

BEYOND THE BRIDGES AND SORRY

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Great Hall of the Parliament

National Reconciliation Week 25th May 2004

Acknowledgement of the Ngunnawal peoples

Acknowledgement of :

Chancellor ANU

Co Chairs of Reconciliation Australia

Members of the Senate and House of Representatives

And Honoured Guests

It is now the middle of the dry in the Kimberley - the barrgana, the south east wind time. In the country of the Gooniyandi along the boundaries that they share with their southern neighbours the Walmatjarri on the edge of the Great Sandy Desert the barala (the pools) are still full from the wula, the rains of the wet which have been driven back into the ocean by the south east winds from the distant deserts far to the east.

The desert is alive with the new growth of the season, jarlangardi, the goanna and mirdimarlu, the kangaroo can be seen in great numbers through the sand dunes and across the vast expanse of the Spinifex.

Along the Christmas Creek, walag, the frog gorges himself on junjunbiny the mosquito in preparations for the time when the wind, the sun and the cattle of the pastoralist will have drained the creek and all but the deepest of the billabongs.

Walag will then burrow deep into the still damp sand of the creek his body engorged with the moisture that will sustain him until the murlanan, the coming of the wet season.

Then he will judge whether the time is right to emerge and begin again the cycle of life.

Nearby are the homesteads of the pastoralists whose cattle now share the bounty of the country with jarlangardi and the mirdimarlu.

The Community settlements of the Gooniyandi and the Walmatjarri are along Christmas Creek. The people have sought to visit their traditional lands of their law, language and culture.

When they asked the local pastoralist for access they were confronted by locked gates and belligerent stockmen and forced to seek redress from the Human Rights and Equal Opportunity Commission just a few short years ago.

Their pleas for the most basic rights of access to their country fell on deaf ears. Today the gates of Christmas Creek Station are still locked to the Gooniyandi and the Walmatjarri.

And when they seek to fulfil their obligations as custodians of the land, to sing the country and to sustain the sites of the bugarrigarrra and to carry their responsibilities to teach their children their law and their obligations and responsibilities to country, they are subject to the whim and interest of pastoralist or their agents.

The parties who became direct beneficiaries of a ten point plan of denial concocted by governments whose policies are still centred on the premise of the terra nullius.

A premise which was rejected by the highest court in the land.

Regardless though, it still sits at the heart of many in this country who are unable to accept the reality of the shared history of this land of ours.

There are those who still seek to deny the reality of our presence as the original inhabitants of the land with rights and responsibilities within the land.

These Australians wilfully ignore and would deny us our rights as citizens.

Our history has dictated that we, the original owners of this land must share our countries with peoples from many other lands.

We acknowledge this reality, the need to share and recognise the interests of those who have come and now occupy and exploit our land.

Yet this understanding is not always understood, shared or reciprocated.

National Reconciliation week was established with two of the significant events in our National history as the focus of the week.

The first was May 27th 1967 the day when 91% of the voters of Australia sought to, allow the Commonwealth Parliament to “make laws with respect to Aboriginal people wherever they lived in Australia, and to include Aboriginal people in National censuses”.

In the words of Gough Whitlam “to purge this stain from our constitution”.

Harold Holt, the Prime Minister at the time, argued that the provisions of the Constitution were completely out of harmony with our national attitude and modern thinking.

The second was to recognise the day in 1992, June 6th, when the High Court of Australia handed down its Mabo ruling that forever removed the legal fiction of Terra Nullius from the non Indigenous law of this country.

As significant as these events have been for this nation and for all of us who live here in this land, for many Australians they have only been a cause for division and discord.

Organisations like the Rights for Whites that were established in parts of Australia at the time of the referendum.

In more recent times the One Nation membership and supporters saw these events as a denial of their own perceived racial superiority and rights.

And there are those who would not be honest enough to join with these groups yet harbour the same views.

My own local Federal member, who has a significant number of Indigenous constituents in his electorate is on record as saying that : “the 1967 Referendum was a mistake” (the Age 29th June 2001)

At the time of the referendum half a million voters agreed with him and rejected the notion of equality for all Australians and voted no to the proposal.

There were people in every state who were at that time not prepared to accept that Aboriginal people were entitled to the same fundamental rights enjoyed by all other Australians.

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In 1992 the Mabo judgement offered us all an opportunity and indeed a challenge that called for a national acceptance and sharing.

Based as it was on the recognition that indigenous Australians still had rights despite the invasion and occupation of our lands. It was a call for the involvement of the original inhabitants of this nation in the distribution and utilisation of the benefits that might be derived from the resources of the land.

The judgement called for a recognition of the historical reality that Aboriginal and Torres Strait Island peoples were the Indigenous peoples of this, now shared land. And to acknowledge that we have a unique relationship with the land and seas with responsibilities and obligations to sustain the values that underpin our societies for our future generations and for all Australians.

It was an opportunity for all Australians to come to an understanding of our shared history and realign the distorted relationship that has existed between us for over two centuries.

The opportunity for a resolution of the “unfinished business” between our peoples.

This was a challenge that was not met. Instead the Governments of this country used the legislative powers that are entrusted to them to diminish Indigenous peoples’ rights within the land and introduced administrative regimes to restrict our access and use to our country, the rivers and the seas.

And this was all done to placate the non indigenous interests in the land and to appease those, who like the opponents to the 67 referendum were dogmatically opposed to any recognition of our rights as indigenous peoples.

And this was done capriciously under the guise of protecting the equal property rights of all Australians.

This was a simple, flagrant and deliberate denial of the concept of equal rights and once again the rights of the original inhabitants of this land were subjugated.

Despite this legislative denial, there are millions of Australians that have recognised and embraced the opportunity that these events have presented to us as a nation.

Unlike many others, they have sought to learn and understand the reality of our shared history. They have gone into their schools, their workplaces, their centres of worship and their sporting clubs and said;

Here is an opportunity for healing and understanding, an opportunity for something profoundly better than what has gone before us in this country.

They have gone to the places where justice is administered and said;

We must learn to understand the circumstances of dispossession and deal with the disadvantage and destabilisation of the first Australians in a true and proper manner.

They have placed the symbols of our Indigenous society alongside their own in recognition that a shared country requires a society of equals with all the rights and responsibilities that this entails.

Australians of courage and vision walked across bridges in every part of this land in recognition of the fact that we are all Australians and that we do really have something to share.

The ANZAC Sea of Hands continues to encourage us all to stick to the task ahead. Highlighting the need for fairness and balance to signpost us towards a reconciled Australia.

After more than two centuries, despite the ne'er-do-wells we have determined that we must at last come to terms with the reality of our shared history.

And we know that when we have trodden this path together the rest of the world has looked on and seen something good.

We said to our children there can be no turning back – that our roads may vary but our destination is ultimately the same and our children knew that something right was happening.

And we now see it reflected in our schools across Australia every day.

These two milestones, the Mabo Judgement and the 1967 Referendum, in our shared journey loom large on our national psyche.

Before then, Indigenous and non Indigenous Australians had achieved very little together. By acting in a concerted manner it is clear that seemingly impossible national goals can be achieved.

These two seminal events were the result of two National Institutions, the Federal Parliament and the High Court bringing their power and authority to bear.

The outcome was the enhancement of the position of Indigenous people and the conferring of pride and self respect for all with good will.

Our common law and constitutional foundation was changed forever.

The great battles for the recognition of the rights and interests of Indigenous peoples in this country were not won easily.

They relied on the challenge by Indigenous peoples and their non Indigenous friends and supporters to the powers and authority and to the precepts that formed their guidance.

The “Day of Mourning” organisers in 1938, 175 years after the arrival of the first fleet, fought for the removal of the Aborigines Protection Board, and the tyranny and controls that the board imposed on every facet of the lives of Aboriginal people in New South Wales.

They expressed the desire for freedom to be restored to all Aboriginal people from native and Aboriginal affairs regimes.

The Ngoongah delegations that sought to be freed from the 1905 Act in Western Australia, an Act of Parliament that controlled every aspect of the lives of Aboriginal people in my home state.

An Act that allowed for the legal but immoral removal of children from their families so as to propagate the cultural genocide of our people.

An Act that also regulated marriages between Aboriginal women and men of other races especially favouring marriage to Caucasian Christians and frustrating any others.

The walk offs from stations in the Pilbara of WA in 1947 and Wave Hill in the NT in 1966 were decisions made by Aboriginal people to assert their rights to live within the embrace of their law, language and culture. To protect their wives and children from the perdition of slavery and servitude on the pastoral properties.

They wanted to be free of the sanctioned violence and back upon their lands.

They sought to assert their cultural identity and to meet their obligations to their law. They wanted rights to their lands through the parliaments.

In all these events where the Aboriginal people were confronted by the unequal forces and systemic racism Aboriginal people were inevitably forced into a level of compromise.

Despite our own needs and desires, we have always been driven towards goals and values desired and ordered by others.

The pastoral workers were given a semblance of equal wages and then after the probation periods for full award wages kicked in and the pastoralist had exploited the workers they were forced off the properties, their home and traditional lands with the gates closed behind them.

The Gurindji were allowed to stay on at their camp at Dargaragu but had to wait for the beneficence of the Whitlam Government to be given any semblance of land justice years after the walk off.

In Western Australia we had to wait till 1972 for the final repeal of the 1905 Act but not until thousands of our people had their lives destroyed through institutional control and our communities scarred forever by the removal of our children.

In New South Wales the attempt by the Aborigines Progressive Association led by Cooper, Ferguson, Patten, Pearl Gibb and others who had sought to “Claim Citizenship Rights” was subsumed by the death of Prime Minister Lyons, whom they had petitioned for some limited justice and the coming of the Second World War.

But with the High Court in 1992 and the Human Rights and Equal Opportunity Commission in 1996 with its “Bringing Them Home Report” two institutions of Authority in this country confronted the truth of our history.

Here was the opportunity for those who govern on our behalf to seize the moment and confront the truth of our shared history.

To relieve the burden of our colonial and contemporary shame.

To say to all Australians that after two centuries we have the knowledge and opportunity to resolve the differences that exist between us.

To acknowledge the wrongs that have been done to Indigenous people and to offer a genuine gesture of atonement to those whose culture and language our governments have undermined and whose lands they have usurped.

Here is an opportunity to move forward “together as mates” as Vincent Lingiari said to Gough Whitlam.

Government however, chose to pursue the path of denial, to continue to ignore our interests and our rights as citizens. Chose not to heal the wounds of division and discord.

The power brokers and politicians chose confrontation over negotiation, legislation over compromise and litigation over mediation.

Now Governments seeks to remove the one small formal voice of Indigenous people from the table of our National discussion on the basis that it was failing the Indigenous people in terms of service delivery, advocacy and advancement of our place in the society.

ATSIC was created by Government so as to give Indigenous people a National and Regional voice.

We are now in the position where this voice is to be removed, on a whim, in a fit of pique, and without any discussion, consultation or negotiation with indigenous Australians.

And without a vision for any alternatives.

We have been offered a view through the rear view mirror of life for indigenous Australians in the fifties and sixties, a place where the governments seems to want to return us.

Perhaps it was flawed! But ATSIC was never a construct of Indigenous people.

It was a child of Governments.

Government provided it with the resources of a poor house orphan and expected it to perform like a prodigy.

And now it has been blamed for the failings of governments and their agencies to deliver the outcomes that indigenous Australians rightly demand as citizens of this nation.

Rather than alleviate our poverty they have by their ignorance and inaction entrenched it.

They have by their lack of commitment and understanding confirmed on us continuing welfare reliance.

The outcome was sadly, always inevitable.

But the concept of providing Indigenous people with an elected National Forum and a voice at a National level was none the less right and must be saved from the road wreck.

Indigenous Australians must have a National, State and Regional voice and it's authenticity must be informed from the local level according to proper cultural protocols.

To have the views of our people heard and to have our aspirations as a people put forward in the forums of Government in this country.

ATSIC became a distributor of the limited largesse available from the public purse and its officers the bagmen in an unequal relationship built on the notion of welfare.

Perhaps as a nation we should have found the courage to deal with the resolution of the unfinished business between our peoples as the Council for Aboriginal Reconciliation had proposed.

When those opportunities presented themselves we should have been able to develop a relationship where discussion in pursuit of a mutually beneficial outcome was possible.

Now, in the absence of such an arrangement with Government, Aboriginal and Torres Strait Islander people have no choice other than to pursue an ongoing political debate with the governments of this country to fight for our rights as Indigenous peoples and as citizens of this shared nation.

The response of government to Mabo and the Stolen Generations Inquiry and the precipitous action over ATSIC has confirmed to Indigenous people that their rights will not be respected nor their needs addressed by exiting policies of governments.

As always when there is upheaval in the relationship between us there comes the time when pragmatism will prevail and the relationship must be realigned.

The Indigenous people of the nation are expected to again oblige the current political reality and sublimate their needs and rights and engage with government on its terms.

But now the Government has by its own actions in removing our national voice unwittingly opened up a new opportunity for us all.

If political leaders are prepared to enter into a discussion, a dialogue with us, we now have an opportunity to realign the relationship between the Indigenous Australians and governments at all levels.

We have available to us a “camp along the side of the road” where as a nation we can again develop a strategy to take us forward as mates where formal and substantive equality could be achieved without any other citizen losing out.– Yet another opportunity for a resolution of our unfinished business.

We require a National indigenous voice that has its authority grounded in support from indigenous Australians.

It cannot be yet another artificial construct foisted on us by Governments who will determine what is acceptable. Agreements between Governments themselves must include the participation of Aboriginal people so that any new model is to have any chance of success.

The determining of how an Indigenous voice that represents the views and aspirations of all our peoples is established must be a matter for Indigenous people.

We must have available the necessary time and resources to identify the nature of the representation we require and it must be agreed by our people.

In the different parts of Australia nations, tribes and communities may determine that they wish to use their existing community representative structures to convey their views.

In other regions people may wish to retain existing ATSIC type forums to represent their interests.

Still others might have a whole new approach to representation and all of these options must be considered.

In my view the ATSIC structures failed in their function of representation because they were not reflective of the political and organisational forums that existed for Indigenous people in this country prior to ATSIC's creation.

Any new Representative Forum must be able to perform a number of functions beyond simply representing the interests of our people.

It must have policy development at its centre, especially if programme delivery is to be maintained

1. There must be an independent capacity to develop appropriate policy positions and undertake research that can then form the basis of our negotiation with Governments. Policy development must be rigorous and reflective of the circumstances facing Indigenous people in the contemporary situation. Policy development should not be limited to the matters of so called "practical reconciliation". It must include the matters of cultural heritage, language preservation and sustainable economic development.

2. There must be a role for the Representative Forum to develop and agree with Governments' benchmarks for the delivery of appropriate services to Indigenous people across all the critical social areas such as housing, employment, education and health.
3. There must be a capacity to identify any failure to reach agreed benchmarks and a process for the implementation of remedial action so that the citizenship entitlements of Indigenous people in this country can be fully met.
4. The Representative Forum must have the ability to engage with Governments at the highest level in a formal structured process. This should include participation at the Ministerial Council level so that the States and the Commonwealth can become accountable for the policy decisions that are determined for the participation of our people in the future of this nation.

The methods of election while a part of the complexity of democracy could never be considered its totality. Debate, respect, fairness and balance surely must inform how robust Indigenous democratic governance and government can be expressed.

The composition of any new structures need to take into account the recognition of the failings of previous representational models while giving recognition to the cultural and traditional methods of Indigenous Community Governance.

I believe that the adoption of models that are used by International organisations such as the UN and the Commonwealth where representation sits along side a properly resourced, selected secretariat that provides the day to day praxis for the policy implementation should be considered.

This combined with a soundly based policy development capacity where the issues working against a reconciled Australia can be progressed and settled with Government will allow for representation and policy development without the encumbrance of programme delivery and an improvement in the social indicators for Indigenous affairs.

This cannot happen in isolation from a realignment within public sector administration and a higher level of understanding and appreciation of their duty of care by Government agencies and those charged with the delivery of effective and appropriate services to Indigenous people.

It is often said to me by people that Reconciliation is about a personal journey, a matter of the heart.

Well perhaps in one sense that is right and the personal journey must be undertaken before we can confront the broader matters that divide us as a nation so as to understand the complexities of what it means to have diversity aligned with justice.

Our common national journey began with the arrival of Cook and Banks in 1770 and we have ambled along for the past 234 years often hoping that one or other of us would wander off into the scrub like Burke and Wills never to be seen again.

This forlorn hope has been recognised by many great people in this country over the intervening years since Cook frightened the daylight out of the mob at Botany Bay as well as every other native his crew encountered along our eastern coast.

William Ferguson and the members and supporters of the Day of Mourning movement.

Jessie Street and Faith Bandler with the people they led in the fight for the Referendum of 1967.

Eddie Mabo who wore himself out in his fight for recognition of his rights to his island home.

On each of these journeys of Reconciliation and Resolution that have taken place in this country many contemporary leaders of courage and vision have contributed to the dream of a reconciled peoples whilst making it clear that justice for Indigenous peoples was integral to the achievement of this dream.

Often their contribution has gone unnoticed and unapplauded but one day our children will celebrate them as the heroes of reconciliation.

Governments inevitably are discarded by those that believe that the peoples' values and aspirations are no longer being represented.

One day we will have a Government that recognises the futility of ignoring the reality of our presence as the Indigenous people of this shared country and acknowledge the unique rights and responsibilities that we have as Indigenous Australians.

Sometime in the near future I expect that as a Nation we will revisit the issue of our constitutional status either as a Republic or under the monarchy.

Perhaps as we prepare for this inevitable debate we should allow for and plan an engagement between us on how the rights and responsibilities that Indigenous people of this country can be forever enshrined in the legal and political structures of this shared nation.

Almost in a line that intersects the country of the Gooniyandi and the Walmatjarri is the ribbon of Highway 1 known in that part of Australia as the Great Northern Highway.

On that road, travelled thousands of the young, stolen Aboriginal children of the Kimberley.

From their homes in the East Kimberley to the Missions at Forrest River, Sunday Island, Beagle Bay and in some sad instances all the way to Moore River.

We were assured it was “for their own good”.

It was their road of tears. For many the journey back down that highway to their families and their birthright was never to eventuate.

There are many other country roads and highways throughout this land that have witnessed that same journey of tears.

But today the roads of the Kimberley and other parts of this country are more likely to be filled with tourists who know nothing of the history of these terrible transportations.

In most cases they know little of the beauty and brilliance of the country that the line of bitumen traverses.

There is often no time to search or inquire of the soul and history of the land.

When marn-gala (the wet) is late or wula(rain) is not plentiful the country adapts accordingly and the plants and animals adapt as one with the land. Country will stress and balu (trees) may perish mirdimarlu the kangaroo may postpone her breeding, but still the land and all that it sustains will survive.

For 200 years Indigenous people have been living in a time of cultural drought where the sustaining of our language, law and culture under conditions of social stress caused us enormous damage.

But like the land from which we come, we have survived and we must now hope to hear the first sound of lalin, the hot time before the wet season rain.

But we know that finally marn-gala (the wet season) has returned to the land and time for rest and cultural revival is now here with us. The season of plenty.

On this journey of resolution that we are on, if we are prepared to do what many great Australians before us have done and confront the issues of our “Unfinished Business” with courage and patience then our season of plenty will be close at hand.

When that time does come, there will be no need for us to seek the empty platitude of “sorry” from leaders who are incapable of sharing our vision or enjoying our shared company on this National journey.

Kulia