

## Don't let the sun set on a noble act

MICK GOODA THE AUSTRALIAN AUGUST 22, 2014 12:00AM

**IN late 2012, the then Labor government proposed the Aboriginal and Torres Strait Islander Peoples Recognition Act. It was passed unopposed by both houses of parliament in February last year.**

The act acknowledges in law that Aboriginal and Torres Strait Islander people are the first inhabitants of this nation and seeks to foster momentum for a referendum for their constitutional recognition. It includes a sunset date of two years to allow the campaign for change to continue to build momentum and ensure the focus remains on the ultimate goal of a successful referendum.

It is now the second half of 2014, with the act due to lapse in about six months. We have had an expert panel; a joint select committee that was convened but lapsed and was reconvened; a panel to review the Act of Recognition — and it seems that for all of this we are only one preliminary report closer to a model for recognition being released, which will undoubtedly require another round of consultation.

Of course, consultation is important, but with well-established multi-party support for recognition, it is time to shift the emphasis of this consultation from the contents of a report to the model that will be put to the people in the referendum.

The Journey to Recognition is doing a great job of raising awareness about the need for constitutional recognition, having signed up more than 216,000 Australians and counting.

The campaign hit the road again in my home state of Queensland last month with scheduled visits to communities such as Weipa, Yarrabah, Hope Vale and my home town, Rockhampton, to name a few.

This journey began in Melbourne in May last year and since then has covered more than 20,000km by foot, bike, four-wheel-drive, kayak and paddleboard across the Northern Territory, Western Australia, South Australia, Victoria and Queensland. This has involved more than 130 communities and more than 10,500 Australians.

However, despite the groundswell, I am perplexed when thinking about the time lines for the referendum and get more than a little dismayed when I hear it may not happen until 2017. The reasoning is that 2016 is an election year and it's best not to confuse a general election with such an important referendum issue.

And because of the sunset clause, in February next year the Act of Recognition will lapse and with that goes the parliamentary recognition of us.

It is in this context that I call on parliament to move forward on this issue with the same spirit and enthusiasm with which it started. Readily identifying a model will mean the public, particularly Aboriginal and Torres Strait Islander communities, will have a greater opportunity to know what they are endorsing and what I call "the debate proper" can begin.

This clarity will also maximise the opportunity to build on the momentum behind the campaign that is necessary if we are to have a successful referendum.

This may also mean considering a revised timeframe for the referendum. Taking into account the work that has already been done and the work still to do, it is my belief that a more realistic timetable that avoids the election issue but also allows maximum support to be gathered is at the end of 2015.

This timeframe has also been supported by constitutional expert George Williams, who has indicated that now the interim report has identified “concrete options for reform”, the government should “move the debate forward by indicating a willingness to hold the referendum in 2015”.

A failure to do so, he says, may mean “the momentum built up by campaigns such as Recognise (may) be lost” and “waiting also risks the issue becoming mired in politicking as the 2016 federal election approaches”.

Maintaining multi-party support is a vital element in the quest for constitutional recognition. However, so too is support from the broader Australian community and, as all parties acknowledge, Aborigines and Torres Strait Islanders themselves.

We cannot afford to have the course for recognition burdened by complacency and administrative processes that eat up time, energy and enthusiasm. We must remember the purpose we all started with here, rightly acknowledging the First Peoples of this country and removing the opportunity to racially discriminate against anyone.

But if we are to emulate in any way the success of the 1967 referendum, or go any further in improving the lives of Aborigines and Torres Strait Islanders and their relationship with non-indigenous Australians, we need to get this right.

It is shocking to me that in 2014 we are still a country that has ties to our racist past, to the darker periods in our nation's history, such as the White Australia policy that had at its core the destruction of Aboriginal and Torres Strait Islander families, communities and culture.

Australia no longer stands for these attitudes.

By recognising Aboriginal and Torres Strait Islander peoples and removing discrimination, we are sending a powerful message about the way we wish to see ourselves as a nation, as Australians. We are saying we truly believe in equality, in a fair go and in non-discrimination for all Australians. We are saying we truly respect and honour the 60,000 years of Aboriginal and Torres Strait Islander history that is currently missing from our nation's founding document.

By supporting these changes, we are honouring the many thousands of people before us who fought for change and equal treatment: from the Diggers who fought to be recognised for their service in Australia's war efforts and the entitlements that should have followed, to the many Aboriginal men and women who were denied proper wages for work they did as a part of government policies of exclusion.

The entire lives of people such as Jimmy “Wavehill”, an Aboriginal stockman who participated in the Wave Hill walk-off, and Peter Coppin, who with many others led the Pilbara pastoral strike in the 1940s, were dedicated to demanding equal treatment for equal work, regardless of race.

The issue of constitutional recognition asks the same question of all Australians — to demand equal treatment and to end the discrimination faced by Aboriginal and Torres Strait Islander peoples in the 21st century.

Mick Gooda is the Aboriginal and Torres Strait Islander Social Justice Commissioner. This is an edited text of the Nulungu Reconciliation Lecture delivered last night at the University of Notre

Dame Australia in Broome, Western Australia.

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