Introduction

THE FORGOTTEN PEOPLE

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*The Conciliation* is reputed to be the first example of history painting created in Australia. In the Western tradition, history painting is a genre that seeks to depict a decisive moment in a narrative or story involving a large number of figures. *The Conciliation*, painted by Benjamin Duterrau in 1840, depicts an idealised encounter between George Augustus Robinson, who was appointed Protector of Aborigines in the Port Phillip District in 1830, and fourteen Tasmanian Aborigines. The encounter is witnessed by three dogs and a curiously domesticated marsupial. The men’s spears are arranged to provide a geometric pattern of horizontal, vertical and diagonal lines that break up the canvas, while the womenfolk gracefully extend their index fingers to gesture towards the central figure of the Protector. Benevolently, the Protector clasps the right hand of an Aboriginal man, whose left hand rests reassuringly on the shoulder of another Aboriginal man lurking apprehensively behind the Protector. Those lurking apprehensions would turn out to be well founded. But, in spite of this, the painting exudes confidence in a future of amity and kindness between the British and the Aborigines in Van Diemen’s Land.
The painting was intended as a study for a larger work that was never completed. That seems fitting. Whatever Duterrau intended *The Conciliation* to convey about this first rapprochement between the British settlers and the antecedent Aboriginal population in Tasmania, Robinson laid the foundations not for a conciliation, but for near ruination. In politics, as in art, nothing was completed as might have been hoped.

The painting has a special place in the cultural heritage of Australia as the first attempt at this major art form, just as the subject it depicts has a special place in the political heritage of Australia, as a defining moment in the relationship between the indigenous and settler populations. The Aborigines, as much as the infamous Protector, and the artist who depicts them, are concerned about the way that the future will unfold. They all have a sense of what is valuable about their cultural traditions, and how those yet to be born will stand in relation to the traditions that the dead have bequeathed to them. The Protector and the Aborigines sought to preserve different traditions and values through a contract. Alas, the artist’s vision of how future generations of Australian society should see their contract is sadly deluded. But he was right to think that this was a decisive moment in our narrative, one that needed to be recorded.

It is important for those of us living almost two hundred years later to reflect on our relationship with our dead forebears and their feats.

**THE MEMORIAL STONE FOR ARTHUR PHILLIP**

On 9 July 2014, the Duke of Edinburgh laid a wreath beside the newly dedicated memorial to Admiral Arthur Phillip RN in Westminster Abbey. The simple square of Sydney sandstone, set into the floor of the centre part of the nave just to the west of David Livingstone’s grave, describes Phillip as the first Governor of New South Wales and founder of modern Australia.

Addressing the congregation during the dedication service, the then Governor of New South Wales, Dame Marie Bashir, praised Phillip for his determination ‘to ensure the fair treatment of the Aboriginal people—he actively fostered harmonious relations with them’. On other occasions, Dame Marie has publicly lamented the enduring legacy of the mistreatment of Aborigines since Phillip established the colony at Sydney Cove.
in 1788. There is nothing inconsistent in the Crown’s representative lamenting the mistreatment of Aborigines since the Crown established the first colony in Australia, while also praising the Crown’s first representative for his determination to ensure their fair treatment. Australia’s history is complex. It is full of contradiction and nuance. Both sentiments are appropriate responses to the historical relationship between the Crown and the Aborigines since 1788. The defining moments in our nation’s history overflow with both triumph and pain.

When the Defining Moments in Australian History exhibition was opened at the National Museum of Australia on 29 August 2014, Prime Minister Tony Abbott said that Phillip’s action in establishing the colony at Sydney Cove was ‘the defining moment in the history of this continent’ and ‘a moment that set the course for modern Australia’ because ‘it was the moment this continent became part of the modern world’. The Prime Minister painted a picture of triumph.

Warren Mundine, chairman of the Prime Minister’s indigenous advisory council, tempered the analysis. Mundine observed that Captain Phillip’s settlement at Sydney Cove ‘was a defining moment, there’s no argument about that. It was also a disastrous defining moment for indigenous people.’ It is a hard truth about Australian history that defining moments in the development of the nation’s prosperity are also defining moments in the dispossession and deterioration of the nation’s indigenous cultures.

Phillip’s documented determination to ensure the fair treatment of Aboriginal people was not some personal idiosyncrasy. In 1787, he received formal instructions from King George III. Among other things, the King instructed Phillip as follows:

You are to endeavour, by every possible means, to open an intercourse with the natives, and to conciliate their affections, enjoining all our subjects to live in amity and kindness with them. And if any of our subjects shall wantonly destroy them, or give them any unnecessary interruption in the exercise of their several occupations, it is our will and pleasure that you do cause such offenders to be brought to punishment according to the degree of the offence. You will endeavour to procure an account of the numbers inhabiting the neighbourhood of the
intended settlement, and report your opinion to one of our Secretaries of state in what manner our intercourse with these people may be turned to the advantage of this colony.

There is no doubt that Phillip’s establishment of a British colony in 1788 was a defining moment in Australian history. Indeed, as Abbott said, it is arguable that it was the defining moment in Australian history—for better and for worse. What matters is that we acknowledge the myriad reasons why it is so. It must be recognised in terms of its aspirations and failures, and its commemoration gives rise to a deep need for apologies, healing and co-operation, as well as celebration. We all need to confront Mundine’s point that indigenous people continue to bear the brunt of failures flowing from the defining moment in 1788 that set the course for modern Australia.

Constitutional recognition of indigenous people presents the opportunity for a new defining moment: when the Australian nation unites to acknowledge the past and to declare its aspirations for the future, one that guarantees Australia’s indigenous people will have what King George III instructed Arthur Phillip to secure for them in 1788, but which has proved elusive until now.

THE BARK PETITIONS

The Bark Petitions are bordered with sheets of stringybark that have been painted with pipeclay, charcoal and ochre. To the Western eye, the sheets depict a procession of animals from Arnhem Land. To the Yolngu eye, they proclaim the title of thirteen tribes of the Yirrkala people to ownership of land around Melville Bay according to Yolngu law. Inside the bark frames are typescript petitions, composed in English and Gumatj, addressed to the speaker and members of the House of Representatives. They were the first traditional documents to be recognised by the Parliament when they were tabled in 1963, and they have remained on exhibition at old and new parliament houses since 1977.

The Yolngu pray that the Parliament will appoint a committee to consider recognising their claim to land that had been excised from the Aboriginal Reserve in Arnhem Land. The petitioners assert ‘that the procedures of the excision of this land and the fate of the people on it
were never explained to them beforehand, and were kept secret from them,’ and ‘that the people of this area fear that their needs and interests will be completely ignored as they have been ignored in the past’. They ask to be heard before decisions affecting them are made.

A committee was established and it recognised the Yolngu claims, but the government did not act upon its recommendations. However, the Bark Petitions remain symbols of what recognition means for indigenous people in Australia: the hope that they will be consulted in future, as they have not been in the past, when laws and decisions were made that ignored their interests. They want some guarantee that things will be done differently in future. The Bark Petitions invite us to confront the place of traditional lands in Yolngu society, and the place of the Yolngu law in wider Australian society.

Over two hundred years ago, Anglo-Irish statesman and theorist Edmund Burke wrote that ‘Society is indeed a contract … [It is] a partnership not only between those who are living, but between those who are living, those who are dead, and those who are to be born.’ His words are as true of our society today as they were then. One document, more than any other, is the backbone of Australian society: our Constitution. Calls for reform to this document to recognise indigenous Australians offer an opportunity to affirm that partnership. But these calls also risk threatening its backbone.

For many conservatives, the Commonwealth of Australia Constitution Act 1900, which was passed by the Parliament at the Palace of Westminster in the United Kingdom, and which contains within it the Australian Constitution, is significant for four reasons. First, it provides the statutory basis for bringing the Commonwealth of Australia into being, through the federation of six British colonies. Second, it provides for the organs of the Commonwealth that exercise the legislative, executive and judicial power of the Commonwealth, and the separation of the exercise of powers. Third, it establishes the division of power between the new Commonwealth Parliament and the old colonial parliaments (which continued to operate as the parliaments of the six states). And, finally, it provides for the financial and commercial basis upon which federation would occur.

When the Constitution is approached in this way, it is less obvious what recognition of indigenous Australians has to do with the
Constitution. The Founding Fathers regarded the Constitution as a set of rules for uniting six separate colonies into one indissoluble federal commonwealth and, on this understanding, it is not obvious why recognition of indigenous people should take the form of an amendment to the Constitution. The Yolngu Bark Petitions sought an assurance that ‘their needs and interests’ will not ‘be completely ignored as they have been ignored in the past’. Such an assurance might properly belong in the Constitution.

RACE, RECONCILIATION AND RECOGNITION

The concepts of race, reconciliation and recognition are central to this debate. It is necessary to say something about each of these before we can consider whether there is a package of reforms that can address the problems that they present for the Australian nation and the Australian Constitution.

Race

The Oxford English Dictionary reveals the twists and turns that the definition of the word race took from the sixteenth to the nineteenth centuries. As early as 1570, it has the sense of ‘the offspring or posterity of a person’—hence the Semites are a race, as the descendants of Noah’s son, Shem, and the Hamites are a separate race, as the descendants of Ham. It acquires the sense of ‘a limited group of persons descended from a common ancestor; a house, family, kindred’ by the seventeenth century, and so also the sense of ‘a tribe, nation, or people, regarded as of common stock’—hence the Twelve Tribes of Israel are a distinct race or nation owing to common descent from Jacob. By the nineteenth century, race has come to mean ‘a group of several tribes or peoples, regarded as forming a distinct ethnical stock’. The final move is when it comes to denote ‘one of the great divisions of mankind having certain physical peculiarities in common’. So, by the nineteenth century, the idea has arisen that the human species is naturally divided into subcategories that can be identified according to phenotype or physical appearance. The OED notes that ‘the term is often used imprecisely; even among anthropologists there is no generally accepted classification or terminology’. However, in the late
nineteenth century the word was used confidently by scientists, and there was no question of imprecision.

When the framers of the Constitution spoke of race, they were using a category that nineteenth-century scientists and anthropologists regarded as a genuine category that carved up the human species into its natural subgroups. They employed it in the Constitution in good faith as a legitimate scientific category. The twentieth century bore witness to the appalling consequences that this category had in social and political thought—most chillingly in the Holocaust. Since the second half of the twentieth century, scientists and anthropologists have come to understand that there is no scientific basis for categorising different groups of people into races.

There is no doubt that humanity can be divided into different groups who identify with each other based on common ancestry; social, cultural or national experience; language and religion, and such groups will often share similarities in physical appearance. To speak of these as ethnic groups or ethnicities is perfectly legitimate, for that is to acknowledge them as socially defined categories of people. What is clearly no longer legitimate is to speak of them as races, as the Founding Fathers did in the nineteenth century, for this is to regard the groups as scientifically defined categories that can be hierarchically ranked. Scientists and anthropologists now regard this as untenable. Accordingly, the obsolete pseudo-scientific nineteenth-century category of race should be removed from the Constitution.

**Reconciliation**

In the Queen’s Christmas Message for 2014, Her Majesty reflected on the significance of reconciliation in the context of the centenary of the First World War:

Reconciliation is the peaceful end to conflict, and we were reminded of this in August when countries on both sides of the First World War came together to remember in peace …

The benefits of reconciliation were clear to see when I visited Belfast in June … my visit to the Crumlin Road Gaol will remain vividly in my mind. What was once a prison during the Troubles is now a place of hope and fresh purpose; a reminder
of what is possible when people reach out to one another …

Of course, reconciliation takes different forms … For me, the life of Jesus Christ, the Prince of Peace, whose birth we celebrate today, is an inspiration and an anchor in my life. A role-model of reconciliation and forgiveness, he stretched out his hands in love, acceptance and healing …

Sometimes it seems that reconciliation stands little chance in the face of war and discord. But, as the Christmas truce a century ago reminds us, peace and goodwill have lasting power in the hearts of men and women.

Despite King George III’s instructions that the British settlers should conciliate the affections of the indigenous populations, Australia has had a long history of discord between its indigenous and non-indigenous populations. At times this has been as bloody as the Troubles in Ireland. In recent decades, people have reached out to one another, and there has been a shift in this relationship. We must hope that a referendum will formally put a peaceful end to this centuries-old conflict.

Recognition

Reconciliation requires recognition—recognition that things were not done as they should have been done in the past, and the corresponding promise to do things better in the future.

The instructions to Arthur Phillip, although formally from the Crown, were prepared by its advisers—the British ministers of the Crown. So the earliest advisers and representatives of the Crown were acutely aware of the moral imperative to ensure the fair treatment of the Aboriginal people in Australia. Alas, successive generations of the Crown’s Australian representatives and advisers (upon the assumption of responsible government in 1856) failed to ensure that this noble aspiration was realised and, as a consequence, indigenous people remain among the most disadvantaged people in Australia today. This is something that we must recognise.

In New Zealand the situation is both similar and different. New Zealand regards the Treaty of Waitangi, concluded between the representative of Queen Victoria and the Maori chiefs in 1840, as its founding document. In that document, the Crown recognised the
pre-existing rights of the Maori. There is no similar founding document in Australia. The treaty imposed certain obligations upon the Crown in terms of how the Maori were to be treated. The unfortunate similarity with Australian history lies in the fact that the Crown failed to ensure that the Maori were treated fairly in New Zealand according to the treaty, just as it failed to ensure that the Aborigines were fairly treated in Australia, in accordance with the Crown's 1787 instructions to Phillip.

However, things have moved on in New Zealand. In 1975, the Waitangi Tribunal was set up to investigate contemporary breaches of the Treaty of Waitangi by the Crown. In 1985, the remit of the tribunal was expanded to include the investigation of historical breaches by the Crown as well. This has resulted in a process through which the Crown enters into negotiations with the various Maori tribes after receiving the tribunal's report into the Crown's treatment of the tribe. These negotiations conclude in a final settlement of the tribe's historical grievances. The Crown's negotiator and the Maori tribe settle on an agreed statement of the history, including a recognition of the acts and omissions of the Crown's advisers and representatives that resulted in mistreatment of the tribe according to the terms of the Treaty of Waitangi. The Crown issues a formal written apology to the tribe, and enters into a deed of settlement, stating how it will provide redress for the cultural and economic losses that the tribe has sustained. In 1995, the first settlement between the Crown and one of the Maori tribes was concluded. The Queen personally signed the apology and presented it to the Waikato-Tainui tribe during her tour of New Zealand that year.

The time has come for the Crown to recognise that, despite the intentions of the instructions issued to its first representative, Arthur Phillip, and despite his best endeavours to realise these intentions, successive generations of the Crown's representatives and advisers in Australia failed to treat these communities fairly.

Part of the process of reconciliation must involve the Crown entering into a new relationship with Australia's indigenous communities, as it has with New Zealand's indigenous communities. Creating a new partnership will require constitutional and structural reforms to transform this centuries-old dysfunctional relationship into a new functional relationship, one that enables governments to assist indigenous communities in becoming empowered and productive.
Welcoming the Duke and Duchess of Cambridge to Parliament House on their first visit in 2014, Prime Minister Tony Abbott said to them, ‘Many decades hence, when a currently unknowable Australian prime minister welcomes your son, King George VII to this building, that will be a sign of the stability and the continuity in the life of our nation.’ So, too, we might hope that, many decades hence, when Australia’s various indigenous communities welcome the Queen’s great-grandson, it will be a sign of the evolution of the Crown’s relationship with Australia’s indigenous communities. That welcome would then embody the aspirations of Her Majesty’s great-great-great-great-grandfather’s instructions to Phillip, recognition of the failure of successive generations of the Crown’s representatives and advisers to execute those instructions, the Crown’s apology for the acts and omissions of its representatives and advisers, and the beginning of the process of healing and a new age of co-operation and partnership between the Crown and indigenous peoples.

Just as New Zealand has found a way of recognising and rectifying the past failures of the Crown that is appropriate to the situation in New Zealand, so too must Australia find a way of recognising and rectifying past failures of the Crown’s representatives and advisers here, in a way that is appropriate to Australian circumstances and the Australian Constitution.

Upholding the Constitution and recognising indigenous people
Constitutional recognition presents special challenges for conservatives, who are primarily concerned with the need to uphold the integrity of the Constitution, and for liberals, who are primarily concerned with maintaining the freedom and equality of individuals. Both liberals and conservatives value parliamentary supremacy. Constitutional recognition presents a different challenge for indigenous people: the need to recognise the difficult and painful episodes of the past, to ensure that the past cannot be repeated, and to affirm the enduring significance of indigenous heritage. The challenge for Australia is to find a package of reforms that addresses the concerns of indigenous Australians, as well as the concerns of those whom constitutional lawyer Greg Craven has termed ‘constitutional conservatives’, and those whom Human
Rights Commissioner Tim Wilson has dubbed ‘constitutional liberals’. These are not just elite groups—we are talking about the majority of Australians.

Australians are very wary of constitutional change. Only eight out of forty-four past referenda have succeeded. Any proposed reforms must be capable of giving effect to indigenous aspirations, notwithstanding our conservative voting patterns at referenda. Accordingly, Australians must now commit to finding a solution that enables change to be made, but which ensures that, in recognising indigenous people, we also uphold the Constitution.

Any proposal for recognition of Aboriginal and Torres Strait Islander peoples in the Australian Constitution needs to address four key points:

• repealing section 25 of the Australian Constitution
• amending section 51 (xxvi) of the Australian Constitution
• adopting a symbolic statement that acknowledges the historical experience and enduring significance of Australia’s indigenous peoples
• guaranteeing that the voice of indigenous people is heard in the legislative process when laws concerning indigenous affairs are being made.

Section 25 of the Australian Constitution recognises the possibility of the states enacting racist electoral laws and stipulates the consequences for states that enact such laws. Section 51 sets out the legislative powers of the Commonwealth Parliament, which include, in subsection (xxvi), the power to make laws for the people of any race for whom the Parliament deems it necessary to make special laws. Until 1967, this power contained the restriction, ‘other than the aboriginal race in any state’. This restriction was removed following the referendum in 1967. In order to rid the Australian Constitution of the obsolete concept of race, section 25 would need to be repealed, and section 51 would need to be amended to remove the reference to race, and replace it with a new power to ensure Parliament is still able to make laws about indigenous affairs. With regards to a symbolic statement of recognition, all prime ministers since John Howard have been committed to adopting one. But it naturally gives rise to two questions: What should
the symbolic statement say? Where should the statement be located? The Constitution is a practical and pragmatic charter of government. It contains rules. It is not the repository of the nation’s story or the nation’s aspirations. So there is reason to argue that symbolic recognition should occur in a document that does not form part of the Constitution.

However, the guarantee that indigenous people seek—the assurance that things in the future will happen in a better way—does need to be part of the Constitution, because the Constitution is where guarantees are made. If indigenous people are to have a guarantee that their voice will be heard in future when decisions about them are made, then the Constitution must create a mandate that requires Parliament to hear indigenous Australia when it makes decisions about indigenous people.

**GETTING IT RIGHT**

In this collection of essays, the contributors investigate a realistic approach to demands for removing race from the Constitution, adopting a symbolic statement of recognition, preventing future discrimination against indigenous peoples, and ensuring consultation occurs when Parliament exercises its power to legislate for indigenous affairs. Any realistic approach needs to be assessed in terms of its capacity to uphold the Constitution while, at the same time, satisfying the legitimate demands of indigenous Australians.

The first part of *The Forgotten People* consists of seven essays about race, reconciliation and recognition of indigenous people generally. The authors draw on their varied personal experiences in arguing for the need to recognise indigenous Australians. These include insights gleaned from such diverse experiences as commanding the army’s Special Air Service Regiment, leading the Australians for Constitutional Monarchy delegation at the 1998 Constitutional Convention, and growing up on the Darling Downs.

The second part of the book consists of a further seven essays, each of which investigates one of the three different aspects of the proposed package for recognition. First, Graham Bradley, businessman and member of the Expert Panel on Constitutional Recognition of Indigenous Australians; Tim Wilson; Julian Leeser, former director of the Menzies Research Centre, and I write about the proposal for an
Australian Declaration of Recognition to address the need for symbolic recognition. Second, psephologist and political commentator Malcolm Mackerras investigates the Constitution’s racial provisions, and the need to amend these. Finally, Shireen Morris, Professor Anne Twomey and lawyer Fergal Davis discuss a proposal to guarantee parliamentary consultation with indigenous people in the exercise of parliamentary power with respect to indigenous affairs.

*The Forgotten People* does not attempt to provide all the arguments for constitutional recognition of indigenous Australians. In particular, it does not make the argument for why Aborigines and Torres Strait Islanders might support the kind of package outlined herein. We leave it to indigenous people to articulate why any proposed package of amendments is or is not acceptable to them. Our purpose is to demonstrate that there is a package of reforms that could realistically address the range of concerns associated with constitutional recognition of indigenous Australians, and that those reforms are consistent with conservative and liberal political thought.

**THE FORGOTTEN PEOPLE**

On 22 March 1942, Robert Menzies delivered his immortal radio broadcast, ‘The Forgotten People’. In it, he was interested in establishing the special place of the middle classes in the life of the Australian nation. He was speaking during the Second World War and, despite Australians’ shared commitment to winning the war, he warned them that there was a problem that they needed to confront at home, and that, in order to do this, they needed to be ‘as thoughtful as the times will permit us to be’, lest we ‘inflict a fatal injury upon our own backbone’. Menzies was challenging Australians to recognise the special place of the middle classes in the life of the nation. They were responsible, he believed, for ‘homes—homes material, homes human, homes spiritual’. This gave them ‘a stake in the country’.

Menzies was addressing a very different political era from the one in which we now find ourselves, and yet the speech’s resonance today is unmistakable. Once again we are engaged in a war overseas. And, once again, despite the threats from abroad, we risk inflicting a fatal injury upon our backbone if we fail to recognise the stake in our country that
another forgotten people have had for millennia. It may have taken centuries but, gradually, the people of modern Australia have come to appreciate the special way in which Aboriginal people made this continent’s lands and seas their homes. Through their custodianship of this ancient country, they created homes material; through their obligation to their ancestors, they created homes human; and, through their Dreaming, they created homes spiritual, all of which have enduring significance for modern Australia, and all of which give them a stake in the country.

Shortly after attending the centennial Anzac Day service at Gallipoli, the Prince of Wales opened the British Museum’s *Indigenous Australia* exhibition with the following remarks:

It seems to me that Anzac remains so important not only in its historical significance, but also in modern Australia’s sense of identity. So does, in my view, this exhibition and what it represents. Indeed, it celebrates the extraordinarily rich culture of the indigenous peoples of Australia—preserved, nourished and enriched over tens of thousands of years, despite great loss and change. Each and every time I visit Australia, I am reminded of the unique relationship between indigenous peoples and Nature and how this is expressed through art and culture … Aboriginal and Torres Strait Islander artworks show us different ways to look at Australia through eyes that have clearly known its lands and seas for a very long time.

Later in his remarks, he discussed the significance of the works exhibited in the exhibition:

Very importantly, [the exhibition] explores the immense impact on indigenous Australians of European exploration and settlement. It deals with difficult and painful episodes in Australian history—dispossession, social dislocation and the stolen generation. It also registers progress towards healing and reconciliation … The artefacts and artworks displayed here serve, each in their own way, as vessels of cultural
meaning. Indeed, they tell stories of life and spirit as well as teaching us about customs and laws that have enabled Aboriginal and Torres Strait Islander communities to pass down knowledge and skills from one generation to the next in what I understand to be the longest unbroken cultural tradition in the world.

He concluded by expressing the hope that such initiatives ‘can help build a bridge to enable indigenous and non-indigenous people to communicate with, and understand, one another more effectively’.

Could it be that King George III’s great-great-great-great-great-grandson has come to recognise the stake in the country that Australia’s indigenous peoples have, and their responsibility for Australia’s homes material, homes human, and homes spiritual?

‘Only those who have known discrimination truly know its evil,’ Noel Pearson told the great and the good at Gough Whitlam’s state memorial service. As a Jew, I am acutely aware that my people have known millennia of discrimination. Indeed, the Jewish experience of discrimination is so ingrained that, in the Torah, God commands the Children of Israel: you shall not oppress a stranger, for you yourselves know how it feels to be strangers, because you were strangers in the land of Egypt. Pearson’s people have known centuries, if not millennia, of dispossession and discrimination. But, if my people have known the feeling of being strangers in a foreign land, his people have known something worse: they have been made to feel like strangers in their own land.

Conservatives innately appreciate the importance of homes and of feeling at home in one’s own country. English philosopher Roger Scruton describes this as *oikiphilia*—love of home—and claims that it is central to conservative thought. What Scruton renders explicit is implicit in Menzies’ admiration of the forgotten people’s responsibility for homes material, homes human, and homes spiritual.

For generations and millennia, Aborigines have been responsible for homes material, homes human and homes spiritual across the Australian continent. For the sake of our partnership between those who are living, those who are dead and those who are to be born, the time has come for us to address difficult and painful issues in order to ensure that our indigenous people feel at home in the Australian nation and that they
belong in the Australian Constitution. And so, together, we shall move closer to achieving the aspirations contained in King George III’s instructions to Arthur Phillip, which have proven elusive since 1787.

With the intercourse of reconciliation, perhaps those aspirations might be realised come 2017. To achieve this, we will need to be as thoughtful as the times will permit us to be in vigilantly upholding the Australian Constitution while recognising indigenous peoples’ stake in our shared country.