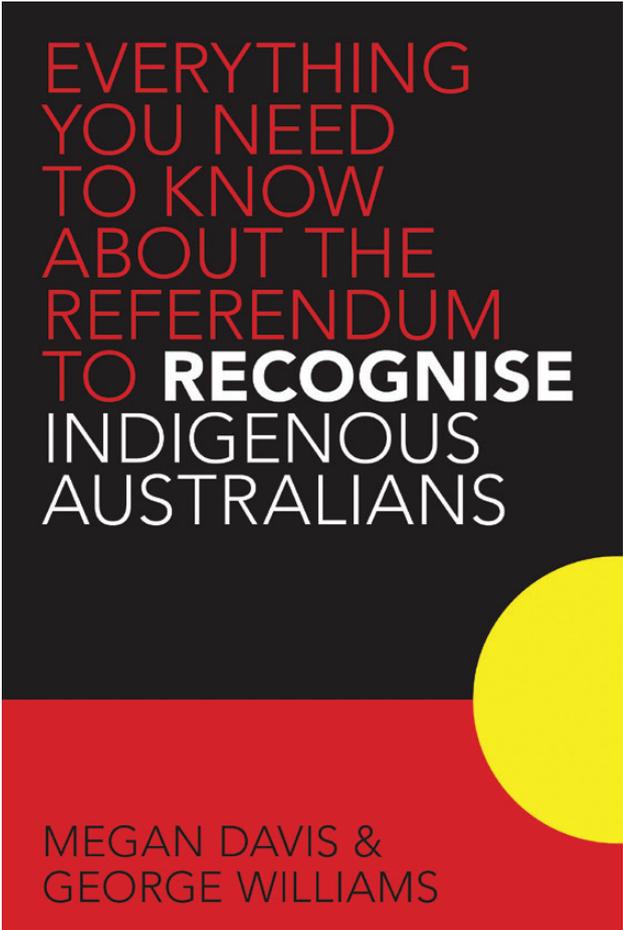


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# EVERYTHING YOU NEED TO KNOW ABOUT THE REFERENDUM TO RECOGNISE INDIGENOUS AUSTRALIANS

MEGAN DAVIS &  
GEORGE WILLIAMS

UNIVERSITY OF NEW SOUTH WALES PRESS, 2015

Reviewed by Nicole Watson

As I type these words, a meeting between Tony Abbott, Bill Shorten and 40 individuals chosen by the Federal Government is being held in Sydney. We have been told that this summit is historic because it will provide a 'road map' to a referendum on Indigenous recognition in the Constitution.<sup>1</sup> Somewhat predictably there was also some hyperbole from the Prime Minister who described their 'mission' as one to 'correct the great silence in our Constitution'.<sup>2</sup>

In reality however, there is a yawning gap between the Prime Minister's rhetoric and what is actually on the table. Most fundamentally the Prime Minister is yet to provide the Australian people with his government's preferred model for Indigenous recognition. It is now three years since the Expert Panel on Constitutional Recognition of Aboriginal and Torres Strait Islander peoples released its erudite report; but the Abbott Government remains unwilling to engage in a genuine dialogue about the report's measured recommendations.

With such poor political leadership it is easy to become cynical. But as I was reminded recently, cynicism achieves nothing. At

the very least, we can do our homework, so that if and when a referendum is announced, we will be able to make an informed decision at the ballot box. It was probably with that end in mind that respected academics Megan Davis and George Williams wrote this important book.

The authors' goal is 'to set out everything that people need to know in deciding whether to vote Yes or No'.<sup>3</sup> Irrespective of one's position on Indigenous recognition in the Constitution, it is difficult to argue that Davis and Williams have not fulfilled their aim. This book is meticulously researched, concise and accessible. It is likely that the book will be cited by legal scholars, discussed in high school classrooms and mulled over in community forums.

The authors provide succinct discussions about the making of the Australian Constitution, the long history of exclusion of Aboriginal and Torres Strait Islander peoples and the watershed moment that was the 1967 referendum. Usefully, the authors bring clarity to some of the mythology surrounding the latter, including the popular misconception that it gave Indigenous people citizenship and the right to vote.<sup>4</sup>

They go on to provide a comprehensive summary of Indigenous affairs after the 1967 referendum. As the Holt and McMahon Governments stalled to make inroads, Aboriginal activism reached its zenith with the Gurindji strike and the Aboriginal Tent Embassy. Less well-known is the long history of advocacy to secure a treaty by bodies such as the National Aboriginal Conference.<sup>5</sup> Such advocacy would find resonance in the Barunga Statement in 1988<sup>6</sup> and later documents such as the Aboriginal and Torres Strait Islander Commission's (ATSIC) blueprint for the Social Justice Package: *Recognition, Rights and Reform*.<sup>7</sup>

The election of the Howard Government in 1996 was a devastating blow to our aspirations; one that still casts a pall over Indigenous policy today. The ease with which the Howard Government was able to dismantle many of the inroads forged by earlier generations makes for a sobering read. Bucket-loads of extinguishment were delivered to native title, the promised Social Justice Package disappeared and ATSIC was abolished.<sup>8</sup> This history also acts as a persuasive argument in favour of curbing the Parliament's power with a constitutional prohibition on racial discrimination.

Perhaps there is no more compelling example of the need for such a clause than the Howard Government's parting gift to Indigenous people: the Northern Territory Intervention. Five Bills were introduced in the House of Representatives at 12.32 PM on 7 August 2007, sounding in extraordinary human rights implications and collectively comprising 604 pages.<sup>9</sup> Even

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though this was the first time that most parliamentarians saw the Bills, they were passed only a few hours later. The Bills would be referred to the Senate Standing Committee on Legal and Constitutional Affairs on 9 August, whose report was due only four days later. Unsurprisingly, the Committee failed to recommend any meaningful changes to the Bills which were passed by the Senate on 16 August.<sup>10</sup>

The authors point out that if there had been a constitutional prohibition on racial discrimination, it is likely that the farcical parliamentary debate would have proceeded differently.<sup>11</sup> At the very least, parliamentarians would have been forced to pause to consider the ramifications of a possible High Court challenge. Perhaps they may have even been motivated to consult with the very people who would be forced to live under those contentious laws.

In the closing chapters the authors respond directly to some of the myths surrounding Indigenous recognition in the Constitution. They point out that recognition is unlikely to perpetuate 'race-based distinctions'.<sup>12</sup> Rather, the purpose of recognition would be to recognise the unique connection that Aboriginal and Torres Strait Islanders have to what is now Australia. Finally, the authors provide an accessible guide to the mechanics of a possible referendum.

I would recommend that all Australians read this valuable book. Discuss it with your family, friends and colleagues. We cannot force our politicians to deliver the mature public debate on this issue that we deserve, but in the meantime there is nothing to stop us from having our own conversations.

*Nicole Watson is a Murri woman from south east Queensland. She is currently employed as a Senior Lecturer in the Faculty of Arts and Social Sciences, University of Technology Sydney.*

- 1 Michael Gordon, 'Record support for Indigenous recognition ahead of summit' *Sydney Morning Herald* (online), 6 July 2015 <<http://www.smh.com.au/action/printArticle?id=997953942>>.
- 2 Ibid.
- 3 Megan Davis and George Williams, *Everything you need to know about the referendum to recognise Indigenous Australians* (University of New South Wales Press, 2015) 6.
- 4 Ibid 25.
- 5 Ibid 53.
- 6 Ibid 57.
- 7 Ibid 62.
- 8 Ibid 62-76.
- 9 Ibid 107.
- 10 Ibid 108.
- 11 Ibid 108.
- 12 Ibid 119.

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**Amala Groom**

*The Invisibility of Blackness*, 2014

Single-channel digital video, sound 47s

Dimensions variable

Image by Liz Warning

