



AUSTRALIAN SENATE

OCCASIONAL LECTURE SERIES

**Competing notions of constitutional ‘recognition’:
truth and justice or living ‘off the crumbs that fall
off the White Australian tables’**

Professor Megan Davis

Main Committee Room, Parliament House, 12.15pm ,11 July 2014

The trajectory of ‘recognition’ advocacy since 1967 reveals that Aboriginal notions of constitutional ‘recognition’ have included a constitutional ‘treaty’ power, designated parliamentary seats, recognition of Aboriginal customary law and a racial non-discrimination clause. The trajectory of the state, conversely, can be seen as having shifted from previously entertaining strong forms of ‘recognition’, to the past two decades of advocacy for ‘recognition’ in the form of a passing preambular nod accompanied by a no-legal effect clause and a waning interest in a formal reconciliation process.

In this lecture Professor Davis will track both the Indigenous and state trajectories of ‘recognition’ in the context of reconciliation. In light of these competing narratives, Professor Davis will explain why the Expert Panel’s recommendations in relation to sections 51A and 116A of the Constitution are the most appropriate next step in "recognition" and why a weak form of recognition may be perceived as a step to the side or, to paraphrase Charles Perkins, living off the crumbs and being told to be grateful.

The starting point for constitutional recognition, Professor Davis argues, should be about reconciliation - truth and justice - not the notorious ‘double majority’ that plagues constitutional evolution in Australia.

Professor Megan Davis is Director of the Indigenous Law Centre and Professor of Law at the Faculty of Law, UNSW. She is also an expert member of the United Nations Permanent Forum on Indigenous Issues and holds portfolios including Women and Gender, and Administration of Justice. Professor Davis is a Fellow of the Australian Academy of Law, an Acting Commissioner of the NSW Land and Environment Court and a member of the NSW Sentencing Council. She was a member of the Expert Panel on the Recognition of Aboriginal and Torres Strait Islanders in the Constitution.

Admission free—bookings not required

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