

Inquiry into the Progress Towards National Reconciliation

A Submission by The Hon Peter Howson

Minister for Aboriginal Affairs in 1971 and 1972, December 2002

BACKGROUND

Terms of Reference

On 27 August 2002, the Senate referred the following matter to the Senate Legal and Constitutional Reference Committee for inquiry and report by March 2003:

1. Progress towards national reconciliation, including an examination of the adequacy and effectiveness of the Commonwealth Government's response to, and implementation of, the recommendations contained in the following documents:

(a) *Reconciliation: Australia's Challenge: Final Report of the Council for Aboriginal Reconciliation to the Prime Minister and the Commonwealth Parliament;*

(b) *the Council for Aboriginal Reconciliation's Roadmap for Reconciliation and the associated National Strategies to Advance Reconciliation; and*

(c) *the Aboriginal and Torres Strait Islander Social Justice Commissioner's social justice reports in 2000 and 2001 relating to reconciliation.*

2. That, in examining this matter, the committee have regard to the following:

(a) whether processes have been developed to enable and require government agencies to review their policies and programs against the documents referred to above;

(b) effective ways of implementing the recommendations of the documents referred to above, including an examination of funding arrangements;

(c) the adequacy and effectiveness of any targets, benchmarks, monitoring and evaluation mechanisms that have been put in place to address Indigenous disadvantage and promote reconciliation, with particular reference to the consistency of these responses with the documents referred to above; and

(d) the consistency of the Government's responses to the recommendations contained in the documents referred to above with the needs and aspirations of Indigenous Australians as Australian citizens and First Nation Peoples.

Final Report of The Council for Aboriginal Reconciliation—Recommendations (see Attachment A)

Commonwealth Government Response (see Executive Summary at Attachment B)

SUBMISSION BY HON PETER HOWSON

In considering the important question of reconciliation I do so as one who has had a long and close involvement with Aboriginal affairs, which has continued since my retirement from active participation in political life. Most recently, that involvement has included several visits to Aboriginal communities in the Northern Territory, the close examination of reports and books on Aboriginal issues, my submission of May 2000 to the *Inquiry Into The Stolen Generation* by the Senate Legal and Constitutional References Committee, and my support for the Bennelong Society (of which I am a founding member and Vice President). That Society was formed in May 2001 to promote the examination of government policy with respect to Aboriginal affairs and to seek to influence public opinion so that “prospects for amelioration of the present appalling plight of many contemporary Aboriginal people are improved”. After 40 years of study and involvement with Aboriginal issues I believe, therefore, that I have some qualifications to comment on the reconciliation issue.

I want to start by referring to the second conference of the Bennelong Society held in Brisbane in August 2002. That conference, entitled *Celebrating Integration*, noted that the last Census reflected important moves towards integration when it showed that 69 per cent of Aborigines have non-indigenous partners (up from 46 per cent in 1986). Such increasing integration is clearly an important part of the process of reconciliation because it illustrates that both indigenous and non-indigenous individuals can live together in reasonable harmony within one country. The election of two Aborigines to the Bennelong board can be regarded as a further sign of progress in integration, as well as reflecting Bennelong’s concern to ensure equal treatment of indigenes and non-indigenes.

Further indications of integration are that around 75 per cent of Aborigines now live in urban communities, with 30 per cent in the seven cities and another 45 per cent in the rural towns. A similarly large proportion profess Christianity. Fewer than 3 per cent of indigenous families live in improvised dwellings and over one in three now own their own homes.

Naturally, as indicated by several Aborigines who presented papers to the Society, indigenous people face problems in moving along the integration path. Difficulties of adjustment are only to be expected given the separation that has existed between the two groups in many parts of Australia since white settlement began and given, in particular, the government policies that were pursued for onwards of thirty years after the 1970s and that positively encouraged separation (I have more to say below about these policies and those aspects of current policies that still encourage separation).

The Negative Influence Of Aboriginal Leaders on Reconciliation

One of the difficulties of adjustment that emerged from the conference papers presented by Aborigines was the evident inability of Aboriginal leaders and the ATSIC organization to provide the leadership needed to help improve the integration process. Considerable dissatisfaction was expressed with the performance of both leaders and ATSIC (one expressed his frustration by saying that if ATSIC were a company he would have sold his shares long ago). My own contacts have confirmed that this dissatisfaction is widespread amongst Aborigines. It also emerged quite openly in criticism of the organisation by a number of ATSIC candidates during the elections to it held in October 2002 and is reflected in the participation of only a relatively small proportion of eligible voters (about 54,000).

In fact, a case can be made that ATSIC and its leading spokespersons have been making a *negative* contribution to reconciliation. Their consistent advocacy of certain policies has undoubtedly been divisive as between the indigenous and non-indigenous sectors of the community. I am referring in particular to the advocacy of a treaty, some form of physical separation and the adoption of some aspects of customary law.

The question that surely has to be asked is—how is it possible to have reconciliation when advocacy by Aboriginal leaders (and, regrettably, by a few other well-intentioned people) promotes the establishment of a more separate existence, when the great majority of Australians clearly want to live in one country and under one law, and when in reality the great majority of Aborigines themselves are living with non-indigenous partners and in urban centers of mixed populations? The essence of reconciliation is surely to establish, and build upon, economic and societal structures that will encourage living together in reasonable harmony, not to try constantly to establish arrangements that would provide encouragement to living apart.

The emphasis that Aboriginal leaders have continued to give to some adverse aspects of the history of relationships between indigenous and non-indigenous people in Australia is also exacerbating divisiveness. In my submission of May 2000, I acknowledged that “our forefathers effectively occupied this continent by virtue of their physical superiority and the Aborigines suffered many acts of violence and killings as a result (as indeed did our forefathers)”. At the same time I also pointed out that the excessive focus on the past “not only encourages a psychology of victimhood with serious adverse effects for many Aborigines and our relations with them”... but ... “also diverts attention away from the many serious problems facing Aborigines and those in government and other institutions who are doing their best to help”. In this regard, the various attempts to (unsuccessfully) establish that Aboriginal children were forcibly removed from their parents for racist reasons have undoubtedly had a negative effect on Aboriginal welfare.

The need to recognize the importance of devising ways that will help overcome these problems of historical interpretation does not mean, as some have suggested, that we should adopt a “culture of forgetting” or overlook the sins of the past. It is a matter of common sense to give primacy to the problems of today, not yesterday, and where the past is raised, to try to present an accurate picture of it.

The typical portrayal of historical violence having been perpetrated by British settlers, and of considerable adversity between them and Aborigines, is now increasingly being recognised as having been greatly exaggerated. In an important recent publication¹ relevant to this matter, historian Keith Windschuttle has argued that careful analysis should lead to the conclusion that

“The British colonization of this continent was the least violent of all Europe’s encounters with the New World. It did not meet any organized resistance. Conflict was sporadic rather than systematic. Some mass killings were committed by both sides but they were rare and isolated events where the numbers of dead were in the tens rather than the hundreds. The notion of sustained ‘frontier warfare’ is fictional”.

¹ The Fabrication of Aboriginal History Volume One: Van Diemen’s Land 1803-1847, Macleay Press, Sydney 2002. The sections quoted are from the Introduction to the book.

Worryingly, however, Windschuttle identifies some historical writers who have openly acknowledged the pursuit of political objectives in the perspectives they have given to the history of relationships, *viz*:

“In 1974, in one of the earliest works, *Aborigines, Race and Racism*, the Marxist author Humphrey McQueen declared:

‘This book is deliberately biased. It has to be in order to tell the truth. For nearly two hundred years white Australians have lived a lie about the Aborigines. To see the truth clearly the balance has to be drawn in favour of the Aborigines which means that this book begins by accepting that white Australians are prejudiced against Aborigines.’

In 1981, in probably the most influential book of the whole genre, *The Other Side of the Frontier*, Henry Reynolds made a similar declaration:

‘Yet the book was not conceived, researched or written in a mood of detached scholarship. It is inescapably political, dealing as it must with issues that have aroused deep passion since 1788 and will continue to do so into the foreseeable future’.

Against this background, I applaud the Commonwealth Government’s decision that it will not consider any form of treaty. That provides the kind of reconciliation leadership that is needed. One can only hope that this Committee will recognize this and recommend that Aboriginal leaders and ATSIC cease to pursue the treaty idea and concentrate instead on changing existing structures in ways that will help improve living conditions for Aboriginal people.

One reason for ATSIC’s separatist approach may be the independence that it currently appears to have (but which does not exist constitutionally). This has encouraged Aboriginal leaders to think in terms of a separate government rather than to pursue reconciliation along the lines suggested. Such thinking is enhanced by the fact that ATSIC hands out a large number of grants to a large number of organizations—in 2000-01, ATSIC made no less than 3287 grants, involving a total outlay of over \$800 million, and those grants provided the basic funding for the operations of 1058 Aboriginal organizations.

The responsibility given to ATSIC for handing out grants not only encourages separatist thinking. It also runs obvious risks of partiality and, as discussed below, is clearly producing dissatisfied “customers”.

One option, therefore, would be for the Committee to recommend a change in the role of ATSIC to make it more of an advisory body rather than one with the appearance of independence and with the responsibility for handing out a large volume of grants. It is to be hoped that the Panel recently established by Minister Ruddock to review the role and functions of ATSIC will recognize that such a change would not only help improve the general approach towards reconciliation in the longer run but is clearly justified given the record of ATSIC. It would, of course, also need to be accompanied by a basic change in the method of distributing and administering funds for Aboriginal purposes.

It is relevant also that the concerns expressed at the Bennelong conference about the administrative side of Aboriginal affairs pointed to the need for a substantive change to help improve the environment in which a significant number of Aborigines are currently living. In particular, the existing administrative arrangements under which many communities function appear to inhibit individual Aborigines from taking their own

initiatives to improve or change their living conditions. Rather, there seems to be excessive reliance on communal decision-making that is unable to cope adequately with the internal differences that arise. This may not always be the fault of individual members of the community but of the administrative structure that exists.

One speaker at the May conference with extensive experience of administering Aboriginal affairs in the Northern Territory dramatically illustrated the kind of problem that occurs in some of these communities. His consultation with one such community, well before the reported shoot-out there in October, had produced the absurd recommendation that the only way to stop disputes and fighting between the twelve clans in that community was to create twelve separate townships. That response, which does not seem untypical, strongly suggests too much weight is being placed on the community-consultation system and that community decisions may need to play a smaller role.

Another speaker gave an extremely worrying account of his experience as a health worker for a year (1997) in five remote communities in north Queensland. During that time he had recorded an extraordinarily high incidence of head injuries amongst Aborigines—the highest rate of such injuries, he said, he could find in the world—as a result of person-to-person conflicts. His diagnosis was that such conflicts were due, *inter alia*, to the loss of a role for the male in such communities, leading to alcoholism and violence. But what also became clear was the *underlying* cause, viz the societal structure was wrong—and it remains so.

The Problems in Remote Communities

It is particularly worrying that, in remote communities where one might expect Aborigines readily to find employment, all too few are employed even in service provision, and that most residents of such communities are relying excessively on welfare or (as it is commonly known) “sit down” money. After spending 25 years living in these communities the Reverend Steve Etherington reached the disturbing conclusion in a recent important analysis of the situation that “tribal aborigines are a kept people... The vast majority are never required to learn anything or do anything. Erosion of the capacity for initiative and self-help are virtually complete”.

This conclusion is contained in the Rev Etherington’s detailed account of his experiences in the book edited by The Hon Gary Johns, *Waking Up To Dreamtime*, published last year. In my view, this book should be essential reading for anyone (including members of the Senate Committee) hoping to understand the problem of how to progress the reconciliation process.

Why is it that so few indigenous or non-indigenous analysts are prepared to acknowledge publicly the very serious problems that exist in these remoter communities as between Aborigines themselves? One is tempted to conclude that it reflects a fear that anyone who is publicly critical of the extent of the problems will be labeled as a racist or similar. To the extent that is the case, it is a sad reflection on Australian society and fails to give proper recognition to those who are genuinely concerned to help in overcoming the problems. It is important that the Senate committee expose the truth about conditions in these remoter communities and examine whether they are any longer a viable approach for their residents.

The ABS report on Housing and Infrastructure in Aboriginal and Torres Strait Islander Communities, 2001 (Cat 4710.0) analyses infrastructure in those communities and provides

an important starting point. It reveals that, of the 1216 remote communities having a total population of 121,600, nearly 900 have average populations of only 15 and another 327 have an average population of less than 300 people. And, as the report itself is limited to communities with an Indigenous Housing organization, there would be quite a few more separate communities as well as those identified. Allowing for non-indigenous residents of the communities, it seems that around 20 per cent of our 430,000 Aborigines continue to live largely apart from the rest of society.

Unsurprisingly, the remote communities identified in the report are heavily concentrated in the Northern Territory (632) and Western Australia (283), but Queensland (142) and South Australia (96) also have a significant number. About 700 are over an hour's travel away from the nearest town, with almost 140 requiring over five hours' travel.

For present purposes three important conclusions can be drawn from this report and other evidence.

First, the report shows that the remote communities generally have public facilities not dissimilar in extent to those elsewhere. Almost all larger communities have organized water, sewerage, electricity supplies and even rubbish collections and, although public phones are not universally available, only very few of the larger communities do not receive radio or TV broadcasts. Primary schools are less than 10 kilometres away for 87 per cent of the residents of these communities and a high proportion have sporting facilities. The fact that some 85 per cent of the residents of such communities are within 10 kilometres of either a hospital or a community health centre suggests that health problems are not due to any major deficiency in the availability of health services. Further, while their permanent dwellings average around 6.4 residents—considerably higher than the 2.6 for the rest of society—that does not appear to suggest serious over-crowding overall. In short, notwithstanding the much higher costs of providing services on a small scale, these communities are relatively well catered for by government.

Second, as Prime Minister John Howard pointed out earlier this year, many Aboriginal communities are in a disgraceful state and, regrettably, this is particularly relevant to the remote communities. The ABS report revealed that more than 30 per cent of dwellings managed by indigenous housing organisations are in need of major repair each year; that annual maintenance expenditure per dwelling is high; that over a third of communities experience water restrictions each year mostly due to equipment breakdowns; and that nearly half of the larger communities experience annual overflows or leakages from sewerage systems. In short, in circumstances where few privately-owned dwellings exist and residents subsist largely on welfare, the publicly provided facilities are not well maintained by residents. Further, maintenance of dwellings and public facilities is heavily dependent on the use of non-indigenous labour and managers.

In comparing the experience of many indigenous people with the nation's success in absorbing migrants, the Prime Minister noted that, while many Aborigines are fully integrated, many are not and that part of the problem is their physical separation from the rest of society. His remarks left unanswered, however, the important questions of the on-going viability of communities where this separation occurs and of possible alternative policies.

Third, there is a considerable basis for concluding that not more than a handful of remote communities are viable, either economically or socially, on a sustainable basis. The fact that 30 per cent of houses in these communities need major repair each year, together with the extensive domestic violence and the existence of only a very limited private-sector job market in these areas, suggests there are serious underlying economic and social problems within them—and with them.

The limited extent of the job market is particularly relevant to the situation of the many young males whose earlier role as hunter-gatherers has largely disappeared. As noted above, at the Bennelong conference the former health worker who experienced the aftermaths of horrific incidents of violence in Cape York communities during his year's research there highlighted the "loss of the role of the male in these remoter communities". His research added weight to the conclusion reached by Richard Trudgen in his book *Why Warriors lie down and die*, concerning the Yolngu Clans in Arnhem land: he suggested there that "unless current policies among these communities is changed, the great warriors of Arnhem Land will just lie down and die." And to the anthropologist researching conditions in the West Musgrave Ranges, who reported that in one clan he found "No males between the age of 20 and 40".

The limited opportunities in these communities for expressing personality and obtaining work means that many are likely to continue largely as welfare havens and as sources of domestic violence. At the Bennelong conference, governments came under particular fire on the domestic violence issue, with the Queensland Government a target for failing to respond adequately to the 1999 report of the Women's task force exposing the extent of such violence. The principal author of that report, academic Boni Robertson, received the Society's inaugural medal and was elected to the board. Certificates were also presented to Aboriginal women who were brave members of the working group in a ceremony that prompted emotional reactions from many who had had traumatic experiences. Dr Stephanie Jarrett, who had spent 3 years researching in a country town in South Australia, presented an analysis suggesting that in an urban environment the extent of violence may be less while the extent of Aboriginal employment may be higher.

Of course, the Federal Government does provide basic employment on community projects under the Community Development Employment Program public works scheme. In accordance with the March 2002 agreement of the Council of Australian Governments the Government also adopted a trial whole-of-government approach in up to 10 communities or regions "to improve the way governments interact with each other and with communities to deliver more effective responses to the needs of indigenous Australians".² Under this scheme the Government recently moved to a more holistic approach to the problems of communities in Cape York, including an attempt to develop greater employment opportunities through business hubs, an outback digital network and fishing activities. However, if those employed on CDEP projects are excluded from those who are counted as employed, a total of only about 30 per cent of Aborigines is actually employed outside capital cities despite the availability of Commonwealth wage subsidies to employers of up to \$4,400 for six months employment.

Moreover, such policies are being pursued *within* existing communities where the comparative "shortage" of the wide range of employment provided by the private sector,

² Council of Australian Governments—Communique, 5 April 2002.

combined with the apparent reluctance of Aborigines to pursue such employment in circumstances where unemployment benefits appear to be made available without necessarily meeting the work test, leaves these areas both relatively stagnant economically and exposed to disruption socially. There is a very real prospect that, unless urgent remedial action is taken to encourage integration outside the communities, these policies will leave most of them as depressed areas. That, in turn, will be viewed as a failure of the reconciliation process—and will likely slow that process.

The Committee needs particularly to consider whether the Government should continue to provide extensive services, including housing, that encourage Aborigines to stay in communities where limited employment opportunities are available. The more that facilities and welfare are provided to these communities, the less inclined the residents will be to make the integrationist moves that provide the basis for an improved life style and for securing real employment. The road to reconciliation is most likely to be found through measures that encourage what is now a desperate need for increased integration.

Accordingly, a better alternative might be to examine ways of helping the residents of these communities to move to areas where employment is more likely to be obtained and small businesses established. Possibilities might include the provision of larger housing and employment subsidies in more populated areas and of higher subsidies for educating children outside such areas. The cost of providing such assistance with employment, housing, health and education would be at least partly offset by savings from the reduction in costs of servicing and generally assisting existing remote communities.

It is important also in this regard that the economic activities of Aborigines should not be confined to communal land. While since 1976 Aboriginal communities have held a large proportion of land in the Northern Territory, the 10th anniversary of Mabo has at least produced some recognition that holdings of such land have done little or nothing to advance Aboriginal progress—and may indeed have retarded it. The time has surely come to institute a major reform of the legal basis on which land can be used for economic purposes by providing greater opportunities for individual Aborigines to hold land at least under leasehold.

Conclusion

The Council for Aboriginal Reconciliation has spent about ten years arguing for policies that would encourage greater separation. During that period Census and other data show that there has been greater integration and the Senate Committee should recognize that that process has occurred and is likely to continue. However, it is a process that needs urgently to be speeded up in the interests of Aborigines and on the basis that reconciliation will best be achieved through major changes to the existing social structure and the adoption of policies that encourage greater integration. For many Aborigines, particularly those in remote communities, this will require a move to places in which employment is more readily available and it will involve a change in life style and participation in new activities. But this need not mean the loss of indigenous identity and it should help restore the role of the male. It will mean, though, a closer association between indigenous and non-indigenous Australians, a situation in which such concepts as treaties and customary law become redundant but where the high degree of domestic violence in remote communities is much reduced.

ATTACHMENT A

Final Report of the Council for Aboriginal Reconciliation—Recommendations

After a very extensive public consultation process, the Council drew up two documents for reconciliation: the Australian Declaration Towards Reconciliation and the Roadmap for Reconciliation. At Corroboree 2000 on 27th May 2000, it presented these to the Prime Minister, other national leaders, and the nation as a whole.

The Council earlier advised the Prime Minister that these documents represented its formal recommendations to him as Minister in relation to the 'nature and content' of document of reconciliation under paragraph 6(1) of the Act.

Paragraph 6(1)(h) of the Act also requires the Council to make recommendations to him as Minister in relation to the 'manner of giving effect' to such documents. In relation to the 'manner of giving effect to' the above reconciliation documents, the Council presents the following recommendations:

1. The Council of Australian Governments (COAG) agree to implement and monitor a national framework whereby all governments and the Aboriginal and Torres Strait Islander commission (ATSIC) work to overcome Aboriginal and Torres Strait Islander peoples' disadvantage through setting program performance benchmarks that are measurable (including timelines), are agreed in partnership with Aboriginal and Torres Strait Islander people and communities, and are publicly reported.
2. All Parliament and local Government pass formal motions of support for the Australian Declaration Towards Reconciliation and the Roadmap for Reconciliation, enshrine their basic principals in appropriate legislation, and determine how their key recommendations best be implemented in their jurisdiction.
3. The Commonwealth Parliament prepare legislation for a referendum which seeks to: recognise Aboriginal and Torres Strait Islander peoples as the first peoples of Australia in a new preamble to the Constitution; and remove section 25 of the Constitution and introduce a new section making it unlawful to adversely discriminate against any people on the grounds of race.
4. Recognising that the formal reconciliation process over the last decade has achieved much and has helped bring Australian's together, all levels of government, non-government, business, peak bodies, communities and individuals commit themselves to continuing the process and sustaining it by: affirming the Australian Declaration Towards Reconciliation and actioning the Roadmap for Reconciliation; providing resources for reconciliation activities and involving Aboriginal and Torres Strait Islander peoples in their work; undertaking education and public-awareness activities to help improve understanding and relations between Aboriginal and Torres Strait Islander people and the wider community; and supporting Reconciliation Australia, the foundation which has been established to maintain a national leadership focus for reconciliation, report on progress and raise funds to promote and support reconciliation.

5. Each Government and parliament: recognise that this land and its waters were settled as colonies without treaty or consent and that to advance reconciliation it would be most desirable if there were agreements or treaties; and negotiate a process through which this might be achieved that protects the political, legal, cultural and economic position of Aboriginal and Torres Strait Islander peoples.

6. That the Commonwealth Parliament enact legislation (for which the Council has provided a draft in this report) to put in place a process which will unite all Australians by way of agreement, or treaty, through which unresolved issues of reconciliation can be resolved.

ATTACHMENT B

Executive Summary of the Commonwealth Government Response to the Final Report of the Council for Aboriginal Reconciliation (the Council), *Reconciliation: Australia's challenge*.

The Council's Final Report, which also contained the *Australian Declaration Towards Reconciliation* and the four national strategies from the *Roadmap for Reconciliation*, is a substantial document reflecting the enormous work undertaken by the Council for Aboriginal Reconciliation between its inception in 1991 and its formal conclusion on 7 December 2000 with the presentation of the Final Report.

The Council's work lives on in the growing body of community and bipartisan political support for reconciliation; support that has evolved into a national determination to right the wrongs of the past as Australians have come to understand the injustices of our colonial history. While most Australians do not have any direct experience of the substantial social and economic disadvantage suffered by Aboriginal and Torres Strait Islander people, there is an acceptance of it as regrettable fact and a sincere desire to see Indigenous people not just treated as equals, but to experience equity in all facets of Australian life. As a nation, we recognise and celebrate Indigenous people's special place as the first Australians.

The Government joins with the nation in its strong commitment to reconciliation as an ongoing process of overcoming the legacy of history. Reconciliation is and must remain an important national priority. In the past 18 months, the Government has made steady progress in addressing a number of the areas identified for action in the Council's final report. The Indigenous affairs agenda being pursued by the Government is laying a foundation for lasting improvements in the lives of Indigenous people; for those of current and future generations. This is the best contribution governments can make to reconciliation. We believe there can be no more powerful symbolism than building a society in which Indigenous people have not just a right to work, to good health, to a sound education and to a decent home, but a society in which this is the norm for Aboriginal people.

Australians are a practical people and they strongly support practical measures to redress disadvantage. This is the primary focus of the Government's contribution to reconciliation. The depth of the Government's commitment is demonstrated in this year's budget which includes record expenditure of \$2.5 billion to tackle the social and economic difficulties that beset our Indigenous communities. It is a record level of expenditure for the fourth consecutive year (and some 25 per cent higher in real terms than in the last year of the previous government).

The Government's response covers in detail current policy and program activity across a range of Commonwealth portfolios, providing examples of areas where solid progress is being made. For example, more Indigenous children are staying on at school through to year 12, the number of Indigenous students enrolled in university degrees is at its highest level ever, while the number of Indigenous people participating in vocational education and training continues to rise. On the health front, many remote communities that have previously had little or no access to health services now do, infant death rates are falling, as are the rates of death caused by respiratory illness, and infectious and parasitic diseases.

Our employment programs are opening the door to self-sufficiency for thousands of Indigenous people who previously have been unemployed.

In drawing attention to these improvements, the Government is conscious that such outcomes represent a beginning—albeit a good one—and therefore acknowledges that a sustained effort will be required over many years in order to make lasting change. We also recognise that if our policies are to have traction, they must be designed and delivered through a genuine partnership of shared responsibility between all governments and Indigenous people. There are a number of priorities within our sights, both in the way we work and what we do. They are:

- taking a whole-of-government approach by involving all relevant portfolio Ministers and increasing the focus on individuals and their families as the foundation of functional communities;
- encouraging and supporting self-reliance and independence from welfare;
- strengthening leadership, capacity, and governance;
- addressing the debilitating effects of substance abuse and domestic violence;
- increasing opportunities for local and regional decision making by Indigenous people, and improving programme coordination and flexibility to respond to local needs; and
- improving access to mainstream programmes and services, so that Indigenous-specific resources can be better targeted to areas of greatest need, particularly to areas where mainstream services do not reach.

These themes and related Government strategies are signs of our determination to address the underlying and contemporary causes of Indigenous disadvantage, not just its symptoms.

The Council called on COAG to implement and monitor a national framework whereby all governments and ATSIC work to overcome Indigenous disadvantage by setting program performance benchmarks that are measurable, agreed with Aboriginal and Torres Strait Islander people, and are publicly reported. Through COAG, all Australian governments have agreed that reconciliation is a priority for them and that it requires a concerted and sustained effort over many years. COAG endorsed a framework to advance reconciliation based on partnerships and shared responsibilities with Indigenous communities, and programme flexibility and coordination between government agencies, with a focus on local communities and outcomes.

Commonwealth State Ministerial Councils are well advanced in their work to develop action plans that include performance monitoring strategies and benchmarks. In addition to this, the Commonwealth, under the auspices of COAG, is leading efforts to trial a whole-of-governments approach in up to 10 Indigenous communities or regions. The objective is to improve the way governments interact with each other and with communities to deliver more effective responses to the needs of Indigenous Australians. The Commonwealth has established an inter-departmental taskforce to give substance and drive to this initiative.

In terms of the Council's call for public reporting, COAG has commissioned a regular report against key indicators of Indigenous disadvantage. The objective of this initiative is to help measure the impact of changes to policy setting and service delivery and to provide a concrete way to measure COAG's commitment to reconciliation. This undertaking is being strongly backed by the Ministerial Council for Aboriginal and Torres Strait Islander

Affairs, which has developed a framework for this exercise. Together, these initiatives will ensure that Commonwealth, State and Territory governments have better information for policy planning and development. It will also better equip Indigenous people and communities to hold governments accountable where performance is less than satisfactory.

The Council's Final Report called for all levels of government, non-government, peak bodies, business and communities to make a commitment to continuing and sustaining the reconciliation process through a number of measures. It is a recommendation the Commonwealth has embraced in large part, although its approach differs in some respects.

The Government agrees with the Council's recommendation that an independent body be established to maintain a national leadership focus on reconciliation. The Commonwealth acted on this recommendation by providing \$5.6 million towards the establishment of Reconciliation Australia, and has also provided tax deductibility status to the organisation. Since its establishment some 18 months ago, Reconciliation Australia has made a number of positive contributions to reconciliation policy and debate. It has also secured further financial support from a number of Commonwealth departments and agencies for important national reconciliation activities such as the Indigenous Governance Conference.

One of the most tangible symbols of the Government's support for sustaining the reconciliation process is the design and construction of *Reconciliation Place* in the Parliamentary Triangle. This important landmark, placing reconciliation at the heart of the national capital, was officially opened by the Prime Minister on 22 July 2002.

Reconciliation Place provides an open public area for reflection on the reconciliation process and the nation's shared history. The first stage includes artworks depicting some of the many milestones on Australia's path to reconciliation, namely: the 1967 referendum; the recognition of land and native title rights; and the achievement of Indigenous people in sports and in the defence of the nation. Very importantly, there is an artwork that recognises the Ngun(n)awal people as the traditional owners of the Canberra region. *Reconciliation Place* will develop over time as more artworks are added in recognition of the many stories and achievements in the process of reconciliation, and in the relationship between Indigenous and other Australians both past and present.

The Government recognises the importance of continuing to seek out opportunities to sustain the reconciliation process. The Government believes that responses to reconciliation which promote Indigenous heritage and culture at a public level can do much to improve and expand community understanding of and goodwill towards our Aboriginal and Torres Strait Islander peoples. Therefore the Government believes that acknowledgment of the special place of Indigenous people in the life and history of Australia is appropriate on certain occasions and in certain Commonwealth ceremonies, such as citizenship ceremonies. While the Government does not believe a prescriptive approach should be taken, it none-the-less feels that the cause of reconciliation is greatly aided by such acknowledgment.

Another of the Council's recommendations went to the question of incorporating a new preamble in the Constitution that recognises Aboriginal and Torres Strait Islander peoples as the first peoples of Australia. The Government does not support this recommendation for

one very practical reason—Australians were asked at the referendum in 1998 to support such a preamble, but on that occasion chose not to despite bipartisan political support for it.

Another constitutional matter raised by the Council was its recommendation that Section 25 be removed and a new section introduced that makes it unlawful to adversely discriminate against any people on the grounds of race. Section 25 does not have practical effect in the governance of the nation today, having been designed originally to countervail the use of racially discriminatory voting provisions by the States, which today would contravene the *Racial Discrimination Act*. The Government, therefore, is generally supportive of the proposal to remove s.25 of the Constitution. Given adequate support for such a proposal, the Government would be disposed to put the matter to a referendum at an appropriate time. In relation to the suggestion of including a section in the Constitution that makes it unlawful to discriminate on the grounds of race, the Government believes the Racial Discrimination Act meets this requirement.

The Government recognises there are widely divergent views in the community on issues such as making a treaty with Indigenous Australians and calls for a national apology, and is concerned that this demonstrates clearly the ever-present risk that the community will be divided by placing undue emphasis on such sensitive issues. Australians are unsure about and wary of the treaty concept. An aspirational document, such as the Declaration, is one thing, but people are concerned about the implications if it were to be legally binding (and thereby a basis for future litigation rather than closure). The suggestion of separation between Indigenous and other Australians is also a cause of concern. Legal frameworks aren't necessarily the answer to social issues. For these reasons, the Government will not give its support to those recommendations of the Council that seek to further prolong debate on the issue of treaty.

The Council called on all parliaments and local governments to pass formal motions of support for the Australian Declaration Towards Reconciliation and the Roadmap for Reconciliation, and to enshrine their basic principles in legislation. Many of the elements contained in the Roadmap represent core business for government and are being pursued through the normal policy processes. However, the Government does not see that legislative changes will advance this process effectively. The Government reaffirms its support for reconciliation expressed through its *Motion of Reconciliation* passed by both Houses of Federal Parliament on 26 August 1999. That motion was as follows:

That this House:

- (a) reaffirms its wholehearted commitment to the cause of reconciliation between indigenous and non-indigenous Australians as an important national priority for Australians;
- (b) recognising the achievements of the Australian nation commits to work together to strengthen the bonds that unite us, to respect and appreciate our differences and to build a fair and prosperous future in which we can all share;
- (c) reaffirms the central importance of practical measures leading to practical results that address the profound economic and social disadvantage which continues to be experienced by many indigenous Australians;
- (d) recognises the importance of understanding the shared history of indigenous and non-indigenous Australians and the need to acknowledge openly the wrongs and injustices of Australia's past;

- (e) acknowledges that the mistreatment of many indigenous Australians over a significant period represents the most blemished chapter in our international history;
- (f) expresses its deep and sincere regret that indigenous Australians suffered injustices under the practices of past generations, and for the hurt and trauma that many indigenous people continue to feel as a consequence of those practices; and
- (g) believes that we, having achieved so much as a nation, can now move forward together for the benefit of all Australians.

In relation to the Declaration Towards Reconciliation, the Government has proposed an alternative form of words that seeks to overcome some features of the Council's version that the Government is unable to support on behalf of the Australian people. It is important to emphasise, however, that there is vastly more common ground than difference between the Government's Revised Declaration and the Council's Declaration. Both documents make a commitment to the process of reconciliation and acknowledge the unique status of Aboriginal and Torres Strait Islander peoples as the original owners and custodians of lands and waters. Both recognise that this land and its waters were settled as colonies without treaty or consent and reaffirm the human rights of all Australians. Both documents identify the importance of understanding the spiritual relationship between the land and its first peoples in sharing a future and living in harmony.

Also, both the Revised Declaration and the Council's Declaration affirm that our nation must have the courage to own the truth and to heal the wounds of its past so that we can move on together at peace with ourselves. They both affirm that reconciliation needs to live in the hearts and minds of all Australians and acknowledge that many steps have been taken and many remain as we learn our shared histories. Both encourage Australians to walk the journey of healing and express sorrow and regret for injustices of the past, and both pledge Australians to stopping injustice and overcoming disadvantage. Both documents aspire to an improved future for all Australians, recognising our shared history and the unique role, contribution and cultural identity of indigenous Australians.

The Government believes reconciliation must and should take place on many levels and in many forms. It is reliant upon the work and commitment of government, communities, organisations and individual Australians. And, while reconciliation may manifest in different ways in different communities, we also believe that the hallmark of true reconciliation will be established, to paraphrase the Prime Minister, when indigenous Australians enjoy standards of opportunity and treatment which are the equal of their countrymen and women.