

# Time to recognise the Constitution's errors

**Fred Chaney and Colleen Hayward**

In recent times, here in WA, we have made great strides towards formally recognising the true and valued place of Aboriginal people in this State.

Our major political parties have reached bipartisan agreement to recognise Aboriginal people in the WA Constitution and in doing so, join the rest of the mainland States.

The next task will be to recognise Aboriginal and Torres Strait Islander people in our national Constitution and to ensure there is no place for racial discrimination in it.

On this vital national project, many West Australians are preparing to play a key role. Our history is filled with stories of resilient and courageous Aboriginal and Torres Strait Islander people. WA is home to the country's first Aboriginal doctor, psychologist, Cabinet Minister, Social Justice Commissioner and member of the House of Representatives.

This is history in which we should all take pride, and so is the tens of thousands of years of indigenous Australian history before European settlement — the history of the Noongar people in the South West and the Yamatji in the Pilbara; or the Yawuru, the Gija and the Mirrawong people of the Kimberley.

Yet our nation's founding document makes no reference to this impressive chapter of Australia's story.

Our founding fathers drew up the document that is the blueprint of the modern, federated Australian nation in the dying days of the 19th century.

They laboured and negotiated over its powers and provisions for years.

They went into extraordinary detail about all manner of powers to make laws for and regulate a dizzying array

of objects and activities, from taxes to telegraphy, lighthouses to law courts,

dividing the business of government between the newly forming States and the freshly minted Commonwealth.

They referenced Queen Victoria and each of the British colonies that were hoped (before Federation) to become the new States, including that far eastern settlement called New Zealand — though in the end the Kiwis thought better of it.

However, they made one, gigantic, breathtaking error of omission.

Nowhere in the entire document did they mention that Aboriginal or Torres Strait Islanders — the first Australians — had lived here since time immemorial by the time Federation came about.

The original 1901 document did make two mentions, both discriminatory.

It forbade including Aboriginal people in a national population count for example.

Those references were removed in emphatic fashion by the referendum of 1967, when more than 90 per cent of Australians voted to delete this discrimination.

What was left, however, was a deafening silence. Constitutionally speaking, the first Australians disappeared altogether.

Not a mention of the fact that other people were here — whole societies and intricate cultures — long before settlement; tens of thousands of years before.

Recognition really matters in closing the vast gaps between indigenous and non-indigenous Australians in the areas of education, health and employment.

It matters because the starting point for any successful working relationship, or any successful society,

is mutual respect, and without recognition there can be no respect.

We all seek simple respect. Australians can't truly say they fully respect the first Australians and

appreciate their extraordinary history as the owners, occupiers and custodians of this country until we properly recognise them and that history.

We only have to look at the tremendous success being achieved by WA institutions like the Graham (Polly) Farmer Foundation or St Catherine's College to know the value of recognition and the difference it makes to a young person's future.

Recognition in this context says, "you belong, you are respected, and we share your pride in your identity".

For more than a century we've lived with a Constitution that utterly fails to do that and which, to compound the insult, still contains two provisions that allow for discrimination based on race.

That has to end.

On Tuesday in Kings Park we launched Western Australians for Recognition, the local chapter of a national movement to correct these historical wrongs.

Several hundred eminent people from the business community, all sides of politics and not-for-profit organisations joined us, all united around this one task.

Already, across Australia, more than a quarter of a million people have signed up to support the RECOGNISE movement (you can, too, just go to [recognise.org.au](http://recognise.org.au)).

We're hoping our fellow West Australians will join in the hundreds of thousands, because it's a simple question of respect.

We have nothing to fear from properly including the first Australians in our Constitution. We have everything to gain.

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■ The Honourable Fred Chaney AO and Professor Colleen Hayward AM are the Joint Patrons of Western Australians for Recognition.