



Nyunggai Warren Mundine

Guest Speaker

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Australian Unity - Australia Day Address

By Nyunggai Warren Mundine

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In the mid-1850s, an Irishman named William Donovan immigrated to New South Wales from County Cork, Ireland. As family legend has it, the Donovans were known as the “Black Irish” many of whom left Ireland in search of a better future after losing their land to the British. Perhaps recognising a kindred spirit, William Donovan settled down with Catherine Marshall, a young Aboriginal woman from the Yuin Nation in the South Coast of New South Wales. William and Catherine were my great-grandparents and it was through these Irish origins that Catholicism was introduced to my branch of the Mundine family. My father, Roy Mundine, converted to Catholicism when he married my mother, Dolly Donovan.

For Catholics, “reconciliation” is one of the seven sacraments of the Church. It’s also known as “confession” although admission of wrong is only one part of it. The most important part is absolution from sin. Young people going through the sacrament today learn that reconciliation has two essential elements – being sorry and receiving forgiveness.

Most religions embrace a reconciliation concept in one form or another. Some use language like atonement or grace. We also see it in non-religious contexts. In world affairs, we have peace processes, restorative justice and amnesty. Post-apartheid South Africa had the Truth and Reconciliation Commission that publicly acknowledged past wrongs and granted many offenders amnesty from prosecution if they confessed their wrongdoing under the Apartheid regime. Through this, it was hoped that that the different sides of the South African conflicts could live together in a new society, despite a past that could not be undone.

However you define it, the common theme is that reconciliation involves *both* the wrongdoer *and* the wronged taking steps towards each other to restore or establish a relationship after a conflict or estrangement.

It seems to me that when we talk about reconciliation in the context of Indigenous affairs, we talk a lot about the sorry part but we don’t talk much about the forgiveness part.

As a nation, Australia and its citizens have taken major steps of remorse and amends, both symbolic and practical. The 1967 Referendum and the National Apology were major steps by the Federal Government and, importantly, were overwhelmingly supported by the Australian people. Today every government and most major companies have a Reconciliation Action Plan. Both governments and the private sector are devoting substantial funds and resources to overcome the ongoing consequences of past wrongdoing and close the gap between Indigenous and non-Indigenous Australians in health, employment and education. There have been many successes. Community attitudes have radically changed. There has been real reform in land rights and anti-discrimination laws, access to university and professions and access to employment with the private sector already committing more than 60,000 jobs for unemployed Indigenous people.

Racism against Indigenous people in Australia used to be a mainstream attitude and one that was perpetuated in all the important institutions – media, government, schools and

universities, business and the legal system, for example. It is now very much in the minority. Indirect and unconscious biases do remain issues, and they are particularly complicated issues to overcome. However, in my experience most people want to work to address them once they are identified.

Now I don't mean that racism doesn't exist. I mean that it now occupies the margins.

We would all be aware of the incident last year when a child hurled a racial slur at Adam Goodes during a football match between Collingwood and Sydney. The following week, Collingwood Club President Eddie McGuire made things worse by attempting to make a joke but actually re-delivering the same slur. What really struck me about this incident, however, was the overwhelming support for Adam Goodes, and condemnation of the conduct by the mainstream of Australia and its institutions.

Forty years ago, no-one would have cared. Indigenous sporting players regularly experienced racial taunts on the field, by fans and other players alike.

Twenty years ago, Nicky Winmar put up with racial abuse from the Collingwood cheer squad throughout the match before famously raising his jumper, facing the crowd and pointing at his skin. This triggered action to address racism in Aussie Rules. But even then, there were people who believed that racial taunts were a legitimate tactic and part of the game.

In 2013, one fan delivered one taunt and was immediately removed from the ground. Likewise, a few days later Eddie McGuire's attempted "joke" went down like a lead balloon. The radio announcer interviewing McGuire was clearly taken aback. He, and I believe most listeners, instinctively recoiled at what McGuire said. In the past our media, institutions and the majority of people expressed racist sentiments intuitively. Now it is the reverse – most people intuitively reject racism.

However, for real reconciliation, it is not enough that the country says sorry, feels remorse, rejects racism and seeks to make amends. It would not even be enough to close the gap.

For real reconciliation, Indigenous people also need to forgive.

I'm not suggesting that Indigenous people should forgive wrongdoers as individuals. However, I do believe the time must come when Indigenous people forgive Australia as a nation.

Indigenous people have every reason to be aggrieved and angry about the past. As a people, and as a nation, we must never forget it. These events cannot be undone. Indeed, the most heinous wrongdoings against Indigenous people were committed by people who are now dead. This is a permanent, irreversible part of our history. So Indigenous people now have two options: continue to feel anger at the nation for something the nation cannot change. Or leave these events in the past, draw a line in history and allow the nation to start with a clean slate.

Continuing to feel anger can manifest itself in a number of ways - for example, always assuming the worst of Australian authorities; talking about atrocities of the past as a way of shaming or criticising the nation today; pouncing on a single word or turn of phrase and amplifying into something it is not; or equating patriotism with racism.

Drawing a line in history means Indigenous people permitting themselves to love their country, express patriotism, take pride in Australia's successes and achievement, and feel part of Australia as a nation, in addition to their own Indigenous nations.

We can have all the Reconciliation Action Plans that we like, but there will be no reconciliation until Indigenous people are willing to accept the nation's apologies; until we as Aboriginal and Torres Strait Islander people acknowledge Australia's right to exist.

I believe there are three crucial elements to achieving a real reconciliation.

Firstly, it is important that experiences and perspectives of Aboriginal and Torres Strait Islander people, and the events that harmed them and/or their ancestors, are acknowledged and embedded in Australian history, as much as the stories of the early pioneers and explorers and the gold rushes. Indigenous people can't be expected to draw a line in the past and have the nation move on from a clean slate if these events are unacknowledged and if Indigenous people and their experiences are invisible in history.

I'll give you an example from a place I visited recently in Tasmania called Maria Island. It is a former convict settlement and over the years has had fishing, farming and industrial activity. It is now a National Park. The history of the Island, both in the small displays on location and on the Tasmanian Parks & Wildlife Service website, focus on the European based history of the Island – the history begins with the explorers in the 1700s.

The Island also was home to the Tyreddeme band of the Oyster Bay or Paredarerme tribe of Aborigines but there is only one mention of them on the Island with a photo of a presumably Tyreddeme man and a passing reference on the website. Yet we do know more about this group, and the Paredarerme tribe, from their encounters with early explorers and other historical and anthropological research.

Any history written about Maria Island, whether for education or tourism, should talk about the history of the Tyreddeme and Paredarerme, their way of life, culture and language, what happened to them, *as well as*, the penal settlement, and other phases of the Island's fascinating history.

And this is how it should be across the board. All Australians should know the history of this continent as far back as is known, warts and all. This should include a proper study of the history of Indigenous cultures and society before 1788 including kinship systems and the different tribal nations. It should also include the study of European history, how European people came to, and explored, this continent and how European cultures, systems and institutions have developed here.

The conflict between Indigenous and European people in Australia is a significant part of our history and should be taught; so is the experience of the country's pioneer European settlers; so is our history of immigration and how immigrants have influenced Australia; so is our participation as a nation in war; and so is European, particularly British, history.

History is not about imputing the past onto the people of the present or making people feel shame or looking at events of the past through a modern mindset. And it's not about editing out the bits we prefer not to emphasise (be they positive or negative). History should not be sanitised to make people feel better or to make them feel worse – both sides of the so-called "culture wars" should take note of this. Teach the facts; and teach all of them.

Secondly, we need to build a solid foundation for economic development for Indigenous people. Too many Indigenous people continue to live in poverty and suffer its consequences. This stems from past maltreatment and discrimination but it continues despite the about-face in public sentiment and conduct towards Indigenous people. The outcomes achieved in the past 40 years have not matched the good intentions.

Welfare and government assistance at best allows people to tread water. At worst it embeds them in poverty. People can only be lifted out of poverty with commercial and economic development.

Jobs and education are the key here. There is also a great opportunity for Indigenous people to participate in the real economy through their land and native title rights and the funds built up through royalties or compensation for loss of land. These assets can and should be used to generate commercial and economic development for Indigenous people through a real economy, real jobs and real for-profit businesses owned and operated by Indigenous people.

Wayne Bergmann, former head of the Kimberly Land Council and a leading advocate for Aboriginal rights and self-determination in the Kimberly and Pilbara regions, put it best in his speech to the National Press Club in 2012 where he said:

"Aboriginal culture cannot survive without an economy to support it. And to build a viable indigenous economy, we must be allowed to control our land and sea country and to use the leverage it gives us to build an economic foundation for our future."

Commercial and economic development is the only way we will close the gap between Indigenous and non-Indigenous people in Australia and the only way that Indigenous cultures will survive and thrive into the future.

Land rights were first legislated for in the 1970s and native title rights were recognised by the High Court in the 1990s. Land rights legislation allows Indigenous people to apply for a grant of title to land from the Federal, state or territory governments. This is a new grant of land from the government. Native title rights represent the pre-existing rights and interests in the land and sea of a tribal nation as recognised by its traditional laws and customs. These include occupation and use of land and sea (eg fishing) as well as using land and sea for cultural observance and traditions, protection and maintenance of sacred sites etc. Native title rights exist alongside other rights and interests that have been established such as freehold and pastoral leases, which may extinguish or suspend the native title rights. For this reason, some legislation allows for, or has established, compensation funds for groups who have been dispossessed.

Today, native title claims involve a costly and lengthy legal process that typically takes 4 to 10 years involving lawyers, historians and anthropologists. The purpose of this process is to establish that a particular tribal group or nation has a continuous connection to the land and therefore that the group's native title rights are intact. It is a complex and expensive process, with all costs borne by government. There are traps and anomalies in the law and in some cases a claim can be extinguished if there are competing groups or claims under different legislation (such as state Land Rights Acts). Groups who were forcibly removed from their land, therefore interrupting their continuous connection with the land, find it harder to claim native title. The requirement of a continuous connection with the land can discourage Indigenous people from moving away from their traditional lands (for example to obtain work) for fear this will prejudice their native title rights.

The existence of multiple systems of Indigenous land recognition and compensation funds at different levels of government, and multiple governance bodies leads to confusion as to who represents a group. Organisations wanting to do business in an area can go "forum shopping" or attempt to bypass the bodies altogether by putting ads in the paper calling for affected individuals to attend meetings. The risk is that discussions on commercial

development become unproductive with no clarity as to who speaks for the nation and who speaks for other interests. This impedes economic development.

So, whilst native title and land rights offer great potential for Indigenous people to build an economic future, it takes a long time to bed down those foundations; the structures for administration and governance are complex and lack clarity; and some of the most disenfranchised groups miss out. It all generates a lot of bureaucracy.

I would propose an alternative approach. Every event I attend these days has an Acknowledgement of Country. Someone comes up to the lectern, names the Indigenous nation that they are standing in and acknowledges them as the traditional owners and custodians of the land. How do they know who the traditional owners are? They know because the traditional Indigenous tribes and language groups have been extensively studied and documented. By enlarge it is known which groups occupied which areas before 1788, the social systems they operated under, their languages, their stories and songs and their clan groupings.

So why can't governments just acknowledge this - dispense with requirements for a continuous connection to land and recognise the native title rights of the groups in the area we know they occupied before dispossession.

I'll give you an example based on the recent native title claim that was won by the Bundjalung nation – which is my nation. The original claims were lodged in 1996 and 1998 and successfully concluded last year – over 15 years later. Some of the elders who initiated the claims died during that period and never got to see their native title rights recognised. Yet it was already well known through historical and anthropological research that these were the lands of the Bundjalung people. All that time and expense essentially to prove something we already know in order to fall within the specific confines of a legal test.

What I am proposing is that we acknowledge Indigenous nations as formally recognised and established groups with the ability to govern matters concerning their traditional lands, assets, culture, language and heritage. And there should be one governing entity established to represent that nation with clear criteria for membership based around descent.

This is not about reverting to a pre-1788 existence. That existence is gone and doesn't work for Indigenous people any more. What I am talking about is essentially an evolution of Indigenous cultural and social groups to enable them to exist and thrive today and into the future.

Most importantly, the governing entity representing each Indigenous nation will be the one that companies who want to invest in an area can deal with on development and use of traditional lands and the protection of culture and heritage in the process. The recognition of nationhood will provide a framework to build an economic future for Indigenous people.

Finally, for true reconciliation to occur I believe there needs to be one more step - a treaty between Australia and each of the Aboriginal and Torres Strait Islander nations.

A treaty marks the end of a conflict, draws a line in history and allows all signatory nations to move on based on a clean slate.

Sometimes people call for a treaty between Australia and its First Peoples as one amorphous group. But I don't think this could ever work. There are no individuals who speak for Indigenous people as a whole. A treaty would have to be between Australia and the

individual Aboriginal and Torres Strait Islander tribal groups; an agreement between one nation, Australia, and each Indigenous group, nation to nation. And of course each could choose whether to sign onto the treaty or not.

An Indigenous nation which signs onto a treaty would receive formal recognition as a nation and as the traditional owners of a defined area of land and sea. In doing so, their native title claim should be recognised and concluded.

At the same time, each Indigenous nation who signs onto a treaty would formally recognise Australia and its right to exist. An Indigenous nation who signs a treaty must be prepared to draw a line in history and allow Australia as a whole to move on from a clean slate.

The messages in my speech today will no doubt be confronting for many people, both Indigenous and non-Indigenous. But achieving true reconciliation is confronting. It requires both sides to a conflict to take steps towards each other; it requires that we acknowledge the past but also leave it there.

Recognising Indigenous nations is the key to reconciliation between Indigenous people and Australia. In many respects it's a symbolic step, but one that can also establish a solid foundation for Indigenous people's participation in the real economy.