say a few words tonight in that broader context of reconciliation about the proposed changes to the *Racial Discrimination Act* and to stand

with the many Indigenous people, Jewish and the ethnic communities who have voiced such powerful and passionate objections.

Perhaps it is easy when you haven't experienced racial abuse almost daily over a lifetime to think that the only solution needed to racial hatred is a debating society.

Yet for every Australian who has known the experience of seeing or reading another human being's racist venom directed towards you – based on the colour of your skin or the ancestry you have – we know the damage it inflicts on us, and most heartbreakingly, on our children and grandchildren. It can make us ill and sap our confidence. It drives us out of places and spaces where we have every right to learn and earn and live our lives like any other Australians. It is not a triviality.

We have recently seen the courage shown by Adam Goodes in confronting such racism, and the ability of these moments to unify all Australians in eliminating behaviour that is clearly at odds with our national character.

We need the ongoing signal that is sent by the law, which says that some modest recourse should be available to any of us when foul racial abuse or hatred is directed towards us. Under the current laws, it's important to note that people can still say and do things that are racially offensive – so long as they also meet the test of doing so 'reasonably and in good faith' in a fair and accurate report on a matter of public interest or a debate on public policy. Free speech is not the problem, its expression in a responsible and respectful manner is what is important.

Keeping such modest protections is part of the greater national project of reconciliation, of helping us to live alongside one another with respect, with more cohesion and with empathy and humanity. Of appreciating our diversity of cultures and celebrating our common humanity rather than discriminating against another on obnoxious notions of race or out of some misplaced sense of superiority.

The recommendations of the Expert Panel need to be weighed fairly and honestly. We need to be able to carry the proposals for recognition and non-discrimination in great numbers, but we also need those tasked with deciding the proposition to be put to electors to deliver something worth campaigning for. If there is no attempt to deliver substantive reform that

will be meaningful for Indigenous and non-Indigenous Australians, we should not be proceeding to a Referendum.

I want to say to those men and women who are serving the nation in that task – and indeed to the Prime Minister and his Cabinet colleagues who will consider their draft proposal – that we should seek the best model and we should be courageous about it. Recognition of Aboriginal and Torres Strait Islander peoples goes to the heart of what type of nation we want to be. Are we people who shrinks from the uncomfortable truth of the past? Or a Nation that is mature and capable enough to address a wrong and make our Constitution something we and the next generation can take pride in.

The rest of us can play our part in that outcome by letting the political leadership know that there is support for meaningful, unifying and responsible reform. We can reassure them that we are ready to begin a new chapter.

We need to make it clear to the whole world and to future legislators that we value our country's unique Indigenous heritage and traditions. We need to recognise the first Australians and continue down the pathway that will enable us to genuinely reset the relationship.

In order for this to be a powerful unifying moment, we also need to ensure that this is carried by the highest possible percentage of Australians with Aboriginal and Torres Strait Islander support. But, all of the groundwork needs to be complete before a final date can be set for this Referendum. And this is where every one of us has to work hard and play a role.

So tonight I ask you to apply yourself to building the groundswell of popular support further and deeper and wider among the Australian people. This will not happen without your active involvement, and the active involvement of many other Australians like you.

I urge you to join the 'Recognise movement' at recognise.org.au, and add your name to the more than 185,000 Australians who have already registered their support for this Referendum.

I ask you to talk about why this is important to you, wherever you go. Make clear your own aspirations – be informed, and familiarise yourselves with the Expert Panel's Report and its recommendations. Be on the record with your views to your representatives and institutions.

It is important to have a constructive debate and to consider carefully what the proposition means for us as a Nation. However, we should distinguish between those simply wanting to bring fear and division, and those that may have legitimate insights into how a head of power could achieve meaningful and respectful recognition of Aboriginal and Torres Strait Islander peoples.

It's important to remember that even in the lead-up to Federation, there were some who fretted and frowned and got themselves tied in anticipatory knots about the move to bring the colonies together into one nation. There were claims it could suppress wage increases. Claims it may lead to Melbourne becoming the national capital. Wild assertions that trade would 'not be allowed to follow its natural channels' and that Federation would 'lower the value of all property'.

When the *Mabo* and *Wik* judgments were handed down, we heard some ludicrous statements as well – that recognising native title would lead to people losing their backyards; that Native title would ruin the mining and pastoral industries and Australia would be divided forever. There were attacks on our High Court for passing such rulings. But twenty years have now passed and has the sky fallen in? In fact, some of the most vocal opponents of native title – the mining and pastoral industries – are now among the biggest supporters of reconciliation and have working relations with Aboriginal peoples.

We need to consider any unintended consequences that may arise in advance. We need to be responsible and cautious, but we also need to be brave.

Symbolism over substance will simply not suffice. We must demand that the way forward be meaningful and just, not out of a sense of guilt but out of what we know to be right. This will be a moment of truth for us, and so we must insist upon the search for the highest truth to prevail in our seminal document.

Tony Abbott, just seven months before he became Prime Minister, had the measure of what this project meant for the country when declared that without constitutional recognition of the fact that people were [initially living] here, Australia would remain 'an incomplete nation and a torn people'.

In recent decades, many other settler societies around the world have recognised Indigenous peoples or cultures or languages in their Constitutions. Canada, the United

States and New Zealand have long-standing Treaty Rights. And in Denmark, Norway, Sweden, the Russian Federation, Bolivia, Brazil, Colombia, Ecuador, Mexico, the Philippines and South Africa, there are constitutional mentions or powers about some aspects of their nation's Indigenous cultures, tongues or people. This doesn't mean every issue that confronts these societies and their Indigenous populations has been perfected. But it has meant that there has been a time in the lives of each of these nations when each acknowledged that people were already living there at the time of settlement.

We should be striding together, neither one in front nor behind, but alongside each other to rectify what has long been an omission – that the modern Australian Nation-state of Australia is established on the lands of Indigenous people with a history of occupation that spans millennia.

It's important to remember that before European arrival, Aboriginal and Torres Strait Islander peoples had both rights and obligations in our country. We had rights and obligations to manage and renew the land. We had trade rights. We had rights and obligations to practice ceremony and pass down the law of the land from each generation to the next. Rights to induct and educate our generations to become aware of their obligations and responsibilities. In all ways we were sovereign peoples of the ancestral lands and waters that we occupied.

There may be those amongst the Aboriginal and Torres Strait Islander peoples who prefer to maintain a separate sovereign position. I understand this perspective and respect those views.

On the matter of Treaty – which is dear to the hearts and minds of many Indigenous people – the Expert Panel came to the view that this was a matter that required political resolution and negotiation first, a task that was simply beyond the terms of reference of the Panel. Constitutional recognition in this respect does not foreclose on sovereignty, treaty or agreement-making.

Opportunities to change the Constitution come along rarely. It is a chance for the people of Australia to come together knowing their sovereignty is not being challenged; nor is that of the Indigenous people. Constitutional Monarchy is not being overturned and the rule of law is not being changed. The Constitution tomorrow will still set out our policy and institutional arrangements.

On Reconciliation

The vision I hold is not one of separate existences but co-existence on principles of acknowledgement, respect, law and unity. As the Reconciliation Council's view spoke of – a united Australia that respects this land of ours, and values the Aboriginal and Torres Strait peoples.

In the early days of the Council for Aboriginal Reconciliation, we sought to help find common ground between people who had felt none before.

On one trip, the late great Rick Farley from the National Farmer's Federation and I brought together the cattlemen of the Kimberley to try and help them bridge the divides.

The white stockmen complained about Aboriginal people camping on properties leaving gates open. The Aboriginal stockmen took issue with being locked out of their own traditional lands, and with being disrespected. It took a while before we could find the unity of common ground. But find it they did.

As these men talked, they realised what it was that united them – rather than what divided them. It was a common pride and stake in the iconic industry they all shared. And when they came together to talk about how they could work together in that way, it helped to take many of the other 'burrs out from under the saddle' of their relationship.

That is not to say that everything was perfect. We are a work in progress, after all, as human beings and as a nation. We come from diverse backgrounds and understandings, but we are all Australians. We have to aspire to bring the best out of each other on the basis of mutual respect and acceptance. Less than that and it becomes very undignified.

And so I return to where I began – to the task of finding our common ground ever more firmly as a Nation.

If the country can come together around our Indigenous heritage, and our ongoing place in the heart of the national identity – no longer forced to live constitutionally outside the Common Gate – we can then responsibly look to building a better society.

It will be an honouring of those Australians who sought constitutional change for the better in the past. A service to ourselves and each other as an act of unity and reconciliation. A service to future generations of Australians. An opportunity to repudiate *terra nullius* and

co-create a new narrative for the modern Australian-nation-state; and a moment of truth for all of us to celebrate with great pride.

Galiya