

Social contract

The fundamental relationship between the governed and government in South Australia was never politically achieved by a democratic, equal and just process over the life of the State.

The Constitution of the Parliament of South Australia was drafted by a 19th Century Premier of South Australia, without the full democratic involvement of the people or the community.

Of principal concern for the better future of South Australia is the just, equal and democratic treatment of all South Australians by government, and especially of all Aboriginal people.

At the heart of the principle of a social contract between the people and government is the right of the community to determine its future by making society accountable to the State.

South Australia began in an 1834 Act of a colonising British Parliament in London half-way around the world, and it determined all local Aboriginal people to be *persona nullius*.

The legislation was an ignominious start to a 165 year history of infamy for the Aboriginal people, who have never been asked to establish formal relations with the colonising State.

Central to the Wakefield Plan for colonising the Aboriginal lands of South Australia was a repugnance for slavery and the securing of a privileged English social contract for a few.

Slavery had been abolished in Britain and its colonies from 1833, and the worst fear of the emigrants to South Australia was being found guilty of enslaving the Aboriginal people.

To avoid the legal penalty for slavery and to avoid any allegation of slavery of Aboriginal people they were deprived of any right to their lands and were refused a social right to work.

This was a specific design especially incorporated in the establishment of South Australia, and although Aboriginal people were British subjects by law, this was only nominal justice.

The legal doctrine of *terra nullius* refuted by the Mabo judgment was developed by English law to permanently entrench this injustice in the State's legal and constitutional framework.

There is an urgent need for the people of South Australia to recognise this ignominy of the past and to go forward together in the future in community with all local Aboriginal people.

It is up to the community to extend the hand of partnership and co-operation to all people and groups in the State, and to reform South Australia to be inclusive of everyone's rights.

The traditional way to achieve unison of this nature, both for indigenous and immigrant cultures alike, is for a social compact or contract to be formulated to establish the peace.

The whole community must be consulted and all interest groups must have a legal right to negotiate with government in the make-up and terms of a rewrite of the State's Constitution.

A bright and just future for all is only based upon an equal and democratic negotiation by all.