

Moment of Truth

Correspondence

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For too long, our nation has had two histories: a black history of dislocation and trauma, still barely acknowledged, passed down through families and across generations, and an official, “European” history, a tale of hard-won victories and steady advancement. We all know this official history and its landmarks – brave Captain Cook, Federation, Gallipoli, the 1967 Referendum, culminating in the happy and cohesive multicultural society which we have the privilege of living in today.

Of course, for many Aboriginal people, this society is neither happy nor cohesive. And more than fifteen years after Eddie Mabo’s victory in the High Court, our official history has yet to shake the ghost of *terra nullius*. Talk of massacres and dispossession still frightens a lot of people in this country, especially on capital hill. They say our mob are bitter and resentful, that we need to move on and cheer up. Or they simply declare that we are deluded, that what we know happened in this country did not in fact happen – and even if it did, it was all for the greater good.

I agree with McKenna that we need to move beyond simplistic views of our history. We need a deeper sense of how all of us are bound together here. But at the same time, history does produce material winners and losers, and Aboriginal people have been a second-class population since the earliest days of European settlement. That is why our mob are angry – because we see that our birthright has produced so much wealth for so many, but only a trickle of that wealth has reached our communities.

Yes, we are angry, but more importantly we are hopeful. If we did not have hope, we would not have survived. The new arrivals to this country are not going anywhere, and the country welcomes them; but we are not going anywhere either. We will all live together and make a new future for this nation, but it must be on different terms than those imposed on Aboriginal people for the last 230 years. It must be on terms of reciprocity, mutual responsibility and honesty.

McKenna places great – and appropriate – emphasis on the Uluru Statement. He is right to say that it is one of the few genuinely visionary documents in recent Australian political history, one which intimates a future for this country beyond the tired culture war. He is correct to place it in a long line of Aboriginal petitions to power, from William Cooper to the Yirrkala bark petitions and the Tent Embassy. As McKenna notes, it is quite likely that the Uluru Statement will someday grace the halls of Commonwealth parliament. But there is also the frightening possibility that when that day comes, our situation will not have changed. We cannot afford even another five years of inertia. The cost of such inertia is played out daily on our families and children. We have to do better.

The Uluru Statement calls for “substantive constitutional change and structural reform,” and here there is a notable gap in McKenna’s essay. He scarcely addresses the radical demand for reform which Aboriginal people have been making consistently for over a century, a demand that Yothu Yindi forced into the popular consciousness. The demand for treaty. The most McKenna says is that the failure of the colonisers to enter into a treaty in Australia means there is no “honourable peg” on which to hang English possession of the country. This does not address the substantive reparations and autonomy which treaty has the potential to provide for Aboriginal communities.

I do not criticise McKenna for this omission. His focus is on history and national myth-making, and he is clearly concerned not to overstep himself – to defer to the Aboriginal voices at Uluru. But this does not consider the second function of the Makarrata Commission, as proposed in the Uluru Statement. The Makarrata Commission would facilitate “truth-telling about our history” (which McKenna emphasises), but, just as importantly, it would also “supervise a process of agreement-making between governments and First Nations.”

This process of agreement-making – entering into treaties or similar agreements – is vital if we are to achieve the more complete Commonwealth that McKenna calls for. And it is vital if recognition is to have more than formal content. Treaty should recognise that Aboriginal people have definitive and inalienable rights to this land, and those rights have not been washed away by the tide of history. And in recognition of those rights, it imposes certain obligations on government – including respect for the decision-making power of Aboriginal nations. The alternative, business as usual, has fostered what the Uluru Statement evocatively calls “the torment of our powerlessness.”

And this is preceded by a heart-rending plea – so heart-rending that it should even need to be said: “We are not an innately criminal people.”

Here is another absence in McKenna’s essay. He covers off many of the significant recent events in Aboriginal affairs, including the Uluru Statement, mounting conflict over the meaning of Australia Day, and the defacement of Governor Macquarie’s statue in Hyde Park. But he does not mention an event that shook this nation’s sense of self– the revelations of systemic abuse of Aboriginal children at Don Dale Youth Detention Centre.

Of all the issues that confront our mob, only youth and adult incarceration are named in the Uluru Statement. This is no accident. How can there be reconciliation in a country where Aboriginal people are 12.5 times more likely to be incarcerated than non-Aboriginal people? Where 20 in every 1000 Aboriginal people are in jail? McKenna provides eyewitness accounts “of mass shootings and rape, the burning of bodies, the countless stories of indiscriminate terror and violence.” But as Don Dale proves, this violence never went away – it simply changed forms and concealed itself behind prison walls.

Treaty provides a real hope of addressing our powerlessness. Treaty requires government to sit down and engage with Aboriginal people as equals – not as a problem to be managed, or as stakeholders to be consulted once and then ignored. Aboriginal communities will be able to tell government what they need to build better lives for themselves and their children, and government will be able to respond. There will be a process of give and take, as there is in any negotiation. But it is precisely this sense of mutual obligation that is indispensable for real reconciliation. Throughout my involvement in the Victorian treaty process, this theme has emerged more than any other. Victorian Aboriginal communities are not naive; they have lived through far too much. Echoing the call of Pat Anderson, chair of the Lowitja Institute, what they want above all is for government to speak with them, not to them, and to do so honestly. True recognition requires long and sometimes painful dialogue, as McKenna understands.

Aboriginal people have never wavered in their call for treaty as a recognition of their ancient sovereignty. What has changed is that non-Aboriginal people in this country have started to hear our call, and answer it. As McKenna notes, that answer is being expressed in diffuse and often contradictory ways. Sometimes it seems as if every

step we take towards reconciliation is accompanied by some new official act of heartlessness and contempt. But even among the governments of this country, which have always lagged behind the people they represent, a vision for Aboriginal self-determination is taking root.

Treaty is well underway in Victoria and has been for more than two years. I recently led a tour of southwest Victoria, speaking with the communities there, including my own nation, the Gunditjmarra. Among the people I spoke to, including Elders and Traditional Owners, there is a definite sense of change, a sense that the long decades of stasis are drawing to a close. I look forward to speaking to all the Aboriginal nations of Victoria in preparation for the next phase of the treaty process, which is the establishment of an independent representative body, comprising Aboriginal representatives elected by the Aboriginal community. This body will engage with government to develop the architecture to support treaty negotiations.

I would like to finish where McKenna finishes, on the image of a black baby swaddled in the Union Jack. It's a powerful image – and an ambiguous one. For a long time that flag flew high over our suffering as Aboriginal people. For that to change, we must all come together and talk as equals, for the first time.

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