

# MISSION AND JUSTICE 2/07

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The Church herself in Australia will not be fully the Church that Jesus wants her to be until you have made your contribution to her life and until that contribution has been joyfully received by others

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## CHECK THIS OUT

This issue of the bulletin comes when we in Australia have just celebrated three important national anniversaries. The first is the 1967 referendum which finally acknowledged the original people of this land were fully human and entitled to all the privileges that I, and others, enjoy as a white citizen.

The second anniversary is the acknowledgement that Aboriginal children were "stolen" from their parents - usually snatched away from their mothers, to be raised as some sort of strange non-black person, without history, family or land.

The third anniversary is that of Mabo - celebrating the decision which was made by the federal government to allow Aboriginal people to once again proudly walk on their land - but not all of it, only that which was deemed they had managed to hold on to over the centuries.

Three very important anniversaries.

Yet I am still amazed by those who somehow believe that the abuses which caused these anniversaries to occur never happened – or at best were small glitches in an otherwise calm, peaceful, complete, rightful dispossession of all that belonged to the original people of this land.

I went back to some of the words of 1986 that meant so much to me - which in turn echoed words from 1970. "Do you perhaps remember those words that Pope Paul spoke to the Aboriginal people during his visit to them in 1970? On that occasion he said; 'We know that you have a lifestyle proper to your own ethnic genius or culture – a culture which the Church respects and which she does not in anyway ask you to renounce – society itself is enriched by the presence of different cultural and ethnic elements. For us you, and the values you represent, are precious. We deeply respect your dignity and reiterate our deep affection for you (Dec. 1970)'"

And again: "Through your closeness to the land you touched the sacredness of man's relationship with God, for the land was the proof of a power in life greater than yourselves. You did not spoil the land, use it up, exhaust it, and then walk away from it. You realised that your land was related to the source of life. The silence of the Bush taught you a quietness of soul that put you in touch with another world, the world of God's Spirit."

And again " You have learned how to survive, whether on your own lands or scattered among the towns and cities. Though your difficulties are not yet over, you must learn to draw on the endurance which your ancient ceremonies have taught you. Endurance brings with it patience; patience helps you to find the way ahead, and gives you courage for your journey."

Finally: "On your part, you must show that you too can walk tall and command the respect, which every human being expects to receive from the rest of the human family."

Because these three anniversaries are so important this issue of Mission and Justice is a reminder, and an encouragement, not to put up with the ignorant people of Australia who still have not come to understand, or appreciate, the darkness that was brought by their ancestors to "The Great South Land of the Holy Spirit". We need those in authority to not just respect the Aboriginal people of this land but to learn from them and not continually bully them.

But not just bully the Aboriginal people.

In the midst of these anniversaries I read words which startled me. From my perspective these words indicated to me that perhaps the speaker/author is still struggling to come to terms with a truly faithful reality which is able to transcend trappings, unseemly displays of power, arrogance, bullying and other attitudes which can so often accompany some members of the Christian church, and others, who seem to revel in power.

There is a need also for the "powerful" of the non-indigenous people of this land to accept all as faithful, intelligent, loving people who do not need to be brow-beaten into accepting positions which are imported, narrow, destructive of rights and designed to serve only those who consider themselves to be important and powerful - or worse still seeming to suggest that the average Australian, both black and white, is ignorant and unable to make up their own minds.

Those, it would seem to me, who consistently act this way appear to be people who have invested their lives in institutions – politicians, the occasional clergy person, those who believe that wealth is the primary reason for existence, and those who believe white skin is a sign of superiority.

As we completed the preparation of this bulletin, there happened to be a conscience vote (i.e. non-party) in the New South Wales parliament on Stem Cell Research. I would not have put any of that information in this bulletin except for the fact that there was a rather strong attack on those on the position of some who were voting. Despite this the vote was passed in the lower house. Whatever the result of the upper house which still to come I believe this episode also exemplifies as happened, and still happens, with the Aboriginal people. Yes bullying seems to be so prominent in some quarters...and now especially from the religious right. But yet, as usual, the response also exemplifies a little the Australian sense of humour. [LR]

### **Pope urges Australians: confront Aboriginal pain**

Carmel Egan; 8/10/06; <http://www.theage.com.au/news/national/pope-urges-australians-confront-aboriginal-pain/2006/10/07/1159641577416.html>[www.theage.com.au](http://www.theage.com.au)

Pope Benedict has called on all Australians to accept the historical truth of Aboriginal suffering and embrace reconciliation. ... Pope Benedict's message was delivered to 600 indigenous people gathered in Alice Springs to commemorate the 20th anniversary of Pope John Paul II's visit there in 1986. ...

Pope Benedict's speech was delivered to the National Aboriginal and Torres Strait Islander Catholic Council's "Dreaming From the Heart" Assembly by retired cardinal Edward Cassidy. The Pope also appealed to the Aboriginal community to be faithful to its worthy traditions but to adapt its living culture. Much rested on the elders of the communities, he said...

### **Address to Aborigines and Torres Strait Islanders**

Delivered at Blatherskite Park, Alice Springs - 29th November, 1986

Dear Brothers and Sisters,

It is a great joy for me to be here today in Alice Springs to meet so many of you, the Aborigines and Torres Strait islanders of Australia. I want to tell you right away how much the Church esteems and loves you, and how much she wishes to assist you in your spiritual and material needs.

At the beginning of time, as God's Spirit moved over the waters, he began to communicate something of his goodness and beauty to all creation. When God then created man and woman, he gave them the good things of the earth for their use and benefit, and he put into their hearts abilities and powers, which

were his gifts. And to all human beings throughout the ages God has given a desire for himself, a desire which different cultures have tried to express in their own ways.

As the human family spread over the face of the earth, your people settled and lived in this big country that stood apart from all the others. Other people did not even know this land was here, they only knew that somewhere in the southern oceans of the world there was "The Great South Land of the Holy Spirit".

But for thousands of years you have lived in this land and fashioned a culture that endures to this day. And during all this time, the Spirit of God has been with you. Your "Dreaming," which influences your lives so strongly that, no matter what happens, you remain forever people of your culture, is your own way of touching the mystery of God's Spirit in you and in creation. You must keep your striving for God and hold on to it in your lives.

The rock paintings and the discovered evidence of your ancient tools and implements indicate the presence of your age-old culture and prove your ancient occupancy of this land. Your culture, which shows the lasting genius and dignity of your race must not be allowed to disappear. Do not think that your gifts are worth so little that you should no longer bother to maintain them. Share them with each other and teach them to your children.

Your songs, your stories, your paintings, your dances, your languages, must never be lost.

Do you perhaps remember those words that Paul spoke to the Aboriginal people during his visit to them in 1970? On that occasion he said; "We know that you have a lifestyle proper to your own ethnic genius or culture – a culture which the Church respects and which she does not in anyway ask you to renounce – society itself is enriched by the presence of different cultural and ethnic elements. For us you and the values you represent are precious. We deeply respect your dignity and reiterate our deep affection for you (Dec. 1970)

That Gospel now invites you to become, through and through, Aboriginal Christians.

It meets your deepest desires. You do not have to be people divided into two parts, as though an Aboriginal had to borrow the faith and life of Christianity, like a hat or a pair of shoes, from someone else who owns them.

Jesus calls you to accept his words and his values into your own culture. To develop in this way will make you more than ever truly Aboriginal.

The old ways can draw new life and strength from the Gospel. The message of Jesus Christ can lift up your lives to new heights, reinforce all your positive values and add many others, which only the Gospel in its originality proposes.

Take this Gospel into your own language and way of speaking; let its spirit penetrate your communities and determine your behaviour towards each other, let it bring new strength to your stories and your ceremonies. Let the Gospel come into your hearts and renew your personal lives.

The Church invites you to express the living word of Jesus in ways that speak to your Aboriginal minds and hearts. All over the world people worship God and read his word in their own language, and colour the great signs and symbols of religion with touches of their own traditions.

Why should you be different from them in this regard, why should you not be allowed the happiness of being with God and each other in Aboriginal fashion?

As you listen to the Gospel of our Lord Jesus Christ, seek out the best things of your traditional ways. If you do, you will come to realize more and more your great human and Christian dignity.

Let your minds and hearts be strengthened to begin a new life now. Past hurts cannot be healed by violence, nor are present injustices removed by resentment. Your Christian faith calls you to become the best kind of Aboriginal people you can be. This is possible only if reconciliation and forgiveness are part of your lives.

Only then will you find happiness. Only then will you make your best contribution to all your brothers and sisters in this great nation.

You are part of Australia and Australia is part of you.

And the Church herself in Australia will not be fully the Church that Jesus wants her to be until you have made your contribution to her life and until that contribution has been joyfully received by others.

Among those who have loved and cared for the indigenous people, we especially recall with profound gratitude all the missionaries of the Christian faith. With immense generosity they gave their lives in service to you and to your forebears. They helped to educate the Aboriginal people and offered health and social services.

Whatever their human frailty, and whatever mistakes they may have made, nothing can ever minimize the depth of their charity. Nothing can ever cancel out their greatest contribution, which was to proclaim to you Jesus Christ and to establish his Church in your midst.

From the earliest times men like Archbishop Polding of Sydney opposed the legal fiction adopted by European settlers that this land was "terra nullius" —nobody's country. He strongly pleaded for the rights of the Aboriginal inhabitants to keep the traditional lands on which their whole society depended. The Church still supports you today

Let it not be said that the fair and equitable recognition of Aboriginal rights to land is discrimination. To call for the acknowledgment of the land rights of people who have never surrendered those rights is not discrimination. Certainly, what has been done cannot be undone. But what can now be done to remedy the deeds of yesterday must not be put off till tomorrow.

Christian people of goodwill are saddened to realise — many of them only recently — for how long Aboriginal people were transported from their homelands into small areas or reserves where families were broken up, tribes split apart, children orphaned and people forced to live like exiles in a foreign country.

The reserves still exist today, and require a just and proper settlement that still lies unachieved. The urban problems resulting from the transportation and separation of people still have to be addressed, so that these people may make a new start in life with each other once again.

The establishment of a new society for Aboriginal people cannot go forward without just and mutually recognised agreements with regard to these human problems, even though their causes lie in the past. The greatest value to be achieved by such agreements, which must be implemented without causing new injustices, is respect for the dignity and growth of the human person.

And you, the Aboriginal people of this country and its cities, must show that you are actively working for your own dignity of life. On your part, you must show that you too can walk tall and command the respect, which every human being expects to receive from the rest of the human family.

The Gospel of our Lord Jesus Christ speaks all languages. It esteems and embraces all cultures. It supports them in everything human and when necessary, it purifies them. Always and everywhere the Gospel uplifts and enriches cultures with the revealed message of a loving and merciful God.

For thousands of years this culture of yours was free to grow without interference by people from other places. You lived your lives in spiritual closeness to the land, with its animals, birds, fishes, water-holes, rivers, hills and mountains.

Through your closeness to the land you touched the sacredness of man's relationship with God, for the land was the proof of a power in life greater than yourselves. You did not spoil the land, use it up, exhaust it, and then walk away from it. You realised that your land was related to the source of life. The silence of the Bush taught you a quietness of soul that put you in touch with another world, the world of God's Spirit.

Your careful attention to the details of kinship spoke of your reverence for birth, life and human generation. You knew that children need to be loved, to be full of joy. They need a time to grow in laughter and to play, secure in the knowledge that they belong to their people.

You had a great respect for the need which people have for law, as a guide to living fairly with each other. So you created a legal system — very strict it is true — but closely adapted to the country in which you lived your lives. It made your society orderly. It was one of reasons why you survived in this land. You marked the growth of your young men and women with ceremonies of discipline that taught them responsibility as they came to maturity. These achievements are indications of human strivings. And in these strivings you showed a dignity open to the message of God's revealed wisdom to all men and women, which is the great truth of the Gospel of Jesus Christ.

Some of the stories from your Dreamtime legends speak powerfully of the great mysteries of human life, its frailty, its need for help, its closeness to spiritual powers and the value of the human person. They are not unlike some of the great inspired lessons from the people among whom Jesus himself was born. It is wonderful to see how people, as they accept the Gospel of Jesus, find points of agreement between their own traditions and those of Jesus and his people.

The culture which this long and careful growth produced was not prepared for the sudden meeting with another people, with different customs and traditions, who came to your country nearly 200 years ago. They were different from Aboriginal people.

Their traditions, the organisation of their lives, and their attitudes to the land were quite strange to you. Their law too was quite different. These people had knowledge, money and power, and they brought with them some patterns of behaviour from which the Aboriginal people were unable to protect themselves.

The effects of some of those forces are still active among you today. Many of you have been dispossessed of your traditional lands, and separated from your tribal ways, though some of you still have traditional culture. Some of you are establishing Aboriginal communities in the towns and cities. For others there is still no real place for camp-fires and kinship towns. There, work is hard to find and education in a different cultural background is difficult. The discrimination caused by racism is a daily experience.

You have learned how to survive, whether on your own lands or scattered among the towns and cities. Though your difficulties are not yet over, you must learn to draw on the endurance which your ancient ceremonies have taught you.

Endurance brings with it patience; patience helps you to find the way ahead, and gives you courage for your journey.

Take heart from the fact that many of your languages are still spoken and that you still possess your ancient culture.

You have kept your sense of brotherhood. If you stay closely united, you are like a tree standing in the middle of a bush-fire sweeping through the timber. The leaves are scorched and the tough bark is scarred and burned; but inside the tree the sap is still flowing, and under the ground the roots are still strong.

Like that tree you have endured the flames, and you still have the power to be reborn. The time for this rebirth is now.

We know that during the last two hundred years certain people tried to understand you, to learn about you, to respect your ways and to honour you as persons. These men and women, as you soon realised were different from others of their race. They loved and cared for the indigenous people.

They began to share with you their stories of God, helped you cope with sickness, tried to protect you from ill-treatment. They were honest with you, and showed you by their lives how they tried to avoid the bad things in their own culture. These people were not always successful, and there were times when they did not fully understand you. But they showed you goodwill and friendship.

They came from many different walks of life. Some were teachers and doctors and other professional people; some were simple folk. History will remember the good example of their charity and fraternal solidarity.

In the new world that is emerging for you, you are being called to live fully human and Christian lives, not to die of shame and sorrow. But you know that to fulfil your role you need a new heart. You will already feel courage rise up inside you when you listen to God speaking to you in these words of the Prophets: "Do not be afraid for I have redeemed you; I have called you by your name, you are mine Do not be afraid, for I am with you" (Is 43-1-5)

And again: "I am going to gather you together and bring you home to your own land. I shall give you a new heart and put a new spirit in you. You shall be my people and I will be your God" ( Ez 36-24-26-28)

With you I rejoice in the hope of God's gift of salvation, which has its beginnings here and now, and which also depends on how we behave towards each other, on what we put up with, on what we do, on how we honour God and love all people.

Dear Aboriginal people, the hour has come for you to take on new courage and new hope. You are called to remember the past, to be faithful to your worthy traditions, and to adapt your living culture whenever this is required by your own needs and those of your fellowman.

Above all you are called to open your hearts ever more to the consoling, purifying and uplifting message of Jesus Christ, the Son of God, who died so that we might all have life, and have it to the full (Jn 10-10)

### **Pope inspires Ecumenical Indigenous Commission**

2/3/05; Cathnews

The National Aboriginal and Torres Strait Islander Ecumenical Commission (NATSIEC) has referred to Pope John Paul II's landmark 1986 speech to indigenous Australians as a source of inspiration at a time when setbacks in reconciliation demand "rebirth".

NATSIEC Executive Secretary Graeme Mundine said the Pope spoke of Indigenous experience being like that of a tree in the midst of a bushfire.

Quoting the Pope's suggestion that "The leaves are scorched and the tough bark is scarred and burned; but inside the sap is still flowing, and under the ground the roots are still strong," he stressed the Holy Father's reminder that Aboriginal and Torres Strait Islanders "still have the power to be reborn", and "the time for this rebirth is now!"

Mr Mundine said the message remains relevant almost 20 years after it was delivered in Alice Springs.

“Recent events in Palm Island and Redfern as well as the ongoing problems in areas such as health, employment, incarceration levels and education, and the dismantling of ATSIC, show that the fires of injustice are still burning strongly,” said Mr. Mundine.

“We have endured the flames but have we been reborn? Can our hearts also burn with hope and a renewed sense of justice as we walk together on a new road?” Mr. Mundine asks.

NATSIEC is sponsoring a series of evening forums titled 'Hearts are Burning'. The events began at Redfern in Sydney on Monday, and moved to Canberra last night. The third event takes place tonight at St Brigid's Catholic Church in Dubbo NSW. The speakers include Anglican Aboriginal Bishop James Leftwich, and Vicki Walker of the Aboriginal Catholic Ministry in Melbourne.

The Hearts are Burning Forums are the first in a series of events celebrating the anniversary of the Pope's visit and message to ATSI peoples. In October 2006 Indigenous Christians will again gather in Alice Springs for a week long ecumenical celebration which will include an arts festival, theology forum and separate women's, men's and youth events.

**[LR] Note: For those who have never heard of Redfern it is important to understand that it is a small suburb, very close to Sydney CBD, which has a long history of Aboriginal residents. These are special people who, general speaking, were conceived, born and raised far from their traditional brothers and sisters. They were, and are, financially poor, their living facilities are not mansions, their health reflects the whole of the Aboriginal population and then some, and their links to their "mob", i.e. their ancestors and living relatives, are often tenuous at best. But Redfern has become - for many Aboriginals and whites - an important icon of the issues that faced the Aboriginal people in this country.**

**But it has also become a blight on the horizon of the rich and powerful. It is too close, too obviously present - a thorn in the side.**

**One of Australia's Prime Ministers, Paul Keating, was astute enough to recognise this. And so it was in Redfern that he made a famous speech which is remembered by blacks and whites alike as a turning point in the acceptance of the injustice of stealing children from families – known as the "Stolen Generations" and their human rights in general.**

**A large part of Sydney will go into "lock-down" later this year - the APEC summit will be held here and there will be Redfern right in the middle of it.**

### **Redfern speech still resonates**

**3/4/07; <http://www.smh.com.au/news/national/redfern-speech-still-resonates/2007/04/02/1175366164409.html>**

Paul Keating's 1992 address on Aboriginal injustice is Australia's most unforgettable speech, a radio survey has found. The ABC Radio National survey drew 5000 responses, with listeners ranking the former prime minister's so-called Redfern speech third behind Martin Luther King's "I have a dream" speech in Washington in 1963 and Jesus's Sermon on the Mount.

In an address at Redfern Park in December 1992 to launch Australia's celebration of the 1993 International Year of the World's Indigenous People, Mr Keating urged non-Aboriginal Australians to "open our hearts" and called for national reconciliation.

He asked non-indigenous Australians to recognise that they had dispossessed Aborigines and destroyed their way of life, and praised the Mabo judgement for doing away with the "bizarre conceit that this continent had no owners prior to the settlement of Europeans"...

### **Australian Launch of the International Year for the World's Indigenous People**

**Prime Minister of Australia, Paul Keating, Redfern Park in Sydney; 10 December 1992**

Ladies and gentlemen,

I am very pleased to be here today at the launch of Australia's celebration of the 1993 International Year of the World's Indigenous People.

It will be a year of great significance for Australia.

It comes at a time when we have committed ourselves to succeeding in the test which so far we have always failed.

Because, in truth, we cannot confidently say that we have succeeded as we would like to have succeeded if we have not managed to extend opportunity and care, dignity and hope to the indigenous people of Australia - the Aboriginal and Torres Strait Island people.

This is a fundamental test of our social goals and our national will: our ability to say to ourselves and the rest of the world that Australia is a first rate social democracy, that we are what we should be, truly, the land of the fair go and the better chance.

There is no more basic test of how seriously we mean these things.

It is a test of our self-knowledge. Of how well we know the land we live in. How well we know our history. How well we recognise the fact that, complex as our contemporary identity is, it cannot be separated from Aboriginal Australia. How well we know what Aboriginal Australians know about Australia.

Redfern is a good place to contemplate these things.

Just a mile or two from the place where the first European settlers landed, in too many ways it tells us that their failure to bring much more than devastation and demoralisation to Aboriginal Australia continues to be our failure.

More, I think, than most Australians recognise, the plight of Aboriginal Australians affects us all. In Redfern it might be tempting to think that the reality Aboriginal Australians face is somehow contained here, and that the rest of us are insulated from it. But of course, while all the dilemmas may exist here, they are far from contained. We know the same dilemmas and more are faced all over Australia.

This is perhaps the point of this Year of the World's Indigenous People: to bring the dispossessed out of the shadows, to recognise that they are part of us, and that we cannot give indigenous Australians up without giving up many of our own most deeply held values, much of our own identity - and our own humanity.

Nowhere in the world, I would venture, is the message more stark than in Australia.

We simply cannot sweep injustice aside. Even if our own conscience allowed us to, I am sure, that in due course, the world and the people of our region would not. There should be no mistake about this - our success in resolving these issues will have a significant bearing on our standing in the world.

However intractable the problems may seem, we cannot resign ourselves to failure - any more than we can hide behind the contemporary version of Social Darwinism which says that to reach back for the poor and dispossessed is to risk being dragged down.

That seems to me not only morally indefensible, but bad history.

We non-Aboriginal Australians should perhaps remind ourselves that Australia once reached out for us. Didn't Australia provide opportunity and care for the dispossessed Irish? The poor of Britain? The refugees from war and famine and persecution in the countries of Europe and Asia? Isn't it reasonable to say that if we can build a prosperous and remarkably harmonious multicultural society in Australia, surely we can find just solutions to the problems which beset the first Australians - the people to whom the most injustice has been done.

And, as I say, the starting point might be to recognise that the problem starts with us non-Aboriginal Australians.

It begins, I think, with the act of recognition. Recognition that it was

- we who did the dispossessing.
- We took the traditional lands and smashed the traditional way of life.
- We brought the disasters.
- The alcohol.
- We committed the murders.
- We took the children from their mothers.
- We practised discrimination and exclusion.

It was our ignorance and our prejudice. And our failure to imagine these things being done to us. With some noble exceptions, we failed to make the most basic human response and enter into their hearts and minds.

We failed to ask - how would I feel if this were done to me?

As a consequence, we failed to see that what we were doing degraded all of us.

If we needed a reminder of this, we received it this year.

The Report of the Royal Commission into Aboriginal Deaths in Custody showed with devastating clarity that the past lives on in inequality, racism and injustice in the prejudice and ignorance of non-Aboriginal Australians, and in the demoralisation and desperation, the fractured identity, of so many Aborigines and Torres Strait Islanders.

For all this, I do not believe that the Report should fill us with guilt. Down the years, there has been no shortage of guilt, but it has not produced the responses we need. Guilt is not a very constructive emotion.

I think what we need to do is open our hearts a bit.

All of us.

Perhaps when we recognise what we have in common we will see the things which must be done - the practical things.

There is something of this in the creation of the Council for Aboriginal Reconciliation. The council's mission is to forge a new partnership built on justice and equity and an appreciation of the heritage of

Australia's indigenous people. In the abstract those terms are meaningless. We have to give meaning to 'justice' and 'equity' - and, as I have said several times this year, we will only give them meaning when we commit ourselves to achieving concrete results.

If we improve the living conditions in one town, they will improve in another. And another. If we raise the standard of health by 20 per cent one year, it will be raised more the next. If we open one door others will follow.

When we see improvement, when we see more dignity, more confidence, more happiness - we will know we are going to win. We need these practical building blocks of change.

The Mabo judgment should be seen as one of these. By doing away with the bizarre conceit that this continent had no owners prior to the settlement of Europeans, Mabo establishes a fundamental truth and lays the basis for justice. It will be much easier to work from that basis than has ever been the case in the past.

For this reason alone we should ignore the isolated outbreaks of hysteria and hostility of the past few months. Mabo is an historic decision - we can make it an historic turning point, the basis of a new relationship between indigenous and non-Aboriginal Australians.

The message should be that there is nothing to fear or to lose in the recognition of historical truth, or the extension of social justice, or the deepening of Australian social democracy to include indigenous Australians.

There is everything to gain.

Even the unhappy past speaks for this. Where Aboriginal Australians have been included in the life of Australia they have made remarkable contributions. Economic contributions, particularly in the pastoral and agricultural industry. They are there in the frontier and exploration history of Australia. They are there in the ways. In sport to an extraordinary degree. In literature and art and music.

In all these things they have shaped our knowledge of this continent and of ourselves. They have shaped our identity. They are there in the Australian legend. We should never forget - they helped build this nation. And if we have a sense of justice, as well as common sense, we will forge a new partnership.

As I said, it might help us if we non-Aboriginal Australians imagined ourselves dispossessed of land we have lived on for 50 000 years - and then imagined ourselves told that it had never been ours.

Imagine if ours was the oldest culture in the world and we were told that it was worthless. Imagine if we had resisted this settlement, suffered and died in the defence of our land, and then were told in history books that we had given up without a fight. Imagine if non-Aboriginal Australians had served their country in peace and war and were then ignored in history books. Imagine if our feats on sporting fields had inspired admiration and patriotism and yet did nothing to diminish prejudice. Imagine if our spiritual life was denied and ridiculed.

Imagine if we had suffered the injustice and then were blamed for it.

It seems to me that if we can imagine the injustice then we can imagine its opposite. And we can have justice.

I say that for two reasons: I say it because I believe that the great things about Australian social democracy reflect a fundamental belief in justice. And I say it because in so many other areas we have proved our capacity over the years to go on extending the realism of participating, opportunity and care.

Just as Australian living in the relatively narrow and insular Australia of the 1960s imagined a culturally diverse, worldly and open Australia, and in a generation turned the idea into reality, so we can turn the goals of reconciliation into reality.

There are very good signs that the process has begun. The creation of the Reconciliation Council is evidence itself. The establishment of the ATSIC - the Aboriginal and Torres Strait Islander Commission - is also evidence. The Council is the product of imagination and goodwill. ATSIC emerges from the vision of indigenous self-determination and self-management. The vision has already become the reality of almost 800 elected Aboriginal Regional Councillors and Commissioners determining priorities and developing their own programs.

All over Australia, Aboriginal and Torres Strait Islander communities are taking charge of their own lives. And assistance with the problems which chronically beset them is at last being made available in ways developed by the communities themselves. If these things offer hope, so does the fact that this generation of Australians is better informed about Aboriginal culture and achievement, and about the injustice that has been done, than any generation before.

We are beginning to more generally appreciate the depth and the diversity of Aboriginal and Torres Strait Islander cultures. From their music and art and dance we are beginning to recognise how much richer our national life and identity will be for the participation of Aboriginals and Torres Strait Islanders. We are



beginning to learn what the indigenous people have known for many thousands of years - how to live with our physical environment.

Ever so gradually we are learning how to see Australia through Aboriginal eyes, beginning to recognise the wisdom contained in their epic story.

I think we are beginning to see how much we owe the indigenous Australians and how much we have lost by living so apart.

I said we non-indigenous Australians should try to imagine the Aboriginal view.

It can't be too hard. Someone imagined this event today, and it is now a marvellous reality and a great reason for hope.

There is one thing today we cannot imagine. We cannot imagine that the descendants of people whose genius and resilience maintained a culture here through 50 000 years or more, through cataclysmic changes to the climate and environment, and who then survived two centuries of dispossession and abuse, will be denied their place in the modern Australian nation.

We cannot imagine that.

We cannot imagine that we will fail.

And with the spirit that is here today I am confident that we won't.

I am confident that we will succeed in this decade.

Thank you.

### **Flock abandoned**

Letters 2/6/07; <http://www.smh.com.au/text/articles/2007/06/01/1180205510141.html>

Despite a commitment he made (in front of witnesses) to a sick and frail priest before the priest's retirement in 2002, George Pell has repeatedly appointed clergy to St Vincent's church who have demonstrated no capacity for, or interest in, continuing Father Ted Kennedy's legacy in Redfern ("Redfern parish at war with its priests", June 1).

The archbishop not been sighted at St Vincent's since he made that promise, and all of our efforts to engage him on the unhappy situation have failed. Instead, he chooses to make uninformed comments and vilify the community.

Perhaps "Stairway to heaven" (June 1) has the answer - could it be that the archbishop is too busy (with really important things such as the crumbling facade of his cathedral) to talk to us? **Len De Lorenzo Mosman**

The high priest and his men are still attacking those defending the poor and marginalised. Not much has changed from Judea AD30 to Redfern 2007. **John Truman Chatswood**

### **Pell accuses Redfern Catholics over "intimidation, harassment"**

1/6/07; <http://www.cathnews.com/news/706/2.php>

With Redfern parish priest Fr Gerry Prindiville taking leave from the troubled inner Sydney parish, Cardinal George Pell has hit out at "sad and shameful attitudes" by parishioners whom he accuses of mounting a "program of intimidation, harassment and disturbance". Cardinal Pell said that parish members treated their parish like an unruly political branch meeting, the Sydney Morning Herald reports

But parishioners say Cardinal Pell has appointed conservative priests insistent on "imposing an alien and hostile form of religion and liturgical worship" and has ignored their pleas to intervene.

Parishioners have taken their complaints against the priests of the Spanish-based Neocatechumenal Way to the Vatican.

They say the priests have called Aborigines heathens, subjected churchgoers, particularly women, to bullying and verbal abuse, and withheld Holy Communion.

"Ours is a parish that is hurting and Cardinal Pell's failure to hear and respect our concerns is a measure of his lack of pastoral care," said one parishioner, Elisabeth Burke.

Cardinal Pell confirmed that Fr Gerry Prindiville, who had struggled to gain the support of parishioners, has taken leave and been replaced by Fr Clesio do Nascimento Mendes. Both are missionaries of the Neocatechumenal Way, installed by Cardinal Pell four years ago.

Cardinal Pell told the Herald that parish priests and lay missionary families at Redfern were making progress. "But as a priest and bishop for 40 years I have never encountered anywhere the level of rudeness and disruption often foisted on worshippers at Mass. Interjectors seem to regard Mass as something like an unruly branch meeting of a political party.

"Reverence for the sacred appears extinct among the agitators ... These are sad and shameful attitudes," he said.

But parishioners say that they were rebuffed in their offer to reopen communications with the new parish priest.

#### Sources

**Redfern parish at war with its priests** (Sydney Morning Herald, 1/6/07); [Redfern meditation group locked out \(CathNews, 21/3/07\)](#); [Redfern parishioners want to reconcile with parish priest \(CathNews, 25/8/06\)](#); **Redfern parish priest appeals for cooperation** (CathNews, 18/8/06); [Indigenous mural shock at Redfern parish \(CathNews, 31/7/06\)](#); [Threat to memory of Redfern's Mum Shirl \(CathNews, 2/5/06\)](#); [Death of Redfern's Fr Ted Kennedy \(CathNews, 18/5/05\)](#); [Priest denies Redfern church is "for the Aboriginals" \(CathNews, 29/7/04\)](#); **Redfern parish at war with its priests - Australia - Religion - Aboriginal - Linda Morris**; 1/6/07; <http://www.smh.com.au/news/national/redfern-parish-at-war-with-its-priests/2007/05/31/1180205431082.html>; **Pell plans fidelity oath for school principals - Cathy Wilcox**; <http://www.smh.com.au/news/national/pell-plans-fidelity-oath-for-principals/2007/06/03/1180809340768.html>

#### **Stolen Generations trauma 'extends to children'**

26/5/07; <http://www.abc.net.au/news/newsitems/200705/s1933945.htm>

The Human Rights and Equal Opportunity Commission says the children of Stolen Generations victims are traumatised by the ordeal their parents experienced. Today is Sorry Day, marking 10 years since a government report on the forced removal of Aboriginal children from their families. Aboriginal and Torres Strait Islander Social Justice Commissioner Tom Calma says the 'Bringing Them Home' report still plays a vital role in helping the wider community understand Indigenous grief.

"I ask anybody just to think about if you lose your own child, your own brother or sister is taken away from you - how would you feel about it?" he said.

He is pleased with community support on Sorry Day but disappointed it is not a bigger election issue.

Stolen Generation Alliance chairman Brian Butler is calling for more Government spending on child care to stop trauma being passed onto younger generations.

"Nothing's happened so they are just as bad off as what their ancestors were," he said.

Both leaders say helping families will strengthen Indigenous communities.

Meanwhile, the chairman of Australia's first Aboriginal Community Controlled Health Service says the Prime Minister has lost touch with Australia's shame over Indigenous health.

Sol Bellear says international opinion of Australia is badly affected by the poor life expectancy of Indigenous Australians when compared to indigenous populations in Canada and New Zealand. He says the United Nations (UN) is close to adopting international law which addresses the rights of Indigenous people.

Mr Bellear says John Howard must start with an apology if Australia is going to catch up with international efforts.

"It's the first part of healing if there's a Federal Government that can just get in there and apologise for what happened," he said.

"John Howard has never done that, he still hasn't done that, he refuses to do it."

#### **'Sorry Books' registered as historic documents**

UNESCO; 19/8/04

A collection of 461 Sorry Books recording the thoughts of thousands of Australians on the unfolding history of the Stolen Generations has been formally recognized as having powerful historical and social significance.

The books are among nine significant documentary heritage items recently inscribed on the Australian Memory of the World Register – part of UNESCO's Programme to protect and promote documentary material- that records or reflects significant milestones and events in Australia's history.

Chair of the AMW committee, Dr Jan Lyall, said this year's inscriptions on the register were an exciting illustration of Australia's evolution, telling important stories about our distant and recent past. 'The Register provides an insight into aspects of Australian life which help inform and explain who we are as a nation,' Dr Lyall said.

The ABC's Australia All Over presenter Ian 'Macca' McNamara announced the new additions to the Register at a ceremony hosted by the State Library of Victoria in Melbourne, and presented representatives from each of the institutions, which have custody of the documents, with a formal citation.

The new materials inscribed on the Register are:

Displaced Persons Migrant Selection Documents, 1947-1953 held at the National Archives of Australia in Canberra. The collection comprises 170,700 personal dossiers of displaced persons who emigrated to Australia between 1947 and 1953.

Story of the Kelly Gang 1906 Australia's first narrative film held by ScreenSound Australia in Canberra. The nine-minute fragments are all that remain of the film along with a promotional booklet, which gives context to the story.

Australian Children's Folklore Collection held by Museum Victoria in Melbourne. The 13 collections document Australian childhood culture spanning 140 years, with specialized material from the 1950s, 70s and 80s - possibly the largest collection of its kind in the world.

Ballarat Reform League Charter 1854 held by the Public Record Office Victoria. The charter incorporates a record of events in gold rush Victoria and the history of democratic Chartism.

South Australian Company Deed 1836 held by the State Library of South Australia. The deed represents a history of imperial Britain and colonial South Australia.

Lawrence Hargrave Aeronautical Papers held by the Powerhouse Museum in Sydney. Hargrave's aeronautical journals and drawings illustrate his lifelong project to develop a practical flying machine and power plant in Australia. His ideas influenced many of the world's aviation pioneers.

PANDORA, Australia's Web Archive 1996-ongoing held at the National Library of Australia in Canberra. PANDORA is one of the world's earliest and most effective WWW-archiving apparatus capturing a selection of the web culture of individuals, organizations and events since 1996, just three years after the invention of the WWW.

Port Phillip Association Records held at the State Library of Victoria in Melbourne. The records are the foundation documents of European settlement in the Port Phillip and Melbourne region.

Sorry Books 1998 held by the Australian Institute of Aboriginal and Torres Strait Island Studies (AIATSIS) in Canberra. Many books produced after 1998 are still to be located but it is estimated that more than half a million signatures were generated as part of the campaign.

### **Travelling a road paved with tears**

**28 May 2004 - Australia is a shared land. Aborigines accept this. It's time governments did too, says Patrick Dodson.** <http://www.eniar.org/news/dodson3.html>; This is an edited extract from Aboriginal leader Patrick Dodson's National Reconciliation Week address, delivered in the Great Hall of the Federal Parliament.

Almost in a line that intersects the country of the Gooniyandi and the Walmatjarri is the ribbon of Highway 1 known in that part of Australia as the Great Northern Highway. On that road travelled thousands of the stolen Aboriginal children of the Kimberley - from their homes in the East Kimberley to the missions at Forrest River, Sunday Island, Beagle Bay and, in some sad instances, all the way to Moore River. We were assured it was "for their own good". But it was their road of tears. For many the journey back down that highway to their families and their birthright was never to eventuate.

There are many other country roads and highways throughout this land that have witnessed that same journey of tears.

But today the roads of the Kimberley and other parts of this country are more likely to be filled with tourists who know nothing of the history of these terrible transportations. In most cases they know little of the beauty and brilliance of the country that the line of bitumen traverses. There is often no time to search or inquire of the soul and history of the land.

Our common national journey began with the arrival of Cook and Banks in 1770 and we have ambled along for the past 234 years often hoping that one or other of us would wander off into the scrub like Burke and Wills, never to be seen again. This forlorn hope has been recognised by many great people in this country over the intervening years since Cook frightened the daylights out of the mob at Botany Bay. But many others in this country are unable to accept the reality of the shared history of this land of ours. There are those who still seek to deny the reality of our presence as the original inhabitants of the land, with rights and responsibilities within the land. These Australians wilfully ignore and would deny us our rights as citizens.

One day we will have a government that recognises the futility of ignoring the reality of our presence as the indigenous people.

Our history has dictated that we, the original owners of this land, must share our countries with peoples from many other lands. We acknowledge this reality, the need to share and recognise the interests of those who have come and now occupy and exploit our land. Yet this understanding is not always understood, shared or reciprocated.

Too often, governments have chosen to pursue the path of denial, to continue to ignore our interests and our rights as citizens; chosen not to heal the wounds of division and discord. The powerbrokers and politicians chose confrontation over negotiation, legislation over compromise, and litigation over mediation.

Now government seeks to remove the one small formal voice of indigenous people from the table of our national discussion, on the basis that it was failing the indigenous people in terms of service delivery,

advocacy and advancement of our place in the society. The Aboriginal and Torres Strait Islander Commission was created by government to give indigenous people a national and regional voice. We are now in the position where this voice is to be removed, on a whim, in a fit of pique, and without any discussion or negotiation with indigenous Australians. And without a vision for any alternatives.

We have been offered a view through the rear-view mirror of life for indigenous Australians in the '50s and '60s, a place where the Government seems to want to return us. Perhaps it was flawed - but ATSIC was never a construct of indigenous people. It was a child of governments. Government provided it with the resources of a poorhouse orphan and expected it to perform like a prodigy. And now it has been blamed for the failings of governments and their agencies to deliver the outcomes that indigenous Australians rightly demand as citizens of this nation.

Rather than alleviate our poverty they have, by their ignorance and inaction, entrenched it. They have, by their lack of commitment and understanding, confirmed on us continuing welfare reliance. The outcome was, sadly, always inevitable.

But the concept of providing indigenous people with an elected national forum and a voice at a national level was nonetheless right and must be saved from the road wreck. Indigenous Australians must have a national, state and regional voice, and its authenticity must be informed from the local level according to proper cultural protocols - to have the views of our people heard and to have our aspirations as a people put forward.

The Government has by its own actions in removing our national voice unwittingly opened up a new opportunity for us all. If political leaders are prepared to enter into a dialogue with us, we now have an opportunity to realign the relationship between the indigenous Australians and governments.

We have available to us a "camp along the side of the road" where as a nation we can again develop a strategy to take us forward as mates, where formal and substantive equality could be achieved without any other citizen losing out - yet another opportunity for a resolution of our unfinished business.

We require a national indigenous voice that has its authority grounded in support from indigenous Australians. It cannot be yet another artificial construct foisted on us by governments who will determine what is acceptable. Agreements between governments themselves must include the participation of Aboriginal people if any new model is to have any chance of success.

Determining how an indigenous voice that represents the views and aspirations of all our peoples is established must be a matter for indigenous people. We must have available the necessary time and resources to identify the nature of the representation we require, and it must be agreed to by our people.

One day we will have a government that recognises the futility of ignoring the reality of our presence as the indigenous people of this shared country, and acknowledges the unique rights and responsibilities that we have as indigenous Australians.

Sometime in the near future I expect that as a nation we will revisit the issue of our constitutional status either as a republic or under the monarchy. Perhaps as we prepare for this inevitable debate, we should allow for and plan an engagement between us on how the rights and responsibilities of the indigenous people of this country can be forever enshrined in the legal and political structures of this shared nation.

For 200 years, indigenous people have been living in a time of cultural drought where the sustaining of our language, law and culture under conditions of social stress caused us enormous damage. But, like the land from which we come, we have survived - and we must now hope to hear the first sound of rain in the hot time before the wet-season rain.

On this journey of resolution that we are on, if we are prepared to do what many great Australians before us have done and confront the issues of our "unfinished business" with courage and patience, then our season of plenty will be close at hand.

When that time does come, there will be no need for us to seek the empty platitude of "sorry" from leaders who are incapable of sharing our vision or enjoying our shared company on this national journey.

### **Mercies, Joeys issue challenge on Indigenous progress**

28/5/07; <http://www.cathnews.com/news/705/156.php>

Questioning what has been achieved since the 1967 referendum relating to Indigenous Australians, leaders of the Mercy and Josephite congregations have challenged Australia to ensure that Aboriginal people have "a standard of living commensurate with citizenship in a developed country".

Speaking on behalf of three thousand Catholic nuns across Australia, congregational leaders, Srs Katrina Brill and Karon Donnellon question how it is that so many Indigenous Australians miss out on the benefits of citizenship enjoyed by many other Australians.

"Forty years ago this week," the sisters say in a statement, "almost 91 per cent of the Australian electorate voted yes to referendum questions which brought about changes to the Australian constitution."

"The changes meant, in effect, that for the first time Aboriginal and Torres Strait Islander people were acknowledged in the constitution as full citizens of Australia."

Forty years later, the two congregations have joined together in a bid to highlight the inequity that still exists between many Indigenous and non Indigenous Australians, they say.

"Australians might enjoy technical equality, but it takes more than changes to the Constitution to guarantee that the benefits of citizenship will be enjoyed by all," the leaders statement continues.

Successive governments "have failed to address gross Indigenous disadvantage," the sisters argue. "Significant political will from all levels of government is necessary to establish, in consultation with Indigenous People, ongoing and fully funded programs to address, in meaningful ways, indigenous disadvantage," the sisters said.

Meanwhile, Catholic community leaders met yesterday at the Australian Catholic University in North Sydney to celebrate the referendum anniversary and Pentecost day.

In her talk, well-known Josephite Sr Susan Connelly compared the colonisation process in East Timor with the loss of Aboriginal language and culture in Australia.

"Each language has a particular way of interpreting the world, adding to humanity's store of truth and to its ability to perceive," she told the annual gathering.

"We are probably unaware of the extent of the loss to the world of the 150 Australian Aboriginal languages which are now dead."

However, the East Timor advocate says that it is not just Aboriginal languages that are being destroyed.

She accuses the Federal Government of wasting "vast amounts of money" on advertising that is not intended to inform but to deceive.

"The attack on truth which is integral to the prostitution of language as practised by the present Federal Government is behind its inability to express the sorrow of the population at large for the treatment of the indigenous peoples of this land," she said.

"The loss of any language is a loss to the whole human race apart from the death blow to the culture from which it comes and which it forms," Sr Connelly says.

### **The 1967 Referendum: 40 Years on...**

**Prof. Larissa Behrendt is Professor of Law and Director of Research at the Jumbunna Indigenous House of Learning at the University of Technology, Sydney. Thanks to Jason de Santolo, Norman Laing, Mark McMillan and Nicole Watson. An accompanying new media project "51-26" can be accessed on the Jumbunna website: [www.jumbunna.uts.edu/research](http://www.jumbunna.uts.edu/research) <sup>1</sup>**

On Australia Day in 1938, a group of Aboriginal people protested in front of Australia Hall after they were moved off the Town Hall steps. This small protest was the culmination of decades of activism by Indigenous communities and their leaders in the south east of Australia such as William Cooper and Fred Maynard who had sought the same rights as all other Australians, especially in relation to their ability to own land, to access jobs and to access education and health services.

The protest was also a beginning. It was the beginning of the Indigenous rights movement and the long road to the search for equality under the legal system. The focus on citizenship rights as an important part of the campaign for Indigenous equality was a key platform in the activism of advocates like Cooper and Maynard and it influenced future generations.

Inclusion through equal access to education, employment and the economy were seen as key ways of improving the situation of Aboriginal people. Men like Cooper and Maynard had worked on pastoral stations that they were prevented from owning. They were self-taught men and they believed that if Aboriginal people were given the same opportunities as other Australians and could make the key decision about their communities, their families and their lives, they would be able to find their own solutions to their problems.

This notion of access and opportunity underpinned the desire for "citizenship rights" and with the claim for land and the desire for self-determination created the key platforms in the Indigenous political agenda.

Today, Indigenous Australians still have a life expectancy that is 17 years less than that of their non-Indigenous counterparts. Statistics continue to show poorer health, education, housing and employment outcomes for Indigenous people. While some moments in our nations history have shown a heightened interest in Indigenous issues and a greater effectiveness at addressing Indigenous disadvantage, there have equally been moments in which it is clear that the issue of reconciliation with Indigenous people is a contested priority within the Australian community. But one moment at which Australians seemed united in their interest in Indigenous equality was in the popular support for the 1967 referendum.

Forty years on from that constitutional moment, it is an opportune time to reflect on that Constitutional change and evaluate the impact and legacy of that important constitutional moment.

### **1. The Silences in the Constitution**

To understand the 1967 referendum, it is important to remember the some of the key assumptions and choices made by the framers of the Constitution.

The omission of Indigenous people both from the drafting process and from within the content of the Constitution is a reminder of the ideologies that shaped thinking around Indigenous people at that time.

Most influential were the beliefs in white racial superiority and the idea that Aboriginal people were a dying race and that the most humane thing that could be done for them was to allow them to fade out with dignity. These ideologies are often cited as the main reason why Aboriginal people were excluded from the Constitution but the absence is also explained by considering the attitudes towards rights more generally within the founding document.

The framers of our Constitution believed that the decision-making about rights protections – which ones we recognise and the extent to which we protect them – were matters for the Parliament.

They discussed the inclusion of rights within the Constitution itself and rejected this option, preferring instead to leave our founding document silent on these matters.

It was also a document framed within the prejudices of a different era – of its own kind of xenophobia, sexism and racism.

A non-discrimination clause was discussed in the process of drafting the Constitution. George Williams in his book, *Human Rights under the Australian Constitution*<sup>1</sup> notes that the Tasmanian Parliament proposed clause 110 that, in part, stated: ...nor shall a state deprive any person of life, liberty, or property without due process of law, or deny to any person within its jurisdiction the equal protection of its laws.

This clause was rejected for two reasons: It was believed that entrenched rights provisions were unnecessary, and it was considered desirable to ensure that the Australian states would have the power to continue to enact laws that discriminated against people on the basis of their race.

If one is aware of the intentions and the attitudes held by the drafters of the Constitution it explains why it is a document that offers no protection against racial discrimination today.

### **2. The Legacy of the Silences**

The 1997 High Court case of *Kruger v. The Commonwealth*<sup>2</sup> assists in making this point. This was the first case to be heard in the High Court that considered the legality of the formal government assimilation-based policy of removing Indigenous children from their families.

In *Kruger*, the plaintiffs had brought their case on the grounds of the violation of various rights by the effects of the Northern Territory Ordinance that allowed for the removal of Indigenous children from their families.

The plaintiffs had claimed a series of human rights violations including the implied rights to due process before the law, equality before the law, freedom of movement and the express right to freedom of religion contained in s.116 of the Constitution.

They were unsuccessful on each count, a result that highlighted the general lack of rights protection in our system of governance and the ways in which, through policies like child removal, there was a disproportionately high impact on Indigenous people as a result of those silences.

What we can see in the *Kruger* case is the way that the issue of child removal – seen as a particularly Indigenous experience and a particularly Indigenous legal issue – can be expressed in language that explains what those harms are in terms of rights held by all other people – the right to due process before the law, equality before the law, freedom of movement and freedom of religion.

*Kruger* also highlights how few of the rights that we would assume we inherent hold are actually protected by our legal system.

It reminds us that there are silences in our Constitution about rights, that these silences were intended, and it gives us a practical example of the rights violations that can be the legacy of that silence.

The inequities perpetuated by the silences in the Constitution have given Australians cause to reflect upon our foundation document in the past. The feeling that this canonical document did not reflect the values of contemporary Australian society gave momentum to the 1967 referendum.

### **3. The 1967 Referendum**

The Federal Council for Aboriginal Advancement (FCAA) emerged in the 1950s as the first national representative body for Aboriginal people. It became the Federal Council for the Advancement of Aborigines and Torres Strait Islanders (FCAATSI). It was the dominant voice on Aboriginal rights until the late 1960s. It's agenda focused on "citizenship rights" but it also called for special rights for Aboriginal people as well.

The involvement of people like Jessie Street saw non-Aboriginal people work along side with emerging Aboriginal leaders such as Doug Nicholls, Joe McGuinness and Kath Walker. Perhaps because of the focus on “citizenship rights” in the decades leading up to the referendum, and because the rhetoric of equality for Aboriginal people that was used in “yes” campaigns, it was inevitable that there would be a mistaken perception that the constitutional change allowed Aboriginal people to become citizens or attained the right to vote. The referendum did neither.

In reality, the 1967 referendum did two things:

- It allowed for Indigenous people to be included in the census, and
- It allowed the federal parliament the power to make laws in relation to Indigenous people.

### 3.1. Inclusion in the Census

Marilyn Lake, in her biography of Faith Bandler, goes some way towards explaining why those who advocated so hard for the constitutional change thought it went further than it did.<sup>3</sup>

The notion of including Indigenous people in the census was, for those who advocated a “yes” vote, more than just a body-counting exercise. It was thought that the inclusion of Indigenous people in this way would create an imagined community and as such it would be a nation-building exercise, a symbolic coming together. It was hoped that this inclusive nation-building would overcome an “us” and “them” mentality.

Sadly, this anticipated result has not been achieved.

One only need look at the native title debate to see how the psychological divide has been maintained and used to produce results where Indigenous peoples rights are treated as different and given less protection.

One of the fundamental vulnerabilities of the native title regime, as it currently exists, is that the interests of the native title holder(s) are treated as secondary to the property interests of all other Australians.

The rhetoric of those antagonistic to native title interests often evokes the nationalistic myths of white men struggling against the land to help reaffirm three principles in the public consciousness:

- that when Aboriginal people lose a property right, it does not have a human aspect to it. The thought of farmers losing their land can evoke an emotive response but Aboriginal people can not;
- that when Aboriginal people gain recognition of a right, they are seen as getting something for nothing rather than getting protection of something that already exists. They are seen as “special rights”; and
- that when Aboriginal people have a right recognised, it is seen as threatening the interests of non-Aboriginal property owners in a way that means that the two interests cannot co-exist. In this context, native title is often portrayed as being “un-Australian”.

These examples show how the notion of an “us” and a “them” still permeates thinking about Indigenous people, especially when it comes to issues concerning Aboriginal rights. It also highlights how inclusion in the census was an ineffective way to sustain an act of inclusive nation building.

### 3.2. 51(26) – “the races power”

It was thought by those who advocated for a “yes” vote that the changes to section 51(xxvi) (the “races power”) of the Constitution to allow the Federal Government to make laws for Indigenous people was going to herald in an era of non-discrimination for Indigenous people.

There was an expectation that the granting of additional powers to the Federal Government to make laws for Indigenous people would see that power be used benevolently.

This has, however, not been the case and we can see just one example of this failure in the passing of the Native Title Amendment Act 1998 (Cth), legislation that prevented the Racial Discrimination Act 1975 (Cth) from applying to certain sections of the Native Title Act 1993 (Cth).

Consideration as to whether the races power can be used only for the benefit of Aboriginal people, as the proponents of the “yes” vote had intended, was given some residual attention by the High Court in *Kartinyeri v Commonwealth* (the Hindmarsh Island Bridge case).<sup>4</sup>

Only Justice Kirby argued that the “races power” did not extend to legislation that was detrimental to or discriminated against Aboriginal people.

Justice Gaudron said that while there was much to recommend the idea that the “races power” could only be used beneficially, the proposition in those terms could not be sustained.

Justices Gummow and Hayne held that the power could be used to withdraw a benefit previously granted to Aboriginal people and thus to impose a disadvantage.

When analysing the failure of the amendment of the races power to ensure benevolent and protective legislation as its proponents envisaged, one is reminded of the original intent of the framers to leave decisions about the rights to the legislature.

History provides us with many examples of where the legislature has overridden recognised human rights or has passed legislation that protects rights only to override them when there is political motivation to do so. And the other lesson that can be learnt from the 1967 referendum is that the Federal Parliament cannot be relied upon to act in a way that is beneficial to Indigenous people.

#### **4. And yet, a triumph**

Despite the fact that the '67 referendum did not create the even playing field or the era of non-discrimination, it was a high water mark for the relationship between Aboriginal and non-Aboriginal people.

Australia has been extremely reluctant to alter its constitution, seemingly suspicious of many of the proposed changes.

The referendum in 1967 became one of only six changes but with the most resounding endorsement, winning over 90 per cent of voters and carrying all six states. At a time when many parts of Australia were actively practicing segregation, this was an extraordinary result.

The Freedom Rides through northwest New South Wales, headed by Charles Perkins and including a group of University students who would feature future Chief Justice Jim Spiegelman and historian Ann Curthoys, also worked towards changing public opinion at this time. They brought to the attention of people in the cities the crude and racist conditions that existed in places like Walgett and Brewarrina garnering public sympathy for Indigenous issues.

The referendum also enjoyed bi-partisan support for a “yes” vote, a pre-requisite to ensuring its success. Political leadership was shown across the spectrum to support the Constitutional change that would grant more power to the federal parliament. It can be inferred that the relatively uncontentious nature of the changes – including Indigenous people in the census and increasing federal government power over them – assisted in obtaining this bi-partisan support. A more radical change, one that more directly called for the entrenchment of Indigenous rights, would not have enjoyed this popular support.

#### **5. An Unintended Legacy...**

What are the real impacts of changes to s.51(26) of the Constitution?

It did not produce a new era of equality for Aboriginal people as its proponents had hoped. Instead, its most enduring, though perhaps unintended, consequence was the new relationship it created between federal and state and territory governments.

And rather than being a relationship of co-operation, it is one that has seen governments of both levels try to blame the other for the failure of Indigenous policy and to shift the responsibility and the cost away from themselves.

This goes some way towards explaining one of the structural barriers to achieving social justice for Aboriginal and Torres Strait Islander people in Australia today.

Indigenous communities continue to stand strong against these and other systemic injustices - recognising that although the 1967 referendum has led us to greater complications and barriers to effective Indigenous policy reform it was also another important stage in a continuing struggle for equality.

A recent example was the response prompted by negative media coverage of findings of high incidence of sexual assault in some communities and gang violence in others. Federal Minister for Aboriginal Affairs Mal Brough blamed the Northern Territory Government for not putting police into communities where violence was endemic.

While he was absolutely correct that any community of 2500 people with no police force would have law and order issues, it was a simplistic response focused only on blame (and cost) shifting. Many other factors contribute to the cyclical poverty and despondency within some Aboriginal communities that create, over decades, the environment in which the social fabric unravels and violence, sexual abuse, substance abuse and other anti-social behaviour is rife.

Just as unhelpful was the response of Northern Territory Chief Minister Claire Martin in asserting that the problem was the Federal government's failure to provide adequate housing and health and education services. Both were of course correct. Governments, federal, state, and territory all continue to under-fund the most basic Aboriginal community needs like health services, educational facilities and adequate housing services.

Forty years ago it was precisely the same unjust conditions that made Australian voters direct the Commonwealth to take responsibility for the good government of Indigenous people, just like all other Australians.

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The other legacy of the referendum was the new era of more “radical” rights movements that it would shape. Aboriginal people quickly became disillusioned by the lack of changes that followed from the referendum and the continual discrimination facing Indigenous people and the poor socio-economic



conditions of their communities. They rejected the notion of assimilation but embraced the idea of equal rights and equal opportunities for Aboriginal people.

In this environment, a new generation of activists were born whose protests culminated in the establishment of the Aboriginal Tent Embassy on the lawns of what is now Old Parliament House and from here, the new land rights movement was formed.

Notes

1 See George Williams. *Human Rights Under the Australian Constitution*. Melbourne: Oxford University Press, 2000.

2 *Kruger v. The commonwealth* (1997) 190 CLR 1

3 Marilyn Lake. *Faith: Faith Bandler, Gentle Activist*. Sydney: Allen & Unwin, 2002.

4 *Kartinyeri v. Commonwealth (the Hindmarsh Island Bridge case)* (1998) 195 CLR 337.

**[Lk] In my experience working in Sydney there is a certain ignorance among some Catholics, the media, and others, concerning the position of a Cardinal in the Catholic church. It has been obvious for some time that there is a myth abroad that somehow a Cardinal is the spokesperson for the Catholic Church. At least in Sydney that myth has been finally laid to rest publicly. Not before time. But there is also a little of that really Australian sense of humour involved.**

### **Christian to do the right thing on stem cells**

**Paul Brock; 7/6/07; Dr Paul Brock AM is Vice Patron of the Motor Neurone Disease Association of NSW; Daily Telegraph; <http://www.news.com.au/story/0,23599,21863162-5007146,00.html>**

More than 10 years ago I walked into a doctor's room with a weak right forearm. I walked out with the verdict I had motor neurone disease (MND) and would be dead in between three and five years. I am now almost completely paralysed. I can still speak and think but, apart from being able to lift two fingers, I can do nothing else without assistance.

The average period of survival of this currently incurable and terminal disease is just over two years after diagnosis. Some, like Pro Hart, who lived for only three months after being diagnosed, die quickly. Others, like Professor Stephen Hawking, survive longer. There are about 1400 people with MND in Australia. Every day one Australian dies of MND and one more is diagnosed.

Each year MND kills between four and five times the number of Australians who die annually from AIDS.

I am frightened by what lies in front of me and my family. Unable to speak and swallow; fed by a tube into my stomach; breathing with a respirator; having a fully alert mind within a vegetative body capable only of eyelash-blinking.

Essentially, the Bill before NSW Parliament will continue both to ban human reproductive cloning and permit somatic cell nuclear transfer (SCNT or "therapeutic cloning") under stringent scientific and ethical protocols supported by heavy punitive sanctions.

While therapeutic cloning does not promise miracle cures, it does offer a most exciting scientifically and ethically reputable basis for research.

It will help us understand the cause, point towards some ways of improving quality and duration of life and lead to a cure for this mongrel disease and many others such as type 1 diabetes, Parkinson's, cystic fibrosis etc.

Can Christians support therapeutic cloning? Of course they can. And they do. Roy Morgan poll research last June revealed that 80 per cent of Australians support embryonic stem cell research with stem cells made by merging an unfertilised egg with a skin cell (SCNT), where no fertilisation with sperm takes place and no implantation into a uterus can occur. Gary Morgan said this means it would be statistically impossible to claim that a majority of Christians in Australia are opposed to therapeutic cloning.

Can Catholic Christians support therapeutic cloning? Of course they can. And they do. Among all five members of the Lockhart Review (chaired by the late Justice John Lockhart), who unanimously recommended legalising therapeutic cloning, were two prominent Catholics: 2005 Nobel Laureate for Medicine Professor Barry Marshall and neurologist Associate Professor Pamela McCombe.

Dr McCombe later made a submission to the Senate inquiry that investigated the Lockhart Report, in which she said that in view of evidence studied by the review she had changed her mind from opposing to supporting therapeutic cloning.

During my six years of studying theology and philosophy as part of my 15 years as a Marist Brother in the Catholic Church, I learned about the centuries-old principle of the primacy of one's informed conscience.

That is, when making an important moral or ethical decision a Christian should seek guidance from the Bible; Church teaching, rules and regulations; the civil law and any other relevant legitimate authority. Then, finally, one arrives at one's own final, informed decision and "stands before God" with that decision.

That is why Christians can make decisions that may be in conflict with a particular ruling of their Church.

Every day there are legions of Catholics who do not obey the Church's unequivocal condemnation of the contraceptive Pill; many who seek IVF, even though the Church bans it; and numbers who oppose its edict that condoms cannot be used as part of a campaign to try to stem the spread of AIDS.

But many, if not most, of these would still consider themselves to be Catholics and worthy of receiving Holy Communion.

I urge NSW parliamentarians to support the Bill, because it is life-affirming and it is the right thing to do.

### **Minister says Pell as bad as that 'boofhead Hilaly'**

**Alexandra Smith & Linda Morris; 7/6/07; Full Text: <http://www.smh.com.au/news/national/minister-says-pell-as-bad-as-that-boofhead-hilaly/2007/06/06/1181089151633.html>**

The Archbishop of Sydney, George Pell, could be compared to "that serial boofhead Sheik al Hilaly", the NSW cabinet minister Nathan Rees has said in an explosive speech in Parliament. Mr Rees, a Catholic, accused him of "emotional blackmail" for warning that Catholic MPs faced "consequences" in their religious lives if they supported a bill that would expand stem cell research...

The group Australian Reforming Catholics said Cardinal Pell had limited jurisdiction over Catholics in Australia and it could not be assumed he was an influential figure for all Catholics. "Some Catholics assume he is the head of the Catholic church in Australia, but he isn't.

He wouldn't even speak for all Catholics in his archdiocese, let alone all Catholic MPs in the NSW Parliament," the group's spokesman, John Buggy, said.

"He has gone beyond his jurisdiction ...

"Any action he takes can only be within his jurisdiction of the Sydney archdiocese, which does not even include all of Sydney."...

Asked if priests could withhold Communion, the chairman of the National Council of Priests, Ian McGinnity, said they would be reluctant to intervene.

### **Religious threats out of place in Parliament**

**7/7/06; <http://www.smh.com.au/letters/index.html?page=fullpage#contentSwap2>**

- Cardinal George Pell sounds like one of those mullahs from Afghanistan or Iraq, only the beard and turban are missing. - Con Vaitsas Ashbury
- If Morris Iemma or any other Catholic MPs are refused Holy Communion at St Mary's Cathedral they can come to St Declan's Parish, Penshurst. I do not support the bill, but I do not support using Holy Communion as a reward or punishment. - Father John Crothers Penshurst
- George Pell is the leader of a hardline religious faction. He's entitled to express his views, but not to interfere in politics. This is Australia, not Iran. - Harold Lander Bundeena
- When I was a boy, eating meat on Friday was a mortal sin, punished by burning in hell, forever. Today it is OK. Common sense says the church will eventually change on stem cell research. - Peter Bowden Summer Hill
- Don't blame me, I didn't vote for George Pell. - Paul Hardage Lakemba

### **Blogs**

- Pell should stay out of politics. Church and State don't mix and the last time they did mix...they came up with the inquisition. Intolerance, superstition and prejudice don't belong in the political arena...it's crazy enough already. Pell should take a vow of silence. Posted by: Alph Williams; [http://blogs.smh.com.au/newsblog/archives/your\\_say/013693.html?page=3#comments](http://blogs.smh.com.au/newsblog/archives/your_say/013693.html?page=3#comments)
- How do you go about getting ex-communicated from the church? and do they give you a certificate when it happens? I want one so I can frame it and put it on my wall! Posted by: david T [http://blogs.smh.com.au/newsblog/archives/your\\_say/013693.html?page=4#comments](http://blogs.smh.com.au/newsblog/archives/your_say/013693.html?page=4#comments)
- I can't see what all the fuss is about. Wasn't Woman "cloned" from Adam??? Posted by: alan [http://blogs.smh.com.au/newsblog/archives/your\\_say/013693.html?page=4#comments](http://blogs.smh.com.au/newsblog/archives/your_say/013693.html?page=4#comments)
- I think this is excellent. There is nothing more fitting than leaders within any "cult" demonstrating why they are medieval and irrelevant and to be avoided. Hilaly is doing a great job for Islam - and now and Pell is doing an excellent job for the Catholics. Give them enough rope..... Posted by: ruxton [http://blogs.smh.com.au/newsblog/archives/your\\_say/013693.html?page=5#comments](http://blogs.smh.com.au/newsblog/archives/your_say/013693.html?page=5#comments)
- The comment was made during the last few days that if a Islamic leader had made such comment the whole of parliament and the Australian people would be in uproar. Why is it that we continue to let Mr Pell use his bullying tactics on all Australians? Posted by: Flip; [http://blogs.smh.com.au/newsblog/archives/your\\_say/013693.html?page=6#comments](http://blogs.smh.com.au/newsblog/archives/your_say/013693.html?page=6#comments)

- Isn't it against the law to blackmail politicians - Come on Mr Ruddock arrest this man - hhhmm doesn't have a beard right and name doesn't sound right can't be a terrorist Posted by: Alan; [http://blogs.smh.com.au/newsblog/archives/your\\_say/013693.html?page=6#comments](http://blogs.smh.com.au/newsblog/archives/your_say/013693.html?page=6#comments)
- Pell should keep all his comments to himself. The man likes to provoke, and doesn't look to be a man of peace. I think he may be stuck in the 15th or 16th century where the church was the dominant institution. We should just ignore him. Posted by: Jim; [http://blogs.smh.com.au/newsblog/archives/your\\_say/013693.html?page=7#comments](http://blogs.smh.com.au/newsblog/archives/your_say/013693.html?page=7#comments)
- Actually, I think this blog is an example of the uproar currently being created by Cardinal Pell Posted by: Matthew; [http://blogs.smh.com.au/newsblog/archives/your\\_say/013693.html?page=7#comments](http://blogs.smh.com.au/newsblog/archives/your_say/013693.html?page=7#comments)
- The day the bully Pell successfully blackmails our elected representatives is the day we take our first step towards a Christian Taliban in NSW, something we're already facing at the federal level with the likes of Tony Abbott pulling the strings. I am all for Pell speaking his mind - that's what democracy is all about - but I cannot accept his trying to take our political process hostage. Our representatives represent all of us: Christians, Muslims, Atheists, Buddhists, Agnostics alike. The apologists for Pell should consider this very carefully, unless they are ready to have me inflict my dogma and beliefs on them the way they seem to think it is their right to do to me. Posted by: Jason; [http://blogs.smh.com.au/newsblog/archives/your\\_say/013693.html?page=8#comments](http://blogs.smh.com.au/newsblog/archives/your_say/013693.html?page=8#comments)

### **Defiant vote for cloning in NSW**

Russell Skelton; 8/7/06; <http://www.theage.com.au/news/national/defiant-vote-for-cloning-in-nsw/2007/06/07/1181089239314.html>; Cardinal sins: fudging the science of stem cell research - Sushi Das; 14/6/07; <http://www.theage.com.au/news/opinion/cardinal-sins-fudging-the-science-of-stem-cell-research/2007/06/13/1181414372164.html?page=fullpage#contentSwap1>

Cardinal George Pell was delivered a stunning rebuff yesterday when the NSW lower house voted by an overwhelming majority to support stem cell laws that permit therapeutic cloning. A large number of prominent Catholic MPs, including the Premier Morris Iemma and his deputy John Watkins, defied the cardinal's directive to vote against the bill. The legislation passed 65 votes to 26, a bigger margin than expected, which raised questions that the cardinal's tough stand may have been counter-productive.

However, Government sources predicted the vote would be much closer when the legislation goes before the upper house in about two weeks, where it will be strongly backed by the influential Liberal MLC David Clark...

### **A Bangladesh Beggar Woman**

James H. Kroeger, M.M. Sedos; 1/2 - '07 - Excerpt

In light of the foregoing presentation of the FABC's profound understanding of the Church's mission of fostering relationships and dialogue with Asia's religions, this presentation concludes with an integrating quote and the narration of a true experience. Pope John Paul II, speaking in Manila during his 1981 Philippine Visit, asserted that the goal of interfaith dialogue should be altruistic (not focused only on personal enrichment); he stated: "Christians will, moreover, join hands with all men and women of good will [and] work together in order to bring about a more just and peaceful society in which the poor will be the first to be served".

Yes, the Asian way of mission is dialogical service of the needy; this approach can clearly reveal the face of Jesus in Asia today. This was poignantly brought home to me in a transforming experience that I consider a gift of the Lord to me.

During the Lenten season some few years ago, while I was a visiting professor in Dhaka, Bangladesh, I had a "graced moment", a "defining experience" in my missionary awareness and perspective. It has remained seared in my consciousness and has forced me to ask many foundational questions about faith, mission and my own commitment. It involves a Bangladeshi beggar woman.

I saw her on the road, in front of the large walled compound of a wealthy family dwelling. I could not clearly see her face, as she was several hundred feet ahead of me. Her tattered clothes covered a malnourished body; she was alone, although other beggars were walking ahead of her on the road. I was proceeding along the same path, leisurely taking a late afternoon walk.

Suddenly a luxury car approached with its horn blowing. The driver probably wanted the beggars to disperse and also wanted the gate of the compound opened by the servants.

The woman appeared startled as the car turned sharply in front of her and the gate swung open. Within seconds two large dogs emerged from the compound and jumped at the woman, knocking her to the

ground. She screamed and cried both from fear and the pain caused by the dogs nipping at her. I stood frozen, horrified at the sight.

A well-dressed lady promptly emerged from the chauffeur-driven car. She ordered the driver to take the car into the compound; the dogs were called to return inside; the servants were commanded to close and lock the gate.

And, the beggar woman? She was left alone on the ground — outside the gate. I stood helpless, gazing at this appalling scene.

Only the other frightened beggars came to the aid of the woman. Only they showed mercy and compassion.

I stood at a distance and wept at this scene of crucifixion. I admitted to being a guilty bystander. My fears and inadequacies left me paralysed. I had not one taka coin in my pocket to give; I could not offer one word of consolation in the Bengali language which I did not speak; I did not approach the woman for fear of misinterpretation that a foreign man would touch a Bengali woman in public in this strictly Islamic culture. I simply wept in solidarity. I wept long and hard.

And, in succeeding years, I have frequently returned to that scene and prayed to God: "Do not let me forget that experience. Allow it to shape my life and mission vision. Permit it to remain a 'defining moment' in understanding my mission vocation".

My Christian faith provides me with a vision to interpret this experience. I believe in a God who is radically compassionate to everyone — Muslim, Hindu, Buddhist, Christian. Thus, relying on God's grace, I look forward to meeting once again that Muslim Bangladeshi beggar-woman — she who so deeply shared in the Paschal Mystery — in the resurrected life with Christ the Lord in heaven. I am confident she will be there...

"The church I love is:

- the one who not only does not fear those who open up new paths but even encourages and protects them.
- the one who offers me the greatest margin of liberty in the decisions of my conscience.
- the one who is the light for my conscience without being a substitute for it".

**The God I don't believe in: Juan Arias. 1973**

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**All are invited to send contributions which they feel may be of interest to:**

- **The Justice & Peace Promoter, PO Box 224, Westmead, NSW, Australia 2145**
  - **Tel: 9687 9289**
  - **Email: lukeopjp@ozemail.com.au;**
  - **Website - [www.missionandjustice.org](http://www.missionandjustice.org)**