

COMMONWEALTH GOVERNMENT RESPONSE – RECONCILIATION: AUSTRALIA'S CHALLENGE¹

This document is the Executive Summary of the Government's response to the final report of the Council for Aboriginal Reconciliation (the Council), *Reconciliation: Australia's challenge*.

The Council's Final Report, which also contained the Australian Declaration Towards Reconciliation and the four national strategies from the Roadmap for Reconciliation, is a substantial document reflecting the enormous work undertaken by the Council for Aboriginal Reconciliation between its inception in 1991 and its formal conclusion on 7 December 2000 with the presentation of the Final Report.

The Council's work lives on in the growing body of community and bipartisan political support for reconciliation; support that has evolved into a national determination to right the wrongs of the past as Australians have come to understand the injustices of our colonial history. While most Australians do not have any direct experience of the substantial social and economic disadvantage suffered by Aboriginal and Torres Strait Islander people, there is an acceptance of it as regrettable fact and a sincere desire to see Indigenous people not just treated as equals, but to experience equity in all facets of Australian life. As a nation, we recognise and celebrate Indigenous people's special place as the first Australians.

The Government joins with the nation in its strong commitment to reconciliation as an ongoing process of overcoming the legacy of history. Reconciliation is and must remain an important national priority. In the past 18 months, the Government has made steady progress in addressing a number of the areas identified for action in the Council's final report. The Indigenous affairs agenda being pursued by the Government is laying a foundation for lasting improvements in the lives of Indigenous people for those of current and future generations. This is the best contribution governments can make to reconciliation. We believe there can be no more powerful symbolism than building a society in which Indigenous people have not just a right to work, to good health, to a sound education and to a decent home, but a society in which this is the norm for Aboriginal people.

Australians are a practical people and they strongly support practical measures to redress disadvantage. This is the primary focus of the Government's contribution to reconciliation. The depth of the Government's commitment is demonstrated in this year's budget that includes record expenditure of \$2.5 billion to tackle the social and economic difficulties that beset our Indigenous communities. It is a record level of expenditure for the fourth consecutive year (and some 25 per cent higher in real terms than in the last year of the previous government).

The Government's response covers in detail current policy and program

¹ September 2002: Executive Summary of the Commonwealth Government Response to the Final Report of the Council for Aboriginal Reconciliation.

activity across a range of Commonwealth portfolios, providing examples of areas where solid progress is being made. For example, more Indigenous children are staying on at school through to year 12, the number of Indigenous students enrolled in university degrees is at its highest level ever, while the number of Indigenous people participating in vocational education and training continues to rise. On the health front, many remote communities that have previously had little or no access to health services now do, infant death rates are falling, as are the rates of death caused by respiratory illness, and infectious and parasitic diseases. Our employment programs are opening the door to self-sufficiency for thousands of Indigenous people who previously have been unemployed.

In drawing attention to these improvements, the Government is conscious that such outcomes represent a beginning—albeit a good one—and therefore acknowledges that a sustained effort will be required over many years in order to make lasting change. We also recognise that if our policies are to have traction, they must be designed and delivered through a genuine partnership of shared responsibility between all governments and Indigenous people. There are a number of priorities within our sights, both in the way we work and what we do. They are:

- Taking a whole-of-government approach by involving all relevant portfolio Ministers and the states and territories, working within the reconciliation framework set down by the Council of Australian Governments (COAG) with the Commonwealth's leadership;
- Increasing the focus on individuals and their families as the foundation of functional communities; Encouraging and supporting self-reliance and independence from welfare;
- Strengthening leadership, capacity, and governance;
- Addressing the debilitating effects of substance abuse and domestic violence;
- Increasing opportunities for local and regional decision making by Indigenous people, and improving programme coordination and flexibility to respond to local needs; and
- Improving access to mainstream programmes and services, so that Indigenous-specific resources can be better targeted to areas of greatest need, particularly to areas where mainstream services do not reach.

These themes and related Government strategies are signs of our determination to address the underlying and contemporary causes of Indigenous disadvantage, not just its symptoms. The Council called on COAG to implement and monitor a national framework whereby all governments and ATSIC work to overcome Indigenous disadvantage by setting program performance benchmarks that are measurable, agreed with Aboriginal and Torres Strait Islander people, and are publicly reported. Through COAG, all Australian governments have agreed that reconciliation is a priority for them and that it requires a concerted and sustained effort over many years. COAG

endorsed a framework to advance reconciliation based on partnerships and shared responsibilities with Indigenous communities, and programme flexibility and coordination between government agencies, with a focus on local communities and outcomes.

Commonwealth State Ministerial Councils are well advanced in their work to develop action plans that include performance monitoring strategies and benchmarks. In addition to this, the Commonwealth, under the auspices of COAG, is leading efforts to trial a whole-of-governments approach in up to ten Indigenous communities or regions. The objective is to improve the way governments interact with each other and with communities to deliver more effective responses to the needs of Indigenous Australians. The Commonwealth has established an inter-departmental taskforce to give substance and drive to this initiative.

In terms of the Council's call for public reporting, COAG has commissioned a regular report against key indicators of Indigenous disadvantage. The objective of this initiative is to help measure the impact of changes to policy setting and service delivery and to provide a concrete way to measure COAG's commitment to reconciliation. This undertaking is being strongly backed by the Ministerial Council for Aboriginal and Torres Strait Islander Affairs that has developed a framework for this exercise. Together, these initiatives will ensure that Commonwealth, State and Territory governments have better information for policy planning and development. It will also better equip Indigenous people and communities to hold governments accountable where performance is less than satisfactory.

The Council's Final Report called for all levels of government, non-government, peak bodies, business and communities to make a commitment to continuing and sustaining the reconciliation process through a number of measures. It is a recommendation the Commonwealth has embraced in large part, although its approach differs in some respects, the Government agrees with the Council's recommendation that an independent body be established to maintain a national leadership focus on reconciliation. The Commonwealth acted on this recommendation by providing \$5.6 million towards the establishment of Reconciliation Australia, and has also provided tax deductibility status to the organisation. Since its establishment some 18 months ago, Reconciliation Australia has made a number of positive contributions to reconciliation policy and debate. It has also secured further financial support from a number of Commonwealth departments and agencies for important national reconciliation activities such as the Indigenous Governance Conference.

One of the most tangible symbols of the Government's support for sustaining the reconciliation process is the design and construction of *Reconciliation Place* in the Parliamentary Triangle. This important landmark, placing reconciliation at the heart of the national capital, was officially opened by the Prime Minister on 22 July 2002. *Reconciliation Place* provides an open public area for reflection on the reconciliation process and the nation's shared history. The first stage includes artworks depicting some of the many

milestones on Australia's path to reconciliation, namely: the 1967 referendum; the recognition of land and native title rights; and the achievement of Indigenous people in sports and in the defence of the nation. Very importantly, there is an artwork that recognises the Ngun(n)awal people as the traditional owners of the Canberra region. Reconciliation Place will develop over time as more artworks are added in recognition of the many stories and achievements in the process of reconciliation, and in the relationship between Indigenous and other Australians both past and present.

The Government recognises the importance of continuing to seek out opportunities to sustain the reconciliation process. The Government believes that responses to reconciliation which promote Indigenous heritage and culture at a public level can do much to improve and expand community understanding of and goodwill towards our Aboriginal and Torres Strait Islander peoples. Therefore the Government believes that acknowledgment of the special place of Indigenous people in the life and history of Australia is appropriate on certain occasions and in certain Commonwealth ceremonies, such as citizenship ceremonies. While the Government does not believe a prescriptive approach should be taken, it none-the-less feels that the cause of reconciliation is greatly aided by such acknowledgment.

Another of the Council's recommendations went to the question of incorporating a new preamble in the Constitution that recognises Aboriginal and Torres Strait Islander peoples as the first peoples of Australia. The Government does not support this recommendation for one very practical reason—Australians were asked at the referendum in 1998 to support such a preamble, but on that occasion chose not to despite bipartisan political support for it

Another constitutional matter raised by the Council was its recommendation that Section 25 be removed and a new section introduced that makes it unlawful to adversely discriminate against any people on the grounds of race. Section 25 does not have practical effect in the governance of the nation today, having been designed originally to countervail the use of racially discriminatory voting provisions by the States, which today would contravene the Racial Discrimination Act. The Government, therefore, is generally supportive of the proposal to remove s.25 of the Constitution. Given adequate support for such a proposal, the Government would be disposed to put the matter to a referendum at an appropriate time. In relation to the suggestion of including a section in the Constitution that makes it unlawful to discriminate on the grounds of race, the Government believes the Racial Discrimination Act meets this requirement.

The Government recognises there are widely divergent views in the community on issues such as making a treaty with Indigenous Australians and calls for a national apology, and is concerned that this demonstrates clearly the ever-present risk that the community will be divided by placing undue emphasis on such sensitive issues. Australians are unsure about and wary of the treaty concept. An aspirational document, such as the Declaration, is one thing, but people are concerned about the implications if it were to be legally binding

(and thereby a basis for future litigation rather than closure). The suggestion of separation between Indigenous and other Australians is also a cause of concern. Legal frameworks aren't necessarily the answer to social issues. For these reasons, the Government will not give its support to those recommendations of the Council that seek to further prolong debate on the issue of treaty.

The Council called on all parliaments and local governments to pass formal motions of support for the Australian Declaration Towards Reconciliation and the Roadmap for Reconciliation, and to enshrine their basic principles in legislation. Many of the elements contained in the Roadmap represent core business for government and are being pursued through the normal policy processes. However, the Government does not see that legislative changes will advance this process effectively. The Government reaffirms its support for reconciliation expressed through its Motion of Reconciliation passed by both Houses of Federal Parliament on 26 August 1999. That motion was as follows:

That this House:

- (a) Reaffirms its wholehearted commitment to the cause of reconciliation between indigenous and non-indigenous Australians as an important national priority for Australians;
- (b) Recognising the achievements of the Australian nation commits to work together to strengthen the bonds that unite us, to respect and appreciate our differences and to build a fair and prosperous future in which we can all share;
- (c) Reaffirms the central importance of practical measures leading to practical results that address the profound economic and social disadvantage that continues to be experienced by many indigenous Australians;
- (d) Recognises the importance of understanding the shared history of indigenous and non-indigenous Australians and the need to acknowledge openly the wrongs and injustices of Australia's past;
- (e) Acknowledges that the mistreatment of many indigenous Australians over a significant period represents the most blemished chapter in our international history;
- (f) Expresses its deep and sincere regret that indigenous Australians suffered injustices under the practices of past generations, and for the hurt and trauma that many indigenous people continue to feel as a consequence of those practices; and
- (g) Believes that we, having achieved so much as a nation, can now move forward together for the benefit of all Australians.

In relation to the Declaration Towards Reconciliation, the Government has proposed an alternative form of words that seeks to overcome some features of the Council's version that the Government is unable to support on behalf of the Australian people. It is important to emphasise, however, that there is vastly more common ground than difference between the

Government's Revised Declaration and the Council's Declaration. Both documents make a commitment to the process of reconciliation and acknowledge the unique status of Aboriginal and Torres Strait Islander peoples as the original owners and custodians of lands and waters. Both recognise that this land and its waters were settled as colonies without treaty or consent and reaffirm the human rights of all Australians. Both documents identify the importance of understanding the spiritual relationship between the land and its first peoples in sharing a future and living in harmony.

Also, both the Revised Declaration and the Council's Declaration affirm that our nation must have the courage to own the truth and to heal the wounds of its past so that we can move on together at peace with ourselves. They both affirm that reconciliation needs to live in the hearts and minds of all Australians and acknowledge that many steps have been taken and many remain as we learn our shared histories. Both encourage Australians to walk the journey of healing and express sorrow and regret for injustices of the past, and both pledge Australians to stopping injustice and overcoming disadvantage. Both documents aspire to an improved future for all Australians, recognising our shared history and the unique role, contribution and cultural identity of indigenous Australians.

The Government believes reconciliation must and should take place on many levels and in many forms. It is reliant upon the work and commitment of government, communities, organisations and individual Australians. And, while reconciliation may manifest in different ways in different communities, we also believe that the hallmark of true reconciliation will be established, to paraphrase the Prime Minister, when indigenous Australians enjoy standards of opportunity and treatment that are the equal of their countrymen and women.