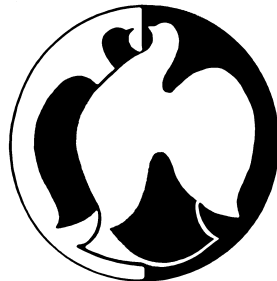


Peace and Justice:
The Search for
Aboriginal Reconciliation

2001 Sydney Peace Prize Lecture

The Honourable Sir William Deane AC KBE

CPACS Occasional Paper No. 01/2



The Centre for Peace and Conflict Studies



The University of Sydney

ISBN 1 86487 442 2

Peace and Justice: The Search for Aboriginal Reconciliation
Author: Sir William Deane, AC KBE

Copyright © 2001 Centre for Peace and Conflict Studies
Introduction by Professor Stuart Rees

First published 2001, by:
The Centre for Peace and Conflict Studies, University of Sydney, NSW 2006, Australia.

CONTENTS

Introduction	4
2001 Sydney Peace Prize Lecture Stuart Rees, Director of the Sydney Peace Foundation	
Poetry Reading	6
‘The Spirit of an Aborigine’, Hyllus Maris ‘Equality’, Maya Angelou ‘Corroboree 2000’, Stuart Rees ‘All One Race’, Oodgeroo Nunucaal	
2001 Sydney Peace Prize Lecture	10
<i>Peace and Justice:</i> <i>The Search for Aboriginal Reconciliation</i> The Honourable Sir William Deane AC KBE	
Presentation of the 2001 Sydney Peace Prize	19
Patrick Dodson	

Introduction

The 2001 Sydney Peace Prize Lecture Stuart Rees, Director of the Sydney Peace Foundation, Seymour Centre on the evening of 8th November, 2001.

Let me first welcome you here and acknowledge the traditional owners of the land, the Eora People. That's not merely a symbolic gesture, because the question of affirming people's identity, even in the simplest form of conflict resolution, is absolutely crucial. At the beginning, in the middle, and at the end of more difficult peace negotiations, the question of acknowledging identity, and the way the past affects it, is also significant in the passage of any attempt to establish, and maintain peace.

Let me say something briefly about the Sydney Peace Foundation. It is a deliberate coalition or partnership between media, the corporate sector, the public sector, non-government organisations, and academic interests. The partnership is saying to Sydney and Australia, that the cause for peace with justice is a priority. To achieve it, we have to have dialogue across the boundaries that usually keep us separate. We have to have conversations and be in friendship with people whom we don't always meet in the normal course of events. So that alliance is terribly important. We have four partners in Peace: Salomon Smith Barney under the leadership of Rob Thomas; Gilbert and Tobin under the leadership of Danny Gilbert; Publishing and Broadcasting Ltd under the leadership of James McLachlan; and most of you won't be surprised, the Conflict and Resolution Network under the leadership of somebody who for decades in this country has been an important advocate for peace with justice, Dr Stella Cornelius.

The interpretation of peace which this Foundation has had for the past four years can be conveyed by the names of the people who have won this prize, and by the titles of the lectures which they have given in this auditorium. The visionary banker for the poor, Muhammad Yunus of Bangladesh, was the first up on this stage and talked about peace being freedom from poverty. He meant that the violence of poverty could never be associated with any claims about a just peace. He was followed, and who could ever forget it, by Archbishop Emeritus Desmond Tutu. We acknowledged him for his leadership of the Truth and Reconciliation Commission in South Africa. Archbishop Desmond Tutu talked about Peace through Reconciliation. Last year, the Foundation's choice was the leader of the newest country in the world. Xanana Gusmao, who as a poet and painter was almost a politician by chance, talked about Peace Building: the challenge for East Timor.

This year, the Sydney Peace Prize jury identified Sir William Deane as someone who was consistently committed to people of disadvantage in this country and whose leadership had given a particular chemistry to the cause for reconciliation. But we were also mindful that in the famous Mabo judgement, of which he was one of the main architects, he wrote: 'Aboriginal dispossession in this country was a legacy of unutterable shame.' He is not merely a jurist who wrote such a judgement, but somebody who then became a practitioner as Governor General, and who by his dignity and by his humanising influence, gave a leadership to this country. Your applause registers the significance of his leadership. Through a whole series of incredible crises in Australia, it was his voice, what he didn't say, and his appreciation of silence, which gave direction and leadership. In

the aftermath of the Port Arthur massacre, the Thredbo disaster, the tragedy at Interlaken and the Childers' backpackers' fire, his was the voice of the compassionate and understanding Australian.

At this point in the proceedings I usually ask the Sydney Peace Prize recipient to step up to the lectern and give the lecture. This year it is going to be slightly different. We thought there had been a particular poetry to the way William Deane conducted the Governor Generalship of Australia. We thought that the poetry of his leadership was located somewhere between art and justice and for that reason four poems will be read. They convey what we think about Sir William, and something about the essence of reconciliation.

The recent release of a compact disc by the singer/song-writer Georgia Carr depicts the theme of the poetry that follows. Her song is called 'Share the Spirit'. It is about Australians achieving unity by celebrating difference, and this theme explains our rationale for choosing the poems. The first poem is called 'The Spirit of an Aborigine' and will be read by Mark Hoest, a young Wirradgari man from the Faculty of Education at Sydney University. The second poem is written by Maya Angelou, the great American poet who wrote for Bill Clinton at his first inauguration. This poem will be read by Willari Kirkbright-Burney from the Newtown School of Performing Arts. The poem is called 'Equality'. The third poem is called 'Corroboree 2000' and if you listen carefully at the beginning, it depicts the role Sir William played in the reconciliation events of May 27 and May 28 2000 when as many as a quarter of a million of us walked across Sydney's Harbour Bridge. This poem will be read by Zoe Coombs-Marr, a Year 11 student from Grafton.

The final poem is Oodgeroo Noonuccal's 'All One Race'. And it is going to be read by an icon in Australian society, Faith Bandler.

Stuart Rees
8 November 2001

SPIRITUAL SONG OF THE ABORIGINES

*I am a child of the Dreamtime People
Part of this Land, like the gnarled gumtree
I am the river softly singing
Chanting our songs on my way to the sea
My spirit is the dust-devils
Mirages that dance on the plain
I'm the snow, the wind and the falling rain
I'm part of the rocks and the red desert earth
Red as the blood that flows in my veins
I am eagle, crow and snake that glides
Through the rainforest that clings to the mountainside
I awakened here when the earth was new
There was emu, wombat, kangaroo
No other man of a different hue
I am this land
And this land is me
I am Australia*

(Hyllus Maris

In Gilbert K (ed) (1988) Inside Black Australia, Penguin Books: Ringwood Victoria)

EQUALITY

*You declare you see me dimly
through a glass which will not shine,
though I stand before you boldly,
trim in rank and marking time.*

*You do own to hear me faintly
as a whisper out of range,
while my drum beats the message
and the rhythms never change*

*Equality, and I will be free.
Equality, and I will be free.*

*You announce my ways are wanton,
that I fly from man to man,
but if I'm just a shadow to you
could you ever understand?*

*We have lived a painful history
we know the shameful past,
but I keep on marching forward
and keep on coming last*

*Equality, and I will be free.
Equality, and I will be free.*

*Take the blinder from your vision,
take the padding from your ears,
and confess you've heard me crying,*

and admit you've seen my tears.

*Hear the tempo so compelling,
hear the blood throb in my veins.
yes, my drums are beating nightly,
and the rhythms never change.*

*Equality, and I will be free.
Equality, and I will be free.*

(Maya Angelou)

CORROBOREE 2000

*A man with an air of gentleness
asked us to speak quietly to those who
doubt the benefits of revising a history
whose mateship centrepiece was cast aside
when Mabo overturned the myths of emptiness,
dispossession showed its jagged edges,
stolen generations started to come home
and a rainbow of young voices sang
that no-one could steal the future.*

*Once disguised by 'the best of intentions',
broken families and deaths in custody
showed that first people finished up being last
but today's walkers for reconciliation
have been confirmed by the silent silver
writing its fluffy white on a parchment of blue
by diving in alphabetical lines and circles
to spell 'sorry' above the bridge
and in the freedom of the sky.*

(Stuart Rees, Sydney, 28 May, 2000)

ALL ONE RACE

*Black tribe, yellow tribe, red, white or brown,
From where the sun jumps up to where it goes down,
Herrs and pukka-sahibs, demoiselles and squaws,
All one family, so why make wars?
They're not interested in brumby runs,
We don't hanker after Midnight Suns;
I'm for all humankind, not colour gibes;
I'm international, and never mind tribes.*

*Black, white or brown race, yellow race or red,
From the torrid equator to the ice fields spread,
Monsieurs and senors, lubras and fraus,*

All one family, so why family rows?

*We're not interested in their igloos,
They're not mad about kangaroos;
I'm international, never mind place;
I'm for humanity, all one race.*

(Oodgeroo Nunucaal)

The 2001 Sydney Peace Prize Lecture

*Peace and Justice:
The Search for Aboriginal Reconciliation*

The Honourable Sir William Deane ACK BE

Seymour Centre, Sydney, 8th November 2001

I acknowledge the Eora, the Cadigal and the Tharawal peoples upon whose ancestral lands this city stands.

I must confess that my predominant reaction to being awarded the Year 2001 Sydney Peace Prize has been and is a profound sense of inadequacy. That sense of inadequacy does not, however, in any way diminish my immense pleasure and gratitude for the great honour done me by the award of the Prize ... particularly as the first Australian recipient and in this the Centenary Year of our Federation. I sincerely thank the Executive, the Committees, the members and the supporters of the Foundation.

The title of my comments this evening - 'Peace and Justice: The Search for Aboriginal Reconciliation' - was chosen by me in the world before 11th September. In the context of the terrorist assault on peace and of the events which have followed, I considered whether I should abandon that subject or vary that title. I decided that I should not. It would be a tragedy for all Australians if the terrible events of that September day and the natural horror, anger and apprehension which they aroused were allowed to undermine either our overall commitment to true Peace or our insistence on the abiding validity of the related principles of justice and common humanity which compel the search for Aboriginal reconciliation within our land.

I divert for a moment to tell a story. It's not original and I've told it before. It does however serve to make a point which seems to me to be both relevant and important.

An American publisher was employed to have prepared and to publish a history of a very wealthy American family. The instructions were that the history was to be truthful but was to show the family in the best possible light consistent with truthfulness. The problem – or the skeleton in the closet – was Uncle Charles who had been sentenced to death and executed some decades before for a particularly nasty sex-related murder. After much thought, the author and the publisher resolved the problem. Charles, it was written, had, at the time of his death, occupied a chair of applied electricity in a well-known national institution. The account went on to say: 'The ties that bound him to his position were strong indeed. And his death came as a great shock'.

The point I wish to make through that story is a serious one. It's that, while the true function of words is to communicate, they can, even when literally accurate, be subtly misused to confuse, conceal or mislead. In these difficult times for our country and our world, it's essential, in the

interests of true peace and justice, that we always remain conscious of the importance – the preciousness – of the life and dignity of each innocent victim of violence and injustice, particularly each child. And we need to be on guard against the temptation to use words as labels likely to foster indifference or callousness towards fellow human beings who are entitled to at least appeal to our compassion. Labels such as ‘illegals’ and ‘queue jumpers’ applied to many genuine refugees are current examples. Similarly, we need to be on guard against the tendency to divert what should be reasoned discussion either into arid verbal quibbling or into personal abuse of those who express contrary points of view. Thus I firmly believe that those of us who are convinced of the rightness, the importance and the urgency of the cause of Aboriginal reconciliation will be most effective and persuasive if we have the strength and the wisdom to speak more quietly, more tolerantly and more constructively to our fellow Australians who are yet to be convinced.

In that context, it seems desirable that I set the scene by some general comments about the substance of peace, justice and reconciliation. To do that I can do no better than briefly quote from what was said by the three inspirational former recipients of the Sydney Peace Prize whose ranks I am privileged to be joining.

Professor Muhammad Yunus, the Founder of the Grameen Bank which serves the poorest of the poor, eloquently conveyed the breadth of a vision of ‘Peace and Justice’ which I respectfully adopt:

‘Peace should be understood in the human way – at an individual level, at the family level, community level, as well as at the national level. [It] should be understood in a broad social, political and economic way. ... Peace should mean respect for each other ... In the human context, peace should mean recognition of the unlimited potential buried in each and every human being ... It should mean establishment of all human rights for all people ...’

Implicit in those comments is recognition of the fundamental importance of human life, dignity and opportunity and of the basic fact that true peace involves much more than the mere absence of war.

Not surprisingly, the second Peace Prize Winner, the incomparable Nobel Laureate Archbishop Desmond Tutu, chose the title ‘Peace through Reconciliation’. If time permitted, I would like to quote everything that he said, particularly his comments about ‘restorative justice’ based on *Ubuntu*. I content myself with a few words of salient advice:

‘We have seen the power of asking for forgiveness and how potent it can be to begin the process of healing for people who have been alienated and traumatised. ... Perhaps you in this land might do worse than take the risk of asking for forgiveness from those who have felt themselves to be victims and have been discriminated against for [so] long in the land of their birth’.

Last year’s winner was, of course, a leader from our own part of the world ... Xanana Gusmao who, like Nelson Mandela, learnt and developed mightily as an advocate and symbol of peace and justice through years of suffering and imprisonment. Again, I quote but a few of his words which are of particular relevance this evening:

'As you in Australia are aware, owning your past, your shared history, is indispensable for building reconciliation. ... [O]wning the past ... is an exercise in releasing a truth imprisoned by silence. We allow the truths of the past to speak, and having allowed them their say, we seek better, wiser truths to emerge from future actions'.

Accordingly, as we Australians look back in this Centenary Year at the first century of our nation, it is essential that we face the truths of *our* past. We have much real cause for gratitude and pride. The sacrifices, the resilience and basic decency and sense of fair play of our people in times of peace and of war. An unbroken century of democratic rule. The mutual respect and acceptance which underlie our greatest achievement, namely, the multicultural inclusiveness through which our diversity of origin, race, culture and belief has become a source of national strength rather than a cause of weakness and division. To name but some of the things which support the quest for true peace and justice.

Yet, at the same time, we must be honest and courageous about the flaws and failures which mar those achievements. Things which impede the search for peace and justice in this land. Those flaws and failures include a residue of intolerance, particularly racial prejudice, which, notwithstanding the general strength of our national multiculturalism, persists in some areas of our community and occasionally raises its ugly face to confront and shame us. They include the continuing divisions in our nation, including the unacceptable gap between the haves and the have-nots in this the land of the fair go for all. Most relevant for present purposes, they include our failure to achieve true and lasting reconciliation between our nation and its indigenous peoples.

In recent years, we Australians have made much progress towards reconciliation at the grass roots level. There have been great occasions and gatherings such as the 1997 Reconciliation Convention and Corroboree 2000 with its related marches. Equally important have been the efforts of those countless Australians striving for reconciliation at a personal level in so many ways. Again and again, Helen and I have been humbled by instances of reconciliation at grassroots level in which we've been privileged to share. Each of those instances has offered a demonstration of the essence of true reconciliation: facing and addressing past injustice and its consequences and coming together and going on together. Invariably, they have brought home to us the generosity of indigenous Australians and the depth of their commitment to reconciliation. Sometimes, they've seemed to us to be of true national significance. When that's been so, they have served to underline the importance of mutual trust and goodwill in the search for national reconciliation and provided some guidance in relation to what needs to be done if we are to succeed in that search. I briefly recount but one of them.

In November 1997, I opened an Exhibition at the National Library. It was called *Captive Lives: Looking for Tambo and his Companions*. If measured merely by reference to size or cost, the Exhibition was scarcely a major one. But the story which it told and the manner of the telling combined to make it a profoundly moving experience of national, indeed universal, significance.

It was the story of nine essentially gentle and trusting Aboriginal people who were enticed from their homes on Palm Island in North Queensland in 1883 by an American entrepreneur and taken to the United States. There, they were exhibited as 'uncivilized savages' in Barnum and Bailey's

Circus and in fair grounds and dime museums. Within a year one of the nine – a young man of about 21 who had acquired the name of ‘Tambo’ – was dead. His even younger wife and other companions were prevented from according him the ceremonial rites traditionally seen by his people as essential for the release of the spirit. His body was in fact sold to the owner of a dime museum, mummified and put on display.

Within a year of Tambo’s death, a further five of the human exhibits, including his young widow, had also died. Within another two years the remaining three were lost to history, presumably also dead.

Just eight years ago, in October 1993, Tambo’s mummified body was found in the basement of a Cleveland funeral parlour. Remarkably, his identity was established. With the assistance of the then Commonwealth Government, representatives of his people travelled to the United States, performed traditional final rites and accompanied his body back to Australia where, in February 1994, on the 100th Anniversary of his death, the young man called Tambo was laid to rest in his native soil.

The opening of the Exhibition in Canberra was attended by Elders of the Palm Island community and by Tambo’s collateral descendants. It culminated in a formal joint imprint of hands by the indigenous representatives, by me as Governor-General and by others associated with the Exhibition on a screen which itself became the final exhibit. Not only was the Exhibition itself the closing chapter in the story of Tambo. Its opening was, for all involved, the final reclamation of Tambo as part of our Australian nation. The Exhibition’s story is that of an odyssey of suffering and oppression. The Exhibition itself had become an act of true reconciliation.

Notwithstanding the progress that has been made at grass roots level, the ultimate achievement of true and lasting national reconciliation remains little more than a dream. Indeed, perhaps inevitably, the progress of the movement for reconciliation at both grass roots and national levels seems to have slowed since the halcyon days of last year’s Corroboree 2000. If that is so, it is understandable in the current environment. But, nonetheless, it is essential that the movement be reinvigorated and that any lost impetus and enthusiasm be fully restored. For until we achieve true and lasting reconciliation, we are and will remain diminished as a nation.

My experiences of grass roots reconciliation over the years leave me in no doubt that the starting point – and I stress ‘starting point’ - of a realistic quest for Aboriginal reconciliation at the national level must be national acknowledgment not only of the past but also of the effects of past injustice and oppression on the present and the future. There can be no truly national reconciliation for so long as past injustice and oppression are regarded as belonging, as it were, to some other country. For the essential need for national reconciliation lies largely in the fact that the oppression and injustice to which indigenous Australians were subjected in our land and under our Federation were not merely the acts of individuals who are long since dead and for whose acts living Australians might deny responsibility. They are properly to be seen as acts of the nation itself of which all living Australians are members. As such, that past oppression and injustice remain part of the very fabric of our country. They reach from the past to blight the present and to demand redress and reconciliation in the future. Let me remind you of some basic facts about the establishment and history of the nation whose Centenary we celebrate this year.

One of the remarkable things about the debates at the Constitutional Conventions which preceded Federation is the almost complete absence in them of reference to the country's indigenous peoples. The founders of our nation were, by and large, good and decent men. Yet they appear to have simply ignored the tragedy of the circumstances of Australia's indigenous peoples and any responsibility of the new nation to address or resolve their entrenched disadvantage. The most likely explanation is an unspoken consensus that the Aborigines could simply be ignored on the basis that they were a disappearing problem. In that regard, the following conclusions of probably the most famous writer to visit Australia in the 19th century, Anthony Trollope, no doubt reflected the approach of at least some of the many leaders of the Colonial Governments and society whom he met¹:

'Of the Australian black man we may certainly say that he has to go. That he should perish without unnecessary suffering should be the aim of all who are concerned in the matter'.

Be that as it may, the Constitution, as adopted, contained but two references to the Aboriginal peoples of Australia. Both were dismissive or negative in nature.

The first reference excluded 'the Aboriginal race in any State' from a grant of legislative power to the Commonwealth Parliament to make laws with respect to 'the people of any race ... for whom it is deemed necessary to make special laws'².

The other reference to Aborigines was s.127's instruction that, '[i]n reckoning the numbers of the people of the Commonwealth or of a State or other part of the Commonwealth, Aboriginal natives shall not be counted'. That exclusion of Aborigines from the numbers of the people of Australia applied to provisions dealing with parliamentary representation and financial responsibilities and entitlements. In time, the section came increasingly to be seen as a constitutional declaration of the essential worthlessness and irrelevance of Australia's indigenous peoples. That is not surprising since, viewed against the background of the times and the indifference displayed in the Convention debates, that is precisely what it was. Its discriminatory, indeed racist, injustice was a feature of the very foundation of our nation which remained constitutionally entrenched until 1967, that is to say, for two thirds of the century which we celebrate this year. It exacerbated a more significant and fundamental discriminatory injustice which remained entrenched for more than nine tenths of that century, namely, the doctrine of *terra nullius*.

In essence, that doctrine asserted that, for legal purposes, the territory of the Australian Colonies had been, at the time of European settlement, unoccupied or uninhabited with the consequence that full beneficial ownership of all the lands of the Colonies vested in the Crown, unaffected by any claims of the Aboriginal inhabitants. It was that doctrine that provided the basis of the dispossession, so often by force and killing, which underlay the devastation and degradation of the Aboriginal peoples of our continent.

The doctrine of *terra nullius* was accepted, applied and enforced by the new nation during the first nine decades of its life. Its basis and rationale were identified by the Judicial Committee of the

¹ See Anthony Trollope, *Australia*, First published 1873 at p.113.

² Constitution, s.51 (xxvi).

Privy Council, then the ultimate tribunal in the Australian judicial system, in a case called *In re Southern Rhodesia*³. I quote their Lordships' words:

'Some tribes are so low in the scale of social organization that their usages and conceptions of rights and duties are not to be reconciled with the institutions or the legal ideas of civilized society. Such a gulf cannot be bridged. It would be idle to impute to such people some shadow of the rights known to our law and then to transmute it into the substance of transferable rights of property as we know them.'

In other words, as Sir Gerard Brennan pointed out in the *Mabo Case*⁴, the doctrine 'depended on a discriminatory denigration of indigenous inhabitants, their social organization and customs.'

The application of the doctrine in Australia was not only indefensible as a matter of truth or justice. It was bad law. That was established by the High Court in *Mabo* in 1992, that is to say, only in the last decade. There, our now ultimate court finally recognised that, after British settlement, the indigenous peoples of the Continent had possessed a common law native title to their traditional lands and that the purported legal basis of the dispossession simply did not exist. Even then, the Court reached the conclusion that the terrible consequences of the injustice of past dispossession were not mitigated by entitlement to compensation or damages. Indeed, as a broad generalisation, it can accurately be said that, as we celebrate the Centenary of our nation, the discredited doctrine of *terra nullius* and the dispossession and oppression that were based on it continue to provide the historical foundation of almost all public and non-indigenous ownership and possession of land.

The discriminatory injustice to which the new nation subjected indigenous Australians through both its Constitution and its mistaken application of law was reinforced by that nation's new Parliament⁵. In 1902, the first Commonwealth Franchise Bill was introduced into the Parliament. As introduced, it would have conferred the right to vote on indigenous Australians. As enacted⁶, and subject to what was in the event an insignificant qualification⁷, it disqualified any 'Aboriginal native of Australia Asia Africa or the Islands of the Pacific except New Zealand' from having 'his name placed on the Electoral Roll'. An amendment excluding Aborigines had been first introduced in the Senate by Senator Mathieson. His views were succinctly stated⁸:

'...it is absolutely repugnant to the greater number of the people of the Commonwealth that an Aboriginal man, or Aboriginal lubra or gin - a horrible, degraded, dirty creature - should have the same rights, simply by virtue of being 21 years of age, that we have, after some debate today, decided to give to our wives and daughters. To me it is as repugnant and atrocious legislative proposal as any one could suggest.'

³ [1919] AC 211 at pp.233-234.

⁴ (1992) 175 CLR 1 at p.40.

⁵ See, generally, John Summers, 'The Parliament of the Commonwealth of Australia and Indigenous Peoples', Commonwealth Parliamentary Library Research Paper 10 2000-01, 31 October 2000. I acknowledge my indebtedness to Mr. Summers' valuable paper in relation to some of the contents of this and the next paragraph.

⁶ Act no. 8 of 1902.

⁷ The effect of s.41 of the Constitution. See, as to the limited effect of the section, *The Queen v Pearson* (1983) 152 C.L.R. 254.

⁸ Senate and House of Representatives, Debates, vol.1X, pp. 11, 580.

In 1943, the vote was given for a limited time to those Aborigines who were members of the Defence Forces. In 1949, the right to vote was conferred on Aborigines who were entitled to vote in State elections or who had served in the forces. Otherwise, the exclusion of any 'Aboriginal native of Australia' from the Commonwealth franchise extended into the second half century of our nation's history.

One could, of course, go on for hours simply listing examples of discriminatory injustice and oppression to which indigenous Australians were subjected in past years not just by individual Australians but by the Australian nation itself. The exclusion for many years of 'Aboriginal natives of Australia' from Commonwealth social welfare rights and benefits.⁹ The requirement in the early Posts and Telegraphs legislation that 'white labour' only be employed by contractors¹⁰. The various Northern Territory Ordinances, made with the authority of the National Parliament, which enabled thousands of Aborigines at a time to be declared 'wards' without prior notice or consideration of personal circumstances¹¹ and which restricted Aboriginal freedom of movement; freedom of choice of work; freedom of marriage; and, in the case of those who worked and lived in towns, freedom even to be 'at large' after sunset. The subjection, again by Ordinance or Regulation made under the authority of the Parliament, of Northern Territory Aborigines and their lives to a degree of discretionary control that made possible the desolation wrought in the Territory by the removal of children. As we celebrate the Centenary of our nation, truth and ordinary decency require that we acknowledge that these discriminatory injustices were inflicted not by individuals for whose acts we might deny responsibility. They were inflicted by the nation of which we are part. It is well and truly time – indeed it is long overdue – that that nation unambiguously acknowledges that basic truth and apologises in unambiguous terms.

An unambiguous national apology to Australia's indigenous peoples for all the injustices of the past, including the involuntary removal of children, will of itself be a significant step along the road towards true national reconciliation. More important, it will help create an environment in which it should be possible to take a much more difficult and significant step, namely, the reaching and implementation of a broad consensus, encompassing indigenous and non-indigenous Australians, about what must be done and set in train to address the terrible problems of indigenous disadvantage which are, to a large extent, the present consequences of past oppression, injustice and imported disease. Those problems include the awful problems of Aboriginal health; the inadequacy of much Aboriginal education, particularly in the remote areas of the Northern Territory; the vastly higher than average levels of Aboriginal unemployment, particularly youth unemployment; the deficiencies of Aboriginal housing; the problems of water supply and infrastructure in many Aboriginal communities; the social problems including welfare dependency, substance abuse and domestic violence; the problems of the spirit: loss of identity, of self esteem and, far too often, of hope. There can be no true and lasting reconciliation until those problems are much more effectively faced than they have been to date.

This is not the occasion to elaborate on the extent of entrenched indigenous disadvantage in our country. It is well documented. I would, however, refer briefly to some of the information about indigenous health contained in this year's important Report of the Commonwealth Grants

⁹ See, generally, Summers, *op. cit.*

¹⁰ Posts and Telegraphs Act 1901, s. 16(1).

¹¹ See, e.g., *Namatjira v Raabe* (1959) 100 C.L.R. 664

Commission on 'Indigenous Funding'. After referring to the fact that the life expectancy of the average indigenous baby born today is more than 19 years less than that of the average non-indigenous one, the Report makes some damning comparisons of that discrepancy of 19 years with the life expectancy discrepancy between indigenous and non-indigenous Americans¹², Canadians¹³ and New Zealanders¹⁴. It goes on to make the point that in this country the discrepancy is still steadily increasing.

It is now more than five years since, on the 22 August 1996, the eve of the 30th Anniversary of the Wave Hill Strike, I delivered the inaugural Lingiari Lecture at the invitation, and under the auspices, of the Council for Aboriginal Reconciliation. In it, I traced the story of the Wave Hill Strike and its settlement culminating in the gesture of justice on 16th August 1975 when the then Prime Minister of Australia, Gough Whitlam, poured Gurindji soil into the outstretched hand of the Gurindji leader, Vincent Lingiari. I indicated that there were eight aspects of the settlement at Darugaru which should be seen as signposts along the road to true and lasting reconciliation. I expressed the firm belief that, with goodwill on both sides, we could reach the end of that road.

Much has happened in the intervening period. The life of the Council for Aboriginal Reconciliation has come to an end. A new Foundation, Reconciliation Australia, has been established. The signposts which I identified in that Lingiari Lecture have been superseded by the Declaration, Road Map and Final Report which the Council has left as enduring legacies of its life and work. At the heart of the Council's Declaration there lies an unequivocal assertion of the need for national acknowledgment – a national 'owning of the truth' - and apology for the injustices of the past. At the heart of the Council's Road Map and Final Report there lies recognition of the need for the development of a general consensus between indigenous and non-indigenous Australians about addressing and overcoming the entrenched Aboriginal disadvantage of the present. There also lies acceptance of what I see as a fundamental truth, namely, that in acknowledging the past and in addressing the present, education is the key both directly and indirectly. Directly in addressing the immense gap which continues to exist between the 4th Grade Primary School standard, including literacy and numeracy, of the average indigenous student finishing school in most remote communities and the standard of the average non-indigenous Australian student. Indirectly in a variety of ways, most importantly, in that effective indigenous education must play a critical role in overcoming disadvantage in other areas.

While I was Governor General, I was privileged to participate in a committee of representatives of Indigenous Australia, of Scouting Australia, and of the Australian Institute of Sport which had been formed to address the question whether Scouting could make a substantial contribution to the daunting problems of young people in our isolated indigenous communities. The representatives of Indigenous Australia included: Patrick Dodson; his successor as Chair of the Reconciliation Council, Evelyn Scott; and the then Chair of ATSIC, Gatjil Djukurra. Scouting Australia and the Australian Institute of Sport were represented by their highest officeholders. In addition, the Committee included that inspiring Australian, Sir Gustav Nossal. It was aided and assisted by an experienced and competent field worker, Mr. Tarquin Bowers.

¹² 3.5 years.

¹³ 7 years.

¹⁴ 5-6 years.

The task of adjusting Scouting, with its long traditions and mandatory standards, to the unique circumstances and demands of an outback indigenous community was an extraordinarily difficult one. Yet the meetings of the Committee were notable for the atmosphere of trust, goodwill and determination to listen, to learn and to reach a consensus about what was in the interests of young indigenous Australians. Differing viewpoints and opinions were propounded and accepted as constructive and genuine contributions towards reaching the right result. The outcome of the Committee's work was spectacularly successful. An overall plan under which Scouting, while maintaining its standards and ideals, would be extensively adjusted so that it would not only serve, but would be 'owned by', the outback communities in which it was established, was developed and adopted.

The first stage of the 'Scouting in Indigenous Communities' program is about to commence under Commonwealth funding made available this year. Hopefully, it will make an immense contribution towards providing the encouragement, support and incentive of which the young Australians living in outback indigenous communities are in such desperate need and towards improving their educational attendance and standards, employment prospects, health, conduct and self-esteem. The reason I have spoken of it this evening is, however, that I believe that the manner in which the program was developed, through mutual cooperation, trust and goodwill, provides a grass roots demonstration of how, with adequate planning and expertise, it should be possible to achieve and implement a national consensus about the most effective ways of addressing entrenched indigenous disadvantage.

That is not to discount the difficulty involved in formulating and implementing effective policies where so much has to be achieved and where delay is measured in human lives lost, destroyed or left largely unfulfilled. Obviously, an immense national effort will be necessary. The history of the past and the extent of indigenous disadvantage of the present dictate, however, that we together do whatever is necessary to make and succeed in that effort. If we do, we will, I believe, ultimately reach the point where a national compact of true and lasting reconciliation is a reality rather than a dream. Then, in the words of Vincent Lingiari, indigenous and non-indigenous Australians will finally be able to go forward together as 'friends' and true 'equals' –walking together, talking together, working together and achieving together. Then and only then will the relationship between indigenous Australians and the nation of which they form such an important part know true 'Peace and Justice'. Then and only then will we be truly reconciled.

May God bless Australia and all its people.

**THE PRESENTATION OF THE SYDNEY PEACE PRIZE
TO SIR WILLIAM DEANE BY PATRICK DODSON**

Great Hall, The University of Sydney
November 9, 2001

I acknowledge the Traditional owners of this part of Sydney and express my respect for their traditions and say to them that I come as a friend and in peace.

I acknowledge Sir William Deane and Lady Deane.

Distinguished guests.

Thanks to our hosts here at the University of Sydney.

I am very honoured to say some words on this occasion when we acknowledge Sir William Deane, a true leader and representative of all that is good about us as Australians.

When thinking about this occasion over the past couple of weeks and how I could do justice to this honour, I couldn't help but reflect upon the wider issues of the September 11 tragedies in America, the daily bombing of Afghanistan and the people on the boats trying to get away from misery, death and futility; the millions of human beings, families confronting desolation, shame and indignity.

I do not support terrorism or wars – and like many Australians am deeply troubled by what I can only describe as a rapid decline in our ability to hold precious the life of humankind. The life of a human being, regardless of race, religion, status, power or poverty has been such a fundamental value of decent societies that I fear today's scarring of this part of our human psyche will take years to repair the damage that is currently being done to it.

Human dignity is a quality that so readily comes to mind when reflecting upon the invaluable contributions that Sir William Deane has made to our country, human rights and the advancing of peace. Not only his own personal dignity but how he has enabled many of us to have access to and enjoy our own.

I remember your visit Sir William to Switzerland following the canyoning disaster. The little wattle sprig floating on that icy Swiss river to help us all through the grief we experienced at the loss of young human beings and providing comfort for their families. The wattle is representative of our homeland embracing the elements of another country to heal the remorse that nature had inflicted upon us.

Your respect for every person's position and traditions has sought to encourage better understanding, friendship and contribution to the building up of the good society – where human beings are valued and treasured and capable of exercising their gifts and talents with responsibility but also with reward and recognition.

True leaders can rise above what polls say or even what might appear to be public popular opinion. True leaders have the courage to take on the issues because they need to be dealt with not because they are popular. Your example to many young Australians has helped to give credibility to the importance of service for the betterment of others.

That doesn't necessarily offer security, reward, power or immediate results. The challenges to our nation because of the appalling gap in life expectancy between Australian children born on the same day. One will die 20 years before another, if that other child happens to be Aboriginal. Little children cannot speak out but your voice again reminded us that human life is precious and should be cherished, and that we need better efforts to bridge this tragic loss of life and common humanity.

In much of the leadership you have shown and the warmth that you bring to so many of us, we cannot but also acknowledge the role of Lady Helen Deane. The welcome to all sorts of human beings that you both gave not only at Yarralumla but at other places and on other occasions was the first kind of hospitality many of us experienced in our own country where we had so often been made to feel as though we were refugees in our own lands. We thank you both for your contributions to the enrichment of all of our humanity by the truth of your welcome.

The peace and tranquillity that you possess in yourselves enables the rest of us to aspire to the better things of our nature and to want to see them enjoyed by the rest of the citizens of our country. Not to fear difference, not to fear the other, but to embrace and celebrate our diversity.

Reconciliation is not just between Indigenous and non-Indigenous but between human beings of whatever sort that live in this one country. The ease with which some in our society can behave in a condescending manner towards the deep need of a reconciled Australia is more than a matter of regret. It borders upon remorse because it goes to the centre of our being not only as individuals but also as a nation that stands for the value of the preciousness of human kind and its enriching diversity. Your linking of the spiritual and the physical and the need for the quality in real lives has helped many Australians walk and work for a truly reconciled Australia.

The politics of practical reconciliation has meant that reconciliation only concerns Aborigines and getting them to be socially acceptable while the rest of the nation can remain comfortable with their superiority and privilege. Our common fate and dignity cannot allow this challenge to be so controlled by those who do not have any vision.

In closing let me simply say that Australia was truly blessed to have someone of your intellect and compassion. Your road has been guided by not only your fine qualities and good deeds but by your gifts of mind that have been put to good use for the advancement of peace and human rights in all its complex dimensions.

In presenting you with this award I do so with my deepest admiration, and respect. I am honoured for this privilege and am comforted in my pride by the knowledge that every Australian rejoices in your acknowledgment for protecting, advancing and upholding the rights we as human kind are enriched by if we have the courage to adopt them.