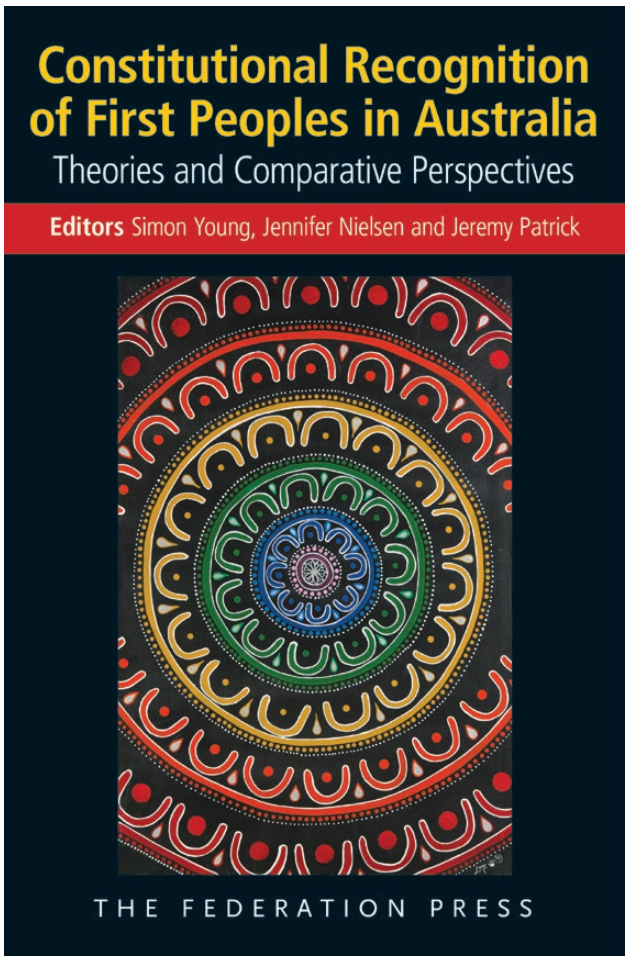


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Book Review by Harry Hobbs

On 26 May this year, a day before the fiftieth anniversary of the 1967 referendum, Cobble Cobble Aboriginal woman and Professor of Law at the University of New South Wales, Megan Davis, read aloud the Uluru Statement from the Heart at a sunset ceremony on Anangu land. This statement reflected the long-held aspirations of Aboriginal and Torres Strait Islander people from 'all points of the southern sky' for meaningful constitutional reform as distilled from 13 regional deliberative forums. The following month, the Referendum Council, the body established to provide advice to the Prime Minister and Opposition Leader on progress and next steps towards a referendum, and the body that oversaw those regional dialogues, affirmed the Uluru Statement and recommended a referendum be held to embed a First Nations Voice in the Australian Constitution. Two months later, at Garma, Bill Shorten declared the Labor Party's support for the Council's proposals. Malcolm Turnbull was more equivocal, announcing only that he would 'seriously consider' the recommendations. I hope Turnbull does, but the torturous history of Australia's recognition debate does not fill one with much confidence.

In its most recent iteration, debate over constitutional recognition of First Peoples in Australia began in 2007. In the weeks leading up to the federal election, Prime Minister John Howard announced that, if re-elected, he would hold a referendum to recognise Aboriginal and Torres Strait Islander people in the Australian Constitution. Howard was defeated, so it was not until 2010, as part of Julia Gillard's negotiations to form a minority government that the process really commenced. The 2010 Expert Panel held more than 250 public consultations around the country, with more than 4,600 attendees. However, its comprehensive recommendations were simply ignored by government, who never officially responded. That same fate befell the report of the Parliamentary Joint Select Committee, which largely supported the Expert Panel's recommendations.

This collection of essays, edited by Simon Young, Jennifer Nielsen and Jeremy Patrick, was published prior to the Referendum Council's series of Regional Dialogues, at a time when the recognition process appeared to be listing. As such, there is a real energy in the papers, with the authors not simply writing for an academic conference but Australians as a whole, imploring the country to 'break the silence' and reawaken the 'spirit of 1967'. At the same time, however, many of the papers (naturally) focus on the recommendations of the Expert Panel and/or the Parliamentary Joint Select Committee. And yet, while the Uluru Statement has shifted debate beyond those reports and centred the recognition process on the aspirations of the First Peoples themselves, this collection of essays is still required reading. For one, the essays stand as a marker in a long-running debate, signifying the state of academic and political conversation at one of the recognition process' lowest ebbs.

Like all edited collections, a few of the essays stand out. As a member of the Expert Panel and Referendum Council, Megan Davis is well placed to offer some insightful observations on the conceptual and practical challenges facing constitutional reform. Davis' chapter does exactly that, and her emphasis on the necessity for deliberative Aboriginal constitutional conventions as a means of revitalising debate is particularly prescient. Similarly enlightening is Ambelin Kwaymullina's paper, which explores constitutional reform from an explicitly Indigenous perspective. Kwaymullina argues that a holistic and non-linear approach to recognition sees any potential referendum as just one part of a series of beginnings within a just resolution of relationships. Kwaymullina's chapter identifies that interpersonal and institutional dialogue between First Peoples and

non-Indigenous Australians is more important than amendment of a governing document drafted over a century ago. This is a point echoed by many of the authors, who caution that constitutional change by itself will do little—in the words of Sean Brennan—to 'enhance levels of trust as between First Peoples and the State'.

Another chapter that all people interested in meaningful and substantive reform should read is Jeremy Patrick's survey of arguments against constitutional recognition. As Patrick notes, despite the laboured process, supporters of reform can easily slip into an echo chamber, believing that political will is all that is required for a successful referendum. An examination of the opinion-editorial pages of *The Australian*, as well as the positions presented in former Keating Minister Gary Johns"Recognise What?' website and edited book, indicates that proponents of reform may still need to convince many Australians of the moral and ethical force of their claim.

The collection concludes with a series of essays on comparative constitutional reform. Chapters on the experience in the United States, Canada, Solomon Islands, Vanuatu, New Zealand and Ecuador, and – interestingly – the United Kingdom, offer valuable insights on the process in Australia and its potential outcomes. Indeed, Vito Breda's chapter on Scottish constitutional arrangements, suggests that there is great value in devising an institutional space for two-way communication between the central government and decentralised institutions. Significantly, Scotland's concordat system looks a lot like a First Nations Voice.

Overall, this is an illuminating collection of essays on constitutional recognition and reform to empower the First Peoples of this continent. It should be read by anyone with an interest in Indigenous rights, constitutional law and democratic theory.

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**Dogs in Space, 2013**
Karla Dickens

*Mixed media*
*500mm x 750mm*