

## RECONCILIATION WEEK SPEECH

Delivered by Peter Yu

27<sup>th</sup>, 28<sup>th</sup> and 29<sup>th</sup> May, 2019.

Thanks Bill

I'd like to begin by paying my respects to the traditional owners of this country and foremost acknowledge the senior elders key Aboriginal leadership people here today, Rodney Dillon, Jimmy Everett, Thank you for allowing me to be here to speak on your country

Can I acknowledge Mr Dick Warner representing his wife the Governor of Tasmania, Her Excellency Professor Kate Warner AC. I also acknowledge the Premier of Tasmania Will Hodgeman, Jacque Petrusa Minister for Aboriginal Affairs, the leader of the Opposition Rebecca White, Cassy O'Connor the leader of the Tasmanian Greens Party, Anna Reynold Lord Mayor of Hobart and her husband Mark Horstman and Doug Chipman the President of the Local Government Association of Tasmania.

I acknowledge particularly Fiona Hughes and Bill Lawson Co-Chairs of Reconciliation Tasmania and their Board members, Mark Redmond CEO RA Tasmania and Bills wife Lea, thank you for the invitation to come and speak this morning to you during reconciliation week.

The theme for Reconciliation Week this year is "Grounded in Truth: Walk Together with Courage."

Tasmania, as the Australian state with the most abhorrent history of massacre and near-extirpation of its Indigenous peoples, might be the jurisdiction to lead the way in this regard.

The colonial history of Tasmania must surely be regarded as one of the great human tragedies of the early 19<sup>th</sup> Century. It was the first site where the fiction of *terra nullius* was most sorely tested.

One cannot help but wonder how such a fiction could be maintained, in the face of the extraordinary resistance to dispossession – to the point that journalists of the day called it the "Black War".

The authorities were apparently well aware of the contradictions in their position in terms of a state sanctioned push towards extermination of Tasmanian Aboriginal peoples.

The then secretary of state, Earl Bathurst, advised Lieutenant General Darling that when hostile incursions from the natives could not be prevented, then it would be necessary " ... to oppose force by force, and to repel such aggressors in the same manner, as if they proceeded from subjects of an accredited state".

In other words, wage all-out war, but don't name it as such, because that would have acknowledged the existence of sovereignty.

The Aboriginal survivors of the Black War were eventually removed to Wybalena (pronounced Wybaleena), on the west coast of Flinders Island – a thoroughly depressing settlement by all accounts.

This exile represented the second wave – following near extermination - of the tide of history that diminished Tasmanian Aboriginal people’s continuing connection with their traditional lands, and defined their future exclusion from making claims under the Native Title Act.

Yet out of this darkest of histories, Tasmanian Aboriginal people have emerged as the most determinedly resilient individuals.

Credit is due to the contemporary Aboriginal communities of Tasmania, who continue to demonstrate that resilience together despite continuous attempts at their physical and political erasure and who have and continue to strive so diligently for recognition and for their rights. I have been a constant admirer from afar of your strengths in such adversity.

Reconciliation as a movement is premised on such recognition but also crucially on bringing to light our diverse histories. We might not always agree, or hold shared ideas, about these histories.

But these histories – the stories of the past – are what tie us together; they will help us understand where we have come from as a nation, where we have arrived at, and where we might go.

Fortunately for all of us, a shared and just future does not require a shared and just past.

But the transition for Australia, the turning of the page, will require intellectual honesty and courageous reflection - a “waking up” from our state of national forgetfulness in trying to discover our collective soul. And an acknowledgement that the history of Aboriginal people in Australia *is* Australia’s history.

James Bonwick – in his 1870 history of Tasmania - shone a bright light on the effects of colonisation on Tasmania’s Aboriginal people. In a tone curiously similar to Keating’s Redfern speech he wrote:

“We came upon them as evil genii, and blasted them with the breath of our presence. We broke up their home circles. We arrested their laughing corroboree. We turned their song into weeping, and their mirth to sadness.”

101 years later, Gwen Harwood the poet wrote about Oyster Cove:

“The long night's past  
and the long day begins. God's creatures, made  
woodcutters' whores, sick drunks, watch the sun prise  
their life apart: flesh, memory, language all  
split open, featureless, to feed the wild  
hunger of history. A woman lies  
coughing her life out. There's still blood to fall,  
but all blood's spilt that could have made a child.”

Gwen’s poem was a work of imagination, not historical documentation, but breathtakingly powerful, nonetheless. It begs the question - How can we as a nation reconcile with imagery such as this? How might we forge a bright future out of such a very grim past?

I seriously believe that the Australian nation is far better than the political system which represents us. Our nation is not our government. And where there is a groundswell of goodness in mainstream Australia the political system can change.

We’ve just witnessed the formation of the 46<sup>th</sup> Australian Parliament following last week’s election. I’m pleased to be able to tell you I am feeling an increasing sense of optimism. I think we are entering a new cycle in Australia, a renewed energy relating to genuine settlement with First Nations people.

I would like to quote from a recent delivery from Ben Wyatt the WA Minister for Aboriginal Affairs and Treasurer in recently Launching Woodsides RAP in Perth:

Quote *“In my view the recent federal election result should remind those of us who are committed to Reconciliation; that we should never rely on one side of politics to deliver justice and for aboriginal people. For too long Aboriginal people have been caught up in Australian mainstream party political agendas and ideological battles that often belong to other agendas.*

*The position of Aboriginal people’s rights and interests should transcend party politics.*

*I believe that we should be building a long-term national consensus so that First Nations people don’t have to feel the despair that their hopes for a better life should not be crushed because one side of politics did not win an election.*

*That is not sustainable nation building for Australia. We, as a nation will never achieve Reconciliation, if*

*that scenario remains the political reality for First Nations people in Australia.* “(End quote).

I’ve been observing these cycles for some decades now, so my optimism is tempered with political realism – but in terms of developments around a national Indigenous voice to parliament, there is a momentum now which is unstoppable.

The re-elected Morrison government has committed to recognizing Indigenous people in the Australian Constitution – a reform which will require a referendum. The appointment of Ken Wyatt as historically the first Indigenous Minister for Aboriginal Affairs perhaps is a signal in the right direction.

His government has also committed to exploring how Indigenous voice to Parliament might function. An Indigenous voice to Parliament and constitutional reform represent key tenets of the Uluru statement. The third element – and a most crucial one in my view – is the establishment of a Makarrata Commission.

The Yolngu concept of Makarrata captures the idea of two parties coming together after a struggle and healing the divisions of the past. It is about acknowledging that something wrong has been done, and it seeks to make things right.

In practical terms, the job of the Makarrata Commission would be to supervise a process of agreement-making between governments and First Nations peoples, and facilitate truth-telling about our history.

The Morrison government, as yet, has made no commitment to agreement making, and has only made abstract reference to the importance of truth telling at local levels across Australia.

These limitations are disappointing, but I cannot see any reason why this government cannot, or should not, adopt the proposition for change that Indigenous people put to the nation in the Uluru statement in 2017.

This proposition is not a radical one. It is not progressivist fantasy.

The Uluru Statement is fundamentally a conservative proposition. Its core philosophical position, and its political demands, are consistent with what Indigenous people have been demanding of national leadership in this country for as long as I can remember.

In a motion of pedestrian risk-management, it was rejected by Turnbull government – apparently because the electorate wasn’t ready.

Yet Vote compass polling conducted a fortnight before the election indicated that the propositions contained within the Uluru statement enjoyed greater support across the Australian community than the same-sex marriage vote.

The electorate clearly is ready.

It was a watershed moment earlier this year when Rio Tinto and BHP threw their weight behind the Uluru statement. They were the first corporate entities to signify support, but followed in footsteps of Australian Medical Association, and the Law Council of Australia. These entities represent fundamentally conservative corporate and professional institutions.

So corporate Australia is also ready.

What is increasingly clear is that successive Australian governments have been lagging here, held back by fear of failure and a lack of vision. Australia must not squander this opportunity. The Uluru statement is a gift. A gift that signifies a way forward to an inclusive and just society and to restitution. It lights the path forward.

For true reconciliation to occur, the nation must firstly address the fundamental exclusion of Aboriginal people by removing the racist provisions in the Australian constitution. These provisions, at clause 25, allow for the states to disqualify people on the basis of their race from voting, and sect 51 and allow laws to be made based upon a person's race.

Only when these provisions are amended is constitutional recognition worth pursuing, and only then can the reasonable demands made in the Uluru statement be properly addressed.

It is also time for Australia as a nation to take a stand against racism, period. (Mention Adam Goodes documentary to be released soon).

Australia's political obsession with playing to the electorates fears and prejudices has come to characterize far too much of the political debate in this country.

Our ex-attorney general George Brandis declared that "I would defend your right to say things that I find to be bigoted and ignorant. That is what freedom of speech means".

To our nation's great shame, we reaped what we had sown, in confusing freedom of speech with turning a blind eye to the proliferation of hate speech, in the terrible events of Christchurch in March this year.

I, like many people around the world, was personally inspired by the leadership shown by the NZ Prime Minister Jacinta Ardern. We would be lucky to see this kind of leadership once in a generation.

She took the terrible suffering of her countrymen and women, and gathered them all in to accept a challenge – to rise against hate and extremism and racism and to do so in the spirit of community.

We are yet to see such leadership in our national leaders – but the Australian High Court recently delivered a verdict which acknowledges the damage done to Aboriginal people and demands a proper response.

**Because of this High Court decision,** Australia can no longer deny that a settlement with First Nations people is necessary.

Maybe not politically expedient. Possibly not even popular. But necessary, right and moral.

The Timber Creek decision taken by the Australian High Court in mid-March of this year established the right to compensation for value of native title rights lost beyond the impairment of tenure and acknowledging the socio spiritual and emotional loss.

This decision represents an historic landmark in Australian law akin to Mabo. It translates into the reshaping of relations between First Nations peoples and the Australian state.

It represents, legal milestone and signpost at the political crossroads, a moment of reckoning.

This is not an unfamiliar road – when the Mabo decision was handed down in 1992, we had a similar historic moment and opportunity where comprehensive agreement-making between First Nations people and Australian governments was momentarily a very real possibility.

Instead, the nation chose to stand aside, and the tooth-and-nail litigation of dozens of Native title claims commenced – most of which have taken between 10 and 20 years to secure limited rights for Indigenous groups.

The financial resources burnt up in the exercise of establishing native title are almost inestimable – and they are in addition to the personal costs and the costs to Indigenous groups of excruciatingly slow and fractious native title claim processes.

Do we want to encourage expensive, time consuming and divisive community discord by incrementalism case law study or do we want to set new standard and solid foundations for a reconcile Nation through mature and astute political leadership? The cost of settling compensation claims across vast tracts of Australia could be enormous.

They ought to be enormous because the damage that has been done in dispossessing Indigenous people of their land has been incommensurable and intergenerational.

In this decision, the Australian High Court acknowledges a need for reparation – and places a specific financial value on that reparation – and therefore emphatically demands of our political leaders an elevation of the proposals made in the Uluru statement.

As with the Mabo decision, the determinations made by the judiciary in the Timber Creek decision reflect an

ethical maturity which has not been similarly demonstrated by either the Australian legislature, nor by the houses of Australian government or its members.

There is now an urgency, spurred on by the prospect of enormous financial burden, in the identification of mechanisms for Indigenous people to pursue substantive claims – and to participate in political process.

What the Timber Creek decision finally acknowledges is that the material success of Australian society was built upon the dispossession of Indigenous Australia.

This truth demands treaty and it demands settlement.

Until we as a nation reach proper settlement with First Nations people, we will continue to suffer from a national identity crisis – and we will remain vulnerable to wedge politics and racism which degrade our national spirit.

If we get this right, then we as a nation can move on. These issues speak not only to the rights of Aboriginal people, but to the aspirations of all Australians about the kind of nation we hope to share together.

They are fundamental to our moral and ethical national character.  
Only together can we, as a nation, resolve these matters.

Both sides of politics have indicated their support for the concept of a Voice to Parliament. The mechanics of how this might work will be important.

If Australia is to hold a referendum on these matters, there can be no ambiguity as to what the proposition involves. Ensuring that all Australians are well informed and aware of the implications will fall partly to organisations like Reconciliation Australia.

And it will fall to regular Australians to ensure that their families, friends and colleagues are properly informed as to why this referendum must succeed, and must succeed resoundingly.

So on that note, I'd like to commend Reconciliation Tasmania for the great work they have been doing over the last 2 years, and to encourage them to make sure that all Tasmanians are well-informed about the implications of a coming referendum.

And I'd like to encourage the community of Hobart/Burnie/Launceston to continue to work together in the spirit of Reconciliation.

Set the bar high but be prepared to compromise. Demand the uptake of these principles by your Tasmanian politicians, and by our national ones.

Expect more of them, and more of each other.

And good luck.

Galiya

