

ADDRESS TO THE WORKING GROUP ON INDIGENOUS POPULATIONS

GENEVA, AUGUST 1987

1987 REPRESENTS A SIGNIFICANT MILESTONE FOR INDIGENOUS PEOPLES WITHIN AUSTRALIA. FOR IN THIS YEAR, WE CELEBRATE THE 20TH ANNIVERSARY OF CONSTITUTIONAL REFORM WHICH GAVE THE AUSTRALIAN FEDERAL GOVERNMENT, FOR THE FIRST TIME, LEGAL POWERS IN RESPECT OF ABORIGINAL AND TORRES STRAIT ISLANDERS.

THIS YEAR WILL ALSO BE REMEMBERED IN AUSTRALIA AS THE YEAR THAT THE FEDERAL GOVERNMENT ANNOUNCED SIGNIFICANT PLANS FOR THE RESTRUCTURING OF ARRANGEMENTS FOR THE DELIVERY OF SPECIAL PROGRAMS FOR INDIGENOUS PEOPLES. THE FEDERAL GOVERNMENT EXPENDITURE ALLOCATED FOR THE ADVANCEMENT OF AUSTRALIA'S 250,000 ABORIGINALS FOR 1986/87 IS IN THE ORDER OF \$500 MILLION.

ON 14 JULY OF THIS YEAR THE PRIME MINISTER OF AUSTRALIA ANNOUNCED EXCITING NEW PLANS TO ESTABLISH A NATIONAL COMMISSION WHICH WILL PROVIDE, FOR THE FIRST TIME, A CO-ORDINATED FOCAL POINT FOR ABORIGINAL AND ISLANDER ADVANCEMENT PROGRAMS. THIS COMMISSION WILL BRING TOGETHER, UNDER THE ONE AUTHORITY, THE FUNCTIONS AND RESPONSIBILITIES OF THE VARIOUS FEDERAL BODIES DEDICATED TO ABORIGINAL PROGRAMS.

IT IS NOW 20 YEARS SINCE THE PEOPLE OF AUSTRALIA PASSED, BY AN OVERWHELMING MAJORITY VOTE, AN AMENDMENT TO THE CONSTITUTION THAT ALLOWED THE FEDERAL GOVERNMENT, FOR THE FIRST TIME, TO MAKE SPECIAL LAWS FOR ITS INDIGENOUS PEOPLES, THE ABORIGINALS AND TORRES STRAIT ISLANDERS.

WE IN AUSTRALIA HAVE THEREFORE BEEN TAKING THE OPPORTUNITY TO REASSESS WHAT HAS BEEN ACHIEVED IN THE AREA OF INDIGENOUS AFFAIRS OVER THE LAST 20 YEARS, AND TO IDENTIFY WHAT REMAINS TO BE DONE.

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THIS ACTIVITY IS TIMELY BECAUSE NEXT YEAR, 1988, WILL BE THE 200TH YEAR OF EUROPEAN SETTLEMENT IN AUSTRALIA. FOR AUSTRALIA'S ABORIGINALS, IT IS A MATTER OF CONSIDERABLE CONTENTION AND DEBATE AS TO WHETHER THEY SHOULD PARTICIPATE IN NEXT YEAR'S CELEBRATIONS.

IT IS NOT MY INTENT, HOWEVER, TO CANVASS SUCH ISSUES TODAY. RATHER I WOULD LIKE TO REVIEW FOR YOU SOME OF THE DEVELOPMENTS OF THE LAST 20 YEARS - THAT IS, THE YEARS OF FEDERAL GOVERNMENT INVOLVEMENT - AND TO CONSIDER WHAT STILL NEEDS TO BE DONE.

IT IS OUR HOPE THAT OUTLINING THE AUSTRALIAN EXPERIENCE WILL HELP THE WORKING GROUP IN ITS DELIBERATIONS.

ABORIGINAL PEOPLE HAVE MADE A LOT OF PROGRESS IN THE LAST TWO DECADES. WITHOUT DOUBT, THERE IS STILL A LONG, HARD ROAD AHEAD BEFORE ALL ABORIGINALS CAN TRULY SEE THEMSELVES AS ENJOYING CONDITIONS EQUAL TO THOSE ENJOYED BY THE MAJORITY OF AUSTRALIAN SOCIETY. BUT ABORIGINAL ACHIEVEMENT OVER THE PAST 20 YEARS HAS BEEN ENORMOUS BY ANY MEASUREMENT AND FROM ALMOST ANY VIEWPOINT.

WE HAVE CERTAINLY PROGRESSED FAR BEYOND THE DAYS OF PATERNALISM, WHEN SOMEONE ELSE DICTATED THE DIRECTIONS WE SHOULD TAKE. AS A RESULT, ABORIGINAL PEOPLE THEMSELVES ARE NOW BETTER ABLE TO MAKE THEIR OWN DECISIONS ON HOW THEY ARE TO LIVE AND DETERMINE THEIR FUTURES. SELF-MANAGEMENT AND SELF-SUFFICIENCY ARE THE BASIC CONCEPTS OF MODERN AUSTRALIAN POLICY APPROACHES FOR ITS INDIGENOUS PEOPLE.

OF COURSE THERE IS SOME DISAPPOINTMENT AT THE PACE OF CHANGE, THE OBVIOUS NEED FOR MORE ACTION AND THE FACT THAT SOME CASES OF RACISM AGAINST ABORIGINALS STILL EXIST. BUT THE IMPORTANT THING IS THAT THERE HAS BEEN AND THERE WILL CONTINUE TO BE, CHANGE FOR THE BETTER.

THERE ARE NO SIMPLE SOLUTIONS IN MEETING THE CHALLENGES OF

A RACE OF PEOPLE WHO ARE IN DEEP TRANSITION, WHOSE TRADITIONAL LIFE STYLES HAVE BEEN SO SEVERELY DISRUPTED, AND WHO MUST IN A SHORT SPACE OF TIME - SHORT COMPARED WITH THE 40,000 YEARS THEY HAVE OCCUPIED OUR COUNTRY - MAKE PROFOUND ADJUSTMENTS IN THEIR LIVING SITUATION.

AUSTRALIA STILL HAS TO COME TO TERMS WITH ITS ATTITUDES TOWARDS ABORIGINALS. AUSTRALIANS GENERALLY CANNOT COMPREHEND THE ENORMOUS FACTORS THAT CONFRONT THE ABORIGINAL PEOPLE IN THEIR PAST AND PRESENT SITUATION. IT SEEMS THE GUILT FACTOR PREDOMINATES AND CLOUDS THEIR VISION.

ONE WAY OF ACHIEVING RECONCILIATION BETWEEN BLACK AND WHITE IN AUSTRALIA WOULD BE THROUGH A TREATY BETWEEN THE AUSTRALIAN GOVERNMENT AND THE ABORIGINAL PEOPLE. NO SUCH TREATY WAS NEGOTIATED WHEN AUSTRALIA WAS COLONISED 200 YEARS AGO. IN RECENT YEARS, A NUMBER OF REPORTS HAVE BEEN PRODUCED SUPPORTING THE CONCEPT OF A TREATY. THE MOST RECENT OF THESE WAS ISSUED ON 20 JULY BY AN ADVISING COMMITTEE TO THE CONSTITUTIONAL COMMISSION.

THAT REPORT STATES THAT IT WAS TIME FOR SPECIFIC RECOGNITION TO BE GIVEN TO ABORIGINAL AND TORRES STRAIT ISLANDERS AND RECOMMENDED THAT THE FEDERAL GOVERNMENT BE GIVEN THE POWER TO MAKE "COMPACTS" WITH ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE. THIS RECOGNISES THEIR UNIQUE STATUS AS THE ORIGINAL INHABITANTS OF THE CONTINENT OF AUSTRALIA.

THE REPORT PROPOSES THAT THE AUSTRALIAN CONSTITUTION BE AMENDED TO PROVIDE A BASE FOR SUCH "COMPACTS". THIS WOULD OF COURSE REQUIRE A FURTHER NATIONAL REFERENDUM.

A COMPACT OR TREATY COULD ENCOMPASS SUCH MATTERS AS

- THE RECOGNITION OF PRIOR ABORIGINAL OWNERSHIP
- QUESTIONS RELATING TO COMPENSATION FOR DISPOSSESSION;

- RECOGNITION OF ABORIGINAL CUSTOMARY LAW WITHIN AUSTRALIAN LAW; AND
- ACCEPTANCE AND USE OF ABORIGINAL LANGUAGE AND CULTURE AS AN INTEGRAL PART OF THE AUSTRALIAN LIFESTYLE.

ABORIGINAL AUSTRALIANS HAVE THE SAME LEGAL RIGHTS AS ALL OTHER AUSTRALIANS, INCLUDING UNIVERSAL ADULT SUFFRAGE, RIGHTS OF ACCESS TO HEALTH, EDUCATIONAL AND OTHER SERVICES, ENTITLEMENT TO SOCIAL SECURITY BENEFITS, THE SAME EMPLOYMENT CONDITIONS AND INDUSTRIAL PROTECTION, THE RIGHT TO PURCHASE AND OWN LAND AND TO LIVE WHERE THEY WISH.

VARIOUS GROUPS OF PEOPLE, INCLUDING MANY ABORIGINALS, HAVE ARGUED THAT THE FEDERAL GOVERNMENT SHOULD ASSUME SOLE AND TOTAL RESPONSIBILITY FOR ALL MATTERS RELATING TO ABORIGINAL AUSTRALIANS. SINCE THE 1967 REFERENDUM THERE HAS, AT TIMES, BEEN MUCH CRITICISM OF THE FEDERAL GOVERNMENT FOR NOT EXERCISING WHAT SOME SEE AS ITS 'CONSTITUTIONAL RESPONSIBILITY'. THE FACT IS, HOWEVER, THAT RESPONSIBILITY CONTINUES - AND OUGHT TO CONTINUE - TO BE SHARED BETWEEN THE FEDERAL AND STATE GOVERNMENTS. IN PROVIDING SERVICES TO ALL THEIR CITIZENS, THE STATE GOVERNMENTS HAVE AN OBLIGATION TO PROVIDE FOR ABORIGINAL AUSTRALIANS JUST AS THEY HAVE AN OBLIGATION TO ALL OTHERS.

SO, IN ADDITION TO MAKING FUNDS AVAILABLE TO ABORIGINAL ORGANISATIONS FOR SPECIAL AND DEDICATED SERVICES, THE FEDERAL GOVERNMENT - AS A FUNDAMENTAL OBJECTIVE - INSISTS THAT SERVICES PROVIDED BY STATE GOVERNMENTS SHOULD BE AVAILABLE EQUALLY TO ABORIGINALS AS TO OTHER CITIZENS.

SUCCESSIVE FEDERAL GOVERNMENTS HAVE, FOR THEIR PART, ACCEPTED AND ACTED UPON THE RESPONSIBILITY OF TAKING SPECIAL MEASURES TO ACCELERATE ABORIGINAL ACCESS TO SERVICES AND TO PROVIDE A BASE FOR FURTHER ECONOMIC, SOCIAL AND LEGAL ADVANCEMENT. TWENTY YEARS AGO, THERE WERE NO SPECIAL COMMONWEALTH PROGRAMS FOR ABORIGINALS. NOW THERE ARE A WHOLE RANGE OF THEM,

ADDRESSING ON THE BROAD FRONT THE NEED TO OVERCOME ABORIGINAL DISADVANTAGE.

MANY OF THESE PROGRAMS ARE AIMED AT PROVIDING ESSENTIAL BASIC SERVICES WHERE NONE EXISTED BEFORE AND WHICH OTHER MEMBERS OF THE COMMUNITY HAVE BEEN ABLE TO TAKE FOR GRANTED. THROUGH THESE PROGRAMS MAJOR ADVANCES HAVE BEEN ACHIEVED IN HOUSING, EDUCATION, TRAINING, BUSINESS ENTERPRISES, BROADCASTING, HEALTH AND LEGAL SERVICES AND COMMUNITY DEVELOPMENT. WE ARE PLEASED TO NOTE THESE ADVANCES HAVE BEEN RECOGNISED AND COMMENTED UPON IN THE REPORT PRESENTED TO THE WORKING GROUP YESTERDAY BY MR JUSTICE LACH ON BEHALF OF THE INDEPENDENT COMMISSION ON INTERNATIONAL AND HUMANITARIAN ISSUES.

QUITE DRAMATIC RESULTS WHICH HAVE BEEN ACHIEVED, WITH PARTICULAR EMPHASIS ON COMMUNITY DEVELOPMENT OVER THE LAST FEW YEARS. INHERENT IN THESE PROGRAMS IS THE BUILDING OF A MORE SECURE FUTURE FOR ABORIGINAL PEOPLE, PROVIDING THEM WITH A SOLID FOUNDATION FOR FUTURE ACHIEVEMENT AND A CHOICE OF OPTIONS NOT PREVIOUSLY AVAILABLE.

THERE IS A RECOGNITION THAT THE WORK IS FAR FROM OVER. ABORIGINAL PEOPLE IN MANY PARTS OF AUSTRALIA ARE STILL LIVING UNDER CONDITIONS WHICH MUST BE REMEDIED. THE GOVERNMENT IS AWARE OF THIS AND WILL CONTINUE IN ITS EFFORTS.

IN RECENT TIMES THERE HAS BEEN MUCH COMMENT AND SPECULATION ON CAUSES FOR THE SUDDEN INCREASE IN THE NUMBER OF DEATHS OF ABORIGINALS IN CUSTODY. THIS DEVELOPMENT HAS BEEN ALARMING, AND CLEARLY REQUIRES PROPER AND DETAILED INVESTIGATION. BOTH FEDERAL AND STATE GOVERNMENTS HAVE MADE AN INITIAL RESPONSE.

STATE GOVERNMENTS HAVE INSTIGATED THEIR OWN INQUIRIES WHILE THE AUSTRALIAN HUMAN RIGHTS AND EQUAL OPPORTUNITY COMMISSION HAS BEEN REQUESTED BY THE AUSTRALIAN GOVERNMENT TO INQUIRE INTO AND INVESTIGATE POLICE/ABORIGINAL RELATIONS AND THE CIRCUMSTANCES SURROUNDING ABORIGINAL DEATHS IN CUSTODY. THAT INQUIRY WILL BE HEADED BY THREE SUPERIOR COURT JUDGES.

IT IS IMPORTANT THAT THE WILLPOWER TO KEEP THE IMPETUS OF ACHIEVEMENT BE SHOWN AT ALL LEVELS: GOVERNMENT (BOTH FEDERAL AND STATES); THE AUSTRALIAN PUBLIC; AND, NOT LEAST, ABORIGINAL PEOPLE THEMSELVES. TO DATE, SUCCESSIVE FEDERAL GOVERNMENTS HAVE DEMONSTRATED THEIR WILLINGNESS TO ACCEPT THIS RESPONSIBILITY, AND STATE GOVERNMENTS, TO VARIOUS DEGREES, ARE DOING THEIR BIT. I BELIEVE THE GENERAL PUBLIC IN AUSTRALIA IS STILL PREPARED TO SUPPORT PROGRAMS TO OVERCOME DISADVANTAGE, THOUGH IT HAS TO BE SAID THAT SUPPORT FOR CONCEPTS SUCH AS LAND RIGHTS, APPEARS TO HAVE DIMINISHED OVER RECENT YEARS.

ABORIGINALS ARE MORE AND MORE IN POSITIONS TO INFLUENCE THEIR OWN DESTINY. IT IS VITAL THAT THEY ACCEPT THIS RESPONSIBILITY ON BEHALF OF FELLOW ABORIGINALS. IT IS EASY - ALL TOO EASY - TO COMPLAIN AND CRITICISE THAT GOVERNMENTS DO NOT DO ENOUGH. IT IS HARD WORK, ON THE OTHER HAND, TO GET OUT THERE AND WORK CONSTRUCTIVELY FOR CHANGE: HARD, TESTING, FREQUENTLY DISAPPOINTING, BUT ULTIMATELY REWARDING.

THE RECENT ANNOUNCEMENT BY THE PRIME MINISTER TO DRAW TOGETHER THOSE AGENCIES RESPONSIBLE FOR ABORIGINAL AFFAIRS UNDER THE ONE NEW COMMISSION WITH ITS OWN MINISTER, IS AN IMPORTANT STEP FORWARD TO FURTHER IMPROVE AND ENHANCE ABORIGINAL ASSISTANCE PROGRAMS. IT IS IMPORTANT THAT WE BUILD ON THIS OPPORTUNITY FOR FURTHER ABORIGINAL PARTICIPATION IN THE DECISION MAKING AND POLICY SETTING PROCESSES OF GOVERNMENT.

WE NOW HAVE THE FOUNDATIONS FOR FURTHER PROGRESS. I THINK WE HAVE ALREADY COME A LONG WAY, BUT THERE IS STILL A GREAT DEAL TO BE DONE, AND IT IS GOING TO TAKE A LOT OF HARD, CONSTANT EFFORT BEFORE AUSTRALIA'S INDIGENOUS PEOPLES, THE ABORIGINALS AND TORRES STRAIT ISLANDERS, CAN TAKE THEIR RIGHTFUL PLACE IN THEIR OWN COUNTRY.