

The Don Dunstan Foundation  
**2021 Lowitja O'Donoghue Oration**

***Continuing the story:  
resolving the issues  
that won't go away***

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## ABSTRACT

Dr Lowitja O'Donoghue, AC CBE DSG has made an extraordinary contribution to public life in Australia.

Almost 25 years ago, she addressed the National Press Club and told the story of how Aboriginal and Torres Strait Islander people had continued to seek justice and a voice following the 1967 Referendum.

Today we continue that story through the Uluru Statement from the Heart. In its calls for agreements between our Nations and non-Aboriginal Australia, for truth-telling, and for a constitutionally enshrined Voice to Parliament, the Uluru Statement seeks to change the narrative about who we are as a nation.

In doing so, the Uluru Statement provides a way forward on some of the seemingly unresolvable issues facing Australia. It provides a structure within which we can bring to light the hidden histories and assumptions that continue to hold us back, and to embark on a journey of healing for the nation and the Land that sustains us.

I acknowledge the Kaurna people, traditional custodians of the land on which we are meeting today.

Ladies and gentlemen, brothers and sisters:

Before I start, I would like to pay my respects to the memory of Don Dunstan who was Premier of this state for 10 years during the 1970s.

He proved himself a good friend of Australia's First Nations, and a genuine leader in the struggle for social justice, human rights and equality.

I commend the Foundation that bears his name for continuing Mr Dunstan's vision for a more just, fairer and kinder Australia.

And I thank them for inviting me to deliver the Lowitja O'Donoghue Oration for 2021 this evening.

It truly is an honour to be here.

I feel this particularly as I follow in the footsteps of some distinguished Aboriginal and Torres Strait Islander people who have delivered the Oration in the past: Noel Pearson, Patrick Dodson, Marcia Langton, David Rathman, Olga Havnen, and of course at the beginning in 2007 Lowitja O'Donoghue herself.

My starting point for tonight is not Lowita's 2007 Oration, but a National Press Club address she gave ten years earlier in 1997.

In that address, she told the story of how, following the 1967 Referendum thirty years earlier, we continued to seek justice and a voice in the affairs of the nation state that affect us.

Tonight I want to revisit her words, and talk about how today we are continuing that story through the *Uluru Statement from the Heart*.

Agreed at the National Constitutional Convention at Uluru in 2017, by Aboriginal and Torres Strait Islander delegates from across the continent, the Uluru Statement calls for the establishment of a constitutionally enshrined Voice to Parliament for our peoples; for the making of formal agreements between our Nations and non-Aboriginal Australia; and for a process of truth-telling.

Put simply: Voice. Treaty. Truth.

The Uluru Statement thus seeks to change the narrative about who we are as a nation.

In doing so, it provides a way forward on some seemingly unresolvable issues facing Australia.

For example, how to care for Country, the Land upon which all Australians' wellbeing depends.

And how to find a just settlement with us, the continent's First Peoples.

We have been stuck on these issues for decades now.

But *Uluru Statement from the Heart* provides a blueprint that could allow progress to be made.

It proposes a process and a structure within which we can bring to light the hidden histories and assumptions that continue to hold us back.

Adopting the Statement, will see us all embark on a journey of healing for the nation and the Land that sustains us.

Before I talk about these matters though, I want to say some words about my friend and colleague, Dr Lowitja O'Donoghue.

Lowitja has made an enormous contribution to Australian public life.

She has also lived a remarkable life.

Like so many of her generation, she was removed from her Aboriginal family in the far north-west corner of South Australia at a very young age, and grew up in institutions in country South Australia.

She did not see her mother again for thirty years.

While she never forgot the injustice of this, she did well at school, and set her heart on becoming a nurse.

But the Royal Adelaide Hospital refused her entry to nurse training: “Go back to the place you belong,” she was told.

Clearly the white administrators at the hospital didn't realise who they were dealing with: she soon forced them to back down and she and a number of other young Aboriginal women soon started their nurse training.

After her training she worked as nurse across South Australia, and then in India.

On her return, she worked for the Department of Aboriginal Affairs in remote areas of South Australia, and it was in this time that she reconnected with her family.

After a distinguished career in the public service, she was appointed as the founding Chairperson of the Aboriginal and Torres Strait Islander Commission (or ATSIC) in 1990.

Over the next six years she played a key national role in responding to the High Court's historic Mabo decision.

After her time at ATSIC, she became the inaugural Chair of the Cooperative Research Centre for Aboriginal and Tropical Health which led to organisation that bears her name, the Lowitja Institute, Australia's National Institute for Aboriginal & Torres Strait Islander Health Research.

I am immensely proud to be the current Chair of the Lowitja Institute, and privileged to have worked alongside her for many years in establishing and growing the Institute and its important work.

I don't have the time to describe all the many ways she contributed to the life of this nation.

But briefly I can say that in her distinguished career she was recognised many times for that contribution: Australian of the Year in 1984; the first Aboriginal person to address the United Nations General Assembly; Companion of the Order of Australia (AC) in 1999; and even a Vatican knighthood, being made a Dame in the Order of St Gregory the Great in 2005.

All this is the public history.

It describes an extraordinary career of service to this nation.



But what it doesn't tell you is her importance for us, the Aboriginal and Torres Strait Islander peoples as a leader, mentor, and advocate.

She has never stopped campaigning for justice for us.

And she has done this with characteristic toughness, humour and grace.

I knew her by her work and her standing in the country long before I met her: she was at the forefront of national affairs when my generation was still running about wondering what to say and how to say it.

Later, I saw her at work, in meetings between senior Aboriginal leaders, Federal Cabinet Ministers, and ATSIC Commissioners.

She was formidable, a tough defender of the organisation that she Chaired, and someone whose intellect and determination we were in awe of.

I can recall times when we were all quaking in our boots – and that includes the Cabinet Ministers!

But despite this toughness, she is a very gracious person – she doesn't hold a grudge, is always willing to build bridges, and is always respectful of other people.

I, like many of our people, have seen this combination of toughness and grace and humour many times, have admired it, and tried to learn from it.

Which is why today I want to go back to her National Press Club Address in 1997 as the starting point for the Oration this evening.

I want to revisit that speech to the nation almost twenty-five years ago not just to demonstrate that it was prescient on many issues – though it was certainly that.

I want to show how what us mob have been saying since 1788 hasn't changed that much.

The circumstances change, but our demands to be heard and for a just settlement remain the same.

We should remember the context when Lowitja gave her speech in 1997.

It was thirty years since the 1967 Referendum, when 90% of Australians voted to count us as Australian citizens and to give the Australian Government the responsibility to pass laws on issues affecting Aboriginal and Torres Strait Islander people.

Lowitja reflected on the 1992 Mabo Decision, through which the High Court revealed the fiction of ‘terra nullius’ as a legal lie to justify the forced dispossession of our peoples from our land.

She also spoke of the struggles ATSIC faced, drastically underfunded but expected to deliver out of all proportion to the responsibility that it was given.

On the broader political stage, she foresaw how the election of the Howard Government reflected a hardening of the nation-state’s heart towards us, and how:

*the national consensus that had overwhelmingly carried the 1967 referendum was breaking down, [and] popular support for Indigenous programs retreating.*

She then looked to the future, to how Aboriginal and Torres Strait Islander and non-Indigenous Australia might progress their relationship, stating:

*We need a voice within the institutions of government ...  
ATSIC could become a vehicle for our proper  
accommodation within the nation, for the achievement of  
both our citizen rights and our Indigenous rights.*

When I re-read this speech a little while ago, this sentence rang a bell of recognition.

Here was a prominent Aboriginal leader, a quarter century ago, calling for ‘a voice’ – for a structure that would allow us to be heard in the highest forums in the land, on matters that concerned us.

And before Lowitja this call had been made before.

For example, in the 1930s, Aboriginal activist William Cooper called for a voice in Parliament for Aboriginal people.

Lowitja's demand in 1997 was just the latest chapter in that long story that we have been telling since the beginning of colonisation: this is our place, and we demand a voice on matters that concern us.

We have been making this point for a long time, but too few of those in power ever seem able to hear us.

Now, there some differences too, in what Lowitja was proposing.

She was asking for a voice to Government, presumably established through the legislation that established ATSIC.

Through the Uluru Statement, today we are asking for a Voice to Parliament, enshrined in the Constitution.

There are particular reasons for that and I will come to those shortly.

But while the detail has changed, the central demand remains the same: we demand to be heard.

And it is an indictment of a quarter-of-a century of Government policy making and politics that we are still making that demand.

The challenge is the same.

The story is the same.

And to understand the latest chapter in that story, we have to understand the *Uluru Statement of the Heart* and how it came into being.

In response to the rising tide of intolerance that Lowitja noted in 1997, the Aboriginal struggle gradually coalesced once more around the demand for Constitutional recognition of Australia's First Peoples.

However, 'Constitutional Recognition' meant different things to different people, from merely inserting 'preamble' that acknowledged our existence at one end of the scale to the demand for structural reform at the other.

At the end of 2015, the Prime Minister Malcolm Turnbull and Opposition Leader Bill Shorten established the Referendum Council, of which Mark Liebler and Patrick Dodson were asked to be co-Chairs.

Upon Patrick's resignation to take up his seat in the Senate, I was asked to replace him.

We were asked to build upon previous work on Constitutional reform, and crucially to consult widely with Aboriginal and Torres Strait Islander people.

Those consultations were our first priority.

The Government of the day reasoned – correctly in my view – that there was no point going to a Referendum with a proposal for constitutional change if it did not have substantial support amongst our First Peoples.

So, during 2016 and 2017, we held a series of Regional Dialogues with Aboriginal and Torres Strait Islander people and communities across the country.

These twelve regional Dialogues were held from Thursday Island to Hobart, from Perth, to Ross River outside Alice Springs, to Sydney and Melbourne.

We also held a one-day information session in Canberra.

Each Dialogue was hosted by a significant local Aboriginal organisation, and was attended by around one hundred people, including Traditional Custodians, representatives of local organisations, and prominent individuals and leaders.

These Dialogues were unprecedented in Australia's history: never before have we as First Nations sat down across the nation in a formal manner to deliberate on constitutional matters.

As such the Dialogues were a significant – if much belated – response to our exclusion from the original process that led to the adoption of the Australian Constitution in 1901.

At each Dialogue there the same groups of people from that particular region followed the same agenda and process.



With a unique process of learning, discussion and deliberation designed by Professor Megan Davis, each Dialogue was held over three days.

This allowed full consideration of what Constitutional reform meant for our diverse communities.

Throughout, the Dialogues were a passionate process.

Delegates grappled with the technical and legal implications of Constitutional change, as well as with their political viability.

There were disagreements, there were even arguments: how could it be otherwise when 1,200 people from all the diversity of our Nations were brought together to talk about matters so closely connected with the experiences and history of their families, clans and communities?

But there was also an extraordinary level of agreement on some matters.

At the end of discussions, each Dialogue elected a number of delegates to send to the National Constitutional Convention.

When those delegates assembled at Uluru in May 2017, the exhaustive deliberations and informed participation through the Regional Dialogues led to a broad consensus, as articulated in the *Uluru Statement from the Heart* which was adopted by the Convention.

Specifically, Australia's First Peoples overwhelmingly rejected any purely symbolic changes to the Constitution, such as through a 'statement of recognition' in the Constitution.

There were two reasons behind the rejection of this narrow model of Constitutional recognition.

First, there was a concern that formal recognition in the Constitution might interfere with sovereignty – and all Dialogues were steadfast in asserting the fact that we as First Nations had never ceded our sovereignty.

In re-asserting the fact of sovereignty, the delegates echoed the conclusions of the Expert Panel on Constitutional Recognition of Aboriginal and Torres Strait Islander peoples, which stated that<sup>1</sup>:

*The ... occupation of the country ... proceeded on the fiction of terra nullius. It follows that ultimately the basis of settlement in Australia is and always has been the exertion of force by and on behalf of the British Crown. No-one asked permission to settle. No-one consented, no-one ceded. Sovereignty was not passed from the Aboriginal peoples by any actions of legal significance voluntarily taken by or on behalf of them.*

Second, and more simply, participants in the Dialogues and at Uluru simply did not trust the likely process for drafting a constitutional statement of recognition

The concern was that by the time the lawyers were through with it, such a statement would end up being so bland as to be incompatible with the duty to recognise the difficult truths of Australia's past.

Instead, our mob wanted substantive change, structural reform, for their communities on the ground.

And if it didn't fit that criteria, they weren't interested.

And this is where Dialogue participants and the Uluru Convention showed significant agreement.

There was overwhelming consensus around three proposals.

First, for a constitutionally established representative body that would give First Nations a Voice directly to the Federal Parliament.

Second, for the establishment of a Makarrata Commission to supervise the making of agreements with us alongside (third) a process of local and regional Truth-telling which could form the basis for genuine reconciliation.

These three things were the key demands that arose from the Dialogues, and were captured in the *Uluru Statement from the Heart*.

Simply put: a constitutionally enshrined voice to Parliament; a process of treaty-making; a process of truth telling.

Voice.

Treaty.

Truth.

The delegates consciously addressed the Uluru Statement to the Australian people.

This was based on a faith that ordinary Australians of good will, if they heard our voice, would not turn away from us – just as they did not in the 1967 Referendum.

The response from many of those in politics and the media to the Uluru Statement showed the wisdom of our Delegates in seeking to speak directly to the Australian people.

The carefully thought out and extensively debated proposals for truth telling and treaty making were attacked by many mainstream commentators as if the history of dispossession didn't happen.

But it was the proposal to establish a Constitutionally-enshrined Voice to Parliament that has generated the most heat and the least light in mainstream public debate.

Several objections to this carefully considered proposal have been made.

I would like to address a few of those objections here.

First, the proposal to establish a Voice to Parliament through constitutional reform has been wrongly painted as an attempt to establish a third chamber of Parliament.

But it is not an attempt to set up a third house of Parliament.

No one is saying it would have veto rights over legislation.

Instead it would be a place from which our considered and culturally authoritative advice could be sought.

It is also not without precedent: many other Western democracies have their own formal representational systems for their First Nations.

Finland, Norway and Sweden all have separate parliaments for their First Peoples, the Sami, which are subordinate to the national parliaments but function as effective representational bodies for those peoples.

In New Zealand, there have been designated seats in Parliament representing the Maori community for one hundred and fifty years.

None of these countries have become ungovernable simply because they have enshrined in their Constitutions the right of their First Nations to have a voice.

Each country's model is necessarily different, but there is nothing particularly unusual in having formal systems for the representation of First Peoples within a nation-state.

Another objection has been around the need for the Voice to be established by a Referendum and enshrined in the Constitution.

Why not just establish a representative body which provides advice to the government (and not Parliament), through legislation (and not through a Referendum)?

This view ignores the origins of the Uluru Statement which was through a process of Constitutional reform.

This seems to be the Government's preferred process.

In October 2019 the Minister for Indigenous Australians, Ken Wyatt, announced the start of an Indigenous Voice co-design process, led by three bodies with both Aboriginal and Torres Strait Islander and non-Aboriginal membership.

The terms of reference of all three groups specifically forbids them from making recommendations on constitutional recognition or any of the other *Uluru Statement from the Heart* demands.

Consultations on this Co-Design process have just finished.

However, for myself as for many other Aboriginal and Torres Strait Islander people, this process cannot be supported.

It is a significant step away from what the Delegates at Uluru called for, and which was reflected in many of the Regional Dialogues.

So why is ‘constitutional enshrinement’ through referendum so important?

Why not accept a legislated solution, a ‘voice to Government’?

After all, in 1997, when Lowita O’Donoghue gave her National Press Club address wasn’t this what she was suggesting, with ATSIC to perform the role?



In fact, it was precisely the example of ATSIC that many of our people had in mind when proposing the need for the ‘Voice’ to be enshrined in the Constitution.

Back in 1997, as Lowitja noted at the time:

*The Prime Minister and the Minister [for Aboriginal Affairs] are on the record as saying that ATSIC is here to stay.*

However, just a few years later in 2004, after Lowitja O’Donoghue’s time as Chair, ATSIC was abolished by that same Prime Minister and his Government.

The immediate reasons given were a number of sexual abuse and violence cases related to the then Chair of the organisation.

But it was no secret, as had been noted in that 1997 speech, that the Howard Government was simply ideologically opposed to any significant representative body for our Nations.

These facts were foremost in the minds of delegates at Uluru and in the hundreds of Aboriginal people we spoke to in the Regional Dialogues.

It was one of the key reasons why they demanded that real Constitutional change meant structural change and that this meant enshrining the Voice in the Constitution through Referendum.

In this way, it would be protected from simply being legislated out of existence by any Federal Government that wished to do so.

A Voice established by Referendum could only then be abolished by another Referendum, that is through the directly expressed will of the Australian people.

I would like to address one more objection to the Uluru Statement's demand for a constitutionally enshrined voice.

This is the argument that a Referendum to establish the Voice is a step too far, that the Australian public would not pass such a Referendum.

First, we don't know this to be true.

I for one have faith that there is still a well spring of fairness and good will amongst the Australian people that we can rely on.

But of course, a referendum would need the support of all major political parties.

While one party or another withholds that support, it becomes a circular argument: we won't support a referendum because we think it might fail, but the reason it might fail is because we won't give it our support!

And on the matter of passing Referendums, we should also look to history.

The 1967 Referendum, which has been a source of pride for Australia, did not enjoy bipartisan support at first and was vehemently opposed by many of those in power.

As late as 1965, Prime Minister Robert Menzies argued against the Commonwealth being given the powers to legislate on behalf of the Aboriginal people as he believed it would lead to "a separate body of industrial, social, criminal and other laws relating exclusively to Aborigines"<sup>2</sup>.

And yet, by the time it came to 1967 both the major parties has accepted the justice of the question, and supported a 'yes' vote in the Referendum, with historic results.

In my view what we are asking for in 2021 is modest and reasonable.

Establishing the Voice to Parliament would be challenging, yes, but achievable.

It is the only constitutional reform which accords with the stated wishes of our peoples.

And it is proportionate to the level of distress, anger and powerlessness being felt in our communities.

So the fact that it may fail is not by any means an argument for not continuing to argue strongly for what the Uluru Statement demands.

After all, this is how positive change happens: not by accepting what is, but by imagining what could be different.

That is the challenge that the delegates at Uluru laid down for us: to imagine a better, more inclusive Australia and to commit to making that happen.

.....

In the time I have left, I would like to talk about the benefits of a constitutionally enshrined Voice to Parliament.

Establishing such a body in the Constitution has both substantive and symbolic value.

Symbolically, it recognises the unique place of First Peoples in Australian history and in contemporary Australian society.

It formally acknowledges our place here.

It means we will no longer remain ignored, invisible, powerless.

In asking Australians to vote 'yes' to such a proposal we would be asking us all to reflect on who we are today and what we stand for and what values and principles we hold dearest.

Because surely, we are not the same nation as we were in 1901 when the Constitution was drawn up.

It would establish a significant national narrative about working together – about a genuine two-way conversation.

But such a body will also provide substantive benefits.

Of course, we believe that it would lead to better, more effective processes to address the intergenerational disadvantage that many of our communities suffer.

It would address the long-standing historical inequity by which we are effectively excluded from many of the forums in which decisions are made about our lives.

The Voice to Parliament would address this imbalance at a national level.

It would be of great symbolic and practical value to all Aboriginal and Torres Strait Islander people.

However, in addition, the Uluru delegates saw the Voice to Parliament as a gift of great value to the Australian people as a whole.

It would be a place where we bring our stories and our knowledge to the symbolic centre of contemporary government.

We have been here for at least 65,000 years, according to the scientists, we believe from the beginning of time.

We believe we have always been here.

After our immense time on this continent, with all our different languages, histories and cultures, we have something powerful and unique to offer the nation-state.

And the nation-state could really use our knowledge.

Take for example the environment, on which all Australians' lives and our economy is based.

Over thousands of generations, our First Nations cared for and sustainably regulated the diverse natural ecosystems of this place.

Looking after Country was our job.

We cherished the land, understanding that our health relies upon its health.

However, in less than two-hundred and fifty years of colonisation, our knowledge and practices, developed and refined over millennia, have been marginalised just as we have.

Our adaptability, creativity and wisdom has been ignored, sidelined or suppressed, or seen to be of no value.

Our ability to care for Country has been profoundly undermined.

The results are all around us.

Everywhere we look, we see the damage being done to the living systems that sustain life: by drought and fire exacerbated by the climate emergency, and by those industries that take from the land but give nothing back.

We see the increasing numbers of ever larger, ever fiercer bushfires.

We see the rivers run dry.

We see the oceans filled with rubbish and toxins.



We are in a crisis that poses an unparalleled threat to the sustainability of life in this land.

This crisis poses a threat to the environment, the economy, and our health.

It also poses a threat to the human rights of all Australians and our children and grandchildren.

But we First Nations have the knowledge that can help heal this country.

Our Indigenous knowledge could help halt and turn back the destruction we see.

The bushfires – we know how to use fire creatively to promote life and productivity, how to manage it, how to prevent it becoming destructive and harmful.

The rivers – we know how to manage them, how to take the water we need, but always leave enough for other living creatures.

The oceans and the reef – we have thousands of years' experience looking after them sustainably.

I'm not saying we have all the answers, but I can say that as First Nations people, we have accumulated 65,000 years or more of knowledge about how to care for this land.

How to live on it.

How to be in harmony with it.

So we know a lot about this place – why ignore this knowledge?

What's happening here, one might ask?

The Voice to Parliament, enshrined in the Constitution, would be a permanent place in which to share that knowledge, and use it to help all people now living here, and to help prevent the kind of suffering we have seen recently.

This is the promise held out by the Delegates who gathered at Uluru, trusting in the decency and good sense of the Australian people.

I can point to another example: our response to the COVID pandemic.

When the Coronavirus first appeared over a year ago, there was great concern about what it might do to our communities, where overcrowded housing, high rates of chronic disease and great distances to hospital care are common.

Of particular concern to our people was the need to protect our Elders.

Our Elders are the holders of our cultural knowledge, history and languages.

As Pat Turner, the leader of our Aboriginal health services sector, said back in March 2020, if we lost them it would be like ‘burning down a library’<sup>3</sup>.

As the pandemic swept the world, the danger to our people was imminent and very real.

We have seen the terrible toll the pandemic has taken on First Nations Peoples in other parts of the world, such as the Navajo Nation in the United States<sup>4</sup>.

However, almost eighteen months on, there have been only 151 cases amongst Aboriginal and Torres Strait Islander people, a rate of infection six times lower than the non-Indigenous population<sup>5</sup>.

None of our people have died from the virus.

This is an extraordinary success, and one which we must cherish and keep working hard to maintain.

So why has Aboriginal Australia stayed safe so far?

First, our communities demanded strong, decisive action.

We knew this pandemic story, and we knew that if we didn't act it would end badly for us.

Our history told us this.

Our people quickly took their own action to prevent transmission into their communities.

In some places, even our children would stand beside the road with signs urging travellers from other parts of Australia not to stop in their community to reduce the risk of transmission of the disease.

The second reason we have stayed safe is our network of Aboriginal community controlled health services.

These health services, under our control, transformed community demand into evidence-based action.

These 150 Aboriginal controlled primary health care services have been able in many places able to provide a platform for local, evidence-based responses which also understand and respect local social and cultural realities.

So, I think there is something here that mainstream Australia might learn from, and the Voice to Parliament would be a place where that knowledge could be shared for the benefit of all Australians.

.....

In conclusion I would like to say this: the world is changing.

We are facing unprecedented challenges: from climate change, disease, economic inequality.

Some people are attempting to hang on to the old certainties, on what worked before, but they are increasingly seen as out of touch and irrelevant.

We're in transition – the changes are coming and we have to find new ways of working.

Everything is in question again, everything's back on the table.

So this is the time to forensically reassess who we are, to ask: what kind of a society are we?

What are our values?

Who are we?

What is being offered by the *Uluru Statement from the Heart* is transformative – giving all of us all a chance to consider these questions from a national, political perspective.

But it also demands of us that we ask these questions of ourselves.

What are my values?

What kind of country do I want to live in?

How do I want to relate to First Nations peoples, the ones who were on this land for thousands of generations before my mob arrived here?

This is an opportunity to change the narrative of the country.

This is going to require a level of sophistication and maturity.

This is the task for us, now.

So my main request of you here this evening is to support the Delegates who gathered at Uluru four years ago.

Support their call for a Constitutionally enshrined Voice to Parliament for our diverse peoples.

Support their vision for this as a permanent part of the life of the nation, not subject to the whims of the government of the day.

Support their demand for real constitutional reform, not the status quo where our representative bodies can be dissolved at the stroke of a pen.

And accept it as a gift from our First Peoples to all Australians in the spirit of a true and just settlement between us.

I will leave you with Lowitja O'Donoghue's prophetic words from 1997:

*We cannot lose the will to resolve these issues, because they will not go away. But tackling them half-heartedly or high-handedly will be a recipe for continuing failure. I believe that solutions are at hand. But they will require determination and patient effort, negotiation and compromise, imagination and true generosity.*

Thank you

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<sup>1</sup> Expert Panel on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples, *Recognising Aboriginal and Torres Strait Islander Peoples in the Constitution: Report of the Expert Panel*, January 2012, p. 22.

<sup>2</sup> <https://www.creativespirits.info/aboriginalculture/history/australian-1967-referendum>

<sup>3</sup> <https://www.abc.net.au/news/2020-03-20/dire-warning-on-coronavirus-for-indigenous-communities/12076420>

<sup>4</sup> Navajo Department of Health. *Dikos Ntsaaígíí-19 (COVID-19)*. 2020 29 April 2020]; Available from: <https://www.ndoh.navajo-nsn.gov/COVID-19>

<sup>5</sup> Allman J 2021 *Keeping Australia's Indigenous communities COVID safe. Hospital and Healthcare*, 21 April 2021. <https://www.hospitalhealth.com.au/content/aged-allied-health/article/keeping-australia-s-indigenous-communities-covid-safe-843032854>