

STRICTLY EMBARGOED UNTIL 6PM MONDAY 29 MAY 2006

**SPEECH BY MARK LEIBLER AC, CO-CHAIR RECONCILIATION AUSTRALIA
FOR THE SYDNEY INSTITUTE**

**MONDAY 29 MAY 2006 AT 6pm
MUSEUM OF SYDNEY THEATRETTE
CNR PHILLIP AND BRIDGE ST, SYDNEY**

Reaching Reconciliation: A Journey for all Australians

I acknowledge that we are standing on Eora traditional country and I pay my respect to the people of the Eora nations, whose age-old, continuing cultures add a unique vitality to Sydney and all her inhabitants and visitors.

I also acknowledge Gerard and Anne Henderson whose Sydney Institute provides the context for important conversations – the kind of conversations we need to have to get a better understanding of our nation and our world.

The kind of conversations that encourage us to be honest with each other and that take us outside of our day to day attitudinal comfort zones.

Conversations about the relationship between Indigenous and non-Indigenous Australians can challenge people in that way, as we have seen in the last weeks, and it is my honour to have been invited by the Hendersons to speak here during the tenth anniversary of National Reconciliation Week.

The history of this week of reflection and activity is interesting from all sorts of perspectives, not least because it also covers the decade of power of John Howard and his Government.

This evening, I'd like to say some things about that shared journey and the point we've reached in 2006 as we approach an enormously significant milestone in Australia's democratic history, and in reconciliation.

That milestone is the 40th anniversary of the 1967 Referendum, the most successful referendum in the history of our Federation that took place 39 years ago last Saturday.

My belief and my experience is that there are now many sectors of Australian society actively engaged in reconciliation. And unlike even five years ago when all those thousands of people walked across bridges in a grand gesture of support for reconciliation, today's engagement is strategic and practical.

By that I don't mean that it doesn't acknowledge the essential importance of recognition, respect and relationship-building – so-called symbolic aspects of the process.

The notion that practical and symbolic measures fit into one basket or another, or that one can be put aside while the other is dealt with, has never reflected the reality of the work of reconciliation.

Nor has it ever been true that reconciliation is purely the responsibility of government as some people conveniently argue. It is a journey for all Australians, not as passengers but as joint navigators.

And Reconciliation Australia sits in the middle of it all, defining the concept sufficiently for people to understand it but not so tightly that they don't recognise how much they can do, whoever they are, wherever they operate, to help bring it about.

Our job is to bring people to the table, broker conversations, facilitate partnerships, create the space to ensure tough things are named and dealt with, tough things like racism.

We are a non-government, not-for-profit, non-Indigenous organisation. The Board and staff comprise Indigenous and non-Indigenous people whose complementary skills allow us to operate effectively in a complex environment with limited resources.

Our scope of influence is enhanced enormously by the range of organisations we partner in our project and policy work, and I'm very pleased that representatives of just some of those many organisations were able to be here tonight. And I'd like to acknowledge and thank people from:

- BHP Billiton
- The National Aboriginal Sports Corporation of Australia
- The ANZ Bank
- Australians for Native Title and Reconciliation
- Gilbert+Tobin
- Macquarie Library
- Oxfam; and
- The National Rugby League

A couple of weeks ago, when I first put this address together, I was pretty happy with a draft that talked about an environment of possibility, about a breakthrough in bipartisanship and about growing recognition of success in Aboriginal communities.

I haven't rewritten the speech because nothing that's happened over the past week or so changes my perspective on the current environment.

But I am concerned that the hope and possibility for reconciliation may have become obscured, not only by the justifiable national distress about violence in Indigenous communities, but by some of the misinformation and blame conveyed in the discussion around violence.

I am concerned that in focusing on the bad news, we ignore high achieving organisations and Individuals that present a very different view of Aboriginal Australia.

So before I go to the original script, I would like to make the following observations about the current debate:

I share the outrage at acts of criminal violence perpetrated against Indigenous women and children who have the right, like all Australians, to be safe.

But governments must acknowledge, publicly as well as privately, that a necessary law and justice response must be backed up with steady, consistent, properly resourced action to address underlying causes.

We must, once and for all, move beyond serial crisis intervention to take the systemic, long term action consistently called for, particularly by Indigenous women living this horror.

I also want to address the suggestion that child abuse is somehow a part of Indigenous culture. This has been one of the most disturbing aspects of the recent debate.

To suggest that rape and pedophilia are part of Aboriginal culture is defamation.

Whether it's used as an excuse by perpetrators or a cop-out by non-Indigenous Australians who find this explanation easier than facing up to their own responsibilities, it is slanderous and it is wrong.

Similarly, it is wrong to represent the application of customary law as a corruption of justice – one law for them, another for the rest of us.

Criminal law in this country has always allowed for mitigating circumstances which take into account a person's background. Cases of inadequate sentencing hit the headlines from time to time and where appropriate, a sentence is reviewed and increased – as it was in the case involving the rape of a young girl that was featured on the front page of last Wednesday's *Australian*.

No level of mitigating circumstances, cultural or otherwise, can justify a one-month sentence for such a crime. And this is what our justice system determined.

But let's not throw out the baby with the bathwater. Customary law is a factor to consider just like a whole range of other factors which are taken into account in the sentencing of any Australian. The issue here is not whether these factors should be applied but that they must be applied appropriately.

I am most concerned that these arguments are a distraction from the serious business of what is to be done to stop the violence and give hope to communities where it erupts in an environment of poverty and despair.

My Co-Chair at Reconciliation Australia, Jackie Huggins, who I am honoured to have here this evening, spoke to me last week with passion and terrible frustration about the impact on her people of sensational, generalised headlines.

Over decades, Jackie has been one of the women crying out for support in stopping the violence. She wants it stopped now, through better policing and protection for the women and children.

But she wants it stopped in the long term and this can only be done if Indigenous people are part of the solution.

I feel compelled to refer to Nicholas Rothwell's piece in Saturday's *Australian* which shone a very stark spotlight on remote Aboriginal Australia.

It was such a strong piece. Such an insightful, horrifying view of Australia's badlands. Like something out of a Mad Max movie except it's happening in our country.

Rothwell exposed the extremeness of the bad news in Aboriginal Australia and offered one essential challenge to the perpetuators of this nightmare.

That challenge is telling the truth. To ourselves and to each other.

But we can only start doing that once we've done some seriously overdue work building relationships – within our communities and between them.

Because the sort of raw honesty we need cannot be engendered **without** a relationship. A relationship that lets us work together to identify problems and work together to solve them.

At Reconciliation Australia, this is what we mean by reconciliation.

We are acutely aware of the bad news in communities, particularly our Indigenous directors and staff - which is why their active involvement in reconciliation is so inspiring.

They tell me they believe in reconciliation, its possibility.

And they stay because the truth of what's bad in Indigenous Australia does not negate or diminish what's good. There's so much good out there and it is **also** the truth.

At Reconciliation Australia, an important part of what we do is to uncover it and analyse it so can we share its lessons and celebrate people's achievements.

My original speech from a fortnight ago also talked about a new sense of bipartisanship in Indigenous affairs which is another essential ingredient as we take the next step on this defining national journey.

I'd read a comment made by Tony Abbott about a health issue and thought how well it translated to the Indigenous affairs and reconciliation portfolio. He said: "It's more important to make a difference than to score a political point."

Despite some strong public debate in the last two weeks, I can tell you that all I hear privately from the present Minister for Indigenous Affairs Mal Brough, from the Prime Minister, the Leader of the Opposition, and Shadow Minister Chris Evans, encourages me that the two main parties are working in the same more determined, more necessarily cooperative direction.

It really is about time.

The 1967 Referendum was won because almost 40 years ago the vast majority of Australians recognised that something had to change in the way our nation treated its Indigenous peoples.

The Australian Constitution contained two brief references to the Aborigines. The first excluded them from the census-taking. In other words, they were not to be counted as citizens of Australia. The second reference said that the Commonwealth Government could make laws for all Australians except Aborigines who would be "administered" under state law.

Those deemed "half castes" existed in a legal no man's land.

In 1967, more than 90 per cent of eligible voters said "yes" to the idea that Indigenous people should be counted as Australian citizens and that the Commonwealth Government should be able to make laws on their behalf.

The Referendum is viewed by many as the start of the reconciliation movement in this country. And without a doubt, it opened up a new era of relationship building, based on new standards.

The posters used in the Referendum campaign were all photographs of children – babies and toddlers with big smiles and big brown eyes, black and white children, arm in arm.

I looked at the posters again recently and was struck by the expectations reflected in those sweet faces.

The children would be in their 40s now but in so many ways their lives would not reflect the promise of the Referendum victory.

We hear statistics about persistent Indigenous disadvantage all the time, to the point where too many Australians have become numb to their human significance.

But there is one statistic that covers all the rest.

The fact that almost 40 years after the Referendum that allowed their people to be counted as citizens of this country, the life expectancy of an Indigenous child is 17 years lower than for a non-Indigenous child.

This is mind blowing.

And it's why reconciliation is a journey for all Australians.

I've said before that my own sense of responsibility is accentuated by being Jewish and easily able to empathise with a persecuted minority, blamed for their own suffering.

What I understand of the aspirations of Indigenous Australians is that apart from securing their just recognition as the First Peoples of this country, what they seek is to be full participants in Australian society while maintaining their cultural traditions and status.

I feel that this is what the Jewish community has been able to accomplish in this country, and it should be seen by all Australians as an absolutely reasonable and absolutely achievable objective for our First Peoples.

It is a great honour to me to this day that in 1993 my firm, Arnold Bloch Leibler, was given the opportunity through the late Ron Castan, to act as lawyers and advisers to the Yorta Yorta peoples during their monumental struggle for land justice.

A strong bond has been forged between us over the years, built on mutual respect and solidarity. The benefits it brings are very much two-way, as the Yorta Yorta often remind us at Arnold Bloch Leibler, and this coalescence between the moral and the business case for reconciliation is an important part of the current context.

Arnold Bloch Leibler's public interest law practice is an example of how an organisation of professional service providers can take a principled, structured, 'whole of firm' approach to working with Indigenous communities for the benefit of both parties.

At Arnold Bloch Leibler we take what we are best at in our private commercial practice and mirror it in our long term pro bono collaborations with Indigenous communities.

We do not patronise. There is no place for paternalism. And we recognise the mixed motives for doing the work – not only is it the right thing to do, it is good for staff morale, sharpens skills, leads to other work and helps attract the brightest and best talent to the firm.

In short, we recognise that these relationships are very good for business and central to the firm's identity, not just a 'feel good' adjunct to it.

Independent economic modelling that Reconciliation Australia will be commissioning later this year will provide another dimension to the business case for reconciliation. It will pull together all of the available figures which show the cost to Australia of not making a serious, long term, forward looking investment in Indigenous Australia.

Corporates find this argument most compelling. When it's viewed alongside the demographic that 60 per cent of Indigenous people are under the age of 25, it's not surprising that businesses working in and around Aboriginal communities are, in some cases, well ahead of government in developing mutually beneficial partnerships.

My role as Co-Chair of Reconciliation Australia gives me a great vantage point to observe reconciliation in the multitude of forms it now takes across Australia. We do not expect to find agreement on all issues. But we have found wide areas of agreement based on the desire of most parts of Australian society for better outcomes. And a growing understanding and experience of what reconciliation means, what it looks like on the ground.

When the Prime Minister spoke 12 months ago tomorrow at the National Reconciliation Planning Workshop, everyone there detected a shift in his language and it helped to open up a new set of possibilities for reconciliation.

He said: "Reconciliation is about rights as well as responsibilities. It is about symbols as well as practical achievement. It is about the past as well as being about the present and the future."

The Prime Minister went on to say: "We can undeniably agree about the special status of Aboriginal and Torres Strait Islanders as the first peoples of our nation. We can recognise and acknowledge past injustices and the communal interest in and spiritual attachment to land which is fundamental to Indigenous culture."

"In the name of the Government, I say we will reach out. We will meet the Indigenous people of this country more than half way if necessary because at the end of the day we need together to achieve the goals [of reconciliation]."

Again, in March of this year, on his tenth anniversary as Prime Minister, Mr Howard cited reconciliation among just a handful of priority issues.

Those people who truly believe in reconciliation are taking the Prime Minister at his word, and together we are working to realise the opportunities currently available to us to make real progress.

Opportunities that were not there five years ago and that may not remain open to us if we don't act now.

There's a long way to go before we'll be in a position to judge the success or otherwise of federal Indigenous affairs arrangements connected with the dismantling of the Aboriginal and Torres Strait Islander Commission.

What we can say, and what Reconciliation Australia does say, is to the extent that these changes are based on what has been learned from past failures and achievements, they have the best chance of success in the long term.

As the Prime Minister acknowledged in last year's speech, this **is** a long term venture.

Of course, the new principles are not limited to government action. They are universal requirements in building strong, fruitful relationships between Indigenous and non-Indigenous people for the benefit of the nation as a whole.

They are pre-requisites for the achievement of reconciliation.

The first is an understanding that different aspects of Indigenous disadvantage are inexorably linked. It is the principle that underpins the whole of government approach and it explains why closing the gap in life expectancy is not only a matter of investing in Indigenous health, important and underdone as that is.

It explains why stopping the violence is not only a matter of putting more Indigenous men in jail.

International evidence from Canada, the US and New Zealand, countries that have all made headway in improving the life expectancy of their Indigenous citizens, shows we must tackle all the things that feed into the statistic, including education, employment, housing and the attitudes of the majority towards the minority population.

Another core principle is the acceptance that government or business or civil society organisations like Reconciliation Australia trying to develop or implement policy affecting Indigenous communities without the close, constant and respected involvement of Indigenous people are on a road to nowhere.

This need to engage Indigenous people in identifying local problems and developing solutions is very much a part of the Government's policy position and is the hallmark of the shared responsibility agenda.

Where I see some difficulty is in the capacity of the bureaucracy to deliver on the policy intent. This is a very different form of engagement from what bureaucrats are used to. Again the international evidence shows us, and so do emerging findings from Reconciliation Australia's governance project work, that shared responsibility must involve shared power and that's a very new principle in the area of Indigenous policy.

Government leaders, in Parliament and in the bureaucracy, people like Peter Shergold and Jeff Harmer, must actively work to build the capacity of the people and structures involved in delivering on the new arrangements, not only in Indigenous communities but just as importantly in government agencies.

While it's most appropriate this evening for me to talk about my own responsibilities and those of other non-Indigenous people, I would also encourage Indigenous Australians, particularly those in leadership positions, to make the very most of fresh opportunities.

Mistrust is an understandable, lingering symptom of past injustice. And the current violence debate has done little to build trust and hope of new, more respectful relationships.

At the regional level, Indigenous leadership is achieving great things and at the national level, a new generation of savvy, young Aboriginal people is taking on ever more responsibility.

The established leadership still wields significant influence. The process needs them, and they need to be pushing the agenda. For them to choose not to would be a tragedy.

And that includes the opportunity to pull together a legitimate representative body at the national level to fill the void left by ATSIC.

Indigenous Australians must have this essential conversation about representation among themselves - the role of non-Indigenous Australians is to acknowledge it as a legitimate aspiration.

Getting a result will take time but the goal of a broadly accepted representative body created by Indigenous people is a goal worth waiting for. And a goal worth investing in for Indigenous people themselves.

What I've also been telling you this evening is that in observing the reconciliation environment of the last 12 months, and particularly the efforts of Indigenous people, there is a great deal to say about success.

The first two rounds of the Indigenous Governance Awards, established by Reconciliation Australia in partnership with BHP Billiton, have uncovered Indigenous excellence across the country.

The unexpected quantity and quality of applications for the Awards has included Indigenous initiatives, partnerships between Indigenous people and business, and incredibly creative work involving government agencies working with communities.

When my fellow director at Reconciliation Australia, Mick Dodson, announced the inaugural winners late last year he spoke of the joy of being involved in a program that was all about Indigenous achievement. He described it as one of the most positive experiences of his professional life to see so many "proud people doing proud things".

The good news in Indigenous communities proves to Australians everywhere that reconciliation is an achievable objective.

If across the board, we were operating on the basis of best practice examples that are evident in Australia today – high achieving projects in education, employment, health, governance etc, the overall picture would be very different.

Nobody gets off the hook any more by blaming the victim, saying it's all too hard, arguing they don't know what reconciliation means or how they can get involved.

There are examples of reconciliation everywhere, in every part of Australia and in every context.

On the eve of the 40th anniversary of the 1967 Referendum, Reconciliation Australia is launching a National Program of Commitment, Priority and Action

which will sign up organisations in every sector of Australian society to work towards one overarching reconciliation objective: closing the 17-year gap in life expectancy between an Indigenous child and a non-Indigenous child.

The plan will pull together all the threads we know to be out there – ground breaking employment strategies, innovative education models, cultural competency training, enterprise development, consultation and negotiation standards, knowledge, recognition and respect.

And it will use what is already there to encourage new players to the table.

This is action oriented, measurable, long term, systemic reconciliation – something to embed into the institutions of our nation.

We're long past the point of being satisfied with feel good statements of reconciliation commitment. We have all the experience we need now to turn good intention into action.

To do so on the basis of moral and economic reasoning fused together into one overwhelming, unassailable case for change.

If Australia doesn't invest in reconciliation now, the price of achieving it will skyrocket beyond our reach.

Each of you is here tonight for a reason, maybe personal, maybe professional.

Whatever that reason, I ask you to reflect on the achievement of the Referendum campaigners, Indigenous and non-Indigenous people, who worked side by side for a decade.

I ask you to reflect on the late Rick Farley's characteristically wise words in summing up last year's Reconciliation Workshop.

Rick said:

"I'd encourage us to think in terms of not relying on others to come up with a grand, national plan and all of the resources necessary to implement it.

"We all have a collective responsibility and we all have an individual responsibility."

The Referendum campaigners and a deeply missed Rick Farley had much in common. They were changemakers and they stimulated conversations about justice in kitchens and factories and town halls across the country.

I ask you to join Reconciliation Australia in commemorating the 40th anniversary in a meaningful way that respects their great instinct for what's possible.

Now it's **our** challenge, and as my colleague Fred Chaney describes it:

All we have to do is to "join the points of light".