

UNDER EMBARGO UNTIL DELIVERED

**15<sup>th</sup> Lionel Murphy Memorial Lecture**  
6.30pm  
NSW Parliament House  
28 September 2001

Reconciliation - Moving beyond broad support and goodwill

**By** Patricia Turner

Thank you Professor Brown for your kind introduction

First, I would like to acknowledge the traditional owners of the land we meet on tonight and pay my respects to the Eora people.

Second, I would like to thank the Chairperson and Board of the Lionel Murphy Foundation for inviting me to give the 15<sup>th</sup> Memorial Lecture.

I would also like to acknowledge the presence here this evening of those people who had the privilege of knowing the late Lionel Murphy, especially those who were his true friends.

I am very honoured to be here and to join such a distinguished group of Australians who have preceded me in delivering these lectures.

Tonight, I intend to examine the vexed issue of Reconciliation between the Indigenous peoples and other Australians. The Indigenous peoples of Australia are the Aboriginal and Torres Strait Islander peoples, who have lived here continuously for some 2,000 generations. The other Australians are all those peoples who arrived on our shores or were born here, since 1788. That amounts to some 9 generations. The difference between 2,000 and 9 generations is obviously great, but it does not seem to me to be a point that registers or sits easily in the psyche of most non-Indigenous Australians.

I say most, because clearly there have been and are some exceptions.

Lionel Murphy was one such exception. As Jenny Hocking records in her political biography of him, part of a speech he made in 1980 entitled “The responsibility of Judges” in which he said

“Two hundred years ago, Europeans came to a country inhabited by peaceful people living in

harmony with their environment, with an ancient system of law and a highly developed system of social justice. They had no need of the goods, the laws or the ideas of the invaders. The British Government took away their land, killed most of them, and brutalised and degraded them. We continue to degrade them, to discriminate against them and to deny them elementary human rights. They constitute only one per cent of our population.” (Hocking, Jenny, 1997, p 271)

He understood the situation and he articulated his views unashamedly.

I did not know Lionel Murphy personally but I was and remain appreciative of his contribution to our country during his legal and political life. He was a civil libertarian, committed to social justice and he stood by his beliefs in non-discrimination and equality. He left his enduring mark of reform through measures ranging from the establishment of the Senate Committee system, introducing legal aid, the Trade Practices Act through to his judgements on the High Court. (See Hocking, Jenny, 1997, p224)

Many of the people who have given the previous Memorial Lectures have recounted in detail and much more eloquently than I can, the many judgements Lionel Murphy handed down in the High Court and I would refer interested persons to read them.

But let me indulge you with one such legendary judgement as cited by Jenny Hocking> It impressed me at the time and it still does.

“In 1982 the High Court considered an appeal by the Chairman of the Yarrabah Council, Percy Neal, who had been charged and convicted of unlawful assault for spitting at the white manager of the store on the Yarrabah Aboriginal Community Reserve in northern Queensland. The Queensland Court of Appeal had earlier heard Neal’s appeal that the Queensland magistrate’s conviction and sentence of two months’ hard labour was excessive, and had increased his sentence to the maximum available of six months with hard labour - the first time in thirteen years that the appeal court had agreed to hear an appeal only to then increase the sentence. The case carried immense implications for civil liberties, race relations in Queensland and the

administration of justice for Aboriginal people; the High Court Gallery was crowded with members of the public, interested parties and the media as the court came to hand down its decision. The tension in the court and the tremendous sense of expectation which accompanied the handing down of the court's ruling was greater for any other case during Murphy's time on the bench.....In a spirited judgement which ranged across race relations in Queensland and the history of oppression and powerlessness of Aboriginal people, particularly those on reserves, Murphy levelled a startling accusation of racism at the Queensland magistracy and came to focus on the magistrate's characterisation of Neal an 'an aggressive agitator': These remarks disclosed, if it were not already apparent, that this was a race relations case, intimately related to the politics of Aboriginal communities and the system under which Aboriginals live in the communities....the Magistrate's remarks show that he had put himself in opposition to the political stance of the defendant that conditions need changing on the reserve....

That Mr Neal was an ‘agitator’ or stirrer in the Magistrate’s view obviously contributed to the severe penalty. If he is an agitator, he is in good company. Many of the great religious and political figures of history have been agitators, and human progress owes much to the efforts of these and the many who are unknown. As Wilde aptly pointed out in *The Soul of Man Under Socialism*, ‘Agitators are a set of interfering, meddling people, who come down to some perfectly contented class of the community and sow the seeds of discontent amongst them. That is the reason why agitators are so absolutely necessary. Without them, in our incomplete state, there would be no advance towards civilisation’. Mr Neal is entitled to be an agitator.”(See Hocking, Jenny, 1997, pp271-2)

Well, there can be no doubt about that, the good judge certainly did not let the attendant crowd down, but more importantly than that, Mr Neal got his justice and Indigenous Australia took heart from the judgement. I will never forget that famous phrase, ‘Mr Neal is entitled to be an agitator’. Thank you, Lionel Murphy.

Mr Neal was one of countless Aboriginal leaders who of necessity became agitators in an attempt to achieve

equality, recognition and social justice for our people. The reconciliation process was a continuation of their struggle for rights.

Now let me turn to the issue of Reconciliation - Moving beyond broad support and goodwill.

In overall terms I would have to say that we have made a very good start in attempting to deal with the issue of Reconciliation. Our country is unique in the way we have ventured on this journey. It is timely to remember however that the process of reconciliation grew out of the inability of our then parliamentary representatives to agree on whether there should be a treaty with Indigenous Australians. Instead, what we saw was unanimous support within the federal parliament for a process of reconciliation. No political party was bound by the outcome of the process; it was an opportunity to gauge where the Australian people wanted this issue to go.

There can be no doubt about that. We have seen clear demonstrations of goodwill and broad support for reconciliation from the Australian people at large. The most visible being the celebration of Aboriginal and

Torres Strait Islander cultures in the opening and closing ceremonies at the Sydney Olympics and the walks over the bridges, which sent a clear signal to all politicians at all levels of government that people wanted change for the better.

There have also been hundreds of examples of initiatives at the local community level that illustrates this point. Take the town of Moree for example, a town that was targeted in the Freedom Rides in the 1960's for barring Aboriginal children from the local swimming pool. I visited there earlier this year and proudly had my photo taken near a plaque at the entrance of the pool that commemorates the Freedom Rides. I am also proud that my late uncle, the late Charlie Perkins, another agitator, was present and honoured at the unveiling of the plaque before his untimely death last October. Moree now prides itself on working for reconciliation and has employment programs supported by industry to secure real jobs for local Indigenous people. In Western Australia we see mining companies sponsoring leadership development programs for young girls in the Kimberley region, and scholarships to ensure our young people complete Year 12. There are also sub-contracting

opportunities to enable small business ventures run by Aboriginal people to flourish. In a few weeks time the Rotary Clubs in Canberra and Southern NSW district are sponsoring 40 young Aboriginals from the region to come to the Australian Institute of Sport for a several days to enjoy a new experience together and see that there are choices available. My Team will be volunteering our time during that weekend to assist with the visit. Partnerships between black and white Australians are being forged and such initiatives must continue to be encouraged and supported.

The Council for Aboriginal Reconciliation did a magnificent job in keeping the process going under what were at times, extremely difficult circumstances. I pay tribute to the nation building work that they did for us.

We cannot let this good work go to waste. We must build on it. For the fact remains that the daily life experience of the majority of Indigenous people is still far from equal to that of the majority of other Australians. In spite of this, one of the most revealing facts contained in the Council's final report is that almost half the

Australian people do not believe that Indigenous people are disadvantaged (See p 109 “Reconciliation Australia’s challenge”, December 2000, The final report of the Council for Aboriginal Reconciliation to the Prime Minister and the Commonwealth Parliament)

Clearly, the challenge for us now as a nation is to ensure that we harness the goodwill and broad support established over the past decade so that we can achieve irreversible improvements to the quality of life for Aboriginal and Torres Strait Islander peoples. Such improvements should reflect a balance between our hard won rights as citizens in our own land and our even harder won rights as Indigenous Australians, including but not limited to land rights and native title rights. To this end, I will proffer some comment.

The Council’s final report makes constructive recommendations and suggestions about the way forward. The federal government has supported the establishment of Reconciliation Australia to continue the work and it has recently launched its Strategic Plan 2001-03. The Plan identifies 3 goals and they are: -! Achieve social and economic equity for Indigenous Australians; 2.

Strengthen the people's movement for reconciliation and, 3. Acknowledge the past and build a framework for a shared future. The goals are supported by sensible strategies and actions and I commend the document to you and urge your support for this small but very important organisation.

Both the former Council and now Reconciliation Australia have identified the need partnerships between government, the private sector and community to advance their work. I am pleased to say that the agency that I now work for since October last year, Centrelink, has taken some positive steps in this regard. Last December the CEO, Ms Sue Vardon, the then Chair of the Council for Aboriginal Reconciliation, Evelyn Scott, and I in my capacity as Executive Director, Indigenous Services in Centrelink, launched Centrelink's Statement of Commitment to Reconciliation. We are one of 2 federal agencies, as far as I am aware, to have adopted our own statement of commitment to reconciliation. In the statement we commit to working in partnership with Indigenous communities and individuals to achieve better socio-economic outcomes. As an employer of 22,000 staff we also intend to increase the employment

opportunities for Indigenous people within our organisation and provide the necessary support to ensure they reach their full potential in the careers with us. To this end we have launched a new Indigenous Employees' Action Plan to provide a national framework for our managers to integrate into their work practices and against which they will report their achievements. A couple of months Evelyn Scott launched our new Indigenous Servicing Strategy which also provides a national framework through which we can improve our overall service delivery to Indigenous Australians. This includes working cooperatively with other departments and agencies at all levels of government and communities themselves to cut through the bureaucratic processes and deliver better outcomes at the community level. In the last budget I was very pleased that we received funding under the Australian's Working Together initiative to establish 12 new Indigenous Remote Area Service Centres to improve access and our service delivery for our people living in remote areas of the country. We intend to train and employ locally engaged Indigenous staff, thereby creating local employment. We are working in cooperation with other departments who also received funding for Indigenous initiatives under Australian's Working Together.

I have worked in Aboriginal and Torres Strait Islander affairs all my life, including in excess of 23 years in the Australian Public Service. I have seen change in that time and I want to continue to see that until we have achieved our rightful place in our own land. One area that I believe we must now turn our attention to is that of governance within Indigenous communities.

Governance is defined by Plumptre & Graham as follows:

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“Governance involves the interactions among structures, processes and traditions that determine how power is exercised, how decisions are taken, and how citizens or other stakeholders have their say. Fundamentally it is about power, relationships and accountability: who decides, and how decision-makers are held accountable.” (See Governance and Good Governance: International and Aboriginal Perspectives, Tim Plumptre and John Graham, December 3 1999)

There are literally hundreds of Aboriginal and Torres Strait Islander communities within Australia, all struggling to survive. These communities exist because people want them to. They want to keep their cultures,

languages and customs alive. And, after continuously occupying this land for 2,000 generations why shouldn't we have pride in being members of the oldest living culture in the world. In fact, all Australians should feel a sense of pride in this. People also want to enjoy a better quality of life and make decisions for themselves about their priorities and their futures. Very little effort has been made to equip people with the skills to practice good governance in their communities. It is not that people don't want to; it is more that people have not been able to exercise the power over their lives to make the difference so desperately needed. They are at the mercy of government funding and the plethora of departments and agencies all vying for their programs to be delivered within their guidelines, which in most cases, bears no resemblance to the needs within the communities themselves. There has to be a better way.

I believe a sustained effort now needs to be made to guarantee access to educational opportunities to all Indigenous Australians and negotiations need to commence immediately on how to establish good governance within our communities. New systems need to be developed that incorporate the traditional values and reflect our cultural beliefs within them. The current

corporations laws pay scant regard to this feature of our community life, if at all. Even local government arrangements lack the right mix of conditions for good governance. We have much to learn from other countries and a careful scan of developments in governance arrangements in North American Indigenous communities would prove very informative for us. I would urge all those people in decision making roles in government to acquaint themselves with the notions of good governance appropriate for Indigenous communities and take steps to address it in a meaningful and sustainable way. But if this is not done in partnership with Indigenous leaders it is doomed to fail.

In closing let me make one final point. Not since there was unanimous support in the federal parliament for the passage of the *Council for Aboriginal Reconciliation Act 1991*, have we seen bipartisan support for Indigenous affairs in our country. With the impending federal election, may I take this opportunity, as a private citizen, to urge our political representatives to show real leadership to advance our objective to achieve true reconciliation within our nation. Is it not our right to enjoy the full range of our citizenship entitlements, including the rights and responsibilities that go with that?

Is it not the right of every Indigenous child to have access to a decent education? Is it not our right to live a healthy life and to feel safe in own communities? Is it not our right to have our rights formally recognised and protected within our national democratic system. A return to bipartisanship on Indigenous issues would be a positive and welcomed response on the part of our political representatives. Please make us proud. Even the agitators would applaud that.

THANK YOU