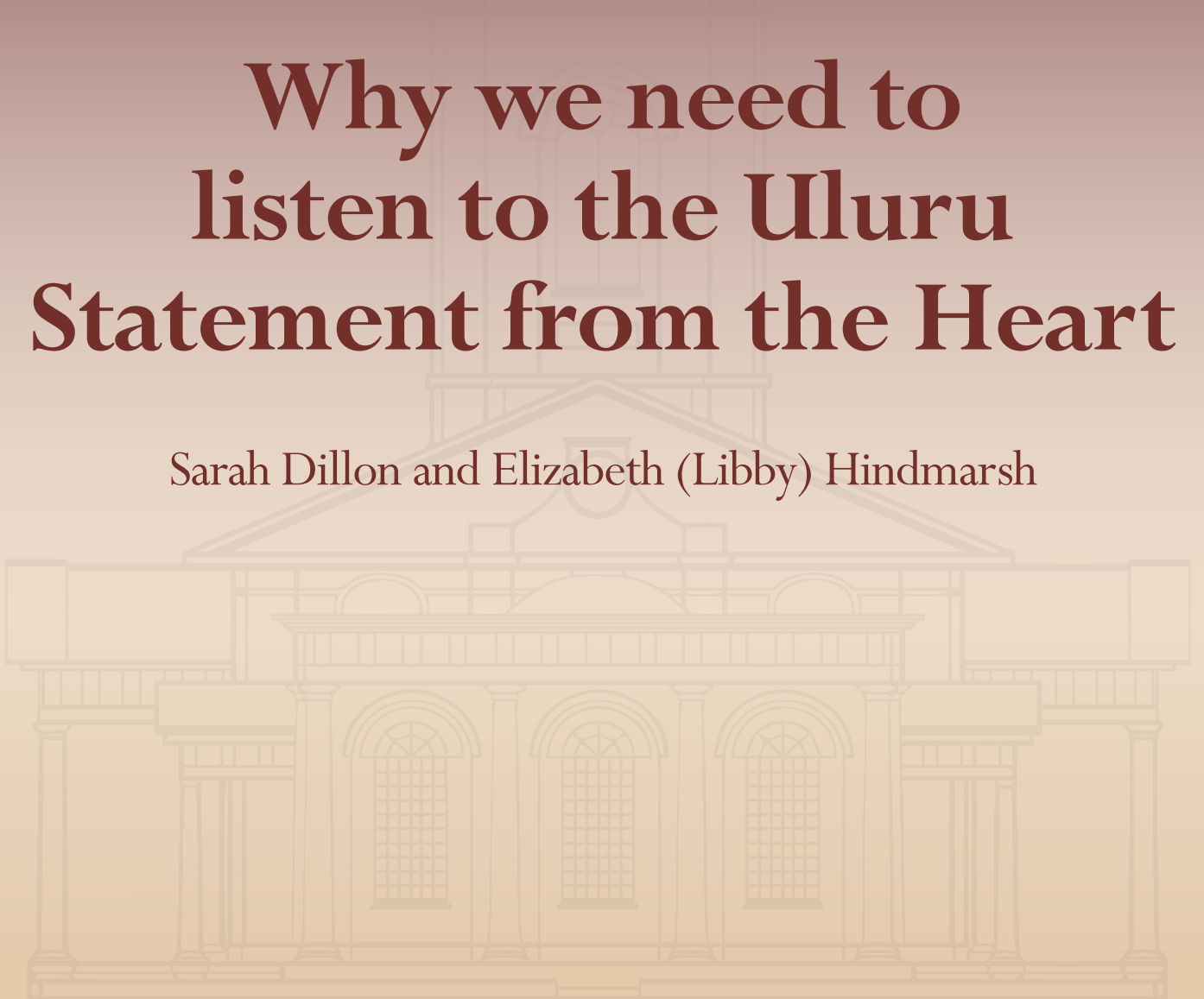


^TS. JAMES' *Connections*

Bicentenary 2019-2024

Why we need to listen to the Uluru Statement from the Heart

Sarah Dillon and Elizabeth (Libby) Hindmarsh



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Why we need to Uluru Statement

**'In 1967 we
were counted,
in 2017 we seek
to be heard'**

Uluru Statement from the Heart

In the June/July edition of *Parish Connections*, the Right Reverend Professor Stephen Pickard wrote that one of the pressing social issues for the Church in Australia in 2019 is reconciliation with the First Peoples of Australia. He described this as 'a litmus test of our fundamental values' requiring our attention as Christians, and stated that: 'There is a sense in which our life as a nation and our aspirations for the common good hang in the balance in relation to the way we, as a country, find a pathway to walk together with the First Peoples.'

On 26 May 2017 our nation was given a gift that illuminates the pathway forward in the form of the *Uluru Statement from the Heart*. This historic document, endorsed by 250 Aboriginal and Torres Strait Islander leaders, followed a consultation process which engaged around 1,200 Aboriginal and Torres Strait Islander delegates.

The *Uluru Statement* asks Australians to take three key steps towards reconciliation, summarised as voice, treaty and truth.¹ This article will focus on the 'voice' element, as it is the aspect that has attracted the greatest

amount of commentary to date.

The *Uluru Statement* calls for 'the establishment of a First Nations Voice enshrined in the Constitution'. As former High Court Chief Justice the Hon Mr Murray Gleeson AC QC has explained: 'What is proposed is a voice to Parliament, not a voice in Parliament.'² It is not a request to establish a third chamber in Parliament, but rather to create a representative body outside of Parliament, to provide advice on law and policies that affect Aboriginal and Torres Strait Islander peoples.

In March 2018 the Federal Parliament appointed a bi-partisan Joint Select Committee on Constitutional Recognition relating to Aboriginal and Torres Strait Islander Peoples, to inquire into matters relating to constitutional change, including the proposal for a First Nations Voice. In its final report in November 2018,³ the Committee reported that it had observed 'broad support for the concept of a First Nations Voice, both as a form of recognition and particularly as a mechanism to empower Aboriginal and Torres Strait Islander peoples to have a greater say in the policy and legislation that governs their affairs'.⁴

There is an urgent need for such a mechanism as the Voice. The 2019 *Close the Gap* report noted that the gap in life expectancy between Aboriginal and Torres Strait Islander people and non-Indigenous people is in fact widening rather than closing.⁵ The last National Census revealed

that while Aboriginal and Torres Strait Islander people make up around 3% of the total Australian population, they constitute 20% of our homeless population.⁶ The *Uluru Statement* draws attention to the fact that '[p]roportionally, we are the most incarcerated people on the planet ... our youth languish in detention in obscene numbers'. In 2017-2018, over 50% of the children who were in detention were Aboriginal and Torres Strait Islander children.⁷

The Committee recognised that by empowering Aboriginal and Torres Strait Islander peoples to shape the policies and laws affecting them, a First Nations Voice has the potential to both transform the relationship between Aboriginal and Torres Strait Islander peoples and the Australian Government, and improve socio-economic outcomes for Aboriginal and Torres Strait Islander communities.⁸ The Australian Indigenous Governance Institute reported to the Committee that 'the evidence demonstrates that when governments engage Indigenous peoples and communities as equal partners, vesting real decision-making powers in Indigenous communities and Indigenous-led organisations, meaningful improvements in the health, wellbeing and general livelihoods of Indigenous peoples and communities are realised'.⁹

Law firm Gilbert + Tobin stated that:

Aboriginal and Torres Strait Islander Peoples are best able to identify the

¹ You can listen to or read the full *Uluru Statement from the Heart* at <https://www.1voiceuluru.org/the-statement>.

² Murray Gleeson, *Recognition in keeping with the Constitution: A Worthwhile Project* (2019) p.13.

³ Joint Select Committee on Constitutional Recognition relating to Aboriginal and Torres Strait Islander Peoples, Parliament of Australia, *Final Report* (2018) at https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Formal_Committees/Constitutional_Recognition_2018/ConstRecognition/Final_Report.

⁴ Joint Select Committee, above n 3, paragraph [2.25].

⁵ Close the Gap Campaign, *Close the Gap - Our Voices Our Choices* (2019) pp.1-2.

⁶ Australian Bureau of Statistics, 2016, *Census of Population and Housing: Estimating Homelessness*, cat no 2049.0.

⁷ Australian Institute of Health and Welfare, *Youth Justice in Australia 2017-2018* (2019) Table S76b.

⁸ Joint Select Committee, above n 3, paragraph [3.1].

⁹ Joint Select Committee, above n 3, paragraph [2.39].

listen to the from the Heart

Sarah Dillon

opportunities that will most benefit their communities and address the challenges they face. As a nation, we have failed, abjectly, in addressing those challenges and creating those opportunities because we have failed to listen to Aboriginal and Torres Strait Islander Peoples. There have been too few good policy outcomes. The Voice would both enable and compel us, finally, to listen.¹⁰

The *Uluru Statement* emphasises this point, stating: 'We seek constitutional reforms to empower our people and take a rightful place in our own country. When we have power over our destiny our children will flourish.'

Some members of Federal Parliament have stated that they do not support the Voice being included in, and therefore protected by, the Constitution. The Committee however reported 'broad stakeholder support for a First Nations Voice enshrined in the Australian Constitution', and acknowledged that 'there are many important symbolic and practical reasons to provide for an Aboriginal and Torres Strait Islander representative

body in the nation's founding document'.¹¹

From a practical perspective, including a reference to the First Nations Voice in the Constitution would provide important protection to the continued existence of the Voice, essentially placing it above the to-and-fro of politics. If the Voice were only protected by legislation it would be vulnerable to being abolished, as the Aboriginal and Torres Strait Islander Commission was in 2005.

The symbolic reasons for including the First Nations Voice in our Constitution are also important. Our Constitution is a representation of our national identity. The *Uluru Statement* explains that what is missing from our nation's founding document is recognition of the fact that:

Our Aboriginal and Torres Strait Islander tribes were the first sovereign Nations of the Australian continent and its adjacent islands, and possessed it under our own laws and customs. This our ancestors did, according to the reckoning of our culture, from the Creation, according to the common law from 'time immemorial', and according to science more than

60,000 years ago.

This sovereignty is a spiritual notion: the ancestral tie between the land, or 'mother nature', and the Aboriginal and Torres Strait Islander peoples who were born therefrom, remain attached thereto, and must one day return thither to be united with our ancestors.

The *Uluru Statement* calls on us to support changes to our Constitution so 'this ancient sovereignty can shine through as a fuller expression of Australia's nationhood'.

Mr Gleeson argues that it is appropriate that the Constitution provide for the establishment of a representative body that can give Parliament advice about laws affecting Aboriginal and Torres Strait Islander peoples. He writes:

It has been suggested that it is divisive to treat Indigenous people in a special way. The division between Indigenous people and others in this land was made in 1788. It was not made by the Indigenous people ... The object of the [Voice] proposal is to provide a response to the consequences of that division.¹²



Uluru. Image: Angela Giordano (Pixabay)

¹⁰ Joint Select Committee, above n 3, paragraph [2.31].

¹¹ Joint Select Committee, above n 3, paragraph [3.131].

¹² Murray Gleeson, *Recognition in keeping with the Constitution: A Worthwhile Project* (2019) p.15.

The Joint Select Committee recommended that the Australian Government initiate a process of 'co-design' through which the Government and Aboriginal and Torres Strait Islander peoples work together to determine the details of the Voice. But the Committee made clear that 'the existence of The Voice depends on its acceptance among the broader Australian community'.¹³ It is up to us to listen to the *Uluru Statement* and support its call for constitutional change.

In September 2017 the Anglican Church of Australia General Synod passed a resolution supporting the establishment of a Constitutionally-entrenched First Nations Voice to the Commonwealth Parliament. In 2018 St James' Church showed its support for the *Uluru Statement* by sending a petition with 74 signatures to the Joint Select Committee. The Anglican Board of Mission (ABM) has produced a detailed study guide titled *A Voice in the Wilderness* to assist people to explore the themes raised in the *Uluru Statement*. The guide is available for free on the ABM's website.

The Aboriginal and Torres Strait Islander people who endorsed the *Uluru Statement* have blessed us with the opportunity to take a crucial step along the path of healing as a nation. The final line of the *Uluru Statement* is a direct invitation to each of us—'We invite you to walk with us in a movement of the Australian people for a better future'.

Let us pray that our elected representatives have the wisdom and the courage to lead us to walk with our Aboriginal and Torres Strait Islander brothers and sisters.

This is the first article about the *Uluru Statement from the Heart*. There will be further articles in coming editions. Sarah Dillon is a parishioner at St James', and a member of the St James' group 'Who is my neighbour?' If you would like to join this group, please email Libby Hindmarsh at hindmarsh@ozemail.com.au.

Uluru Statement from the Heart 2017

We, gathered at the 2017 National Constitutional Convention, coming from all points of the southern sky, make this statement from the heart:

Our Aboriginal and Torres Strait Islander tribes were the first sovereign Nations

of the Australian continent and its adjacent islands, and possessed it under our own laws and customs. This our ancestors did, according to the reckoning of our culture, from the Creation, according to the common law from 'time immemorial', and according to science more than 60,000 years ago.

This sovereignty is a spiritual notion: the ancestral tie between the land, or 'mother nature', and the Aboriginal and Torres Strait Islander peoples who were born therefrom, remain attached thereto, and must one day return thither to be united with our ancestors. This link is the basis of the ownership of the soil, or better, of sovereignty. It has never been ceded or extinguished, and co-exists with the sovereignty of the Crown.

How could it be otherwise? That peoples possessed a land for sixty millennia and this sacred link disappears from world history in merely the last two hundred years?

With substantive constitutional change and structural reform, we believe this ancient sovereignty can shine through as a fuller expression of Australia's nationhood.

Proportionally, we are the most incarcerated people on the planet. We are not an innately criminal people. Our children are alienated from their families at unprecedented rates. This cannot be because we have no love for them. And our youth languish in detention in obscene numbers. They should be our hope for the future.

These dimensions of our crisis tell plainly the structural nature of our problem. This is the torment of our powerlessness.

We seek constitutional reforms to empower our people and take a rightful place in our own country. When we have power over our destiny our children will flourish. They will walk in two worlds and their culture will be a gift to their country.

We call for the establishment of a First Nations Voice enshrined in the Constitution.

Makarrata is the culmination of our agenda: the coming together after a struggle. It captures our aspirations for a fair and truthful relationship with the people of Australia and a better future for our children based on justice and self-determination.

We seek a Makarrata Commission to supervise a process of agreement-making between governments and First Nations and truth-telling about our history.

In 1967 we were counted, in 2017 we seek to be heard. We leave base camp and start our trek across this vast country. We invite you to walk with us in a movement of the Australian people for a better future.

¹³ Joint Select Committee, above n 3, [2.307].

¹⁴ <https://www.abmission.org/resources.php/163/a-voice-in-the-wilderness>

Why we need to listen to the Uluru Statement from the Heart

The Uluru statement is asking for recognition of the Aboriginal and Torres Strait Islander Peoples as the first inhabitants of Australia. The statement is asking for this recognition to be in the Australian Constitution. No recognition was given in 1901 when the Constitution was drawn up bringing the States together as a Commonwealth. Over the years since 1788 there have been numerous attempts to bring recognition and inclusion of our First Nations Peoples. As the Uluru Statement states:

*In 1967 we were counted,
in 2017 we seek to be heard.*

In the last edition of *St James' Connections* Sarah Dillon, who is a lawyer and parishioner of St James', wrote an article about 'The Voice'. The Uluru Statement also talks about Treaty and Truth. This article will move on to explore the concepts of Treaty and Truth.

ANTaR (Australians for Native Title and Reconciliation) have defined Treaty as 'an agreement'. They go on to say:

Treaty is a legally binding settlement involving two or more parties, nations, groups, organisations or interests. Treaty is reached after a process of negotiation and not merely consultation. Consultation can be understood as a one-way process. Negotiation, on the other hand, involves parties coming to the table as equals working towards a mutually beneficial resolution. Treaty can also be called a Settlement, Agreement, Pact, Accord, Covenant or Compact. Regardless of name, they all bind parties together in agreement, outline their rights and obligations, and

define the 'rules' of their relationship. Throughout history, nations have formed treaties with the Indigenous peoples of the lands they colonised. New Zealand, Canada and the United States are examples. Australia as a nation, however, has never 'treated' with its First Nations.

Australia stands alone from other First World nations as having no agreement or treaty with the peoples who had lived in Australia for at least 65,000 years. In fact, the British who brought the overflows from their gaols to Australia in 1788, said that it was *terra nullius* ('no-one's land'), which meant there was no one for them to have to make a treaty with. But in 1992, the High Court ruled in the Mabo case that the classification of Australia as 'terra nullius' had been wrong.

Professor Mick Dodson, NT Treaty Commissioner has said:

We as a nation must come face to face with our dark and traumatic history. We must confront the impact of colonisation and begin the process of acknowledgment, recognition and healing... Anyone who has listened to me talk publicly knows that I am concerned with what I call 'unfinished business'. A Treaty is a good place to start with addressing this unfinished business.

When the word Treaty is spoken, there are some in our society who see this as people coming to take away their house or land. This could not be further from the truth, as the Aboriginal and Torres Strait Islanders have such a different idea about ownership and land to other Australians.

In their culture people have an abiding relationship with their land. They come from their land and return to their land, and the land or Mother Earth owns them. First Nations peoples do not perceive that they own the land. This is the opposite to the 'white' society; they see themselves as owning the land. A Treaty is a document which will acknowledge the First Peoples' relationship to the land and seeks to dispossess no one.

It is we, who have come since 1788, who have stolen the land, and for the whole nation to be reconciled and at peace, we need to acknowledge this and seek to make a Treaty with our First Peoples, which is negotiated with them and is acceptable to them.

So this is a challenge, and one on which we may be asked to vote in a referendum. Aboriginal and Torres Strait Islander Peoples make up about 3% of the population and bring a history and culture which is sacred and priceless. For change to occur, a majority of Australians will need to be further educated and more supportive of our First Peoples. So we need to consider this and, if we choose to support our Aboriginal and Torres Strait Peoples, we will need to talk to our family, friends, neighbours, work colleagues, and our communities, and encourage each other to stand with our First Nations Peoples in this process. There are encouraging signs, for example in June 2018 the Victorian Parliament passed a law to advance the process to achieve a Treaty between the Victorian Government and the Victorian Aboriginal community.

So what is Truth in the context of the Uluru Statement?

Part 2:

Treaty and Truth

Australian history has been taught as if the coming of the British and other peoples was a quiet and peaceful process. The Truth is that this is a lie, and in order for reconciliation to occur, a process of truth-telling needs to take place. Are we up for this?

The Little Red Yellow Black Book is a book which has been written as an introduction to Indigenous Australia. In the chapter on 'Our Shared History' it states, 'Henry Melville in his book, *The History of Van Diemen's Land 1824-1835*, comments that Aboriginal People were 'massacred without mercy...they were slaughtered in cold blood.' 'The historian' he said, 'must ever lament, that he has to record outrages so inhuman and so unjust on the part of a British community.'

An example in our own state is the Myall Creek massacre in 1838 that occurred near Bingara north of Tamworth. At least twenty-eight Wirrayaraay people were killed. This massacre was carried out by about twelve stockmen using guns, and they were eventually convicted of this crime by the court. This conviction was followed by a huge outcry of complaint from the 'white' community that these

men had been convicted. This outcry is an example of the racism in Australia. The area around Myall Creek has now been proclaimed a national heritage site and there is a walk marked out for visitors to follow and a yearly commemoration to remember those Wirrayaraay who were killed. This provides a site for their relatives and others to visit and remember.

Each state has stories of dispossession, illness, incarceration, poisoning, conflict, and massacre. On Sydney soil a huge loss of life happened amongst the Gadigal Peoples with the epidemic of smallpox and other illnesses, brought by the new colony, previously unknown to the First Peoples.

Bruce Pascoe in his book *Dark Emu* writes about what Australia was like before 1788. He quotes the writings of early explorers such as Charles Sturt in South Australia and Thomas Mitchell along the Darling, to name but a few. They saw Aboriginal settlements of houses, crops, fish traps, damming of creeks and rivers and other evidence of the organised ways in which they lived. This way of life was destroyed by the coming of the settlers.

There is a great deal of truth-telling that needs to be done so that we can all come

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together with a common understanding of what has happened, and to start a *Makarrata* which is an East Arnhem word for making peace. *Makarrata* is actually a Yolngu word which refers to the coming together after a struggle, facing the facts of a wrong and living again in peace. It is a complex, multi-layered philosophy, which has helped develop and maintain peace in north-east Arnhem Land.

On 13 February 2008, Kevin Rudd as Prime Minister of Australia delivered the National Apology to the Stolen Generation of Indigenous Peoples. This was with respect to the forcible removal of children from their families, and placing them in institutions where they were not able to speak their language or be involved in their culture, and were often neglected and abused. This involved some truth-telling and an acknowledgement of past wrongs.

So can we hear what we are being asked to do? The Uluru Statement says:

We leave base camp (Uluru) and start our trek across this vast country. We invite you to walk with us in a movement of the Australian people for a better future.



Uluru. Image: Angela Giordano (Pixabay)

Referendum Council member, Galarrwuy Yunupingu in his essay *Rom Watangu* said:

'What Aboriginal people ask is that the modern world now makes the sacrifices necessary to give us a real future. To relax its grip on us. To let us breathe, to let us be free of the determined control exerted on us to make us like you... recognise us for who we are, and not who you want us to be. Let us be who we are—Aboriginal people in a modern world—and be proud of us. Acknowledge that we have survived the worst that the past had thrown at us, and we are here with our songs, our ceremonies, our land, our language and our people—our full identity. What a gift this is that we can give you, if you choose to accept us in a meaningful way.'

So where to from here? Can we embrace the Uluru Statement and the concepts of Voice, Treaty and Truth and be reconciled with the Aboriginal and Torres Strait Islander Peoples of Australia? We all have much to bring to the table and share as equals, if we can work together for reconciliation and a *Makarrata*.

A group of St James' parishioners called 'Who is my neighbour?' are working together with the Church to support the process of reconciliation with our First Peoples. The group also advocates for and supports asylum seekers and refugees, not forgetting our interactions and support of the neighbours who live around us as a church and at home. To join the email group please contact Libby Hindmarsh: hindmarsh@ozemail.com.au

References

1. ANTaR <https://www.antar.org.au/>
2. Bruce Pascoe, ed. *The Little Red Yellow Black Book – An introduction to Indigenous Australians*, Fourth Edition Aboriginal Studies Press
3. Reconciliation NSW <https://reconciliationnsw.org.au>
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Dr Elizabeth (Libby) Hindmarsh is a Parishioner at St James' and coordinator of 'Who is my neighbour?'

Hail Mary

The path you trod through womanhood
Was changed utterly:
Virgin, mother, wife.

When little more than child yourself
You bore a child.
Your gift, his life;
His gift, to all of humankind, new life.
Did you know it, then?

In due season, you would have wed:
Beautiful, nervous,
Adorned for your groom,
The bride at your own wedding feast.
Did you discern
For you, no room;
Instead, a place of highest honour was
Pre-ordained for you?

From Bethlehem to Calvary:
His fateful journey,
Your chosen path, too.
The robe he wore, of your weaving;
His cruel death
Consuming you.
The soldier's spear, that day, pierced your heart too;
But then Easter dawned.

In due season, did you grow old?
Strong in faith, cherished,
Never forgotten.
Your crown of glory always this:
That you did bear
God's begotten.
The light of all worlds, now and yet to come,
Forever, your son.

Hail Mary, full of grace, the Lord is with you.

~ Margaret Johnston

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sjks.org.au/church/our-story/parish-connections/