I am honoured to join the distinguished list of lecturers in this series asking “Whatever happened to reconciliation?” If we had been welcomed here this evening by a local indigenous person, I would have joined them in acknowledging that we are gathered on their traditional land, honouring their ancestors. In the absence of such a welcome, I feel that such a protocol is insufficiently grounded if it is initiated only by me. In the absence of a traditional welcome, we are aware on such occasions that we are incomplete. We cannot complete that circle without indigenous participation. Such awareness was absent in the public square twenty years ago. We have deepened our sense of ourselves in this land, through the reconciliation movement.

Sydney to Melbourne Reminiscences on Reconciliation

Today I crossed the Sydney Harbour Bridge making my way to Sydney Airport. As it is NAIDOC Week, the Aboriginal flag is flying alongside the Australian flag on the top of the bridge. It looks grand. In 1987, I wrote to some Aboriginal leaders suggesting that the Aboriginal flag be flown from the bridge on 26 January 1988. They thought the country was not quite ready for that, and they were right. We Jesuits conduct a school beside the bridge, St Aloysius College. We flew the Aboriginal flag from the flagpole on the roof of the school on 25 January 1988, marking the bicentenary of the last day on which Aborigines enjoyed uninterrupted occupancy of their lands on the Australian continent. Late morning, three New South Wales police officers came to the school inquiring of the headmaster whether some youths had broken into the school, hoisting the flag without authorisation. The headmaster informed them that he had given authorisation, and explained why. Twenty years on, not even the police would think twice about such a flag rising.

As I flew down this afternoon to deliver this lecture, I recalled coming to Melbourne to speak on reconciliation on a previous occasion - with Patrick Dodson on 29 October 1997. Dr Nugget Coombs had died earlier in the day. I had flown from Northern Australia, picked up my mail at my office in Sydney, and flown on to Melbourne. A few weeks before, I had run into Gough Whitlam at Sydney airport on my return from Broome. Gough kindly offered me a lift in his Commonwealth limousine to my office at Kings Cross. I had with me a bag of mangoes. On arrival at my office, I asked Gough, “Do you like mangoes?” He replied, “I do, and Dame Margaret loves them.” So I parted with my mangoes and never gave them another thought.

When I met up with Patrick Dodson, I said, “I see there is not going to be any apology from the government.” In May 1997 he had chaired the Reconciliation Convention here in Melbourne, and I was privileged to be the rapporteur. At that convention, Michael Dodson and Sir Ronald Wilson had presented their report Bringing them home. I had then written to the Prime Minister suggesting a formula of words for an
apology which I thought was within the policy constraints earlier set down by the government. Patrick Dodson replied with words to the effect, “No, we met with (Minister) Herron on Friday and he intimated that the door was still open.” I was mortified. I had in my bag a letter from Senator John Herron, predating the previous Friday, in which he replied on behalf of the Prime Minister informing me that an apology was out of the question. I thought the days had gone when a non-indigenous person, even a well meaning one like me, would be informed of the government’s position ahead of the respected indigenous leaders.

The following week we all gathered in Sydney at St Mary’s Cathedral for Nugget’s state funeral. On the morning of the funeral, I received a phone call from the Cathedral Administrator asking me to come early to the cathedral as there was a problem with Patrick Dodson’s proposed eulogy. There was some suggestion that the Prime Minister might not attend. I expressed my incredulity that such an eulogy would be subject to government scrutiny before delivery in the cathedral. We do live in a country with a proud tradition separating church and state. When I arrived at the cathedral I met with Pat Dodson and various others including church and family representatives. Some of us suggested some changes to Pat’s draft. He graciously accepted those changes. I was then told that I would have to telephone the Prime Minister. I did not think that appropriate, and thought it best to phone one of his office staff with whom I was then dealing on Wik issues. She asked me what changes Mr. Dodson had made to his text, as she already had a copy of his original draft. I said it was inappropriate that I tell her the changes. I assured her that some of us had read the revised text and thought it was within the bounds of suitable comment at such an occasion. She protested, “But the PM does not have a right of reply.” I said, “That’s right. This is a funeral.” Getting nowhere, I contacted Michael L’Estranage, then head of the Cabinet office, and explained my concerns: this is a eulogy to be given at a funeral in the cathedral, and thus it is not appropriate that government exercise censorship or a veto; and furthermore, this is a eulogy to be delivered by the most respected Aboriginal leader in the country for Coombs who would roll in his grave if he thought that the prime minister could exercise any control over what was said on this occasion. The points were readily understood and I rushed to the front of the cathedral in time to welcome the VIPs. Prime Minister Howard was formal. Sir William Deane was warm. And then came Gough who extended his hand and exclaimed, “Father, the mangoes were magnificent.” And it was magnificent that we had reached the stage as a nation that Aboriginal people would dance around the coffin and an Aboriginal leader would speak in a cathedral honouring the memory of one of the country’s finest public servants, in the presence of the country’s leadership. There have been splendid moments of national reconciliation even when the tensions and misunderstandings between government and indigenous people endure.

The signs of reconciliation

What are the signs of reconciliation? How do we know that it has arrived? We have always needed to address issues of poverty, disadvantage, dispossession, adverse discrimination, history, Australian identity, self-determination, and belonging. During these two reconciliation decades, there has emerged an Aboriginal middle class for the first time in Australian history. There are now Aboriginal doctors, lawyers, business people, executives and professors. In 1986, only 227,433 persons were registered as Aboriginal or Torres Strait Islander in the census. In 2006, there
were double that number – 455,031. There are many complex factors to account for such an increase. One factor is an increased awareness of and willingness to claim indigenous heritage and identity. There are middle class, urban dwelling Australians who are now able and proud to claim Aboriginal identity. Like other middle class people, some of them devote their energies to supporting and assisting their poorer, more disadvantaged members. Some do not. They simply want to get on with their own lives, caring for their own immediate loved ones and making their way in the world.

Two questions I have always asked to gauge the achievement of reconciliation. What more do we need to do so that Aborigines, including their educated and politically savvy leaders, can turn to the rest of us and say, “In light of all that has happened and all that we are now jointly committed to, let’s draw the line and move forward together.”? What more do we need to do as a society so that when the indigenous student comes home distressed by what has gone on in the classroom or in the playground, the indigenous parents in the privacy of their home can say to the child, “Just look at yourself in the mirror. Be proud of who you are. Tomorrow go to school and give them a fair go because we know that they give us a fair go.”?

Revisiting Pre-reconciliation initiatives

There are lessons to learn from three pre-reconciliation initiatives with which I had some involvement. At the Commonwealth Law Conference held in Australia in 1988, Professor James Crawford and I presented a paper proposing an Australian Recognition Commission.1 The Hawke government set up an inter-departmental committee to consider the matter and I was called to Canberra for discussions. The public servants and their political masters baulked at the proposal of a commission charged with making up the shortfall in indigenous self-determination. Recognition was morphed into reconciliation. Self-determination and maintaining a choice of lifestyles has always been a stumbling block.

The 14 heads of the Australian Christian churches commenced the bicentenary year with a statement entitled “Towards reconciliation in Australian society”. They saw the need for some symbolic action by the Commonwealth Parliament urging that it “ought to make formal acknowledgment of the nation’s Aboriginal pre-history and the enduring place of our Aboriginal heritage”. They thought this could best be done with a resolution passed unanimously and acknowledged by the Queen at the opening of the new Parliament House on 9 May 1988. The politics got complex but Prime Minister Hawke was happy to run with the suggestion of John Howard, Leader of the Opposition, that the resolution be the first item of business in the new Parliament House on 23 August 1988.

The clauses of the resolution were revised often but in the end the major sticking point with the Howard shadow cabinet was the clause affirming “the entitlement of Aborigines and Torres Strait Islanders to self-management and self-determination subject to the Constitution and the laws of the Commonwealth of Australia”. At the

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last minute, the shadow Cabinet baulked, wanting to qualify the entitlement to self–determination with the adder rider “in common with all other Australians”. The collective entitlement of discrete Aboriginal communities with their own culture, language, religion and ethos to choose between their traditional lifestyle and that of most other Australians has long been contested in Australian politics. We are once again on the verge of contesting the reality, utility and propriety of the choice.

2007 NAIDOC Reflections

In plotting where we are now with reconciliation, let me now offer reflections on three NAIDOC events in which I have been involved this last fortnight.

I attended the 60th birthday party of an Aboriginal friend at the Broncos’ league club in Brisbane last week. She had been brought up on the Cherbourg reserve. There were 150 guests and the music was provided by the Cherbourg country music and rock band. There was a table of women who had shared the dormitory with my friend when they were all young girls preparing to be sent to work on cattle stations as home help in the homesteads. They told stories with good humour about the dormitory days and their various work assignments. The stolen generation stories are still alive, amongst us. Many people gave speeches attesting the qualities of my friend. One of the last speakers was her 17 year old son who is now completing his secondary education at one of Queensland’s leading private schools. His reality is far removed from the dormitory days but he knows the stories and the history. My friend’s brother who works for the Brisbane City Council (BCC) proudly and rightly boasted to me that the BCC is now the fourth largest indigenous employer in the country. Their mother has retired back to Cherbourg and is content there in the nursing home. My friend has worked at Parliament House in Canberra. She dined with the Queen at Yarralumla and she has regularly attended ceremonies in Yirrkala. She and her son move between different cultural worlds with an ease which I find daunting. They are reconciled within themselves.

Next day I was privileged to celebrate mass at the Reconciliation Church at La Perouse for Aboriginal and Islander Sunday. The convener of that church community is Elsie Heiss, a respected indigenous leader in Sydney. She apologised that she was running late for mass. She had rushed from Sydney airport where she was welcoming the arrival of the cross for World Youth Day. She sat next to the prime minister and a bishop but they were not central to the airport ceremony. Maori dancers presented the cross to Aboriginal dancers, each performing their traditional rites. Twenty years ago the Pope came to Alice Springs and for the first time indigenous Australians came to the fore, leading religious events for the general population.

Last Friday night I attended a NAIDOC dinner in Townsville. They have been doing it tough in Townsville and on Palm Island in recent weeks, not just because of all the static on the air waves about federal intervention on child abuse in remote communities.

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I went to thank the Aboriginal community, and to pay tribute to them for the example and inspiration they have been to the nation during these difficult weeks. They have been true ambassadors for reconciliation. The Palm Island trial has tested Australians in our commitment to justice and reconciliation, respecting each other and the rule of law. The case arose out of the death of Mulrunji Doomadgee who was being taken into police custody in November 2004. The arresting office was Sergeant Hurley. Following the initial coronial finding on the cause of death, Palm Islanders rioted, destroying the police station and the courthouse. In the following months, Doomadgee’s son committed suicide and then his cell-mate also committed suicide.

Leanne Clare, the Queensland Director of Public Prosecutions, went to Townsville and met with the Doomadgee family ten days before Christmas last year. She then issued a statement saying, “On the evidence, the fall is the only satisfactory explanation for the injuries identified by the doctors. In other words, the admissible evidence suggests that Mr Doomadgee’s death was a terrible accident.” She went on to assert that “the evidence speaks for itself”. She ended with this plea: “I ask everyone to take the time to consider what I have had to say and the legal reasons that compel it.”

On the evidence as we now have it, this death was either “a terrible accident” or it was caused by a deliberate application of excessive force by an arresting police officer. Sir Lawrence Street, retired Chief Justice from New South Wales, was asked to review the case. He was unable to be as certain as Leanne Clare. Even before the trial, the admissible evidence included prior inconsistent statements by Mr Hurley in which he denied having fallen on Mr Doomadgee. He constantly claimed to recall having fallen directly on to the floor, beside Doomadgee. He had told the investigating officers that he had ended up on his knees beside Doomadgee. Only once the medical evidence at the coronial inquiry made clear that Mr Doomadgee had died from a ruptured liver (ruptured only after the deceased was taken from the police car through the doorway of the police station), Mr Hurley changed his statement, informing the coroner, “If I didn’t know the medical evidence, I’d tell you that I fell to the left of him. The medical evidence would suggest that wasn’t the case.” Sir Lawrence said, “A jury could well find that the only rational inference that can be drawn as to the fatal injury is that it was inflicted by Hurley deliberately kneeing Mulrunji in the upper abdominal area.”

The well respected QC Bob Mulholland who appeared for Mr Hurley published a newspaper article in The Courier Mail arguing that Chris Hurley should never have been charged once the DPP “looked at whether there were reasonable prospects of conviction and found none”. Mulholland thought there was little public understanding “of the different functions between the Coroner’s Court (relevantly, to make findings on the balance of probabilities as to how the deceased person died and what caused him to die) and a criminal court (where strict evidentiary rules apply and proof beyond reasonable doubt is necessary).”

Presuming the jury to have done their job faithfully, we can conclude only that they were not convinced beyond a reasonable doubt that Hurley deliberately elbowed or kneeed Doomadgee when he fell on top of him or shortly thereafter. But in the wake of such a highly tainted police investigation and in the light of Mr Hurley’s recollection of the fall which was at least inaccurate, there can now be no objection to
the family’s decision to pursue civil remedies where the court will have to determine not criminal guilt but civil liability. The court will be asked to determine on the balance of probabilities whether Hurley did deliberately knee or elbow Doomadgee in such a way as to rupture the liver, and whether on the balance of probabilities, Hurley failed to exercise reasonable care in his apprehension of Doomadgee and removal into the police station.

In light of the tainted police investigation and Mr Hurley’s belated admission that he must have fallen on top of Doomadgee, the Townsville and Palm Island Aboriginal communities deserve the highest praise for the restraint and respect for legal processes they have shown since the jury verdict was delivered. All Australians owe them a debt of gratitude. They have been inspirational in this time of adversity. We must now all respect the decision of the family to seek civil redress in the courts. We understand the further anxiety this will cause especially to Mr Hurley and his loved ones. But this anxiety is justified in light of the unanswered questions when you compare the coroner’s findings and Sir Lawrence Street’s observations with the jury’s verdict and Mr Mulholland’s correct insistence on the difference between criminal guilt proved beyond reasonable doubt and civil liability established on the balance of probabilities. There is now evidence from Mr Hurley that he must have fallen on top of Doomadgee. On the balance of probabilities, did he deliberately elbow or knee Doomadgee in the chest? Did he wantonly use excessive force in trying to get Doomadgee to the cells? These are the unanswered questions. His acquittal following a tainted investigation, an open coronial inquiry and the recommendation of prosecution by a retired judge does not provide the answers. Sir Lawrence Street has said that Hurley’s prior, inconsistent statements about the fall “could be considered by a jury to be untruths told out of a consciousness of guilt and fear of the truth.”

Seeking answers in court, the family and their supporters will further guarantee that never again will the police engage in such a tainted investigation of a death in custody. Such an investigation serves no one’s interests any longer. It works injustice on those detained and their loved ones, and it creates havoc and public odium for the police, especially those suspected of an excessive application of force in making an arrest. There is no doubt that Mr Hurley caused the death of Mr Doomadgee. Hurley was, as Mr Mulholland told the jury, the “instrument of another young man dying and that is a cross he will carry for the rest of his life”. Mr Doomadgee’s family and loved ones are entitled to use the civil law to establish whether the deadly elbowing or kneeling by Hurley was accidental or warranted. If it was deliberate and unwarranted, the family is entitled to compensation.

While respecting the jury’s verdict, we need to acknowledge Gracelyn Smallwood’s remark which reflected the thinking of many Aboriginal people in Townsville and Palm Island: “This has not ended the way we wanted it to, but it has been a win on our slow climb up the Everest of justice.” At the Townsville dinner, indigenous leaders thanked the churches and various community groups which had stood by them. They expressed their appreciation of non-indigenous community leaders who had urged a fair hearing and restraint. Reconciliation, like justice, is never perfectly achieved. Its celebration is not conditional upon perfect outcomes.
Reconciliation and Spirituality

Without a secure economic base and without assured cultural and spiritual identity, we all know that Aborigines living in remote communities will continue to suffer acute alienation and despair. I have always thought that the work for land rights and self-determination was worthwhile because such laws and policies could provide the time and space for Aboriginal Australians to find and make their place in modern Australia, and on terms that are not dictated solely by the descendants of their colonisers. I have always regarded the next part of the task as the far more difficult. It is not political or national in character; it is spiritual and individual. The secularism, materialism and individualism of Australian society are now more the cause of the problems of identity and well being rather than the wellsprings of any solution. This spiritual challenge is something which is never spoken about publicly by our politicians or the media. I have no hesitation in speaking at church functions and urging indigenous Australians that without deep spiritual roots and reachable opportunities for education and employment, they will not endure the flames and take their rightful place again in this land.

Talk of the spiritual challenge from the token white male cleric like myself has previously upset Noel Pearson who hears me as claiming “that unless Aboriginal people can find a way other than ‘secularism, materialism and individualism’ then we are buggered.” He goes on:3

No matter that Frank Brennan’s siblings and nephews and nieces are successful and high-earning lawyers and professionals - this is impliedly not the way for our people because it involves materialism etc. This is the social justice lobby’s equivalent prescription to that of the unthinking sections of the green movement: indigenous people should not engage in capitalist society unless they have found solutions to all of the dilemmas and problems of materialism, individualism and secularism. But white fellas, including presumably those near and dear to Brennan, should continue to enjoy the privileges in the meantime.

In our work in Cape York Peninsula we have many strategies that superficially resemble the romantic environmental and spiritual notions about the development of Aboriginal society. We are working for environmental goals and we seek a spiritual and cultural revival of our communities. But our fundamental goal is complete and equal social and economic inclusion in the Australian mainstream and in the global economy. We do not see it as our main mission to be an environmental conscience or a custodian of spiritual values in a materialistic world.

I think it best to leave my siblings, nephews and nieces out of my public deliberations on the relationship between spirituality and contemporary secularism, materialism and individualism. I continue to assert that without strong spiritual values, Aborigines unable to take up the limited education and work opportunities available to them will continue to find it all but impossible to live in the two worlds of Aboriginal and non-Aboriginal Australia. More recently Noel Pearson has opined, “Aboriginal law, properly understood, is not the problem, it is the solution. When I say Aboriginal law, I just do not mean the laws that prevailed in our pre-colonial classical culture; I mean our contemporary values and expectations about behaviour.”4 Those values and expectations which are distinctly Aboriginal will for many Aborigines continue to be informed by the spiritual relationship to land, kin and the Dreaming.

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3 N. Pearson, 2004 Castan Lecture, Monash University
4 Weekend Australian, 23 June 2007
Fifty years ago, the great anthropologist W E H Stanner wrote his essay “Continuity and Change” theorising about the “quite marked disinterest the Aborigines have shown and still show in so many kinds of European activity”. He invited his non-indigenous readers to consider a few of the contrasts:⁵

We are deeply interested in futurity. We try to foresee, forestall and control it by every means from astrology and saving to investment and insurance: the Aborigines are scarcely concerned with it at all; it is not a problem for them. Their ‘future’ differentiates itself only as a kind of extended present, whose principle is to be continuously at one with the past. This is the essence of the set of doctrines I have called the Dreaming. Our society is organised by specialised functions which cut across groups; theirs on a basis of segmentary groups….Theirs is a self-regulating society knowing nothing of our vast apparatus of state instrumentalities for authority, leadership and justice. Ours is a market civilisation, theirs not. Indeed there is a sense in which The Dreaming and The Market are mutually exclusive. What is the Market? In its most general sense it is a variable locus in space and time at which values – the values of anything – are redetermined as human needs make themselves felt from time to time. The Dreaming is a set of doctrines about values – the values of everything – which were determined once and for all in the past. The things of the Market – money, prices, exchange values, saving, the maintenance and building of capital – which so sharply characterise our civilisation, are precisely those which the Aborigines are least able to grasp and handle. They remain incomprehensible for a long time. And they are among the foremost means of social disintegration and personal demoralisation.

Stanner concludes:⁶

If we tried to invent two styles of life, as unlike each other as could be, while still following the rules which are necessary if people are to live together at all, one might well end up with something like the Aboriginal and the European traditions.

It remains my opinion that it is impossible for most human beings to straddle two such different worlds without a deep, nurtured and nurturing spirituality. Those of us who have never had to straddle two such diverse worlds are not those best placed to advise how to overcome the “social disintegration and personal demoralisation”. Governments which place a deep faith in the Market and in law and order policies enforced by instrumentalities of the State may be well intentioned, but unless they consult and work collaboratively with local Aboriginal leaders, they will be sure to make big mistakes, wasting precious resources and forfeiting trust.

Reconciliation and the Howard Government’s NT Initiative

Now that the politicians have flown out of Canberra and back home for the winter, it is time to take a deep breath and ask what can be achieved by John Howard’s announcement of a Commonwealth takeover of Aboriginal communities in the Northern Territory.

There can be no quarrel with the desire to act urgently to assist children in need. Everyone wants to heed Noel Pearson’s wake up call to the nation: "Ask the terrified kid huddling in the corner when there is a binge drinking party going on down the hall if they want a bit of paternalism." It has to be the kind of paternalism that actually helps.

⁵ W E H Stanner, White Man Got No Dreaming, ANU Press, 1979, p. 58
⁶ Ibid., 59
The Prime Minister has said, “We are dealing with children of the tenderest age who have been exposed to the most terrible abuse”. He asks, “What matters more: the constitutional niceties, or the care and protection of young children?” It is not a choice of one or the other. There are grounds for suspecting the complex motivations of government which puts the choice that starkly. Canberra cannot care for and protect these children if it rides rough shod over the constitutional niceties of relations with Darwin. Canberra must co-operate with Darwin. In the end, Canberra cannot deliver helpful paternalism to these terrified, huddled children without Darwin’s cooperation.

The children must come first in this analysis. The objective is the provision of a sustainable solution to this national scandal. While there can be no doubting John Howard’s commitment to helping these children, we know that he also has an eye on his re-election.

In 1978, John Howard sat at the Cabinet table when Malcolm Fraser decided that the Commonwealth would intervene in Queensland. The Commonwealth Parliament passed the Aboriginal and Torres Strait Islanders (Queensland Reserves and Communities Self-Management) Act 1978. There was conflict with Joh Bjelke-Petersen’s government over two Aboriginal communities, Aurukun and Mornington Island, which had been conducted as Presbyterian missions. In the end, Fraser had to back down because Joh called his bluff. Joh knew that the feds could not deliver teachers, nurses or police on ground for just two remote Aboriginal communities in Queensland. Canberra could not back its rhetoric with resources on the ground.

In those days there was a Commonwealth Department of Aboriginal Affairs. Now there is no Commonwealth department specialising in Aboriginal service delivery or policy. Back then, there was an elected National Aboriginal Conference set up by the Commonwealth Government to advise on these issues. Since the abolition of ATSIC, there has not been any elected Aboriginal advisory body to government in Canberra. Over the last eleven years many of the key indigenous leaders have felt burnt off by the Howard government.

Now without a Commonwealth Aboriginal Affairs department, without an elected Aboriginal advisory body, and without a bank of trust between the Commonwealth government and a broad cross section of indigenous leaders, Canberra wants to help not two but 60 remote Aboriginal communities in the Northern Territory. The government has appointed the distinguished Western Australian magistrate, Sue Gordon, to chair its taskforce. It is no discourtesy to her to point out that the Northern Territory communities and their leaders are not her native turf.

Canberra cannot reach, let alone help or rescue, the terrified kids huddling in these remote corners without the full co-operation of the Northern Territory government, the Northern Territory community and the Northern Territory Aboriginal leaders. There can be no doubting the rush of the announcement to achieve a political effect for the government before Parliament rose for the winter recess. It is only on issues of indigenous welfare that government could be so reckless and hasty in their policy formation and announcements. You will recall that the government announced that it would be “introducing compulsory health checks for all Aboriginal children to identify and treat health problems and any effects of abuse.” It took only the most
rudimentary consultation with the medical professional to highlight how unethical, unworkable and harmful compulsory health checks would be. The government claimed to be acting urgently, without consultation with the NT government and NT Aboriginal leaders, in response to the NT report *Little Children are Sacred*. And yet the authors of that report had said, “In the first recommendation, we have specifically referred to the critical importance of governments committing to genuine consultation with Aboriginal people in designing initiatives for Aboriginal communities.”

The political edge is in the announced intention to amend the *Aboriginal Land Rights (Northern Territory) Act 1976* and the *Northern Territory (Self-Government) Act 1978*. The Howard government would be much more likely to bring the NT government and community aboard if it were to leave the self government law well alone. It would be much more likely to bring the NT Aboriginal leaders aboard if it were to leave the Land Rights Act well alone.

If the children are to be helped long term, the NT players have to be treated respectfully by Canberra. If Canberra forces hands in the Northern Territory by amending these two key statutes without NT request and approval, there will be good grounds for suspecting that Canberra is not just on about helping the kids.

In the short term, Canberra may be able to co-ordinate a health audit of the children by flying in assistants from throughout Australia. But nothing sustained will be achieved unless Canberra and Darwin work hand in glove. Whatever of the Northern Territory’s past intransigence, everyone now admits the need for urgent action. It would be very regrettable if the children were made to suffer because of an ideological desire to amend the constitutional niceties of self-government and land rights in the Northern Territory. Persons performing functions in accordance with Northern Territory laws already have guaranteed access to Aboriginal communities. There is no need to amend the land rights legislation. Canberra can gain access to the huddled children without winding back the self-government of the Northern Territory. Canberra will not reach the huddled children without the assistance of the self-governing Northern Territory.

It is not political cynicism to point out that John Howard has not always put the children first when his own political future has been at stake. Let’s make sure that the children continue to be put first this time regardless of other political agendas which might also be at play. The focus should now be on joint co-operation between Darwin and Canberra. Any request to amend land rights and self-government legislation should emanate from a joint press conference by Clare Martin and John Howard. The children will not emerge from their terrifying huddle unless the state and territory police, nurses and teachers are there at hand, regardless of what Canberra says or legislates. If John Howard wants to suggest that the children cannot be reached without forced changes to these constitutional niceties, we are right to be suspicious about other Canberra agendas at play. For once, even in election year, let’s put the children first and ensure that any paternalism extended to them will actually deliver long term care, nurture and protection.

The indigenous community, indigenous leaders and their supporters now face a difficult task – to keep the politicians and the media focussed on the children, rather than pursuing concurrent political agendas which could end up putting the children at
risk. They need to remain resolute of purpose, patient, and hopeful, as they were in the heady days of the early 1980s. All the older generation at our Townsville NAIDOC dinner last week could recall the heady confrontations with Joh Bjelke Petersen and Pat Killoran in the struggle for Queensland land rights and community government on the reserves. Back then, young leaders from Palm Island like Tom Geia and Rachel Cummins led the charge, appearing on national television prior to the Brisbane Commonwealth Games and challenging the misrepresentations made by government and their media chorus.

In these difficult pre-election days when indigenous affairs are back in that national spotlight it is important for those of us committed to reconciliation to keep it local. Keep to the facts. Be principled. Don’t overstate your case. Be committed to dialogue with your neighbours even when the media is selling a government message rather than communicating diverse community perspectives.

Reconciliation is still a treasured ideal for many Australians. We did not cross those bridges in vain in 2000. Since 1988, I have spoken to many school and community groups about reconciliation. During that bicentenary year many Australians, even those living in affluent suburbs without Aborigines, were focusing on the place of indigenous Australians. I often repeated the story about the fringe dwelling Aborigines from Mantaka near Kuranda in North Queensland. They were squatted beside the Barron River. Across the river was a multi million dollar weekender built by a Melbourne businessman who used to bringing his family in by helicopter. Students would ask all sorts of prying questions about the Aborigines and I was unable to give them satisfactory answers. In the end, I would always ask, “Which side of the river are you standing on as you ask your questions?” “Can you see that there are just as many unanswerable questions that you can ask form the other side of the river? Mind you, they are very different questions.” As a nation we still need to build those bridges, but both sides of the river are more familiar to most of us than they were twenty years ago. Reconciliation in Australia is still unfinished business and for the moment it needs to remain so. Governments and citizens need to keep asking questions from both sides of the river. We need to build the bridges which will permit indigenous Australians ready access to both sides of the river.