



Parliament of Australia  
Department of Parliamentary Services

Parliamentary Library • Practising reconciliation? The politics of reconciliation in the Australian Parliament, 1991-2000

## Parliamentary Library

# PRACTISING RECONCILIATION?

THE POLITICS OF RECONCILIATION IN THE  
AUSTRALIAN PARLIAMENT, 1991-2000

Dr Angela Pratt  
2003 Australian Parliamentary Fellow



# Practising reconciliation?

The politics of reconciliation in the  
Australian Parliament, 1991–2000

Dr Angela Pratt  
2003 Australian Parliamentary Fellow

ISBN 0-9752015-2-2

© Commonwealth of Australia 2005

Except to the extent of the uses permitted under the Copyright Act 1968, no part of this publication may be reproduced or transmitted in any form or by any means including information storage and retrieval systems, without the prior written consent of the Department of Parliamentary Services, other than by senators and members of the Australian Parliament in the course of their official duties.

This monograph has been prepared to support the work of the Australian Parliament using information available at the time of production. The views expressed do not reflect an official position of the Parliamentary Library, nor do they constitute professional legal opinion.

## Presiding Officers' foreword

Since its establishment in 1971, the Australian Parliamentary Fellowship has provided an opportunity for academic researchers to investigate and analyse aspects of the working of the Australian Parliament and the parliamentary process. The work of Dr Angela Pratt, the 2003 Australian Parliamentary Fellow, examines how the language of 'reconciliation' featured in parliamentary debates about Indigenous affairs policy between 1991 and 2000.

In an unusual approach, Dr Pratt's work uses the results of a content analysis of over 650 parliamentary speeches made during the period of the formal reconciliation process, 1991–2000, to examine the nature of the political language and discourse. She studies a series of key debates from this time, including those over native title, the 'stolen generations' and 'practical reconciliation'. In doing so, Dr Pratt's monograph provides a narrative of how, over the course of the 'reconciliation decade', Australia's federal parliamentary representatives grappled with some of the most complex social and political issues of recent times.

PAUL CALVERT  
President of the Senate

DAVID HAWKER  
Speaker of the House of Representatives

November 2005



# Contents

Presiding Officers' foreword	iii
Overview	vii
Acknowledgments	ix
Chapter One: Introduction—Was 'reconciliation' the dawn of a new age in Australian politics?	1
Chapter Two: Legislating reconciliation—the Council for Aboriginal Reconciliation Act 1991	25
Chapter Three: Mabo and the native title legislation—reconciliation's fragile consensus	47
Chapter Four: Towards social justice?	79
Chapter Five: Collision course—Wik, the stolen generations, and reconciliation under the Howard Government	101
Chapter Six: 'Practical reconciliation'	131
Chapter Seven: Beyond 2000 and the conclusion of the reconciliation decade	151
Appendix I—Chronology of events in the reconciliation process	159
Appendix II—Methodology used in content analysis	163
Appendix III—Interviews	167
Endnotes	171
Index	203



## Overview

Since the *Council for Reconciliation Act* passed through the Australian Parliament in 1991, the term ‘reconciliation’ has become part of the *lingua franca* of Australian politics and public life. ‘Reconciliation’ is now a key idea in debates about Indigenous affairs policy in Australia, and discussions about Indigenous/non-Indigenous relations more generally. But just what does ‘reconciliation’ mean?

This monograph traces the conceptual evolution of reconciliation over the period of the formal reconciliation process, 1991–2000. Using the results of a content analysis of over 650 parliamentary speeches during this period, the monograph examines how the idea of reconciliation functioned as a term of political discourse in a series of key debates. The chapters in the first half of the monograph discuss the parliamentary debates over the establishment of the reconciliation process itself in 1991, the debates over the Keating Government’s native title legislation in 1992–93 following the decision of the High Court of Australia in *Mabo and Others v. Queensland (no. 2)* (1992) 175 CLR 1 (‘Mabo’), and those over a broader ‘social justice’ response to Mabo during 1994 and 1995. These chapters also highlight how the Council for Aboriginal Reconciliation—the body charged by the parliament with overseeing the reconciliation process—advocated a broad, rights-based ‘social justice’ framework for reconciliation during this time.

The chapters in the second half of the monograph examine how the election of the Howard Government was associated with a shift in direction for the reconciliation process after 1996. In particular, these chapters examine the parliamentary debates over reconciliation following the decision of the High Court in *Wik Peoples v. Queensland* (1996) 187 CLR 1 (‘Wik’), and those over *Bringing Them Home*, the Human Rights and Equal Opportunity Commission’s report into the separation of Indigenous children from their families. Part II also traces the emergence of the idea of ‘practical reconciliation’ since 1997, and how this idea differed from the broad ‘social justice’ reconciliation model that was pursued by the Council for Aboriginal Reconciliation.

This analysis shows that while the idea of ‘reconciliation’ now seems to be permanently part of the Australian political vocabulary, there is no universally accepted understanding of what the term means. Rather, the amorphous nature of the term ‘reconciliation’ allows a broad range of political players to attach their own different, at times contradictory, meanings to the term. It can be argued that this is one of reconciliation’s greatest strengths, in that it allows for a diverse range of views to co-exist. But at the same time, the lack of any coherent, shared understanding of



*Overview*

reconciliation arguably means that while 'reconciliation' is now a ubiquitous term in Australian political discourse, it is not an especially influential one.

## Acknowledgments

It was an enormous privilege to take up the Parliamentary Fellowship in March 2003, and so my first debt of gratitude is to the joint Library Committee of the Parliament. I wish to thank the Committee for its support of this research project. I would also like to thank Dr June Verrier, former Head of the Parliamentary Library's Information and Research Services Group, for her enthusiasm for and commitment to the Parliamentary Fellowship. The Fellowship has a fine tradition of supporting important scholarly work about Australian politics and the parliamentary process. I hope this work does that tradition justice.

I am very grateful for the guidance of Dr Tim Rowse from the History Program at the Australian National University's Research School of Social Sciences who acted as an external supervisor of this project. Tim is an extremely knowledgeable and generous scholar, and his advice throughout each stage of this research project has been invaluable. The quality of this finished product owes a great deal to Tim's input (though of course all remaining flaws are my responsibility). I would also like to thank June Verrier and Gerry Newman for helpful comments on the final manuscript.

One of the most exciting opportunities afforded by the Parliamentary Fellowship was the opportunity to interview the practitioners of Australian politics—the politicians themselves. I was also able to interview many participants in various aspects of the reconciliation process. While the voices of my interviewees do not feature prominently in this monograph, the interviews were an integral part of shaping the key themes and ideas herein. My sincere thanks to all of the busy people who so generously made themselves available to be interviewed for this research project in 2003.

I wish to thank my many colleagues, past and present, in the Parliamentary Library for providing me with such a friendly, constructive and collegial environment in which to work since my first day in the Library in March 2003. In particular I would like to acknowledge the support of Carol Kempner and the staff of the Social Policy Section, and my good friends Dr Sarah Miskin, Dr Amanda Elliot, and my successor as Parliamentary Fellow, Dr Kate Burton.

My thanks also to Richard Ryan and Maryanne Lawless for skilfully and patiently steering this monograph through the production process, and to Morag Donaldson for editing the manuscript (especially so close to the arrival of her daughter, Charlotte).

Finally, I am ever grateful for the love, support and encouragement of my family. And last but never least, it is hard to find the words with which to adequately express my

*Acknowledgements*

thanks to my partner, Greg Smith. Like most things in my life, without his love and support, the mountain that was this monograph would have been much harder to climb.

Angela Pratt  
Canberra, September 2005

# Chapter One: Introduction—Was ‘reconciliation’ the dawn of a new age in Australian politics?

---

*I believe we stand on the threshold of a new era ... we have before us here a very auspicious beginning.*

—Senator Patricia Giles, Council for Aboriginal Reconciliation Bill debates, 1991

At just after 6.30pm on 5 June 1991, the House of Representatives unanimously passed the Council for Aboriginal Reconciliation Bill, setting in train the process of reconciliation which became a major theme of Australian political life in the ensuing decade. At the announcement of the Bill’s passage through the House, the then Minister for Aboriginal Affairs, Robert Tickner, and his Opposition counterpart, Michael Wooldridge, stood and shook hands, emphasising the significance of the bipartisan backing which the Bill had received.<sup>1</sup> As Tickner said later, the importance of that moment was that it symbolised that ‘by working to achieve the unanimous support of [the] parliament, we had done something that was going to truly shape the kind of country that we were going to have by the year 2001’.<sup>2</sup>

Since that June evening in 1991, the term reconciliation has become part of the Australian political lexicon. Never before had there been this kind of bipartisan agreement on the broad policy framework in which Indigenous policy-making takes place.<sup>3</sup> Reconciliation has become the dominant way of talking about relations between Indigenous and non-Indigenous people in Australia. It has been a concept commonly employed in the big debates which have taken place in Indigenous affairs over the last decade—such as those over native title, the stolen generations, and more recently, how best to approach the problems of violence, substance abuse and welfare dependency in Indigenous communities.<sup>4</sup> It has become a new way of judging policy, which is now often assessed in terms of whether or not it will advance reconciliation. And it was the word which inspired several hundreds of thousands of people to walk across various bridges in capital cities around Australia at the end of the formal reconciliation process in 2000.

In these respects, the passage of the reconciliation legislation through the Australian Parliament in 1991 did represent the beginning of a new era of policy-making in the difficult and often fraught area of Indigenous affairs. This raises several questions. Just what does this idea of ‘reconciliation’ mean? What has it meant for public policy-

making in Indigenous affairs to have embarked on the ‘process of reconciliation’ begun by the *Council for Aboriginal Reconciliation Act 1991*? In what respects has the process, through its application to consideration of Indigenous affairs policy in the Australian Parliament, ‘[shaped] the kind of country’ that Australia has become post-2001?

The answer to the first question is that reconciliation means many different things to many different people. Consequently, the answers to the second and third questions are considerably more complex. This monograph examines these questions by examining how reconciliation figured in parliamentary debates, discussions and deliberations since the reconciliation process during the formal reconciliation decade, 1991–2000.

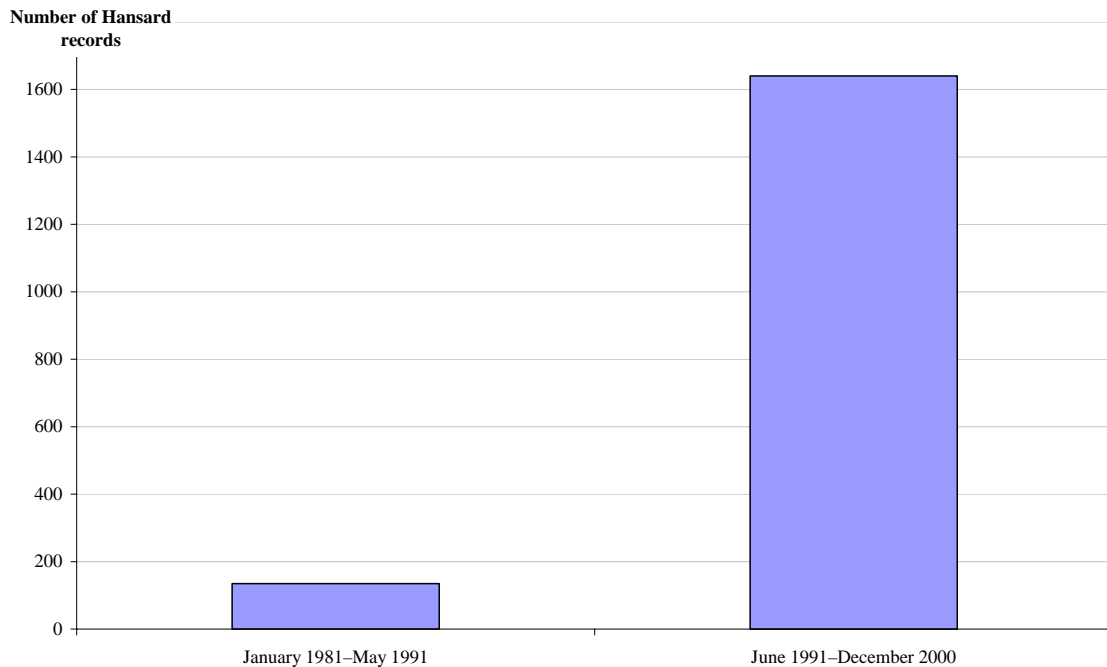
## Reconciliation and the Australian Parliament

The last few years have seen a number of excellent academic studies produced which indicate that reconciliation studies is a burgeoning field.<sup>5</sup> The importance of reconciliation as a theme of recent Australian political life is also evident in the way that talk about ‘reconciliation’ in the Australian Parliament has proliferated since the *Council for Aboriginal Reconciliation Act 1991* was passed. This can be demonstrated by comparing the number of Hansard records in which the term ‘reconciliation’ appeared in debates about Indigenous affairs in the decade *before* the reconciliation legislation was introduced into the parliament (on 30 May 1991) with the number of records in which it appeared in the following decade, as shown in Figure 1.1.<sup>6</sup>

In his introduction to a collection of Bob Hawke’s speeches published in 1984, former NSW Premier, Neville Wran, wrote that ‘the public address and the parliamentary speech have long ceased to be principal means of communication between the people of this nation and their political leaders’.<sup>7</sup> According to Wran, this was a result both of the ‘rise of television’ as the ‘most direct, immediate and powerful form of political communication’, as well as the changing nature of other forms of news media.<sup>8</sup> Twenty years later, in the media age where politicians increasingly make policy announcements in sound bites engineered for the evening news, this is arguably even more so. However, as Wran also wrote in 1984, and as remains the case now:

... the formal speech and the considered address remain an important part of the political and parliamentary process. They remain the principal means of articulating Government policy—and for that matter, Opposition policy—in any meaningful way. They remain the most valuable public record of the decisions and actions of our Governments, our Parliaments, and our leaders.<sup>9</sup>

Figure 1.1: 'Reconciliation'—frequency of use in Hansard, before and after the passage of the *Council for Aboriginal Reconciliation Act 1991*



It is for this reason that this study's analysis of the discourse of reconciliation focuses on the parliamentary context: parliamentary speeches are an important (though arguably often overlooked) record of the positions taken and decisions made by our federal parliamentary representatives, and of the considerations and deliberations which lead to those decisions being made. As such, they constitute a fundamentally important part of the process of making public policy. Thus, by analysing the ways in which the idea of reconciliation has been used in a series of parliamentary debates since 1991, this monograph provides a detailed and comprehensive narrative of how, over the course of a more than a decade, Australia's federal parliamentary representatives grappled with one of most important social, political and ethical issues of our time. That is, the question of how to deal with the contemporary consequences of the arrival of the British in 1788 to a continent which had hitherto been solely occupied by Aboriginal and Torres Strait Islander peoples. As such, it chronicles a significant chapter in Australia's political history.

The study on which this monograph is based builds on existing academic work. In particular, the ambiguities of reconciliation as concept and practice—and how this ambiguity feeds into the dynamics of parliamentary deliberations over public policy-making in Indigenous affairs—is a central issue in this monograph. The close

relationship between the concept of reconciliation and ideas and debates about Australian nationhood, national identity and history is also a recurring theme. This study also takes up the idea of reconciliation as *discourse*: that is, the way in which the language of reconciliation conveys a broader set of meanings and ideas—albeit often multiple and contradictory—than the word by itself implies. What this study *adds* to the existing body of literature is a specific analysis of how the discourse of reconciliation has worked in the parliamentary debates about Indigenous affairs policy since 1991. In other words, it examines what American academics Nancy Fraser and Linda Gordon call ‘shifts in semantic geography’: that is, the various ways in which the concept of ‘reconciliation’ has been defined and articulated in the parliamentary context between 1991 and 2000, and if and how the ideas and meanings attached to the concept of ‘reconciliation’ have changed over time.<sup>10</sup>

In examining the discourse of reconciliation in Australian federal parliamentary debates about Indigenous policy, this study pays particular attention to the relationship between the parliament and the Council for Aboriginal Reconciliation—the body established by the 1991 reconciliation legislation to be the vehicle of the reconciliation process. It discusses, for instance, the Council for Aboriginal Reconciliation’s efforts to give public policy content to the idea of reconciliation, and assesses the extent to which the parliament took up the Council’s public policy agenda. Thus, as well as examining the various ways in which ‘reconciliation’ has been talked about in the Australian Parliament since 1991, this study assesses the extent to which the Council for Aboriginal Reconciliation was able to influence the ways in which this took place.

In doing so, this study highlights how the era of reconciliation, which held so much promise at its outset, was also plagued by the ambiguities inherent in the concept from the very beginning. Therefore, instead of just detailing the highs of the reconciliation process as it was reflected in the Australian Parliament, this study also seeks to provide a critique of the concept of ‘reconciliation’ as a framework for policy-making in Indigenous affairs. This critique is aimed at encouraging critical reflection about how best to approach the question of what form non-Indigenous Australia’s contemporary relationship with its Indigenous counterparts should take, and all the concomitant issues which a consideration of that question entails.

## The genealogy of ‘reconciliation’ in Australian politics

While the formal reconciliation process began with the passage of the *Council for Aboriginal Reconciliation Act 1991*, the concept of ‘reconciliation’ in Australian politics has a longer history. While now reasonably well rehearsed in the reconciliation

literature, this history bears reviewing in the context of this study of the idea of ‘reconciliation’ in the Australian Parliament.<sup>11</sup>

According to Michael Phillips, whose doctoral thesis examined the politics and theology of the reconciliation process, the first reference to reconciliation in relation to Indigenous affairs policy in the federal parliament was made by then Aboriginal Affairs Minister (and later Deputy Chair of the Council for Aboriginal Reconciliation) Ian Viner in 1980.<sup>12</sup> Commenting on the Noonkanbah conflict in Western Australia, Viner referred to the difficulties of reaching the ‘necessary reconciliation, the necessary accommodation’.<sup>13</sup> Phillips notes that Viner ‘offered no reflection on what a reconciliation politics might look like’, and that his comments ‘seem to have been largely off-handed, and his use of the term implied no program, no specific commitment to any type of public policy in regards to the relationship between Indigenous and non-Indigenous people in Australia’.<sup>14</sup> In 1983, however, with the election of Bob Hawke’s Labor government, the term ‘reconciliation’ began to take on a broader meaning.

## A government of ‘national reconciliation’

In the 1983 election campaign, then Opposition Leader Bob Hawke campaigned on a platform of ‘national reconciliation, national recovery and national reconstruction’, under the slogan ‘Bringing Australia Together’.<sup>15</sup> The campaign theme was designed in response to the sense that the Fraser Government’s time in office was marked by an ‘increasing erosion of any sense of common purpose’ in Australia.<sup>16</sup> As such, the concept of ‘reconciliation’ provided an ‘integrating theme for virtually all of [Labor’s] policy proposals’.<sup>17</sup> In his speech launching Labor’s election campaign, Hawke began to articulate what the overarching theme of reconciliation as applied to Indigenous affairs policy might involve:

Another area of unresolved conflict involves the Aboriginal people of this country—the first Australians. As a group, they continue to experience the worst health, housing, employment, education, and the greatest poverty and despair. While this situation persists, we can never truly bring this country together.

Central to this question is the issue of land rights. A Labor government will not hesitate to use, where necessary, the constitutional powers of the Commonwealth to provide for Aboriginal people to own the land which has for years been set aside for them.<sup>18</sup>

Several months later in December 1983, Aboriginal Affairs Minister Clyde Holding used a speech to the House of Representatives to describe more of the detail of the government’s Aboriginal affairs program, applying what Phillips describes as the Hawke ‘meta-principle’ of reconciliation.<sup>19</sup> Holding outlined the principles



underpinning the government's Indigenous affairs policy program, which recognised Indigenous people as the 'prior occupiers and original owners' of the continent of Australia, recognised their dispossession and dispersal as a result of colonisation, and acknowledged the contemporary manifestations of dispossession in the persistence of Indigenous disadvantage.<sup>20</sup> He then went on to say:

The principles of reconciliation can and must be clearly established by 1988. Effective reconciliation between pre- and post-colonial Australia can be expected, if we begin now, to take until the end of the century, but it will bring real benefits for the nation as a whole.<sup>21</sup>

In discussing the need for a 'planned, co-ordinated and phased attack on each aspect of Aboriginal disadvantage' later in the same speech, Holding said that 'we need to effect a true reconciliation between Aboriginal and white Australians'.<sup>22</sup> Further, in the concluding paragraphs of his speech, Holding articulated the concept of 'reconciliation' in terms of the Commonwealth's relationship with the states, juxtaposing, as Phillips suggests, justice for Aboriginal people with states' rights:

Although this is a Government of national reconciliation and although we shall seek harmony in our relations with the States, the demands of Aboriginal people for justice will no longer be denied ... The human rights of Aboriginal and Islander Australians must take precedence [over] state rights.<sup>23</sup>

Phillips describes these passages as the 'first programmatic use of the term reconciliation in respect of Aboriginal affairs policy in the Australian parliament, and it is at this point that reconciliation politics might be said to have begun'.<sup>24</sup> However, at the same time, Phillips notes that Holding's speech was 'something of a false start', since no attempt was made to articulate clearly what the 'principles of reconciliation' might be.<sup>25</sup> Holding seemed to imply that reconciliation was about overcoming enmity in relations between Indigenous and non-Indigenous Australia which would be highlighted in the celebration of 200 years of white settlement in 1988. His reference to 'reconciliation' in the context of the need for policies designed to address Indigenous disadvantage suggests that the idea of 'reconciliation' as applied to Indigenous affairs policy was about something much broader than *just* attacking Indigenous disadvantage. And his juxtaposition of justice for Aboriginal people with seeking harmony with the states is in line with Hawke's use of reconciliation as an 'integrating theme' for his government's policies across a number of portfolio areas. But beyond this general sense of what he meant by the term reconciliation, Holding gave no real indication of what a reconciliation framework for Indigenous affairs policy might mean.

In the intermittent parliamentary references to reconciliation in Indigenous affairs debates in the following years, Phillips notes that both government and opposition

‘conceived of reconciliation in several distinct senses’, including ‘reconciliation as a principle to be applied in a specific policy area, and reconciliation as a principle of bipartisanship between Labor and [the] Coalition in the parliament, and between the federal government and the states’.<sup>26</sup> The latter is clearly evident in Holding’s reference to ‘seeking harmony’ with the states, discussed above.

The Hawke Government’s professed commitments to ‘national reconciliation’ in this broad sense were also picked up on by members of the Opposition. For example, in his speech on the Aboriginal and Torres Strait Islander Heritage (Interim Protection) Bill 1984, the Liberal Member for Barker (South Australia), James Porter, argued that ‘instead of seeking consultation and co-operation with the Opposition and other organisations which have a role to play in relation to his responsibilities’ in Aboriginal affairs, Holding had ‘sought through confrontation to implement an inflexible and unrealistic predetermined set of principles without consultation or reconciliation’.<sup>27</sup> Similarly, in expressing his opposition to the government’s decision in 1985 to return Uluru to its traditional owners, the Mutitjulu people, Country Liberal Party Member for the Northern Territory, Paul Everingham, told the House that:

... the Minister for Aboriginal Affairs, almost immediately on assuming office, forgot about reconciliation and consensus and threw the 10-point package [proposed by Everingham to resolve the issue of Aboriginal land rights in the Northern Territory] out the window.<sup>28</sup>

By 1987, however, the Hawke Government had virtually abandoned its claim to being a ‘government of national reconciliation’: reconciliation ‘no longer applied as a principle of inter-party dialogue and co-operation, or as an adjunct to federalism’.<sup>29</sup> However, the term’s application to Indigenous affairs policy was more resilient, and in fact became increasingly used in this context in the late 1980s, as discussed further below.

## National land rights

While there was relatively little discussion of reconciliation *per se* in the context of Indigenous affairs policy in the early to mid-1980s, there was a great deal of attention focused on other areas, most notably the issue of land rights. The debates over this issue provide important political context for the eventual formalisation of reconciliation as the framework for Indigenous affairs policy-making in 1991.

As noted above, in his speech at Labor’s campaign launch in 1983, Bob Hawke said that his Labor government would make provision for Aboriginal people ‘to own the land which has for years been set aside for them’.<sup>30</sup> This included a commitment to negotiate with the states to enact land rights legislation, and the use of the

Commonwealth's constitutional powers 'where any state refuses to enact appropriate land rights legislation' in line with Labor's objectives.<sup>31</sup>

Included in Labor's election platform was a statement of several key principles on which Labor's uniform national land rights policy would be based. In his December 1983 speech, Holding reiterated these as follows:

- (i) Aboriginal land to be held under inalienable freehold title; (ii) protection of Aboriginal sites; (iii) Aboriginal control in relation to mining on Aboriginal land; (iv) access to mining royalty equivalents; and (v) compensation for lost land to be negotiated.<sup>32</sup>

These principles were strongly opposed by the Australian pastoral and mining lobbies. Subsequently, the West Australian Labor Premier Brian Burke 'brought considerable pressure to bear on the Prime Minister' to water down the government's land rights principles, and in particular to abandon its commitment to a power of veto over mining on Aboriginal land.<sup>33</sup> This was precisely what happened when the government released its 'preferred national land rights model' in February 1985: the model contained no veto rights for mining on Aboriginal land, no guarantee that Aboriginal people would be able to access mining royalties, and no provision for compensation.<sup>34</sup> Thus, the government had reneged on three out of five of its 'basic principles'.

Understandably, this attracted strong criticism from Indigenous land rights advocates, who were dismayed both at the government's retreat from its previous commitments and at the lack of consultation with Indigenous leaders in devising the 'preferred national land rights model'.<sup>35</sup> Indigenous advocates subsequently mounted a strong campaign against the government's proposals. Nonetheless, the government bowed further to pressure from the West Australian Government, the powerful mining lobby, and to unfavourable public attitudes (at least in as far as they were expressed in opinion polls), and in 1986 abandoned its commitment to national land rights legislation altogether.<sup>36</sup> The government's retreat from its national land rights promise was announced by Holding in a ministerial statement to the House in March 1986. Holding outlined progress on Aboriginal land rights legislation in each of the states and said it was the government's intention to continue negotiating with the states, since this approach would lead to 'a better outcome [for Aboriginal people], and sooner, in a much better social environment'.<sup>37</sup> Thus, the government had taken the view that 'the implementation of legislation based on the preferred model is not warranted at this time'.<sup>38</sup>

Despite Holding's argument that the program of continuing to negotiate with the states did not constitute an abandonment of Labor's commitment to legislate for uniform land rights,<sup>39</sup> this is clearly what it was: academic Ravi de Costa points out that 'it is a matter

of record that the [Hawke] government did not legislate on the matter of national land rights' (though the Keating Government introduced a statutory regime for the recognition of native title after the Mabo decision in 1992, as discussed in Chapter Three).<sup>40</sup> As Patrick Dodson, Martin Mowbray and Warren Snowdon note in their retrospective on the Hawke Government, Holding's statement was a 'radical retreat from the government's original position' on national land rights.<sup>41</sup> The government's retreat from its promises on national land rights in the face of pressure from the West Australian Government and the mining industry made Holding's earlier insistence that the 'human rights of Aboriginal and Islander Australians must take precedence [over] state rights' ring hollow. Frank Brennan, a well-known commentator on human rights and Indigenous rights issues, describes Labor's renegeing on its land rights promise as follows:

The broken [land rights promises] were the grossest breach of faith committed by any government towards Aboriginal people since white settlement. Never had so much been promised, with absolutely nothing being delivered, and with Aborigines themselves receiving the blame.<sup>42</sup>

Dodson *et al* point out that the national land rights episode was, as much as anything, a lesson in the limitations of *realpolitik*: 'it demonstrated very clearly the distance between what Aboriginal people aspired to and what the government was prepared to give'.<sup>43</sup> Further, it 'underlined the contest of ideas and the ideological divide that existed between the government, industry and Indigenous people'.<sup>44</sup> This is why Brennan argues that the magnitude of Labor's back-down was so great: the issue of Aboriginal land rights was (and is) about much more than the practical matters of which parcels of land Aboriginal people would be able to access and the circumstances under which they would be able to do so.

In the absence of any other legal or constitutional instrument of recognition, the issue of land rights had also become a focal point for the broader issue of the preparedness of non-Indigenous Australia to acknowledge and recognise Aboriginal and Torres Strait Islander peoples as the indigenous peoples of Australia. This is why the national land rights debate is so important to the history of the reconciliation process. As Patrick Dodson (who would later become Chair of the Council for Aboriginal Reconciliation) told the National Press Club in May 1985: 'non-Aboriginal Australians have an obligation to negotiate with us, not simply on the basis of imposing preconceived interpretations of what rights we can have from you, but on the basis of justice and equity'.<sup>45</sup>

## Treaty talk

The Hawke Government's back-down on national land rights was a serious blow to those in the Australian community, both Indigenous and non-Indigenous, who had held high hopes for what might be achieved in terms of justice and equity for Indigenous people under a Labor government. However, the question of how best to recognise Aboriginal and Torres Strait Islander peoples as the indigenous peoples of Australia continued to be the subject of debate as the 1988 bicentenary of British arrival to the continent of Australia approached. It was in this context that the concept of 'treaty' re-emerged on the political agenda.

The desirability of a treaty or agreement between Indigenous and non-Indigenous people in Australia had previously been debated in the late 1970s and early 1980s. This followed an announcement by the National Aboriginal Conference—the national elected Indigenous advisory body—in April 1979 that it would seek to negotiate a 'treaty of commitment' with the Australian Government.<sup>46</sup> Around the same time, a group of prominent non-Indigenous Australians, led by former Council on Aboriginal Affairs chair H. C. 'Nugget' Coombs, formed the Aboriginal Treaty Committee. The Treaty Committee, which also counted poet Judith Wright, historian Charles Rowley and anthropologist William Stanner among its members, was aimed at lobbying for a treaty between Indigenous people and the Commonwealth.<sup>47</sup>

In August 1979, the Treaty Committee placed an advertisement in the *National Times* calling for a treaty 'within Australia, between Australians', which was sponsored by over 80 prominent Australians.<sup>48</sup> The calls for a treaty by the National Aboriginal Conference and Treaty Committee were also backed by other Indigenous groups.<sup>49</sup> In September 1981, the Senate referred the treaty issue to its Standing Committee on Constitutional and Legal Affairs, which conducted an inquiry into a range of options for a treaty, compact or 'makarrata' (a Yolngu word the National Aboriginal Conference had suggested as an alternative to 'treaty', meaning the restoration of good relations after a conflict).<sup>50</sup> The Senate Committee reported in 1983 after the change of government, by which time the treaty issue had been largely superseded on the political agenda by the issue of land rights. It concluded that amending the Australian Constitution to include a legally binding treaty would be the best means by which a treaty could be achieved.<sup>51</sup>

Following the Hawke Government's re-election in mid-1987, 'treaty-talk' began to regain momentum when, in an interview with the Central Australian Aboriginal Media Association in September 1987, Hawke expressed his desire to achieve some form of agreement before the bicentennial celebrations of 1988:

... I would like 1988 to be preceded by some sort of understanding—compact, if you like, I don't want to get caught up in particular words—but a compact of understanding between the whole Australian community which recognises that 1988 is the celebration of 200 years of European settlement. And to recognise that in that 200 years very many injustices have been suffered by the Aboriginal people.<sup>52</sup>

Sensitive to the semantics of the treaty debate, Hawke was careful to emphasise that it was the concept, not the word that was important: 'Whether it is called a treaty, I am open-minded about that. I don't think we should be hung up on words—a treaty, compact'.<sup>53</sup> However qualified, the effect of Hawke's words was, nonetheless, to place the issue of treaty firmly back on the political agenda.

In December 1987, the new Minister for Aboriginal Affairs, Gerry Hand, made a statement to the House of Representatives entitled 'Foundations for the Future', outlining the recently re-elected government's Indigenous affairs program for its third term. The central plank of the government's plans was the proposal to establish an Aboriginal and Torres Strait Islander Commission (ATSIC) (as discussed further below). Hand also raised again the issue of a 'compact or agreement'. Like Hawke, Hand stressed that it was not the name of any such document that was significant, but rather the need to 'come to terms with our history' through some form of 'compact, agreement, treaty or Makarrata ... between the Aboriginal and Islander and non-Aboriginal people'.<sup>54</sup>

It was around this time that reconciliation began to feature prominently in the jargon of Indigenous affairs policy.<sup>55</sup> In his 'Foundations for the Future' speech, for instance, Hand included a draft preamble to the government's proposed ATSIC legislation, which referred to the 'wish of the people of Australia that there be reached with the Aboriginal and Torres Strait Islander peoples a real and lasting reconciliation of these matters'.<sup>56</sup> In his response to Hand's statement, the then Opposition spokesperson on Aboriginal Affairs, Chris Miles, also drew on the language of reconciliation:

In looking through that preamble, it is interesting to note that there is no focus on reconciliation. It focuses on the past and then talks largely in terms of compensation. Before there can be genuine progress in this area of Australia, there needs to be a recognition by both Aboriginal people and non-Aboriginal people of a deep desire to work together and to be reconciled about our history. There are deep hurts, and there needs to be reconciliation. Before we start to address the needs of the Aboriginal community, which are indeed large, I believe that we should at least attempt a reconciliation at the hearts and minds level.<sup>57</sup>

Miles spoke of the Opposition's objection to compensation for Aboriginal dispossession, arguing that compensation would not address 'the deep needs of the

Aboriginal community as they exist today'.<sup>58</sup> Miles also expressed concern about the concept of 'treaty' saying: 'The Minister says that it does not matter how we describe the compact, agreement or treaty. The Opposition believes that it does matter. The Opposition will in no way accept the proposal for a treaty that contains a concept of two nations in Australia'.<sup>59</sup>

In his Australia Day address in 1988, Prime Minister Hawke committed his government 'and the Australian people to an earnest and continuing effort of rectification and reconciliation' with Aboriginal people.<sup>60</sup> Similarly, the Opposition Aboriginal Affairs spokesperson, Chris Miles, issued a statement on 26 January which committed the Opposition to reconciliation, but reaffirmed its objection to a treaty. In the Opposition's view, a treaty 'would undermine the unity and cohesion of the Australian people and nation'.<sup>61</sup> Accordingly, the Opposition took the view that a treaty would not improve relations between Indigenous and non-Indigenous people in Australia. Thus, Frank Brennan points out that 'the stage had been reached where Government and Opposition agreed on ends', albeit only in broad terms—for example, both had now committed themselves to the pursuit of reconciliation (though without giving any clear indication of what exactly 'reconciliation' would entail). However, the Government and the Opposition thought that any treaty process would have 'diametrically opposed results'.<sup>62</sup> The Opposition was of the view that a treaty would be divisive and damaging to Aboriginal/non-Aboriginal relations; the government had implied the opposite view, that a treaty (or compact or agreement) would be a tool in *improving* relations between Aboriginal and non-Aboriginal people.

This example demonstrates two points. First, that by the late 1980s the language of reconciliation was beginning to be used frequently in discussions of Indigenous policy and by both the major parties. And second, that this language is sufficiently broad as to be able to accommodate almost completely opposite points of view. The latter point is a recurring theme in this monograph.

Throughout 1988, Hawke persisted with the push for an agreement or treaty. In the first week of June 1988, the Australian Labor Party (ALP) held its national conference, where Hawke sought, and received, his party's support for the government's goal of reaching a 'proper and lasting reconciliation [between Aboriginal and non-Aboriginal people] through a compact or treaty'.<sup>63</sup> He also emphasised the symbolic importance of 1988 to the pursuit of an agreement: he told the party conference delegates that 'there is no doubt that the bicentenary provides us with a golden opportunity to start serious work towards such an agreement'.<sup>64</sup>

After the ALP national conference, Prime Minister Hawke attended the Barunga sports and culture festival in the Northern Territory, where he was presented by Aboriginal leaders with what became known thereafter as 'the Barunga Statement'.<sup>65</sup> This statement called on the government to 'negotiate with [Indigenous people] a Treaty recognising our prior ownership, continued occupation and sovereignty and affirming our human rights and freedoms'.<sup>66</sup> Hawke discussed the proposals contained in the Barunga statement with Galarrwuy Yunupingu and Wenten Rabuntja, the then leaders of the Northern and Central Land Councils, respectively, and agreed with them on a five-point plan for putting the proposals into action. He then told the assembled crowd 'that there shall be a treaty negotiated between the Aboriginal people and the Government on behalf of all the people of Australia'.<sup>67</sup> Hawke said that the next step should be for a small group of Aboriginal leaders to embark on a consultation process to decide what they would like to see in a treaty. He also expressed his wish to see an agreement concluded before the next election, due in 1990.<sup>68</sup>

Hawke's commitment at Barunga had the effect of enlivening debate about the issue, but at the same time garnering opposition.<sup>69</sup> According to Brennan, the treaty talk at Barunga 'sent the Opposition into another flurry about the word 'treaty'. The Opposition Leader, John Howard, issued a press release the following day saying that the idea of a treaty was 'utterly repugnant to the ideal of one Australia. It is an absurd proposition for a nation to make a treaty with some of its citizens'.<sup>70</sup> He later labelled the concept of a treaty a 'recipe for separatism'.<sup>71</sup>

In January 1988, the heads of fourteen Australian Christian churches had combined to release a document entitled 'Towards Reconciliation in Australian Society', which called on the Commonwealth Parliament to pass a motion acknowledging 'the nation's Aboriginal history and the enduring place of our Aboriginal heritage', and supporting reconciliation.<sup>72</sup> Prime Minister Hawke moved the motion suggested by the churches as the first substantive item of business in the new Parliament House after its opening in August 1988.<sup>73</sup>

Speaking to the reconciliation motion, Prime Minister Hawke once again repeated Labor's view that 'a real and lasting reconciliation' between Aboriginal and non-Aboriginal people would be advanced by 'the compact or treaty which we are committed to negotiating with Aboriginal and Islander people'. He also spoke of a 'spirit of national reconciliation' in the following terms: 'not collective national guilt, not shame, but with proof of our capacity to recognise past wrongs and to build on that recognition a shared future of understanding and of goodwill'.<sup>74</sup> Phillips points out that reconciliation was now being conceptualised as working in a 'quasi-spiritual or



inspirational manner': although 'achieved by policy, [reconciliation] was not something which could itself be measured in terms of policy'.<sup>75</sup> For example:

... the true remedy does not lie purely in the allocation of resources. For if we provide budgetary assistance but not hope, not confidence, not effective consultation, not reconciliation, then that assistance will fail to lift Aboriginal and Islander people from their disadvantaged state.<sup>76</sup>

The Opposition supported the motion in principle, but objected to its affirmation of Aboriginal people's rights to self-determination. In his speech in response to Hawke's motion, Opposition Leader John Howard moved an amendment which sought to qualify the reference to Indigenous people's right to self-determination by adding the phrase 'in common with all other Australians'.<sup>77</sup> The government rejected the proposed amendment, and the resolution was subsequently passed through both houses of the Parliament, but without the Opposition's support.<sup>78</sup>

Howard's speech also further staked out the Coalition's position on reconciliation, which, as later chapters in this monograph will show, would become the central theme of Howard's approach to Indigenous policy after he became Prime Minister in 1996. Howard said that while the Coalition did not 'desire to deny the facts of Aboriginal history', and while he did not 'hold the view that symbolism is irrelevant in public life', it was 'fair to say that the passage of this motion ... by this Parliament will not of itself improve the health or the education standards or necessarily lift the horizons of Aboriginal Australians'. Rather, Howard argued, 'anybody who imagines that resolutions and symbolism are a substitute for effective working policies in this or, indeed, any other area is deluding himself'.<sup>79</sup> Howard also reaffirmed the Coalition's view about the 'the unwisdom of encountering a treaty'.<sup>80</sup> For Howard the central issue was the need to overcome Aboriginal disadvantage, an issue which ought to be addressed 'as part and parcel of [Indigenous people's] rights and their entitlements as Australians and as part of the Australian nation'. The Coalition was 'not interested in any conduct or activity that in any way creates division between Aborigines and other Australians'.<sup>81</sup>

And so it went on. By the end of the 1988 bicentennial year, no treaty or agreement had been signed. For the next year the concept of a treaty (or compact or agreement) continued to be a topic of discussion in the parliament, in the media, and amongst Indigenous people themselves, but in the absence of any consensus about what form such a treaty, agreement or compact should take, or even what it should be called, progress floundered. By 1990, the pursuit of a treaty was off the agenda, and, following its re-election for a fourth term, the government and its new Aboriginal Affairs

Minister, Robert Tickner, began to focus its efforts on establishing a formal process of reconciliation instead.

Thus, as with the promise of national land rights legislation, the Hawke Government failed to deliver on Prime Minister Hawke's commitment, made at the Barunga festival, that there would be a treaty between Indigenous people and the Commonwealth. The formal reconciliation process established in 1991 left open the possibility of some form of agreement, as the following chapter will discuss, but the attempt to pursue a treaty or agreement had been riddled by difficulties not entirely of the government's making—such as the intractability of the Coalition's aversion to the use of the word 'treaty'.

Phillips makes the point, however, that the differences between the government and opposition on the treaty issue were differences of 'degree, not kind': the John Howard-led Opposition opposed the concept of a treaty because it would threaten the unity of Australia by creating 'two nations'.<sup>82</sup> Yet the Labor Government had also been at pains to make clear that its support for a treaty should not be interpreted as support for the idea of a separate Aboriginal sovereign nation. For example, Bob Hawke made it clear that a treaty between Aboriginal people and the Commonwealth Government would not be equivalent to recognising or creating a 'nation within a nation', describing this idea as a 'nonsense'.<sup>83</sup> Rather, it would signify the opposite: the incorporation of Indigenous people into the Australian nation. According to Hawke, the treaty would be 'negotiated by people who share the one nation and the one future: it will be a treaty between Australians and for Australians.'<sup>84</sup> Phillips makes the further point that seeing 'treaty talk' and 'reconciliation politics' as two clearly distinct periods in Indigenous affairs is misleading.<sup>85</sup> This is because:

... [r]econciliation was taken up as an alternative to 'treaty' not to take the issue of a negotiated compact or agreement off the agenda but to circumvent the objection, raised repeatedly by the Coalition, that a treaty was an agreement between sovereign states and as such would divide the nation.<sup>86</sup>

These points notwithstanding, the failure to reach a treaty or agreement under the Hawke Government was interpreted by many Indigenous people as a broken promise of similar magnitude to the back-down on national land rights. This was because, like the issue of land rights, for many Indigenous people and their supporters, a treaty held the promise of being an instrument for giving due recognition to Aboriginal and Torres Strait Islander people as the Indigenous people of Australia. The Hawke Government's failure to deliver on this potentiality thus represented another significant missed opportunity.

## ATSIC

Two other issues were prominent fixtures on the national political agenda in the late 1980s: the Royal Commission into Aboriginal Deaths in Custody, which is discussed further in the following chapter, and the Hawke Government's proposal to establish an Aboriginal and Torres Strait Islander Commission. Indeed, it is partly because these issues commanded so much attention in the late 1980s that interest in the issue of a treaty waned, at least on the mainstream national political agenda.

The government's plans to establish ATSIC were formally announced by Minister Hand in his 'Foundations for the Future' statement in December 1987. The proposed Commission would replace the National Aboriginal Conference, the national Aboriginal representative body that was disbanded by the government in 1985.<sup>87</sup> The proposed commission would be comprised of regional and national councils of elected Indigenous people, and a bureaucracy which would take over the program administration roles of the Department of Aboriginal Affairs and the Aboriginal Development Commission (which managed housing and development-oriented Aboriginal affairs programs). Thus, the new commission would combine both executive and representative roles, and as such was a bold reform.<sup>88</sup> The aim of establishing a new commission was to 'fulfil Labor's promise to ensure an effective Indigenous voice at the policy level'.<sup>89</sup>

The debates over the government's ATSIC proposal and its subsequent establishment are important in the context of the reconciliation process that was established in 1991 for three reasons. The first is that the debates over the ATSIC legislation when it went before the parliament in 1989 were pervaded by many of the same themes as those which had characterised earlier debates about a treaty. The Opposition, for instance, vigorously opposed ATSIC's establishment: many Coalition parliamentarians saw ATSIC as a kind of 'black parliament'.<sup>90</sup> Opposition Leader John Howard expressed his opposition to the ATSIC proposal as follows:

I take the opportunity of saying again that if the Government wants to divide Australian against Australian, if it wants to create a black nation within the Australian nation, it should go ahead with its Aboriginal and Torres Strait Islander Commission (ATSIC) legislation ... In the process it will be doing a monumental disservice to the Australian community ... If there is one thing, above everything else, that we in this Parliament should regard as our sacred and absolute duty, it is the preservation of the unity of the Australian people. The ATSIC legislation strikes at the heart of the unity of the Australian people. In the name of righting the wrongs done against Aboriginal people, the legislation adopts the misguided notion of believing that if one creates a parliament within the

Australian community for Aboriginal people, one will solve and meet all of those problems.<sup>91</sup>

Second, Michael Phillips argues that the debate on the ATSIC Bill, and in particular on the government's proposed preamble to it, 'marks the transformation of what had originally been a Makarrata, and which had been variously known as a "treaty", "compact" and "agreement", into a document of reconciliation'. The Opposition opposed the proposed preamble because, according to Phillips, it 'included a series of clauses effectively reiterating the historical substance of the previous year's debate on reconciliation'.<sup>92</sup> The Australian Democrats also opposed the inclusion of the government's proposed preamble in the legislation (and they subsequently combined with the Coalition in the Senate to excise the preamble from the legislation), though for different reasons: they thought it should be a separate resolution 'to avoid any suggestion that the preamble might have legal force'.<sup>93</sup> It was in this context that the Democrats also argued that the treaty should be referred to as a 'memorandum of understanding and reconciliation'.<sup>94</sup>

The third reason that the establishment of ATSIC is important in the context of the beginnings of the reconciliation process is that, because of its controversial nature, the ATSIC legislation was one of the most amended packages of legislation, and accompanied by one of the lengthiest debates, in the history of the Australian Parliament.<sup>95</sup> The ATSIC debates were heated and at times bitter: each side accused the other of seeking to create division in Australian society and of political point-scoring at the expense of Indigenous people's interests. Robert Tickner would later describe the atmosphere in Indigenous affairs at this time as a 'battle zone'.<sup>96</sup> Subsequently, one of Tickner's aims in establishing the reconciliation process after he became Minister in 1990 was to remove political point-scoring from Indigenous affairs and set in train a process which would be able to enjoy bipartisan support.<sup>97</sup> Thus, it was as a result of debates such as those over the establishment of ATSIC that the idea of reconciliation as a principle of cooperation between the major parties on Indigenous affairs policy-making re-emerged.

## The rise of reconciliation

And so it was that the idea of 'reconciliation' came to replace discussions about formulating a treaty and become the umbrella term for issues of Aboriginal/non-Aboriginal relations, and for questions of justice for, and recognition of, Aboriginal and Torres Strait Islander people in Australia. Following the Hawke Government's re-election for a fourth term in 1990, Robert Tickner was appointed Minister for Aboriginal Affairs, and he moved quickly to establish reconciliation as a formal

process. The following chapter discusses the immediate lead-up to the passage of the Council for Aboriginal Reconciliation legislation and the legislation itself.

The political and historical context in which the idea of ‘reconciliation’ in Australian politics was born is significant to this study for several reasons. First, it demonstrates the fraught nature of Indigenous affairs and highlights some of its difficulty and complexity: the issues are vast, the problems which need solving are many and varied, and there are many different but deeply held views about how the problems should be addressed. In seeking to provide a framework within which to advance discussion and debate about these issues in a way which kept faith with Indigenous people, in an atmosphere of bipartisanship, and with a view to enhancing national unity, this brief history also helps to highlight the ambitious nature of the reconciliation project.

The second reason is that whatever one might think about the merits of the reconciliation process which was established in 1991, it is important to note that many Indigenous people and their supporters saw the reconciliation process, as former Council for Aboriginal Reconciliation member Rick Farley put it in an interview conducted for this study, as a ‘bit of a political copout’.<sup>98</sup> As academic Christine Jennett points out, ‘undeniably ... the period of the Hawke government [saw] the dashing of [Aboriginal peoples’] hopes’.<sup>99</sup> Labor had come to power on the promise of national land rights legislation, and when in office promised a treaty, neither of which was delivered. So, following on the heels of the Hawke Government’s failure to deliver on these promises, the reconciliation process was always bound to be treated with some caution and cynicism by Indigenous advocates of treaty and land rights and their non-Indigenous supporters.

The third point is that the Indigenous affairs policy debates of the 1980s—especially those over land rights, treaty, and ATSIC—contain many of the antecedents of the Indigenous affairs policy debates of the 1990s, in particular those over native title. What this monograph shows is that while ‘reconciliation’ provided a new language or framework within which to speak about issues of Indigenous justice and recognition, it did not necessarily help to *resolve* any of these issues or the questions which they raised.<sup>100</sup> Rather, the central feature of reconciliation discourse is the fact that the broad nature of the concept of reconciliation meant that different people could attach different meanings to the language of reconciliation. Many people argue that this is precisely reconciliation’s strength. But it raises the question of whether the era of reconciliation in Australian politics really was the dawn of a new age, or whether, as Ravi de Costa argues, the reconciliation process was really a means by which ‘old certainties’ were entrenched.<sup>101</sup>

## Notes on methodology

While it builds on existing literature on reconciliation, this study makes a new contribution to the study of reconciliation in Australia because it is a detailed examination of the discourse of reconciliation as it has been played out in the Australian Parliament, where the Hansard records of the parliamentary debates themselves are the major source of primary data. As Neville Wran wrote two decades ago, these kinds of records are among ‘the most valuable public record of the decisions and actions of our Governments, our Parliaments, and our leaders’.<sup>102</sup>

## Content analysis

This study is based on a content analysis of approximately 650 speeches, motions, answers to questions without notice, and other Hansard records where the term ‘reconciliation’ was employed in the context of a discussion or debate about Indigenous affairs policy, between May 1991 (when the *Council for Aboriginal Reconciliation Act 1991* was passed), and December 2000 (when the formal reconciliation decade came to an end). These were selected using the Parlinfo database.<sup>103</sup> Not *all* such instances of usage of the term ‘reconciliation’ in the period 1991–2000 were included in the analysis, rather only those used in the discussions and debates which are the focus of each of the chapters herein.

The content analysis examined the ways in which the concept of ‘reconciliation’ was operationalised (that is, how the meaning of ‘reconciliation’ was articulated or implied in the speech); the contexts in which ‘reconciliation’ was being discussed (that is, the *kinds* of debates—legislative debates, question time, or other contexts); and the *topics* of those debates (for example, native title, Indigenous health or education, and so on). The content analysis also sought to ascertain how important the idea of ‘reconciliation’ was in these contexts (that is, whether it was a central idea in the position/s taken on particular issues, or if it was only a peripheral concern).

Some methodological problems were encountered using this methodology, particularly in the latter years of the reconciliation decade as new meanings of the term emerged. These are discussed in more detail in Chapters Five and Six.

A more detailed account of the methodology used in the content analysis is included in Appendix II.

## Interviews

In addition to the Hansard content analysis, two other sources of data were used.

The first was interviews with senators and members, former senators and members, and other participants in the reconciliation process and reconciliation debates. The aim of the interviews was to seek the insights, observations and impressions of people who had actually been involved in the parliamentary debates which are the focus of this study, and of those who have been close observers of those debates over time. Twenty-seven interviews were conducted in all.

The majority of the interviews were conducted in the early stages of the research, and as such were largely exploratory. Thus while interview material is not a feature of the written analysis contained herein, it helped shape some of the themes of the project.

A list of interviewees and more detailed explanation of the interview methodology are included in Appendix III.

## Additional material

The second supplementary data source was policy documents and papers produced by the Council for Aboriginal Reconciliation during the period 1991–2000. It was noted above that in examining the discourse of ‘reconciliation’ in parliamentary debates about reconciliation, the study focuses on the extent to which the Council for Aboriginal Reconciliation—the body established by the parliament to be the vehicle of the reconciliation process (as explained in Chapter Two)—was able to influence the nature of debates about reconciliation or in which reconciliation figured as a key idea. Accordingly, this study employs the policy documents and papers produced by the Council as a supplementary data source both to demonstrate the Council’s work in giving public policy content to the idea of ‘reconciliation’ and to assess the extent to which there is evidence that parliamentarians took up this agenda.

## Outline of the monograph

One of the most common remarks made in the interviews with participants in the reconciliation process conducted for this study is that the formal ten-year reconciliation process needs to be seen as having two distinct phases: the five years prior to 1996 when Labor was in government, and the post-1996 years of the Howard Government.

Accordingly, the remainder of this monograph is divided into two parts. Chapters Two to Four examine the first five years of the reconciliation process under the Hawke–Keating Governments. Chapter Two examines the establishment of the reconciliation process itself through the *Council for Aboriginal Reconciliation Act 1991*. Chapters Three and Four examine how the rhetoric of reconciliation was put to the test following the High Court of Australia’s historic decision in the Mabo case in 1992. Specifically,

Chapter Three examines the role of reconciliation discourse in the Commonwealth's legislative response to Mabo, and Chapter Four examines the development of a broader social justice response to the Mabo decision.

The chapters in the second half of the monograph examine how the politics of reconciliation shifted considerably following the election of the Howard Government in 1996. The Coalition's 'practical' approach to reconciliation put it at odds with the rights-based social justice model of reconciliation that the Council for Aboriginal Reconciliation had advocated during the first phase of the reconciliation process. This was highlighted by two significant events within 18 months of the Coalition coming to office: the High Court's decision in the Wik case, and the release of the *Bringing Them Home* report on the separation of Indigenous children from their families. Chapter Five examines the development of reconciliation politics over the course of these events. Chapter Six focuses specifically on the emergence of the idea of 'practical reconciliation'—one of the defining features, if not *the* defining feature, of reconciliation politics during the Howard era.

Chapter Seven concludes by reflecting on the questions posed at the beginning of this chapter: what does reconciliation mean in Australia? How have the politics of reconciliation influenced public policy-making in Indigenous affairs over the last decade and a half? And how has reconciliation 'shaped the kind of country' Australia has become since 2001?





## 1991–1996

The next three chapters in the monograph chronicle the development of the discourse of reconciliation in the Australian Parliament over the first half of the formal reconciliation process. This begins with the months leading up to the introduction of the legislation setting up the reconciliation process in 1991 and culminates in the heated debates over native title and the Indigenous Land Fund legislation between 1993 and 1995.

Chapter Two discusses the formal establishment of the reconciliation process with the passage of the *Council for Aboriginal Reconciliation Act 1991*. It focuses on the parliamentary debates on the reconciliation Bill, looking at the different ways in which ideas about ‘reconciliation’, and the aims or goals of the reconciliation process, were conceptualised by different participants in these debates. In doing so, it examines the aspirations parliamentarians had for the formal reconciliation process at its outset. At the same time, Chapter Two shows how, despite the appearance of bipartisanship and consensus during the parliamentary deliberations which established the reconciliation process, the 1991 debates set the scene for much more acrimonious debates in the following years. This is because the 1991 debates reveal a vast array of different, often contradictory conceptualisations of reconciliation.

Chapter Three looks at how the discourse of reconciliation figured in the political and parliamentary negotiations, deliberations and debates which followed the High Court of Australia’s decision in the Mabo case in June 1992—arguably one of the most highly charged periods in recent Australian political history. In highlighting the disparate positions taken by different participants in the parliamentary debates over the Keating Government’s native title legislation—all under the banner of supporting ‘reconciliation’—Chapter Three shows how fragile the ‘consensus’ achieved in the 1991 debates over the reconciliation legislation really was. That is, when the rhetoric about reconciliation espoused in the 1991 debates was put to the test, the bipartisan, consensual approach to Indigenous affairs which had been so lauded in 1991, practically evaporated.

Chapter Three also discusses the fledgling role of the Council for Aboriginal Reconciliation in the native title debates. Just as Mabo and the legislative response to it presented the first major test of the new approach to Indigenous affairs which had been established by the reconciliation legislation, so too did they present a test for the Council for Aboriginal Reconciliation itself. For example, what role should the Council have in debates over legislation and policy? How could the Council be a player in

debates like those over native title when its membership was made up of such diverse interests?

Following on from the heated debates over the native title legislation in 1993, Chapter Four examines the Keating Government's broader response to Mabo: the establishment of an Indigenous Land Fund to enable dispossessed Indigenous people who could not claim native title under the principles established by the Mabo decision to purchase land, and the development of a wider-ranging package of social justice measures. The chapter shows how, in response to the government's proposal for a social justice package, the Council for Aboriginal Reconciliation began to take an increasingly active role in articulating what a public policy agenda or framework for reconciliation might look like.

This chapter also discusses how the issue of bipartisanship was a major theme in the debates over the establishment of the Indigenous Land Fund. That is, the failure of the government and the opposition to come to a bipartisan position on the Indigenous Land Fund legislation was seen, by members of both groups, to be antithetical to reconciliation. Thus, the chapter highlights one of the key themes of this monograph: that while there was a broad political consensus about the term reconciliation (and the importance of bipartisan support for it), there was very little cross-party consensus on what reconciliation should mean in practice.

## Chapter Two: Legislating reconciliation—the *Council for Aboriginal Reconciliation Act 1991*

---

*What of the process of reconciliation? It is a manifestly worthy objective but it is not completely clear who is to be reconciled to what or to whom.*

—Henry Reynolds, *Aboriginal Sovereignty*, 1996

The introductory chapter of this monograph discussed the broad historical and political context in which the idea of reconciliation began to gain currency in the politics of Indigenous affairs policy-making in Australia. This chapter focuses on the process by which the concept of reconciliation was formally introduced into the Australian political lexicon via the passage of the *Council for Aboriginal Reconciliation Act 1991* through the Commonwealth Parliament in August 1991. It provides a brief overview of the period leading up to the introduction of the reconciliation legislation into the parliament—including the process by which the proposals for the Council for Aboriginal Reconciliation were developed—and an outline of the major provisions of the reconciliation legislation itself.

The main focus of the chapter, though, is on the various meanings and ideas which were attached to the concept of reconciliation during the parliamentary debates on the reconciliation legislation in 1991. It highlights broad areas of consensus, as well as examples of substantially different, and often contradictory, understandings of what the idea of ‘reconciliation’ meant. As such, the chapter will begin to map out the repertoire of meanings that have been attributed to the concept of reconciliation since 1991. In doing so, it exemplifies one of the central themes of this monograph: that the different participants in the political process attached vastly different meanings to the word.

### The ‘battle zone’ of Indigenous affairs

Following the re-election of the Hawke Government in March 1990, Robert Tickner was appointed as Minister for Aboriginal Affairs. In his political memoirs, Tickner writes that from his first day in the job, his ‘central goal’ was to ‘set up a political agenda and framework for change that would elevate the aspirations of indigenous people to a central place in the national consciousness and debate in the lead-up to the centenary of Australian nationhood in 2001’.<sup>1</sup> For Tickner, cross-party support for such a process was ‘crucial’ to achieving what he perceived to be a ‘necessary’ shift in

Australian public opinion towards Indigenous people.<sup>2</sup> By his own admission, the challenges were great, since the concept of ‘reconciliation’—the idea Tickner settled on to encapsulate the new agenda and framework he sought to introduce—had ‘no substantial base of support’ within the Opposition, within Aboriginal and Torres Strait Islander communities, or even within the Labor Party (despite having been a part of Labor’s platform when the Hawke Government first came to power in 1983).<sup>3</sup> Further, the Aboriginal affairs portfolio had been the subject of a series of acrimonious debates during the mid–late 1980s, such as those over national land rights, the concept of a treaty, and the establishment of ATSIC, discussed briefly in the previous chapter.

To set about gathering cross–party support for a process of reconciliation, after the 1990 election Prime Minister Bob Hawke wrote to Opposition Leader, John Hewson, explaining the government’s hopes for a more bipartisan approach to policy-making in Indigenous affairs, and putting forward ‘the idea of an instrument of reconciliation’ as a way to achieve this.<sup>4</sup> Hawke reiterated his earlier comments that the semantics of the treaty versus agreement (versus other ‘document’) debate were not important:

[Prime Minister Hawke] made it clear that the government was not necessarily wedded to the word ‘treaty’: ‘What I believe is important is that there be a process of reconciliation. In my view the consultation process will be as important as the eventual outcome. But there is little hope of a worthwhile outcome, even to consultations, without the support of the majority of Australians’.<sup>5</sup>

The letter—also sent to the Australian Democrats (who at that time held the balance of power in the Senate), state premiers and opposition leaders, and leaders of other parties in all states and territories—apparently received a favourable response. According to Robert Tickner, there was support for the idea of a bipartisan approach to Indigenous affairs, and for a process of reconciliation, from Liberal and National Party state leaders, and from the federal opposition. Many Australian churches and editorial writers of major Australian newspapers also expressed support for the government’s approach.<sup>6</sup>

During the remaining months of 1990 and in the early months of 1991, Tickner went about crafting the detail of the government’s proposals: the challenge he set for himself ‘was to devise a process that would enjoy the support of both indigenous and non-indigenous opinion leaders and would keep faith absolutely with indigenous aspirations’.<sup>7</sup> Tickner was also keen to see the central aims and processes of the reconciliation process ‘enshrined in legislation that would survive a change in government’.<sup>8</sup> Through speaking with various commentators, former ministers, and Indigenous organisations and leaders over this time, Tickner’s idea of ‘a national council of both Indigenous and non-Indigenous people who would work together to

advance reconciliation' emerged.<sup>9</sup> Tickner envisaged that the national council would be called the 'Council for Aboriginal Reconciliation and Justice'.<sup>10</sup>

Prime Minister Hawke endorsed the proposals to this effect put to him by Tickner in October 1990, with the exception of the name of the council, from which the term 'Justice' was dropped, and thus changed simply to 'Council for Aboriginal Reconciliation'. The proposals were approved by Cabinet in December 1990, and the government's support for a framework for 'advancing a process of reconciliation between Aborigines and Torres Strait Islanders and the wider Australian community' through a national Council for Aboriginal Reconciliation—comprised of prominent Indigenous and non-Indigenous Australians—was subsequently announced on 13 December 1990.<sup>11</sup>

The government had also pledged itself to consult widely before the process was formally set up, and so in January 1991 it released a discussion paper outlining the reconciliation proposals.<sup>12</sup> According to Robert Tickner, the discussion paper was 'distributed the length and breadth of the country', and with 'the most limited exceptions', endorsed 'by both indigenous and non-indigenous people as the basis for the reconciliation process'.<sup>13</sup> The discussion paper stressed what Tickner viewed as 'the three elements of the process essential for keeping faith with indigenous aspirations'. These were the emphasis on public awareness, and 'the commitments to social justice and to setting up a process for reaching some formal document as a formal basis for reconciliation'.<sup>14</sup>

Over the following months, Tickner travelled widely, speaking with Indigenous groups, other community groups and with most of the major media outlets in the country to garner support for the proposals outlined in the discussion paper. Subsequently, the proposals contained in the discussion paper received widespread support from groups as diverse as the Anglican Church, the Australian Council of Trade Unions, the National Farmers' Federation and the Confederation of Australian Industry. The federal opposition indicated that they would support the legislation when it came before the parliament, and ATSIC also expressed support for the proposals.<sup>15</sup> In fact, Tickner suggests, 'by the time the reconciliation legislation reached parliament there was no significant opposition to what was being proposed'.<sup>16</sup> There was, however, some scepticism on the part of both Indigenous and non-Indigenous people, as discussed further below.

## The Royal Commission into Aboriginal Deaths in Custody report

During the period in which Tickner was seeking feedback on his discussion paper, the Royal Commission into Aboriginal Deaths in Custody, which had been set up in October 1987, delivered its final report and recommendations to the Commonwealth Government. The Royal Commission had been established in response to what was a growing public concern at the time, particularly amongst the Indigenous population, 'that deaths in custody of Aboriginal people were too common and public explanations were too evasive to discount the possibility that foul play was a factor in many of them'.<sup>17</sup> As Commissioner Elliott Johnston notes in the introductory sections of the Royal Commission's final report:

It is a revealing commentary on the life experience of Aboriginal people in 1987 and of their history that it would have been assumed by so many Aboriginal people that many, if not most, of the deaths would have been murder committed if not on behalf of the State at least by officers of the State.<sup>18</sup>

In the four years that it ran, the Royal Commission inquired into the deaths of 99 Aboriginal and Torres Strait Islander people in the custody of Australian prison, police or juvenile detention institutions between 1 January 1980 and 31 May 1989. As well as inquiring into the circumstances of the 99 deaths, the Commissioners also examined a range of underlying social, cultural and legal factors, which in their judgement were related to the deaths of the 99 individuals the Commission considered, and to Indigenous people's higher rates of admission to police custody and to prison.<sup>19</sup> The result was a wide-ranging national report containing 339 recommendations, a series of regional and underlying issues reports, and individual reports on the deaths of the 99 Indigenous people who died in custody between 1980 and 1989. The report was tabled in federal parliament in early May 1991.

The Royal Commission into Aboriginal Deaths in Custody painted a damning picture of relations between Indigenous and non-Indigenous people in Australia after two centuries of non-Indigenous people's occupation of the continent. It canvassed a range of issues underlying the prevalence of Indigenous deaths in custody. These included the disproportionate numbers of Indigenous people in custody; the high levels of Indigenous disadvantage in health, education and employment; and the consequences of the history of relations between Indigenous and non-Indigenous people in Australia. For example, the Royal Commission found that 'childhood separation and removal often figured in the life story and deaths of the 99 Indigenous people who were part of [its] brief'.<sup>20</sup>

The report pointed out that relations between Aboriginal and non-Aboriginal people in Australia were ‘often characterized by ... distrust, enmity and disputation’.<sup>21</sup> Further:

[If] it is recognized that the cause of distrust and disunity is the historical experience of Aboriginal people and their continuing disadvantage, then, plainly, good community relations cannot be achieved without elimination of the disadvantage and the recognition of Aboriginal rights, culture and traditions.<sup>22</sup>

The Royal Commission thus acknowledged the importance of a process for ‘improving community relations’, aimed at overcoming the ‘large reservoir of distrust, enmity and anger amongst Aboriginal people’, and the ‘lack of understanding’ about Aboriginal people amongst the non-Indigenous population.<sup>23</sup> Subsequently, the Royal Commission strongly endorsed Robert Tickner’s proposals for a formal process of reconciliation. In particular, it supported the view that cross-party support was crucial if the reconciliation process were to succeed. According to Commissioner Elliott Johnston, there was:

... simply no possibility that a successful resolution of the division between Aboriginal and non-Aboriginal people can be achieved without a specific commitment to such a process; and there is no possibility of the process itself succeeding unless it has bipartisan support.<sup>24</sup>

Commissioner Johnston highlighted four aspects of Tickner’s proposals that he viewed as ‘essential’ to the success of any reconciliation process. First, that the process be predicated on tackling disadvantage and ‘establish[ing] self-determination’. The report emphasised the relationship between any process of reconciliation and the principle of self-determination, which ‘should be the guiding principle for all change in Aboriginal affairs’.<sup>25</sup> This can be seen as an early articulation of the centrality to the process of reconciliation of what has since been described as a ‘rights agenda’. Second, Commissioner Johnston noted that since ‘any reconciliation must be between Aboriginal and non-Aboriginal people’, to be successful it must have ‘the support of a sizeable majority on both sides; on the non-Aboriginal side that means bipartisan support’.<sup>26</sup>

Third, the reconciliation process should concentrate on just that—the process—rather than on any particular outcome. The report noted the tendency for previous debates about Indigenous/non-Indigenous relations—such as those over a treaty in the 1980s—to become ‘bogged down’ by a focus on areas of disagreement and urged against the formal reconciliation process becoming a repeat of those debates: ‘Words can enlighten, but they can also impose their own tyranny’.<sup>27</sup> Fourth, Commissioner Johnston emphasised the importance of the reconciliation process being ‘open ended in the sense that neither side sets pre-conditions in advance’.<sup>28</sup> In highlighting the aspects



of the proposed reconciliation process he saw as especially important, Commissioner Johnston also urged ‘great patience’, saying: ‘the process may falter at times; appear to get lost; but it can be pulled up again and survive if we are cool and negotiate with open minds and as equals’.<sup>29</sup>

## **The Council for Aboriginal Reconciliation Bill 1991**

The Council for Aboriginal Reconciliation Bill 1991 was introduced into the House of Representatives by Minister Tickner in the very early hours of 30 May 1991. The major provisions of the reconciliation Bill (which passed both houses of the Parliament with only minor amendments) are discussed briefly here.

The Bill provided for the establishment for ten years of the Council for Aboriginal Reconciliation, comprised of up to 25 prominent Australians, about half of whom would be Aboriginal or Torres Strait Islander people and the other half non-Indigenous Australians.<sup>30</sup> The Council would be appointed by the Governor-General on the advice of the Minister, following consultation with the Leader of the Opposition, the leader of any non-Government party in the Parliament of at least five members, and ATSIC. The Chairperson would be an Aboriginal person.<sup>31</sup> The object of the Council was to:

... promote a process of reconciliation between Aborigines and Torres Strait Islanders and the wider community, based on an appreciation by the Australian community as a whole of Aboriginal and Torres Strait Islander cultures and achievements and of the unique position of Aborigines and Torres Strait Islanders as the indigenous peoples of Australia, and by means that include the fostering of an ongoing commitment to co-operate to address Aboriginal and Torres Strait Islander disadvantage.<sup>32</sup>

In order to meet this objective, the Council’s functions would include:

- undertaking initiatives for the purpose of promoting reconciliation
- promoting, by leadership, education and discussion, a deeper understanding by all Australians of Indigenous history, cultures, past dispossession and continuing disadvantage, and the need to redress that disadvantage
- fostering an ongoing national commitment to addressing Indigenous disadvantage
- providing a forum for discussion by all Australians of issues relating to reconciliation and of policies to be adopted by Commonwealth, state, territory and local governments to promote reconciliation
- providing advice and information to the Minister on policies to promote reconciliation; consulting Indigenous people and the wider community on ‘whether reconciliation would be advanced by a formal document or formal documents of

reconciliation’, and reporting and making recommendations to the Minister on the basis of the consultations

- reporting annually on progress towards reconciliation between Aborigines and Torres Strait Islanders and the wider Australian community, and
- developing strategic plans including statements of the Council’s goals and objectives and its strategies for achieving them, ‘together with indicators and targets for measuring the Council’s performance in relation to those objectives’.<sup>33</sup>

The Council was to focus in particular on the need to promote reconciliation between Aborigines and Torres Strait Islanders ‘at the local community level’.<sup>34</sup> In carrying out its functions, the Council was to have regard to the roles and responsibilities of ATSIC, and was to make use of ATSIC and its regional councils ‘as the principal means of facilitating consultation with Aborigines and Torres Strait Islanders’.<sup>35</sup> That is, according to Robert Tickner, the Council was ‘not seen as a source of Indigenous policy advice to the Government, as this was the role of ATSIC’.<sup>36</sup>

The Bill also included a preamble recognising that Aboriginal and Torres Strait Islander people had occupied the continent of Australia for thousands of years before British settlement and that many Aboriginal and Torres Strait Islander people had ‘suffered dispossession and dispersal from their traditional lands by the British Crown’. The preamble acknowledged that up until 1991, there had been ‘no formal process of reconciliation between Aborigines and Torres Strait Islanders and other Australians’, but by the time of the centenary of Australian federation in 2001, it was ‘most desirable that there be such a reconciliation’. The preamble also committed the Commonwealth to seeking:

... an ongoing national commitment from governments at all levels to co-operate and to co-ordinate with the Aboriginal and Torres Strait Islander Commission as appropriate to address progressively Aboriginal disadvantage and aspirations in relation to land, housing, law and justice, cultural heritage, education, employment, health, infrastructure, economic development and any other relevant matters leading to the centenary of Federation, 2001.<sup>37</sup>

Robert Tickner’s second reading speech on the reconciliation Bill emphasised several aspects of the reconciliation process that had been highlighted by Commissioner Johnston in the Royal Commission’s national report discussed above, and, indeed, it emphasised the relationship between the reconciliation process and the issues raised by the Royal Commission’s report. First, for example, he stressed that social justice issues—those issues broadly associated with overcoming Indigenous disadvantage—were a ‘most critical aspect of the whole reconciliation process’. He also emphasised the relationship between reconciliation and justice more broadly conceived: ‘there can

be no reconciliation without justice'. Second, Tickner articulated reconciliation as *relational*; that is, in terms of the need for change in the way Indigenous and non-Indigenous people relate to each other and in their attitudes towards one another. He described the reconciliation process as being about 'building bridges of understanding', aimed at the 'transformation of Aboriginal and non-Aboriginal relations in this country'. Raising awareness of Indigenous history, culture, heritage and Indigenous people's achievements was seen as a key part of the process of attitudinal change.

Third, Tickner emphasised the importance of cross-party support for the reconciliation process and how this was central to removing 'unnecessary political point scoring from Aboriginal affairs to enable the nation to move forward over the coming decade with a broadly agreed agenda for reform which will meet the aspirations of Aboriginal people'. In this respect, he stressed that reconciliation was not a 'vague concept' but rather a 'practical process'. This leads to the fourth point, which is about the relationship between reconciliation and Australian nationhood or national identity. Tickner argued that the reconciliation legislation would establish 'a practical and effective method of coming to grips with something that goes to the very heart of this country's identity and its place in the world'. Further, he described reconciliation as:

... a process which is intrinsically Australian—one based on recognition of the essential dignity of humankind; elimination of racism; recognition of Aboriginal and Torres Strait Islanders as Australia's indigenous people; and a commitment to a fair go for Australia's most disadvantaged people. It is a process which is intended to be completed by the time of our most important national anniversary, the centenary of the establishment of the Australian nation. It is a process deliberately intended to shape the kind of country we will be in 2001.<sup>38</sup>

Thus, for Tickner, reconciliation was conceptualised as social justice for Indigenous people, or addressing the various facets of Indigenous disadvantage. It was about changing attitudes and altering the way Indigenous and non-Indigenous people in Australia relate to one another; it was a framework for policy and reform that would enjoy bipartisan support; and in doing all these things, it was designed to reconstitute Australian national identity. Thus, for a process that was supposed to be complete at the end of a decade, reconciliation was, as de Costa points out, breathtakingly ambitious.<sup>39</sup> The following section discusses how the themes in Tickner's second reading speech are also evident in the rest of the parliamentary debates on the reconciliation legislation.

## Key themes from the reconciliation debates

One of the central themes of this monograph—and one of the central characteristics of the discourse of reconciliation—is that the broad nature of the term 'reconciliation'

allows for many, often very different, understandings. This was evident from the very beginning of the formal reconciliation process during the parliamentary debates over the legislation which established the formal reconciliation process

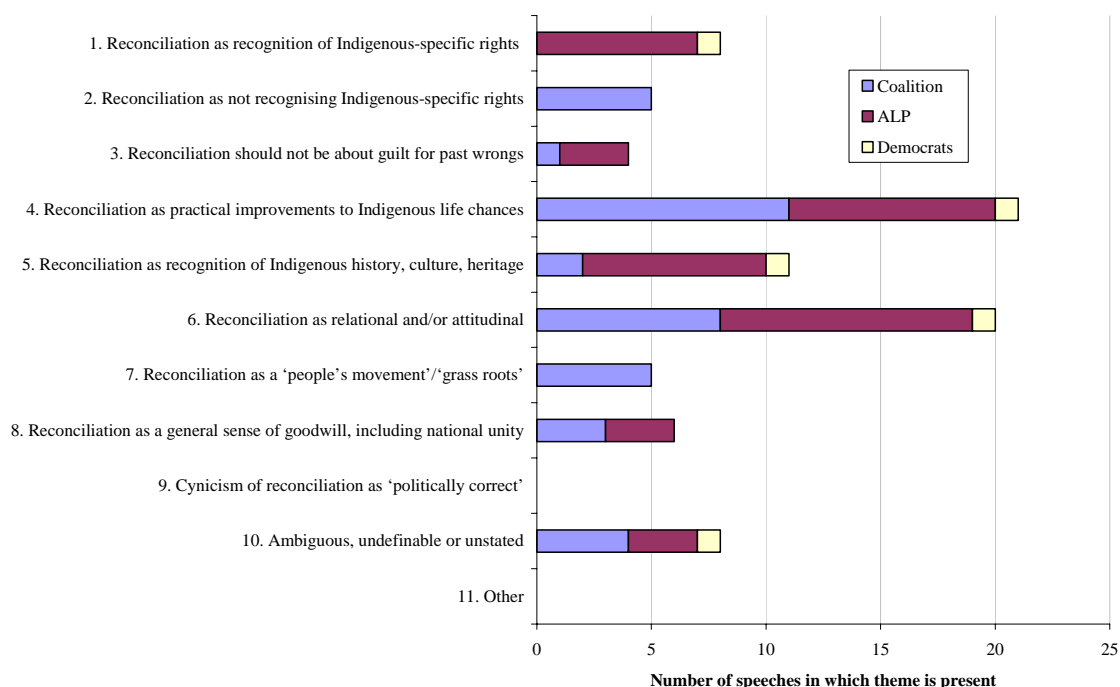
While there were several different understandings of reconciliation evident in the 1991 reconciliation debates, the content analysis of the 1991 Hansard conducted for this study also demonstrates that there were several senses of ‘reconciliation’ which were more frequently present (see Appendix II for a detailed discussion of the content analysis methodology). Figure 2.1—which shows the content analysis results of the reconciliation debates—demonstrates that, in the 34 speeches that were made on the reconciliation Bill in 1991, reconciliation defined as ‘overcoming disadvantage’, and reconciliation defined as ‘improving attitudes and relations between Indigenous and non-Indigenous people’, were the most frequently occurring themes.<sup>40</sup> Both these understandings of reconciliation were evident in the majority of speeches on the reconciliation Bill (and in the majority of speeches from both Labor and Coalition parliamentarians, as discussed below).

The idea that reconciliation should involve recognising and learning about Indigenous history, heritage and culture was also an important theme, though parliamentarians from some parties were more likely than others to use the word in this sense (most of the speeches in which this theme was present were made by Labor or Democrat parliamentarians). Bars 1 and 2 of Figure 2.1 also indicate an area of substantial difference: while several parliamentarians used the reconciliation debates to define reconciliation as ‘the recognition of Indigenous rights’ (such as rights to land and self-determination), there were some speakers—all Coalition—who defined reconciliation as the exact opposite of this. That is, several contributors to the reconciliation debates explicitly argued that the reconciliation process should *not* be about the recognition of Indigenous-specific rights. Each of these themes is discussed in more detail below.

## Reconciliation as addressing Indigenous disadvantage

As was the case with Robert Tickner’s second reading speech, and as Figure 2.1 demonstrates, one of the most important themes of the 1991 debates was ‘overcoming disadvantage’: the centrality to the formal reconciliation process of addressing Indigenous disadvantage was a theme in the majority of the 34 speeches on the reconciliation Bill. This was also the case for the majority of the 15 Labor and 16 Coalition speakers.

Figure 2.1: Key themes in parliamentary debates on the Council for Aboriginal Reconciliation, May–June 1991



For example, the Shadow Minister for Aboriginal Affairs, Michael Wooldridge, spoke about the importance of the reconciliation process achieving ‘something on the ground’ for Indigenous people:

[The] main issue in Aboriginal affairs ... is providing effective service delivery on the ground to Aboriginal people. Ultimately, the success, or failure, of what we achieve in Aboriginal affairs is going to be nothing if the appalling state of health, housing, the lack of access to education and other issues relating to Aboriginal well-being are not addressed.<sup>41</sup>

Similarly, the Liberal Member for Aston (Victoria) Peter Nugent, who would at one stage serve as the Coalition’s representative on the Council for Aboriginal Reconciliation, spoke of his view that ‘whatever yardstick one chooses to use ... the Aboriginal community in this country is in an unacceptable situation’:

Whether one is talking about rural communities, remote communities or urban communities, or whether one is measuring in terms of life expectancy, the disproportionately high number of Aborigines in gaol, the grog problems which lead to the violence problem, the poor standards of health and education and the incredibly high levels of unemployment ... the Aboriginal community of this country is a disadvantaged group

... It seems to me that we need a new initiative and I believe the Council for Aboriginal Reconciliation Bill could be it, or at least part of it.<sup>42</sup>

Several speakers also drew attention to the links between the reconciliation process and the issues raised by the Royal Commission. For example, Labor Member for Moreton (Queensland) Garrie Gibson spoke of how the 'Royal Commission's report provides all of us in this House ... with a blueprint for action on a wide range of issues affecting Aboriginal people'. Further:

One of the functions of the Bill now before the House is to foster an ongoing national commitment to cooperate in addressing Aboriginal and Torres Strait Islander disadvantage. It is my belief that the machinery established by this Bill will ensure that the recommendations of the Royal Commission will receive from this House and from the Australian people the profound attention they deserve.<sup>43</sup>

Similarly, Senator Margaret Reynolds (ALP, Queensland), said that the issues of Indigenous disadvantage, criminal justice and deaths in custody raised by the Royal Commission 'must be first on the agenda of the Council for Aboriginal Reconciliation'.<sup>44</sup> Senator Cheryl Kernot, who spoke on the Bill in the Senate on behalf of the Australian Democrats, also emphasised the centrality to the process of reconciliation of addressing the problems of Indigenous disadvantage highlighted by the Royal Commission.<sup>45</sup>

While there appeared to be a consensus during the 1991 reconciliation debates that addressing Indigenous disadvantage was central to the reconciliation process, there was disagreement about the relative importance of other issues in relation to Indigenous disadvantage. In other words, as Michael Wooldridge's speech quoted above indicates, for the Coalition, addressing Indigenous disadvantage was the most important aspect of the reconciliation process—a position which, it should be noted, was consistent both with statements made by the Coalition in the debates of the 1980s discussed in Chapter One, and with the 'practical reconciliation' agenda pursued by the Howard Government after 1996 (discussed in detail in Chapter Six). For the ALP (and the Democrats), addressing Indigenous disadvantage was only *one* part of the reconciliation process—albeit a central one—as the discussion of Indigenous rights below suggests.

## Reconciliation as relational: the need for attitudinal change

Figure 2.1 also demonstrates that the idea of reconciliation as a process geared towards attitudinal change and aimed at improving relations between Indigenous and non-Indigenous people was a key theme in the 1991 debates on the Council for Aboriginal Reconciliation Bill. As was the case with the issue of addressing Indigenous disadvantage, the need for attitudinal change was highlighted in the majority of (in this

case 20) speeches on the reconciliation Bill. This theme was present in all 15 speeches by ALP parliamentarians and in half (eight) of all Coalition speeches.

For example, Fred Chaney, Liberal Member for Pearce (Western Australia) and a Minister for Aboriginal Affairs in the Fraser Government (and more recently co-Chair of the non-government organisation, Reconciliation Australia), articulated this theme as follows:

We need [a process of reconciliation] because there are real and genuine difficulties out there in the community and there are some powerful attitudes, some of which are strongly supportive of Aboriginal Australians but others which clearly are not. There is a great deal of unhappiness and uncertainty and, at times, I think resentment. If this Bill is about anything, it is about our lack of success in weeding those things out of Australia in the past and the need to do something different.<sup>46</sup>

Chaney also linked the need to improve Indigenous/non-Indigenous relations with the need to address Indigenous disadvantage, as did the Royal Commission's report: 'I believe that the need for a better relationship between Aboriginal and non-Aboriginal Australians and the importance of that better relationship to achieving improvement in the area of Aboriginal disadvantage would command near universal support'.<sup>47</sup> Similarly, Rob Hulls, Labor Member for Kennedy (Queensland), spoke of reconciliation as a process 'which will enable us to start building bridges', and of the need to address the 'distrust, enmity and disputation that characterise the relationship between Aboriginal and non-Aboriginal Australians' which was highlighted by the Royal Commission.<sup>48</sup>

In this context, Hulls also spoke about the need for attitudinal change to be linked to education and awareness-raising about Indigenous culture, history, and heritage: 'It is fair to say that there is an urgent need to educate non-Aboriginal Australians about the cultures of Aborigines and Torres Strait Islanders'.<sup>49</sup> This was one of the key themes in Robert Tickner's second reading speech and, indeed, in the reconciliation legislation itself. Several other parliamentarians also spoke about the importance of recognising the existence of, and educating the non-Indigenous population about, Indigenous cultures. In fact, as Figure 2.1 shows, this was the third most common sense in which the concept of reconciliation was discussed in the reconciliation debates, though this theme occurred much more frequently in the speeches of ALP parliamentarians than in those of Coalition speakers.<sup>50</sup> Further, several parliamentarians were careful to emphasise that educating non-Indigenous people about Indigenous history and culture should not be about the creation of 'guilt'. For example, Robert Tickner said that the 'objective of the process is not to create guilt but to create an understanding of an important part of the history of Australia'; Fred Chaney argued that 'it is important to

understand that, for many Australians, there is a great resistance and a great depth of resentment about the notion of guilt'.<sup>51</sup>

Discussion of the need for the reconciliation process to change attitudes and improve relationships also focused on the importance of these things taking place in local communities, or at 'grass-roots' level—this is also reflected in Figure 2.1. For example, Shadow Minister Michael Wooldridge spoke of how 'the Opposition [was] particularly pleased ... that the Council will focus its work mainly on a process of reconciliation at a community level'.<sup>52</sup> Senator Margaret Reynolds (ALP) argued that 'we will never get adequate reconciliation without the support of local communities'.<sup>53</sup> Similarly, Senator Michael Baume (Liberal Party, NSW) argued that:

Where things have worked well in the past, they have done so because people at a community level have made the effort to get along in solving their own problems. In the past, at the community level, many things worked in spite of governments, not because of them ... We are overjoyed to see that the concentration of this council will be at the community level.<sup>54</sup>

## Reconciliation and Indigenous rights: treaty-talk by another name?

As the above discussion of Robert Tickner's second reading speech indicates, the importance of bipartisan support for the reconciliation legislation was a major theme of the 1991 deliberations on the reconciliation legislation. Many parliamentarians used their speeches on the reconciliation Bill to highlight the fact that the reconciliation legislation had bipartisan support and to emphasise how important bipartisan support for the reconciliation process was perceived to be.<sup>55</sup> However, while there was consensus within the parliament in 1991 that the reconciliation legislation should pass, and broad agreement about some aspects of the reconciliation process, the Hansard of the 1991 reconciliation debates also reveals some fundamental differences of opinion about what the reconciliation process was about and what it was designed to achieve.

As Figure 2.1 indicates, a major area where there was a difference of opinion was on the relationship between the reconciliation process and the recognition of Indigenous rights. While some parliamentarians spoke about the recognition of Indigenous-specific rights, such as rights to land and self-determination, as central to the reconciliation process, several speakers defined reconciliation in the opposite way, explicitly arguing that the reconciliation process should *not* lead to the recognition of Indigenous-specific rights. These views were split along party lines: as indicated in Figure 2.1, all those speakers who spoke of the recognition of Indigenous rights as central to the reconciliation process were from the ALP (or the Australian Democrats) and all those who argued the opposite were members of the Coalition.



For example, one of the issues which was the focus of some attention during the reconciliation debates was the issue of a treaty. Coalition parliamentarians were keen to emphasise that their support for the reconciliation legislation was predicated on the legislation *not* being seen as a means to a treaty. Liberal Member for Groom (Queensland), Bill Taylor, for instance, said that the reconciliation legislation ‘should not be seen in any way as condoning the need for a formal treaty arrangement between the Aboriginal and non-Aboriginal peoples of our land’.<sup>56</sup> Senator Ian Campbell (Liberal Party, WA) told the Senate that ‘if ... this Council for Reconciliation focuses on the creation of a treaty or even on building up a political ground swell for a treaty then, in my eyes, it will have failed because that is not going to solve the problems this nation is faced with’.<sup>57</sup> And National Member for Wide Bay (Queensland), Warren Truss, articulated his opposition to a treaty in terms of the Coalition’s emphasis on ‘practical’ measures: ‘A treaty of itself achieves absolutely nothing to improve the welfare of Aboriginal people. A piece of paper does nothing to enhance the feeling of goodwill between Aboriginals and other Australians’.<sup>58</sup> Echoing comments made by Opposition Leader John Howard during the treaty debates of the 1980s, Truss also warned that a treaty could ‘create further division’ between Indigenous and non-Indigenous people:

The signing of any kind of document implies that there are two different races of people, two different nations, within this one continent, and that is a concept that is not readily accepted by Australians. I am pleased, therefore, that this legislation leaves out almost all references to its objectives being to establish some kind of treaty or particular document and talks much more about improving relationships between black and white.<sup>59</sup>

On the other hand, Labor Member for the Northern Territory, Warren Snowdon, argued that a treaty or agreement of some form was integral to the success of the reconciliation process: ‘it seems to me that, if by the year 2000 we have not come to terms with this process of reconciliation and out of that process obtained an agreement, an article or treaty through negotiation with Aboriginal Australians, we...will have failed’.<sup>60</sup> Of course, the government’s official position, as it was articulated both in Robert Tickner’s second reading speech and in the reconciliation legislation itself, was that the reconciliation process should not be seen as having any pre-determined outcomes (and thus Snowdon was slightly at odds with his government’s position by declaring that a treaty should result from the reconciliation process lest it be seen to fail). It is also the case, as Chapter One briefly discussed, that differences between the ALP and the Coalition on the issue of a treaty (at least as they were articulated in the treaty debates of the 1980s) were differences of degree rather than kind: the gulf was not as wide as it appeared at first glance.<sup>61</sup>

Similarly, the 1991 reconciliation debates demonstrate some very different views on the issue of Aboriginal land rights. Labor parliamentarians argued that the question of land rights was integral to any process of reconciliation: Labor Member for Denison (Tasmania), Duncan Kerr, hoped that the reconciliation process would facilitate a debate about land rights, free of the anti-land rights propaganda and fear-mongering that had characterised the debate over national land rights legislation in the mid 1980s:

It is important, therefore, that we start at the beginning by recognising that we are the inheritors, not Aboriginal Australians, of a land grab of a continent where the original inhabitants were dispossessed by force and really not cared about for many years.

... Granting land rights really does no more than say that we have some responsibility to those original Australians who thus far have been held out of the kind of inheritance that every other non-Aboriginal Australian has been able to share in. It does no more than give them that opportunity to reclaim some of the land that was once theirs ...<sup>62</sup>

Likewise, Senator Margaret Reynolds argued that the ‘question of land rights ... is fundamental’, and that land rights legislation in her state of Queensland would ‘be a crucial stepping stone in the reconciliation process’.<sup>63</sup>

Conversely, Liberal parliamentarian, Bill Taylor, said that he would ‘reject this legislation, or indeed any other statutory medium, if it is seen as yet another vehicle to national land rights claims. It cannot and must not be seen in such a light by any reasonable person’.<sup>64</sup> Senator Sue Knowles (Liberal Party, WA) similarly expressed concern at the references to dispossession in the preamble to the reconciliation Bill and in the Bill proper, and at the idea that promoting understanding of dispossession might be construed as support for Aboriginal land rights:

I am concerned not so much about arguing the facts of history as about the potential for these statements, when taken out of context, to be used in justification of a future campaign for some kind of national land rights legislation. It has been made quite clear to me over a very long period of time that the people in Western Australia simply do not want any form of land rights and will not countenance governments superimposing land rights over property in their State ...

... The Council will not succeed if [its members] are known to be biased in favour of land rights and against mining, or are people with uncritical acceptance of radical Aboriginal viewpoints.<sup>65</sup>

Senator Ian Campbell used his speech to warn that if the reconciliation process became associated with the land rights lobby or a push for a treaty, bipartisan support for the process would be ‘destroyed’: ‘if we go down the track of trying to create a treaty, of building up a political ground swell for a treaty or using the reconciliation process to

put national land rights back onto the political agenda, then that [bipartisanship] will disappear very quickly'.<sup>66</sup>

This account of how the issues of treaty and land rights were considered in the 1991 reconciliation debates demonstrates, as Phillips points out, that these deliberations '[carry] the seeds of later acrimonious debates'.<sup>67</sup> For example, the debates over native title discussed in Chapters Three and Five highlight the different conceptualisations of reconciliation—and different understandings of the relationship between reconciliation and the recognition of Indigenous-specific rights—that have been discussed here. This analysis of the 1991 reconciliation debates also demonstrates that these deliberations bear the fruit, to continue Phillips's metaphor, of earlier rancorous debates (such as the 1980s debates over land rights and a treaty): the introduction of the idea of reconciliation did not resolve earlier disputes, but simply gave the views therein a new framework within which to be articulated. Subsequently, while the eventual passage of the reconciliation legislation through the parliament in August 1991 gave Indigenous affairs a veneer of bipartisanship, Chapter Three demonstrates that it was not long before this veneer began to fade.

## **Reconciliation as nation-building**

As both the discussion above and Figure 2.1 indicate, the relationship between reconciliation and Australian national identity and national unity was an important theme both in the reconciliation debates of 1991 and in conceptualisations of reconciliation more generally. That reconciliation was designed to be a process of nation-building is demonstrated by the fact that its culmination would coincide with the centenary of Australian federation in 2001.<sup>68</sup> While the Hansard of the 1991 debates suggests that many speeches linked reconciliation with Australia's identity as a nation, a closer inspection reveals different understandings of how Australia's national identity should be defined and of what 'Australian national unity' entails.

For example, to return briefly to the issue of reconciliation and rights: as discussed above, the theme of nation-building was explicit in Robert Tickner's second reading speech, which declared that reconciliation 'goes to the very heart of this country's identity and its place in the world' and that the reconciliation process was 'deliberately intended to shape the kind of country we will be in 2001'.<sup>69</sup> Tickner's conceptualisation of reconciliation was a broad one (taking in social justice, attitudinal change, grass-roots dialogue between Indigenous and non-Indigenous people, and policy reform), but central to it was the concept of justice—Tickner emphasised that there could be 'no reconciliation without justice'.<sup>70</sup> While Tickner did not elaborate on his vision of justice-based reconciliation in his second reading speech on the reconciliation Bill, his

contributions to the native title debates (and his account of these debates in his political memoirs), demonstrate that he was a strong advocate of the recognition of Indigenous land rights.<sup>71</sup> Thus, Tickner's vision of a reconciled nation was clearly one in which Indigenous-specific rights, such as those to land, were recognised in some form.

Conversely, as noted above, Liberal parliamentarian, Bill Taylor, strongly opposed the recognition of Aboriginal land rights and any association between land rights and the reconciliation process. Just as Robert Tickner's support for these things was conceptualised in terms of national identity, Bill Taylor's opposition was articulated in terms of the need for 'national unity'. He argued that Australians needed to 'learn to live as one proud undivided nation under one national flag, irrespective of our origins' and that the recognition of Indigenous land rights was contrary to this ideal.<sup>72</sup> Thus, Bill Taylor's vision for a reconciled nation was one in which unity—understood as the absence of 'special' Indigenous rights such as those to land—was paramount. In other words, Tickner's vision of a reconciled, unified nation was predicated on the recognition of Indigenous rights; Taylor's ideal of a united Australia was based on the absence of any such recognition. The important point here is not whether either view was right (or wrong), but rather that, as Phillips explains, the broad nature of the idea of 'reconciliation' meant that there 'was room for *both* of these images of a "united" Australia within the discourses of reconciliation' (emphasis added).<sup>73</sup>

## Reservations about reconciliation

While the cross-party support for the reconciliation process created a sense of optimism in the parliament during the debates on the reconciliation Bill in 1991, it is important to point out that several parliamentarians also expressed reservations about the process. Many prominent (and not so prominent) Indigenous people were also doubtful, at least initially, about the merits of the reconciliation process established by the reconciliation legislation.

For example, Shadow Aboriginal Affairs Minister Michael Wooldridge spoke about how he was initially concerned that the Council for Aboriginal Reconciliation 'might end up like another constitutional commission—doing its own thing and not really aware of the imperative that was put on it by the political process'. He was also worried that the Council 'might be a body for activists', and expressed concern 'as to what it might achieve on the ground for Aboriginal people'.<sup>74</sup> Wooldridge was satisfied that his concerns had, for the most part, been addressed before the reconciliation Bill actually came before the parliament—in particular through the legislation's emphasis on making the Council's work 'goal-oriented', requiring that the Council produce strategic plans,

and requiring that the Council regularly assess its progress towards the attainment of the goals it set for itself.

Wooldridge's concerns were, however, echoed in several other contributions to the reconciliation debates. Liberal parliamentarian, Peter Nugent, reiterated Wooldridge's concern that the Council would be captured by 'activists' (though it should be noted that it is unclear in both Wooldridge and Nugent's speeches what the nature of their concern about 'activism' was). Nugent said: 'having achieved this degree of agreement, it is important that we do not now let divisive forces take over. It is important to guard against activists taking over the structure we are now talking about'.<sup>75</sup> Warren Truss's speech professed a suspicion of 'radical elements' in the Aboriginal community and their push for land rights.<sup>76</sup> Senator Sue Knowles expressed concern that the Council appointees not be 'known to be biased in favour of land rights and against mining, or [be] people with uncritical acceptance of radical Aboriginal viewpoints'. Further, she argued: 'The Council for Aboriginal Reconciliation will begin to succeed in its objective only if it is prepared to take a stand against extreme Aboriginal activists and their supporters'.<sup>77</sup>

Several parliamentarians also echoed Michael Wooldridge's initial concern that the Council for Aboriginal Reconciliation would not achieve anything 'on the ground' for Aboriginal people. Senator Cheryl Kernot (Democrats, Queensland), for example, was worried about the potential for the Council for Aboriginal Reconciliation to 'degenerate into another bureaucratic talk-fest and travelling circus'. She was also concerned that when the 'spirit of cooperation and mutual congratulation' that characterised the reconciliation debates was put to the test, 'a possible result is for the whole procedure to deteriorate into posturing and rhetoric'.<sup>78</sup> Accordingly, like Wooldridge, Kernot emphasised the importance of the Council's work being goal-orientated and focused on outcomes.

Labor parliamentarian, Warren Snowdon, had a view that the reconciliation debate should be determined not by 'the lowest common denominator', but by 'what is just and what is right, [which] necessarily means recognising ... the sorrowful past that has beset Aboriginal and Islander Australians since the occupation of this country in 1788'.<sup>79</sup> That is, Snowdon wanted to ensure that the imperative of bipartisanship did not become more important than the goals of the reconciliation process itself:

I remember having a conversation with Robert Tickner about the proposed process. I expressed my reservations to him that 'reconciliation' would turn out to be lowest common denominator politics: it would become reduced to what the then Opposition wanted it to be about, and as a result would not live up to the ideals that the Government had in mind when the process was established.<sup>80</sup>

Some parliamentarians, such as Senator Rosemary Crowley (ALP, SA), were uncomfortable with the concept of *Aboriginal* reconciliation: ‘...who are the Aboriginal people being reconciled to or with? ... I do not like the inference that the Aboriginal people are to be reconciled’.<sup>81</sup> This concern was subsequently expressed elsewhere. As Ravi de Costa points out, why ‘the legislation [called] for *Aboriginal* reconciliation when the intention was so clearly the construction of a new *Australian* attitude, is ... unclear’.<sup>82</sup>

## Indigenous views on the reconciliation process

The establishment of the reconciliation process drew mixed responses from Indigenous people and advocates of Indigenous rights. For some, the passage of the reconciliation legislation was accompanied by a sense of hope, as several Indigenous figures who were involved in the reconciliation process explained in interviews conducted for this project. Jackie Huggins, a member of the Council for Aboriginal Reconciliation between 1995 and 2000, said that the beginning of the reconciliation process was a time of hope:

I thought it was a very noble act of bipartisanship between the parties. It was a time of great excitement: we felt we would be listened to in a more understanding way. Things were looking promising in the early 1990s ...<sup>83</sup>

Similarly, Aboriginal and Torres Strait Islander Social Justice Commissioner, Bill Jonas, remembers the establishment of the reconciliation process as a very positive period:

There were certainly high hopes for the process. Robert Tickner was a very enthusiastic Minister; he was absolutely committed to the process, and he sold it very well. There was a commitment to the process from the conservative side of politics as well as the minor parties. So it looked good; it looked hopeful; it looked like one of the recommendations from the Royal Commission into Aboriginal Deaths in Custody was being put into practice and that it would actually achieve something.<sup>84</sup>

Others were more circumspect. Linda Burney, a member of the Council for Aboriginal Reconciliation between 1995 and 1997 and later a member of the NSW Legislative Assembly, said that:

When the process was set up in 1991, like lots of Indigenous people I took the position of asking why we would be wanting to reconcile when there had never been a marriage, so to speak.<sup>85</sup>

(Note that Burney also said that ‘on reflection ... that was probably a fairly superficial view’—her experience of the Council gave her a sense that the reconciliation process was ‘making inroads’ and that it could lead to positive results.)<sup>86</sup>

Other Indigenous people were more critical still. Charles Perkins, who had been Secretary of the Department of Aboriginal Affairs between 1984 and 1988, was reported to have described the reconciliation process as a ‘lie and a sell out’.<sup>87</sup> Paul Coe, of the Redfern Aboriginal Legal Service, saw the reconciliation process as yet another means by which justice for Aboriginal people would be deferred: ‘Why should justice for Aboriginal people be delayed till the oppressor is ‘enlightened’ in its attitudes?’<sup>88</sup> Coe was also uncomfortable with the concept of reconciliation itself, since it implied ‘a pre-existing state of goodwill between the invaders and Aboriginal people. Such goodwill has never existed’.<sup>89</sup>

Kevin Gilbert, who had actively campaigned for a treaty during the 1980s, drew together many of these concerns in his assessment of the reconciliation process:

We have to look at the word ‘reconciliation’. What are we to reconcile ourselves to? To a holocaust, a massacre, to the removal of us from our land, from the taking of our land? The reconciliation process can achieve nothing because it does not at the end of the day promise justice ... Unless it can return to us an economic, a political and a viable land base, what have we? A handshake? A symbolic dance? An exchange of leaves or feathers or something like that?<sup>90</sup>

That the reconciliation process was viewed so sceptically in parts of the Indigenous community was also a concern to some parliamentarians during the reconciliation Bill debates. Senator Margaret Reynolds expressed concern about the ‘reservations and the outright objections’ of some Aboriginal people to the reconciliation process. Reynolds said that she disagreed with many of the objections raised by Aboriginal people, because in her view the Council was ‘a unique opportunity for us to bring Aboriginal and non-Aboriginal Australians together’, but she understood why Aboriginal people would be cynical: ‘there have been so many words, so many promises and so much debate in the past that some Aboriginal people say, “Another talkfest—another opportunity for sitting around the table—but when will we get the fundamentals?”’<sup>91</sup> Shadow Minister Michael Wooldridge spoke of the cynicism about the reconciliation process amongst Indigenous people, in terms of what practical outcomes it would achieve: ‘the cynicism in Aboriginal Australia is, “Is there going to be anything in it for me? How is it going to affect my life?”’<sup>92</sup>

Nonetheless, despite reservations within the Indigenous community about the reconciliation process, several members of the Indigenous community accepted appointments to the Reconciliation Council at its commencement.

## The road ahead

The *Council for Aboriginal Reconciliation Act 1991* was passed by the Commonwealth Parliament in August 1991 and came into force after receiving royal assent in early September 1991. The members of the first Council, including Patrick Dodson as Chairperson, were announced by the government in December 1991, and the Council for Aboriginal Reconciliation held its first meeting at the Australian Institute of Aboriginal and Torres Strait Islander Studies in Canberra in February 1992.<sup>93</sup>

As Robert Tickner candidly acknowledges in his account of the establishment of the reconciliation process, ‘the challenges were formidable’.<sup>94</sup> The objectives of the reconciliation process as they were outlined in the reconciliation legislation were ambitious by any measure. The fact that the visions of the reconciliation process articulated in the legislative debate (and by other commentators subsequently) varied so greatly added to the difficulty of the task that confronted the Council for Aboriginal Reconciliation. And as the previous discussion has demonstrated, both the process of reconciliation established by the reconciliation legislation, and the concept of reconciliation itself, were viewed sceptically by parts of the Indigenous community.

The challenges were formidable indeed. Nonetheless, the overwhelming sense that emerges from the reconciliation debates is one of hope for what the reconciliation process might achieve. Senator Patricia Giles (ALP, WA) expressed these sentiments as follows:

I believe we stand on the threshold of a new era. Perhaps we will have to wait for a few years to see it come to fruition, but we have before us here a very auspicious beginning.<sup>95</sup>

It would not be long, however, before the reconciliation process faced its first major test, which came in the form of the High Court of Australia’s decision in the Mabo case in June 1992.





## Chapter Three: Mabo and the native title legislation—reconciliation’s fragile consensus

---

*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.*

—Paul Keating, Redfern Park Speech, 10 December 1992

On 3 June 1992, the High Court of Australia delivered its historic judgment in the case of *Mabo and others v. Queensland (No. 2)* (1992) 175 CLR 1 (‘Mabo’). The essence of the decision is neatly summarised by legal academic, Professor Garth Nettheim, as follows:

[T]he Court decided by a 6:1 majority that pre-existing land rights (‘native title’) survived the extension of British sovereignty over Australia, and may still survive today, provided that the relevant Aboriginal and Torres Strait Islander people still maintain sufficient traditional ties to the land in question; and that the title has not been extinguished by governmental action.<sup>1</sup>

The High Court’s decision in Mabo was widely hailed as a milestone for relations between Indigenous and non-Indigenous people in Australia. This is because, in recognising that Indigenous people had a form of native title which pre-existed, and in some cases survived, British occupation, the High Court recognised, albeit belatedly, that the continent of Australia should not have been treated as a *terra nullius* (‘land belonging to no-one’) after the British arrived here in 1788.<sup>2</sup> Accordingly, as the Council for Aboriginal Reconciliation pointed out, the Mabo decision achieved part of what the reconciliation process itself was designed to realise: ‘a recognition of the special relationship that Aboriginal and Torres Strait Islander peoples have with the land. The decision was an important step in the recognition of the fundamental rights and position of indigenous peoples in this country’.<sup>3</sup>

While it was welcomed by many people, not least of whom were Indigenous people and groups who had been advocating the recognition of Indigenous people’s inherent rights to land for decades, the Mabo decision was strongly criticised by other sections of the Australian community. In particular, some elements on the conservative side of politics and their constituents in the mining and pastoral industries for whom the judgment appeared to have ramifications (in terms of security of land tenure, for example) were vociferous in their opposition to the judgment. Consequently, the 18 months in which

the Mabo decision and the public debate over the Commonwealth Government's response to the decision took place was one of the most highly charged periods in recent Australian political history.

Michael Phillips writes that the aftermath of the Mabo decision presented 'the first major challenge for the reconciliation process', in that it created (or perhaps just uncovered) deep-seated conflicts within the Australian community.<sup>4</sup> The post-Mabo debate was also the first major public policy debate in Indigenous affairs since the reconciliation process had been established, and as such put to the test both the rhetoric that had accompanied the establishment of the process and the cross-party commitment to reconciliation that had been emphasised in the debates on the reconciliation legislation in 1991.

This chapter discusses this period by examining the role that the concept of reconciliation played in both the public debates over the Mabo judgment and the Keating Government's response to it, and the parliamentary debates over the government's Native Title Bill in November–December 1993. The chapter examines the various senses in which the concept of reconciliation was articulated by different participants in these debates. It demonstrates the various ways in which the concept of reconciliation was deployed by different participants, and it assesses the extent to which the idea of reconciliation shaped both the tenor and the outcome of what can be referred to collectively as the 'Mabo debates'.<sup>5</sup>

This chapter also begins to document the role of the Council for Aboriginal Reconciliation in Indigenous policy debates. Coming less than a year into the Council's existence, the Mabo debates presented a series of specific challenges for the Council in addition to those that it presented to the reconciliation process more generally. These included determining the role the Council could and should play in deliberations over legislation and policy and the extent to which the Council was able to make its presence felt where it immersed itself in these debates.

## **Mabo: the Keating Government's response**

After the High Court's Mabo decision was delivered on 2 June 1992, Prime Minister Paul Keating quickly sought to make links between the judgment and the reconciliation process which had been set in train by the Parliament less than a year before. Keating said that the decision had 'removed "the great barrier" to reconciliation'. At the same time, he emphasised that the judgment did not threaten non-Indigenous interests in freehold or leasehold land.<sup>6</sup> Aboriginal and Torres Strait Islander Affairs Minister,

Robert Tickner, similarly sought to emphasise the ‘just and moral nature of the decision’.<sup>7</sup>

Tickner’s Opposition counterpart, Michael Wooldridge, also welcomed the judgment, as did prominent Indigenous people such as Council for Aboriginal Reconciliation Chairman Patrick Dodson and ATSIC Chairwoman, Lois O’Donoghue.<sup>8</sup> Dodson said the Council for Aboriginal Reconciliation had received the judgment ‘in a spirit of joy and celebration’, and, like Keating, sought to emphasise that the decision ‘should not panic the mining or pastoral sector’.<sup>9</sup> Dodson also announced that the Council would embark on a ‘process of communication and consultation about the issues raised by the decision’.<sup>10</sup> O’Donoghue said that Mabo provided ‘a strong moral obligation to ensure that Australia’s indigenous peoples who have maintained links to their traditional lands are given every opportunity to have those links recognised’.<sup>11</sup> She also argued that ‘governments have a moral obligation to provide for the land needs of dispossessed indigenous people’.<sup>12</sup>

The first formal steps in the Commonwealth Government’s response to the Mabo decision were taken in October 1992. On 27 October, Keating, Tickner, and Attorney-General Michael Duffy presented a joint submission to Cabinet outlining options for a government response.<sup>13</sup> The same day Prime Minister Keating announced that the government would embark on a consultation process with state and territory governments, key indigenous organisations and key industry groups.<sup>14</sup> The consultations would be conducted by an interdepartmental committee and overseen by the Mabo Ministerial Committee (chaired by the Prime Minister and made up of other key ministers).<sup>15</sup> The announcement was welcomed by the Opposition spokesman on Aboriginal and Torres Strait Islander Affairs, Michael Wooldridge.<sup>16</sup> In his announcement of 27 October, Keating emphasised the links between the response to Mabo and the reconciliation process:

By rejecting the doctrine of *terra nullius* the court has provided a new basis for relations between indigenous and other Australians and given impetus to the process of reconciliation. It provides both an opportunity and a challenge.<sup>17</sup>

Michael Phillips points out that it was not surprising that ‘the ALP ... saw native title as an “opportunity” conceptually inseparable from reconciliation’, since ‘history, recognition and injustice’ were central themes in both the Mabo judgment itself, and the discourse of reconciliation as it had been articulated by members of the Labor government during and since the debates on the reconciliation legislation the previous year.<sup>18</sup> For example, Phillips argues, the Mabo judgment’s ‘concern with the darker aspects of Australian history and its rejection of one of the founding myths of settler

society in the interests of contemporary justice' had a great deal in common with the understanding of the reconciliation process that Robert Tickner had outlined in the parliamentary deliberations over the reconciliation legislation the previous year, as discussed in the previous chapter.

Despite the sense of optimism evident in the Keating Government's initial response to the Mabo decision, the High Court's judgment also provoked some hostile responses. Perhaps most noteworthy among these was mining company executive, Hugh Morgan, who said in early October 1992 that the law was in 'disarray' because of the Mabo decision, and that the High Court had 'put at risk the whole legal framework of property rights throughout the whole community'.<sup>19</sup> Morgan argued that the Commonwealth should 'repeal all or most of the *Racial Discrimination Act 1975* so that the states could extinguish native title'.<sup>20</sup> Garth Nettheim points out that the Mabo decision did create some genuine areas of uncertainty which required clarification, but he argues that these were overstated by critics of the decision, such as Hugh Morgan and other conservative commentators.<sup>21</sup> The tension between the strongly held views of Morgan and other critics of the Mabo judgment, and those of its proponents, helped to create the strained atmosphere in which the Mabo debates took place.

It is important to note at this point that the Mabo judgment was not universally lauded in Indigenous communities either. Tasmanian lawyer and Indigenous rights activist, Michael Mansell, for instance, argued that while Mabo was a landmark, it benefited only a small proportion of the Indigenous population (those who had been able to maintain traditional connections with land) and did little for the rest:

What then of the remaining 250,000 or more Aborigines? Is their fate predetermined by the extent to which they have suffered even more hardship through being more exposed to white contact? ... If Mabo represents the best the legal system has to offer, Aborigines will be put off by the effort and costs involved in litigating for such puny reward. Mabo offers something for those who are grateful for small blessings, but nothing in the way of real justice.<sup>22</sup>

## The Redfern speech

On 10 December 1992, Prime Minister Keating addressed the Australian launch of the International Year of the World's Indigenous People in Sydney's Redfern Park. Robert Tickner subsequently described Keating's speech on that day as 'one of the most important statements ever made by an Australian Prime Minister ... There could have been no greater speech to contribute to the reconciliation process'.<sup>23</sup> Because of its significance to the subject of this chapter, the Redfern speech is quoted here at length:

... the starting point might be to recognise that the problem starts with us non-Aboriginal Australians. It begins, I think, with that 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 diseases. 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 ...

... 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 ...

... We need these practical building blocks of change. The Mabo Judgement 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 that 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.<sup>24</sup>

Keating's words are important for several reasons. First, as Tickner subsequently pointed out, what Keating said in Redfern Park on 10 December 1992 raised the stakes in the Mabo debate: Keating 'greatly raised expectations about the nature of the government response to Mabo', and in doing so 'created a benchmark by which [the] government's response would be judged'.<sup>25</sup> Second, in speaking about the work of the Council for Aboriginal Reconciliation, Keating alluded to the importance, but also the difficulty, of giving content to the idea of reconciliation and associated concepts such as justice and equity. Keating's reference to the need to define concepts of 'reconciliation' points to a recurrent theme of this monograph: that these ideas risk degenerating into meaninglessness unless they are given some kind of public policy content.

Third, it is important that Keating's speech be understood in terms of the political context of the time: the Redfern speech would probably have been politically brave

under any circumstances, but it was all the more so for the fact that a federal election was due early in 1993. As Tim Rowse suggests, it must have been tempting for the government to 'legislate an immediate and defensive response to the Mabo judgment', since the very powerful mining industry and other influential interest groups were putting strong pressure on the government to do so.<sup>26</sup> And when Indigenous groups foreshadowed 'ambit' native title claims over large areas of New South Wales and Queensland, Rowse points out that 'fears about what a legislative vacuum might allow would have been confirmed'.<sup>27</sup>

While miners and pastoralists lobbied for immediate legislative action during the February–March 1993 election campaign, the Mabo decision and the question of the Commonwealth's response to it had not become the election issue that some feared (or hoped) it might, and on 13 March 1993, the Keating Government was re-elected.<sup>28</sup> The Commonwealth response to Mabo, did, however, dominate the national political agenda over the following months.

### The post-election environment: lead-up to the legislative debate

After the government's re-election, Robert Tickner was re-appointed Minister for Aboriginal and Torres Strait Islander Affairs, the Mabo Ministerial Committee was re-formed to continue working on the government's response to the High Court's decision, and the consultations being conducted by the inter-departmental committee established in October 1992 proceeded.<sup>29</sup> Debate within the government about how to respond to Mabo continued—albeit, according to Tickner, largely behind closed doors.<sup>30</sup> At the same time, the pressure from the mining and pastoral lobbies for action from the government to validate existing titles continued.<sup>31</sup>

On 27 April 1993, a group of representatives from ATSIC, the Aboriginal land councils, the Council for Aboriginal Reconciliation and others, put to the government a list of demands called the 'Aboriginal Peace Plan'.<sup>32</sup> It asserted that Commonwealth legislation in response to the Mabo decision should not extinguish Aboriginal and Torres Strait Islander title by land grants, or impair Aboriginal and Torres Strait Islander Title rights unilaterally or without consent; should vest Aboriginal and Torres Strait Islander Title in reserves and other defined land; and should establish a tribunal to issue declarations of native title. The Peace Plan also called on the government to enter into a wide-ranging negotiations process over issues such as constitutional recognition of Indigenous rights.<sup>33</sup> In exchange for the government legislating according to these principles, the group of Aboriginal representatives present were prepared to make a significant concession—the validation of certain mineral titles issued since the passage of the *Racial Discrimination Act 1975*.<sup>34</sup> Finally, the Peace

Plan argued that Aboriginal negotiators should participate as full members of the drafting team for all legislation.<sup>35</sup> Tickner's recollection of that meeting is of a positive and constructive engagement between the government and the Indigenous people who were present, and he describes the Peace Plan as having provided 'an important basis for future negotiations with the government'.<sup>36</sup>

Tickner's account of the April meeting between the government and the Indigenous representatives also recounts the words of Rob Riley (then Executive Officer of the WA Aboriginal Legal Service) to Prime Minister Keating at the conclusion of the meeting:

A word of caution Mr Prime Minister, don't exclude us from the process. Don't attempt to do this without our involvement. Please don't dismiss us. *If you do so you can forget about reconciliation* (emphasis added).<sup>37</sup>

Riley's words are significant here for two main reasons. First, in warning the Prime Minister not to lock Indigenous people out of the negotiations and discussions about Mabo, Riley is asserting an understanding of reconciliation which is predicated on Indigenous people being treated as equals, as full partners in any decision-making making about their rights. This understanding of reconciliation is consistent with the Aboriginal Peace Plan's assertion that representatives of Indigenous stakeholder groups should participate as full members of the drafting team for all legislation. It also draws on some of the meanings of reconciliation articulated by members of the government in the 1991 debates on the reconciliation legislation, in particular, the references to Indigenous people's right to self-determination.

This leads to the second reason, which is that in drawing on the government's own rhetoric and applying it to the very concrete circumstances of the Mabo debates, Riley's comments provide an example of how the concept of 'reconciliation' can be employed by Indigenous people in what Noel Pearson has described as a utilitarian way; that is, where the concept of reconciliation is used 'as a tool'.<sup>38</sup> This is not to say that Riley's use of the language of reconciliation was cynical. Rather, it demonstrates how, in the same way that the government employed the language of reconciliation to implore the Coalition to respond positively (as discussed further below), Indigenous people were also able to mobilise the language of reconciliation to advance (or attempt to advance, as the case may be) their own political objectives.

The hope that might have been invested in these efforts suffered a blow not long after, however, when it was announced in late May 1993 that the Prime Minister and his Special Minister of State with responsibility for native title, Frank Walker, had made a secret agreement with the Northern Territory Government that the Commonwealth Government would pass legislation including, if necessary, an amendment to the *Racial*



*Discrimination Act 1975*, in order to ensure the validation of a major mining project at McArthur River in the Northern Territory.<sup>39</sup> This ran counter to the government's previous indications that it would *not* amend the *Racial Discrimination Act 1975*. Further, the clandestine environment in which the agreement had been reached—not even Robert Tickner was aware of the agreement—was contrary to the Aboriginal representatives' insistence that they be treated as full and equal partners in any negotiations over the response to Mabo.<sup>40</sup> It was also contrary to the Indigenous leadership's view that the Commonwealth, not the states and territories, should take the lead in legislating a response to Mabo. Understandably, the Indigenous negotiators who had met with the government in April were dismayed and 'openly accused the Government of betrayal'.<sup>41</sup> And so began several months of very rocky relations between the government and the Indigenous leadership.

On 3 June 1993, the first anniversary of the High Court's decision, the government released a Mabo discussion paper—the outcome of the consultation process which had been in place since October 1992.<sup>42</sup> The discussion paper emphasised the view previously expressed by members of the government, that the Mabo decision was a 'landmark in the history of relations between indigenous and other Australians', which 'has the potential to act as a stimulus to reconciliation', thus reaffirming the link between Mabo and the reconciliation process that the government had been emphasising since the judgment was handed down a year earlier.<sup>43</sup> It also warned of 'concerns that some responses to the decision and its implications may threaten the maintenance of positive relations and set back the process of reconciliation'.<sup>44</sup> While the discussion paper did not specify what kinds of responses might 'set the reconciliation process back', this excerpt provides an example of how the idea of reconciliation had started to become a yardstick of sorts. That is, the word 'reconciliation' was used as if it were an agreed measure of the relative value (or otherwise) of particular policy proposals and contributions to the policy debate: if something was seen as positive, it could be labelled as advancing or progressing the process of reconciliation; if not, it could be labelled as derailing or setting the reconciliation process back.

In conjunction with the June 1993 discussion paper, the government released a framework of 33 principles which were to be used by the government to guide its response to the Mabo decision.<sup>45</sup> The release of the paper had been timed so that it could be the basis for discussion about Mabo at the Council of Australian Governments (COAG) meeting in early June at which the Prime Minister sought agreement from the state and territory leaders on a national response to the Mabo decision: the Prime Minister was reported to have gone to that meeting prepared to give ground to the

premiers and chief ministers in order to achieve a consensus about a national response. He was unable to persuade all state and territory leaders to the Commonwealth's view on what the basis of such a consensus should be, however, and consequently, the meeting broke up without having resolved these differences. The West Australian, Tasmanian, Victorian and NSW Premiers (all non-Labor) said that they would introduce their own legislation to validate existing titles without Commonwealth support.<sup>46</sup> The tension between the competing imperatives of state and territory agreement on a national response and Indigenous support for that response was one of the central themes of the Mabo debates.

By this time, cracks were starting to appear in the Coalition Opposition's position on the Commonwealth response to Mabo. As noted above, the Coalition, through then Aboriginal and Torres Strait Islander Affairs spokesman, Michael Wooldridge, had initially welcomed the Mabo decision and the government's plans for a consultation process about an appropriate Commonwealth response. After the March 1993 election, Peter Nugent—the Opposition's representative on the Council for Aboriginal Reconciliation—was appointed Shadow Minister for Aboriginal and Torres Strait Islander Affairs. Nugent took a similar view to Wooldridge, linking Mabo with a broader set of issues which had come to be associated, at least as far as the government and key Indigenous stakeholders were concerned, with the reconciliation process. In May 1993 Nugent was reported by *The Australian* as having said that Mabo was 'a good opportunity for this country once and for all to face up to issues which have been bedevilling it for generations ... you cannot have 300 000 people in the community significantly disaffected with the broader community and claim to be a harmonious nation'.<sup>47</sup>

Contrary to the views of Wooldridge and Nugent, however, in early May 1993, the Shadow Minister for National Development and Infrastructure, Ian McLachlan, had given a speech denouncing the Mabo decision, arguing that 'it had left great tracts of Australia in turmoil as to title', and suggesting that it had put at risk in those areas 'the stability and future development of the nation'.<sup>48</sup> Similarly, in late May 1993 in response to Paul Keating's oft-repeated view that the reconciliation process and Mabo were inextricably linked, National Party Leader, Tim Fischer, was reported to have 'attacked' the government for responding to Mabo solely in terms of 'the agenda of Aboriginal reconciliation'.<sup>49</sup> What Fischer meant by the 'agenda of Aboriginal reconciliation' was not specified. Implicit here, however, seems to be a portrayal of the government as being captive to 'special interest' groups (to the exclusion of other groups in the Australian community), where the framework of 'Aboriginal reconciliation' is one mechanism by which the government's captivity to special or

minority interest groups is maintained. This demonstrates two points: first, how vastly different meanings can be attached to the idea of ‘reconciliation’ (Keating’s ‘big picture’ reconciliation versus Fischer’s postulation of reconciliation as pandering to a special interest); and second, how these different meanings can each be put to work in the cause of different political agenda.

When the Opposition released its own discussion paper on Mabo in June 1993, it appeared that the views of Liberal moderates such as Wooldridge and Nugent had lost out to those more in line with McLachlan and Fischer. According to Tim Rowse, ‘the emphasis in the Coalition’s rhetoric was defensive, casting “Mabo” as a problem’, whereas the government, as the discussion above demonstrates, had ‘[talked] up [Mabo] as an opportunity’.<sup>50</sup> While Rowse argues that in some respects the Opposition’s position, as articulated in the discussion paper, was much closer to the government’s position than the media (and the Coalition itself) made out, there was one significant difference: the Coalition sought to have the issues of Mabo and reconciliation dealt with independently of one another. According to the Coalition’s Mabo discussion paper, ‘the issues of Mabo [should] be settled separately from broader issues of reconciliation, Aboriginal assistance and Aboriginal development’.<sup>51</sup> As the discussion below of the parliamentary debates on the Native Title Bill demonstrates, the Coalition’s position that Mabo and reconciliation should be seen as separate relied on a very different conceptualisation of reconciliation to that which had been championed by the government, by the Council for Aboriginal Reconciliation, and indeed by some Coalition parliamentarians, since 1991.

And so the debate continued for the following months: exchanges between the government, Aboriginal spokespersons and conservative critics of the Mabo decision (and the federal government’s response to it) continued across the airwaves and in the pages of the national newspapers. In early August 1993 the Council for Aboriginal Reconciliation convened a meeting of several hundred Aboriginal people at Eva Valley station in the Northern Territory, resulting in what became known as ‘the Eva Valley statement’—a renewed call upon the government not to compromise on its international human rights obligations in trying to secure a deal with the states and territories.<sup>52</sup> Meanwhile, the debates between the federal government and the state and territory leaders continued.

In early September, the government released draft legislation which, to the dismay of Indigenous negotiators, would have subjected Aboriginal land interests to state authorities; it would also have suspended the *Racial Discrimination Act 1975* ‘in so far as it might threaten the title validations achieved by the forthcoming Act’. It also failed to include any proposal for a land acquisition fund for those Indigenous people who

would not be able to claim native title.<sup>53</sup> It was perhaps at this point that relations between the Indigenous leadership and the government were at their most tense. In early October, the Council for Aboriginal Reconciliation Chairman, Patrick Dodson, warned the government that he would consider resigning if the Mabo issue were not resolved satisfactorily:

Unless a degree of commitment to the reconciliation process is shown beyond what is being shown to date, the federal Government might as well be honest with the Australian people and wind it up.<sup>54</sup>

On 8 October 1993—a day which subsequently became known as ‘Black Friday’—the Aboriginal negotiators formally announced that they opposed the draft legislation. In a press conference held that day, Lois O’Donoghue, like Patrick Dodson, drew on the language of reconciliation to express her sadness at the state of the negotiations at that time:

It looked as if a uniquely Australian cultural identity could be delivered in the years leading to the centenary of Federation—*an identity built on a foundation of reconciliation between ourselves and non-indigenous Australians*. It is now highly unlikely that the vision will be fulfilled’ (emphasis added).<sup>55</sup>

Dodson and O’Donoghue’s comments provide another example of how the Indigenous leadership employed the language of reconciliation in a strategic way—linking the Keating Government’s ‘big-picture reconciliation’ (that is, reconciliation conceptualised in terms of national identity and national character) with their own objectives for the Mabo process. These examples further demonstrate how the discourse of reconciliation provided a language, which Indigenous people had in common with the government, to articulate Indigenous people’s visions of Indigenous/non-Indigenous relations in Australia and their demands for the recognition of Indigenous-specific rights.

Subsequently, as Tim Rowse points out, the Prime Minister at this time had two questions to consider: first, whether it was possible to get his proposed legislation through the Parliament and, second, ‘whether his government could live with a “Native Title Act”, intended to honour the [Mabo] judgment, but clearly condemned by both moderate and radical indigenous leaders as a breach of faith and an abuse of international principles of justice’.<sup>56</sup> While it is no doubt the case, as Rowse further points out, that the Prime Minister’s ensuing course of action—the continuation of negotiations with Indigenous people and the drafting of revised legislation (which was endorsed by Aboriginal negotiators on 19 October)—was motivated by his wish to legislate in some form, it is important here to comment briefly on how the term

‘reconciliation’ figured in the government’s efforts to win back the goodwill of its Indigenous critics.<sup>57</sup>

In the period September–October 1993, the language of reconciliation continued to be used by the Indigenous leadership in lobbying for a favourable outcome to the Mabo debates. That is, the Indigenous leaders were speaking in the same language as the government, and this made it harder for them to be ignored (and dismissed as unconstructive, unrealistic or radical, as had been the case with some Indigenous proponents of land rights and treaty in the 1980s), and albeit that by ‘reconciliation’ the government and the Indigenous leadership sometimes meant different things.

This is not to say, however, that reconciliation was the only, or the most important, factor in the public debates over Mabo and native title in the lead-up to the passage of the legislation through the Parliament. While it was a prominent idea during the native title debates, de Costa points out that it is important not to overstate reconciliation’s capacity to influence the political agenda (if it can be said to have influenced the political agenda at all).<sup>58</sup> Opponents of both the Mabo decision and the government’s response to it were able to appropriate the language of reconciliation to their causes as well, as discussed briefly above. What this suggests is that while ‘reconciliation’ was a term commonly used, ideas about just what ‘reconciliation’ *meant* were not necessarily shared. In fact, ‘reconciliation’ was used to argue diametrically opposed evaluations of the Mabo decision and the government’s proposed legislation. This theme is further explored in the following section’s discussion of the parliamentary debates over the Keating Government’s native title legislation.

## Native title and reconciliation: the *Native Title Act 1993*

After many long months of public debate, the Native Title Bill 1993 was eventually introduced into the House of Representatives by Prime Minister Keating on 16 November 1993. Briefly, the major features of the revised legislation were as follows: recognition and protection of native title rights; provision for validation of existing land titles where they may be invalid due to the existence of native title; the establishment of a regime governing future grants and acts affecting native title; and the establishment of procedures for determining claims to native title and for dealing with native title land.<sup>59</sup> The government had overcome many of the objections the Indigenous leaders had raised to the original draft legislation in early October: security of tenure was to be provided for post-1975 land grants without suspending the *Racial Discrimination Act 1975*; Indigenous people would be able to go to a Commonwealth tribunal to have their native title claims adjudicated; and a land fund for Indigenous people not able to access native title rights would be established (via separate legislation).<sup>60</sup>

By the time the legislation was passed a few days before Christmas 1993, the debate over the Native Title Bill 1993 had become the longest debate about any Bill in the history of the Australian Parliament at that time. (Until then the record had been held by the debate on the ATSIC legislation in 1989.) The native title deliberations took up over 50 hours of debate in the Senate alone.<sup>61</sup> As well as being the one of the longest debates in the Parliament's history, the Native Title Bill debate was also one of the more acrimonious: when the government's native title legislation came before the Parliament, the Coalition was strongly opposed to it. In interviews conducted for this project, parliamentarians who participated in the 1993 native title debates described them as some of the most heated parliamentary exchanges they can remember.<sup>62</sup>

### Key themes of the Native Title Bill debates

This part of the chapter discusses the results of the content analysis conducted on approximately 90 speeches made during the parliamentary debates over native title in 1993, in which the idea of reconciliation was employed.<sup>63</sup> This analysis shows that in the majority of those speeches where it was discussed, reconciliation was an important theme, and in many cases, an important idea for rationalising parliamentarians' positions on the Native Title Bill—that is, many parliamentarians drew on the idea of reconciliation to explain their position on the native title legislation, whether they supported or opposed the passage of the Bill. This is indicative of how the language of reconciliation had come to be part of the political *lingua franca* at this time. However, unlike the parliamentary debates over the reconciliation legislation in 1991 which were characterised by an optimistic and cooperative atmosphere of bipartisanship, there was little, if any, sense of this during the 1993 native title debates.

Figure 3.1 shows the understandings of reconciliation which were most common during the parliamentary debates on the native title legislation in 1993. The most striking thing about the 1993 debates in terms of the discourse of reconciliation, which Figure 3.1 demonstrates, is the high number of speeches in which the meaning of reconciliation was ambiguous or unclear. The vast majority of these cases were speeches given by Coalition parliamentarians. At the same time, Figure 3.1 demonstrates that the second most prevalent meaning of reconciliation in the 1993 native title debates was reconciliation understood as the recognition of Indigenous-specific rights. The vast majority of speeches in which this understanding of reconciliation was a theme were those given by ALP parliamentarians. The figure also shows that other key themes of the 1991 reconciliation debates—reconciliation as addressing Indigenous disadvantage, reconciliation as recognising Indigenous history, heritage and culture, and

reconciliation as attitudinal change—were also present during the native title debates, but to a less significant degree.

Part of the explanation for these findings lies in the policy positions that had been staked out by the major parties in the public debates following the Mabo decision and leading up to the introduction of the native title legislation into the Parliament. The position of the Labor government during that time was that recognition of the findings of the Mabo decision was necessary for the reconciliation process to proceed; that is, recognising Indigenous people's native title rights was necessary for reconciliation to happen. This was also the line the Labor government took during the parliamentary native title debates at that time, which explains both why the idea of reconciliation defined as 'the recognition of Indigenous-specific rights' was so prevalent during those debates, and why the majority of speeches in which this understanding of reconciliation was articulated were made by Labor parliamentarians.

On the other hand, the Coalition's official position during the post-Mabo debates was that reconciliation and native title should be treated separately. At the same time, however, there were deep divisions within the Coalition about the Mabo decision itself and how to respond to it. Consequently, having defined reconciliation as separate to native title (and questions of Indigenous rights), in the context of a discussion *about* native title (and thus the broader issue of recognition of Indigenous rights), this made it difficult for the Coalition to have a consistent line on what reconciliation was; that is, they had not arrived at a coherent alternative position. This explains both the high incidence of ambiguous articulations of reconciliation during the native title debates, and the fact that the majority of these were found in the speeches of Coalition parliamentarians.

The following section discusses these themes in parliamentarians' contributions to the debate on the Native Title Bill 1993 in more detail.

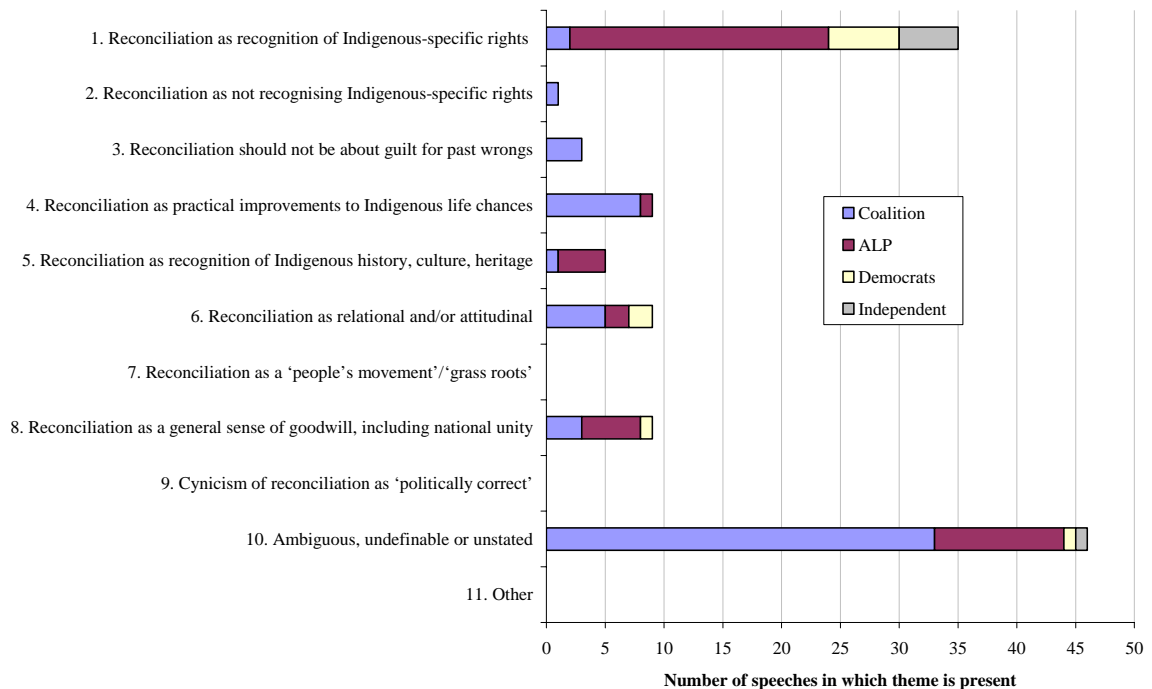
## The government's 'big picture' reconciliation

In introducing the legislation into the House of Representatives, Prime Minister Keating once again sought to link the government's response to the Mabo decision with the process of reconciliation. Consistent with his earlier statements on the issue, in particular the Redfern Park speech, the Prime Minister argued that the government's—and the parliament's—response to Mabo was a test of national character:

To deny these facts [about Aboriginal dispossession] would be to deny history—and no self-respecting democracy can deny its history. To deny these facts would be to deny part of ourselves as Australians ... To see what is there and not act upon it—that is a symptom

of weakness. That is failure ... To retreat from this challenge, to say that this opportunity is beyond our reach as a nation, beyond the limits of our collective intellect and goodwill, would be to betray not just the indigenous people of Australia but ourselves, our traditions and our future.<sup>64</sup>

**Figure 3.1: Key themes in parliamentary debates on Mabo and native title, September–December 1993**



Keating also spoke about the establishment of an Indigenous land fund as central to the process of reconciliation: ‘justice, equality and fairness demand that the social and economic needs of [Aboriginal communities whose native title has been extinguished or lost without consultation, negotiation or compensation] must be addressed as an essential step towards reconciliation’. While he emphasised the importance of tackling the issue of indigenous dispossession, Keating argued that this was a necessary but not sufficient condition of reconciliation: ‘addressing dispossession is essential but will not be enough to overcome the legacy of the past and achieve reconciliation’. Measures to overcome Indigenous disadvantage and ‘increase the participation of Aboriginal people in Australian economic life’ were also required. Finally, Keating concluded his second reading speech by arguing that the Native Title Bill was an important step towards the vision statement that the Council for Aboriginal Reconciliation had produced for the



reconciliation process: ‘a united Australia which respects this land of ours, values the Aboriginal and Torres Strait Islander heritage, and provides justice and equity for all’.<sup>65</sup>

In drawing on the Council for Aboriginal Reconciliation’s vision statement in this way, Keating was overtly aligning himself and his government with the kind of reconciliation rhetoric that the Council had been starting to produce (though, as discussed further in the later sections of this chapter, in the parliamentary debates on the native title legislation he was one of the few parliamentarians to do so). Keating’s speech was also a reaffirmation of the government’s broad, and necessarily ambitious, conceptualisation of reconciliation: it was about addressing dispossession (in a broader sense than just that which had been prescribed by the High Court, exemplified by the government’s commitment to establishing an Indigenous land fund); it was about recognising Indigenous culture, heritage and attachment to land; it was about overcoming Indigenous disadvantage; and it was a test of the virtue of the nation’s character and moral fibre.

Thus, as it was articulated in Keating’s second reading speech on the Native Title Bill, reconciliation was now operating in several senses: at the level of policy (the imperative of reconciliation necessitated dealing with policy issues such as Indigenous people’s access to land as well as Indigenous disadvantage); as a moral or ethical framework within which to devise policy (the language of reconciliation provided a way of articulating what Keating perceived to be a *moral* obligation to deal with the consequences of Indigenous dispossession); and at the macro-level of national identity (Keating continually tied the success of reconciliation process to the broader issue of Australia’s identity as a nation).

The Hansard of other ALP parliamentarians’ speeches on the Native Title Bill provide an excellent example of staying ‘on message’. Invariably, ALP members and senators who spoke about reconciliation articulated their support for the Native Title Bill in terms of its importance to the reconciliation process. This is reflected in the high number of ALP speeches in bar 1 of Figure 3.1. While there were nuances in ALP parliamentarians’ articulations of reconciliation in relation to the Native Title Bill, the central message—that is, about the relationship between recognising native title and reconciliation—in all ALP members’ and senators’ speeches was essentially the same.

For example, like Keating, Tickner linked the Native Title Bill to the government’s ‘big picture’ vision of reconciliation: the government saw the Mabo decision ‘as the best opportunity yet for a long-term and durable settlement in this country’ because, according to Tickner:

If there is one thing that the Mabo decision does for all of us, it is to enable this country to come to terms honestly with its own history as a nation. It enables us to move forward with that reconciliation process between indigenous and non-indigenous Australians and to negotiate as equals in that process.<sup>66</sup>

Similarly, Senator Gareth Evans, then Leader of the Government in the Senate who oversaw the complex and difficult negotiations to get the native title legislation through the Senate, argued that ‘the contribution the decision will make to the process of reconciliation’ was ‘one of the most important benefits’ of the Mabo decision and the government’s legislative response.<sup>67</sup> Likewise, former Aboriginal Affairs Minister Clyde Holding said that the Mabo decision ‘was the opportunity to provide the basis for a permanent and lasting reconciliation’.<sup>68</sup>

Several Labor parliamentarians described the Mabo decision and the native title legislation as a watershed for the reconciliation process. For example, the Member for Richmond (NSW), Neville Newell, said that the ‘Native Title Bill will be remembered as a stepping block towards a successful reconciliation between black and white Australians and towards a truly unified Australia’.<sup>69</sup> Member for Capricornia (Queensland), Marjorie Henzell, took a similar view: ‘I believe that this legislation will provide a watershed in our relationship with our indigenous brothers and sisters and open up the opportunity for true reconciliation’.<sup>70</sup> Others, such as Peter Duncan, the Member for Makin (South Australia), took the opportunity of the Native Title Bill debates to articulate their own version of Labor’s big picture vision of reconciliation:

The Prime Minister (Mr Keating) has earmarked the 1990s as a decade of reconciliation between the original Australians and non-Aboriginal Australians. This is a quest for a higher morality and a quest in the national interest ... Mabo provides a beginning, an opportunity to remove the stain on our national character and to remove the shame of our nation’s history. It is my hope that the amount of attention being paid to Mabo is a mark of a sincere, maturing community. With that hope, I ask the people of Makin and Australians generally to support this bill and the reconciliation that it underpins it, for in it, I believe, are the seeds of a true national self-respect.<sup>71</sup>

Labor parliamentarians also used the language of reconciliation to attempt to persuade other parliamentarians—particularly those belonging to the minor parties in the Senate (on whose support the Bill’s passage depended)—to the government’s position on the native title legislation. For example, the Member for Lalor (Victoria), Barry Jones, concluded his contribution to the native title debate by:

... imploring the two Greens in the other place ... to let the bill pass and then play a constructive role in making sure that the legislation works and brings about justice for all

and a mood of national reconciliation—a fresh start in Aboriginal and Torres Strait Islander affairs. After 205 years it is long overdue.<sup>72</sup>

Similarly, Senator Gareth Evans argued that reconciliation not only required that the Bill be passed, but also that it be passed expeditiously (this was at the time that the government was trying to get the Bill through the Senate before Christmas in 1993):

The kind of process of reconciliation, of building consensus, of building support for an understanding of the rights of Aboriginal people, of building an understanding for some principles of justice and principles of decency at last to be applied for these people who have been so sadly neglected, that consensus, *that process of reconciliation, is fragile and that would, I am afraid, be very seriously prejudiced by any extended process of this kind. Delay will place added strain on the reconciliation process between indigenous and non-indigenous Australians* (emphasis added).<sup>73</sup>

Frank Walker, the Special Minister of State with responsibility for native title, used the language of reconciliation to admonish the Coalition, and in particular the Opposition Leader, Dr Hewson, for not supporting the Native Title Bill: ‘Instead of the peaceful path of reconciliation, the Leader of the Opposition (Dr Hewson) has chosen to take the politically opportunist road of conflict and division’.<sup>74</sup>

Like the ALP, speakers from the minor parties represented in the Senate at that time (the Greens and the Australian Democrats) articulated their support for the recognition of native title in terms of its importance for reconciliation (albeit that it was not always clear that their support for native title recognition would translate to support for the passage of the Native Title Bill). This is also reflected in Figure 3.1. For example, then Democrats Leader, Cheryl Kernot—who played a very active role in the passage of the Native Title Bill through the Senate—saw a clear connection between the issues of native title and reconciliation:

The Mabo decision should have meant the recognition of bare legal rights for Aboriginal peoples and some attempt to provide redress for the 90 per cent of indigenous people who will not benefit from Mabo. That is why we believe that the social justice components which complement this bill are very important. Despite the desires of the opposition, we cannot separate native title from reconciliation. To do so displays a blatant lack of understanding of the special attachment that Aboriginal people have for land and that Torres Strait Islanders have for the sea. We cannot just say, ‘We are just going to deal with this and reconciliation can wait until we are finished’. Reconciliation is an ongoing process. How we respond to an understanding of special attachment to land is a measure of how we are performing our partnership as we move towards reconciliation.<sup>75</sup>

Similarly, Senator Christabel Chamarette (Greens, WA) spoke of how Mabo had ‘presented an opportunity to see a genuine process of reconciliation between Aboriginal

people and non-Aboriginal people and a measure of restitution and reparation for the wrongs of the past'. Chamerette's contributions to the Native Title Bill debate articulated a vision of reconciliation predicated strongly on justice for Indigenous people: 'The Greens position is that until the truth of the historical injustice is acknowledged no healing or reconciliation is possible. If this legislation fails to at least protect existing native title rights based on the High Court's decisions it is unacceptable'.<sup>76</sup>

## **The Opposition position**

Unlike the united front presented by the ALP during the native title debates, there was no consensus within the Coalition about the Commonwealth response to the Mabo judgment—either in the lead-up to the parliamentary debates, or, as the discussion below demonstrates, in the parliamentary debates themselves. As Tim Rowse explains, under John Hewson's leadership 'the Opposition's surveillance of the evolution of a Native Title Bill had never settled into a coherent position. Not only was Hewson dogged by leadership rivalries ... there were substantive differences of interest within the Coalition's constituency'. These differences—and subsequently the position the Coalition would take when the Native Title Bill came before the Parliament—remained unresolved up until early October. When the government's revised draft legislation was released in mid-October, however, Hewson found a position which accommodated the various views within the Coalition and its constituency: 'the bill would be opposed on the grounds that it violated the states' constitutional mandate to manage land'.<sup>77</sup>

In contrast to the government's position as it was articulated both by Keating and by Labor parliamentarians who contributed to the native title debates, the Opposition sought to differentiate the issue of native title from the broader issue of reconciliation. In his contribution to the second reading debate, Hewson told the Parliament that the Coalition accepted 'the existence of native title as declared by the High Court', and recognised 'the equal right of indigenous people as Australian citizens to the enjoyment and protection of their rights'. However, the Coalition 'totally rejected' the Native Title Bill 'because we believe it is neither a just nor a workable response to the High Court's Mabo decision'.<sup>78</sup> Hewson articulated the opposition view that reconciliation and native title should be handled separately as follows:

This bill ... confuses settlement of land management issues arising from the High Court's judgement in the Mabo case with the wider issue of reconciliation with the Aboriginal and Islander communities. As such, the bill goes way beyond what the High Court actually decided.<sup>79</sup>

Thus, in contrast to the government, which argued that Mabo was inextricably related to the reconciliation process, the Coalition position was to cast Mabo much more narrowly—as a land management issue. Hewson also took the position of judging the Native Title Bill in terms of its likely effect on Indigenous disadvantage:

One of the greatest myths created by the government about this legislation is that it is presented as some kind of panacea for Aboriginal and Islander disadvantage. The fact is that it is nothing of the kind ... This legislation will do nothing about Aboriginal and Islander health. It will do nothing about their education. It will do nothing about their welfare and living conditions. The bill is no shortcut to overturning a legacy of disadvantage and neglect.<sup>80</sup>

John Hewson's speech concluded by arguing that 'responsibility for addressing the root causes of Aboriginal and Islander disadvantage and lack of opportunity must lie at the forefront of our national priorities'. Further, he said, 'so much remains to be done in that regard and the coalition parties remain strongly committed to bipartisan support for the national reconciliation process'.<sup>81</sup> Thus, for Hewson, the reconciliation process appeared to be predominantly about addressing Indigenous disadvantage, a position consistent both with Michael Wooldridge's contribution to the 1991 debate on the reconciliation legislation and the 'practical reconciliation' agenda pursued by the Howard Government after 1996. The Coalition's emphasis on Indigenous disadvantage is reflected in Figure 3.1 (in the number of Coalition speeches included in bar 4). This is in stark contrast to the Keating Government's 'big picture' vision of reconciliation discussed above. This demonstrates the elasticity of the discourse of reconciliation: both Hewson and Keating's contributions to the debate on the Native Title Bill espoused strong support for the reconciliation process, but the contrast between the two speeches demonstrate that this support was based on vastly, if not fundamentally, different understandings of what 'reconciliation' meant.

This point is further demonstrated by an analysis of Coalition parliamentarians' contributions to the Native Title Bill debates. The differences of opinion within the Coalition which were apparent in the public debates over the Commonwealth's response to Mabo in 1993 were briefly discussed above. Similarly, the 1993 Hansard provides a very palpable sense of a joint party room in conflict.

For example, as discussed above, some Coalition parliamentarians, such as Shadow Minister Peter Nugent, former Shadow Minister Michael Wooldridge, and Liberal backbencher Christopher Pyne, saw the need to accept the High Court's decision. They argued that the decision had the potential to advance the reconciliation process (though all were critical of the Government's native title legislation and of its handling of the Mabo issue more generally). Nugent, for instance, professed a 'deep and heartfelt belief

that the High Court decision was the right one', which 'held out so much hope for future reconciliation'. However, Nugent said that he had 'been forced by the government's disastrous handling of this matter to concede ... that land management and reconciliation matters have now to be dealt with separately'.<sup>82</sup> Michael Wooldridge argued that the 'Mabo decision goes to the heart of our relationship with the Aboriginal people'.<sup>83</sup> Christopher Pyne expressed support for the High Court's decision, articulated in terms of its potential for redressing historical and legal injustice. He also defended the High Court itself against criticisms of the judgment, arguing for the importance of a strong and independent judiciary.<sup>84</sup>

On the other hand, some Coalition parliamentarians were strongly opposed to the Mabo judgment itself. For example, Shadow Special Minister of State, Peter Reith, described the decision, pejoratively, as an example of 'judicial activism'.<sup>85</sup> Senator James Short (Liberal Party, Victoria) described Mabo as 'an extremely dangerous example of the court making a political and social statement under the auspices of legal interpretation'.<sup>86</sup> Similarly, Senator Bronwyn Bishop (Liberal Party, NSW) argued that the High Court had stepped outside the bounds of its jurisdiction in the Mabo judgment, in effect '[making law], which is the province and function of this parliament'. Consequently, it had 'created problems which have to be remedied by legislature, not by the courts'.<sup>87</sup>

Yet while there were deep differences of opinion within the Opposition about the merits of the Mabo decision (and presumably about what would have constituted an appropriate Commonwealth response), all Coalition parliamentarians who spoke about reconciliation in their contributions to the 1993 native title debates expressed support for the concept. Like Opposition Leader Hewson, however, they argued that the issues of reconciliation and native title should be dealt with separately. For example, Member for La Trobe (Victoria), Bob Charles, said that the Bill, 'which the government and the Prime Minister say begins on the course of reconciliation, is in fact a bill about land management'.<sup>88</sup> Liberal Member for Warringah (NSW), Michael MacKellar, suggested that the confusion between the issues of native title and reconciliation was a fundamental flaw in the legislation; he spoke of the need for 'the response to the Mabo decision to properly address the uncertainties that have arisen as to the ramifications that the Mabo decision may have on existing and future land titles and leases'. But, he argued, this 'requirement is sufficiently complex in itself, let alone if it becomes—in whatever way—mixed up with what has been called the reconciliation process. But, unfortunately, mixed up it has become'.<sup>89</sup> Liberal Party Member for Adelaide (South Australia), Trish Worth, distinguished between what she described as the 'sociological' nature of reconciliation and the legal nature of issues arising from the Mabo decision:

The process of reconciliation is very important to Australia's future. The coalition is committed to this process ... However, it is reckless to intermingle issues relating to reconciliation which are sociological with issues relating to the Mabo judgment which are legal and administrative. We cannot legislate for good race relations, and to try to incorporate reconciliation and legal reform into the one process could jeopardise both.<sup>90</sup>

Other Coalition parliamentarians accused the government of formulating native title legislation which 'went beyond' the High Court's judgment. Member for Forrest (Western Australia), Geoff Prosser, for instance, spoke of the Coalition's support for 'the need to resolve a range of concerns with the Aboriginal population', but said that the government's native title legislation 'has gone way beyond the High Court's ruling by attempting to blend native title rights with reconciliation issues ... reconciliation should be a separate matter, achieved by working closely with the Aboriginal community and its leaders'.<sup>91</sup>

Beyond general support for the concept of reconciliation and adherence to the party line that native title and reconciliation should be treated as separate issues, there was a lack of coherence within Coalition parliamentarians' contributions to the native title debate about what 'reconciliation' meant. Some Coalition speakers spoke of reconciliation in terms of addressing Indigenous people's disadvantage (as shown by bar 4 in Figure 3.1). For example, Christopher Pyne said that the Coalition was 'strongly committed' to the process of reconciliation and in particular 'to the view that this process should concentrate on Aboriginal and Islander disadvantage'.<sup>92</sup> National Party Leader Tim Fischer said that the 'Mabo debate, and the more general reconciliation debate, are essentially about the method ... of improving the health and educational lot of so many Australians. We all want to see the very best possible outcome for Aborigines in Australia. Our differences are in regard to the way we go about improving the lot of Australians of Aboriginal heritage'.<sup>93</sup> Senator John Herron (Liberal Party, Queensland) (who would later become the Howard Government's first Minister for Aboriginal and Torres Strait Islander Affairs), articulated reconciliation as being dependent on the 'average Australian's' understanding of 'the situation', but also on Indigenous communities 'taking responsibility':

... I have no difficulty with the prospect of reconciliation, if that is the word to use, but it will not be achieved by this bill. It will be achieved only when the average Australian understands and is conversant with the situation. The average Australian sees the litigation that is going to go on in the same light as does one of my close and respected friends, who believes that it will be a dark day in Australia's history when this legislation goes through and that it will be looked back upon, in years to come, as impeding the reconciliation...

... reconciliation will not occur until the Aboriginal communities themselves take responsibility for their health care, take responsibility for their employment, take responsibility for controlling their own lives in the way that other Australian communities do.<sup>94</sup>

Figure 3.1 also indicates that some Coalition speakers took exception to what they perceived to be an attempt by the Keating Government to foist a sense of guilt onto contemporary generations for past dispossession through the native title legislation. For example, Senator Alan Ferguson (Liberal Party, South Australia) told the Parliament that despite his ‘genuine sadness’, he did ‘not feel any personal guilt over the actions of white Australians previously, and I am angered that the Prime Minister should suggest that any of this guilt should be placed on me and that, because of this, I should support the Native Title Bill’.<sup>95</sup> Senator John Panizza (Liberal Party, WA) suggested that ‘political correctness’ was to blame for the Keating Government’s policy: ‘I believe that the sum total of this bill is a means for this government—and politically correct, guilt ridden, socially conscious do-gooders, mostly from the eastern seaboard—to clear its collective guilt. It has nothing to do with reconciliation’.<sup>96</sup> National Party Member for Gwydir in NSW (and later Deputy Prime Minister), John Anderson, argued that the government’s approach to native title would damage the reconciliation process: ‘The attachment of guilt to contemporary Australians ... [will] in my view ... be counterproductive to reconciliation and the pulling together of all Australians as one people’.<sup>97</sup>

Some Coalition parliamentarians expressed their opposition to the native title legislation in terms of what they perceived to be its divisiveness in legislating for a form of land title that would only be available to Indigenous people. (Some Coalition members subsequently argued that the very category of native title created inequality—and thus divisiveness—because not all Australians could access native title rights.) In many of these speeches, ‘reconciliation’ was defined as ‘national unity’; accordingly, the native title legislation was construed as ‘divisive’. For example, Senator Paul Calvert (Liberal Party, Tasmania, later President of the Senate), said of the Bill that it would ‘divide Australians rather than unite them. It is not the blueprint for reconciliation which our community needs, nor is it the blueprint which Aboriginal people deserve’.<sup>98</sup> Shadow Minister, Peter Nugent, argued that Prime Minister Keating’s policy on native title had ‘divided the country [and] set back race relations’.<sup>99</sup> Liberal Member for Fisher (Queensland), Peter Slipper, articulated his concerns about the Native Title Bill as follows:

This bill does nothing to achieve its stated aims and leaves a nation divided against itself. It is a tragedy that this government, this Labor Party and this Minister for Aboriginal and



Torres Strait Islander Affairs (Mr Tickner) have fanned social conflict and the fires of racism. What they have done in this bill is to tear up the concept of one nation, one people.<sup>100</sup>

Similarly, Liberal Member for Cowan (Western Australia), Richard Evans, saw the Native Title Bill as a great threat to the unity of the nation:

... never before in our nation's history has the very foundation of our systems, our heritage and our peaceful enjoyment of our country, been under greater threat than now with the introduction of the Native Title Bill. One hundred years after our country's leaders brought us together as one nation we have a Prime Minister (Mr Keating) determined to tear us apart. The threat to our great nation now is the insistence of the Prime Minister—intent on taking his place in history—on tearing up our history, its evolution and the prosperity it has brought to all of us.<sup>101</sup>

Of course, as Figure 3.1 indicates, Coalition parliamentarians were not the only contributors to the debate on the Native Title Bill who saw a relationship between the Commonwealth response to the Mabo decision, the idea of national unity, and the process of reconciliation. Labor parliamentarians were also concerned with questions of nationhood and national unity. Former Minister for Aboriginal Affairs, Clyde Holding, for example, called on the Opposition parties, 'in the name of a united Australian people, that they think again on the damaging political course that they have embarked upon on this very important piece of legislation'.<sup>102</sup> The difference was that for Labor, legislative recognition of native title would help to achieve national unity (and reconciliation); for many of the Coalition parliamentarians quoted here, the Keating Government's Native Title Bill would bring about the opposite. What this demonstrates again for the purposes of this study is that the idea of 'reconciliation' is sufficiently broad to allow for both these visions of national unity, and reconciliation, to coexist. This is because, according to Phillips, while the discourse of reconciliation 'promises unity', it does not provide 'any definitive account of the nature of that unity or even, necessarily, how it was to be achieved'.<sup>103</sup>

During the debates over the Native Title Bill, some government MPs expressed bewilderment that the Coalition could take such a different view to the government on the issue of native title after the Coalition had committed its support to the reconciliation process when it was established in 1991. However, while Labor MPs attempted to construe the Coalition as anti-reconciliation during the native debates (and vice versa), what the Coalition's opposition to the Native Title Bill demonstrates is not a lack of support for the idea of reconciliation, but rather a different (albeit at times somewhat incoherent) understanding of what reconciliation meant.

Indeed, as Chapter Two demonstrated, the differences between Labor and Coalition parliamentarians' understandings of reconciliation were articulated during the debates on the reconciliation Bill in 1991; in the context of those debates, however, the only thing that the Coalition was being asked to support was the idea of reconciliation itself. In the debate on the Native Title Bill, the idea of reconciliation was being applied to the very real question of how to recognise Indigenous people's title to land that had been found to exist by the High Court. Given the fraught nature of this issue, the many interests in it and the strongly held views on various sides of the debate, it was not really surprising that the 'fragile consensus' which had been built up on the abstract concept of reconciliation during the reconciliation debates in 1991 had fractured by the time the Native Title Bill was passed by the Parliament in December 1993.

### **The voice of the Council for Aboriginal Reconciliation in the native title debates**

The discussion thus far has focused on the discourse of reconciliation in the public and parliamentary debates on the Commonwealth's response to the High Court's Mabo decision. This part of the chapter discusses in more detail the role of the Council for Aboriginal Reconciliation in the native title debates.

When the Mabo judgment was delivered, the Council for Aboriginal Reconciliation was still a relative newcomer to the national political scene: it was less than a year since its enabling legislation had been passed and the Council had held its first meeting only a few months before, in February 1992.<sup>104</sup> The Council for Aboriginal Reconciliation saw the Mabo decision as both 'a major challenge and a major opportunity'. While the judgment 'added impetus to and awareness of the process of reconciliation', as the government had been at pains to point out, it also changed the atmosphere in which the Council had been operating.<sup>105</sup> The Council for Aboriginal Reconciliation was faced with the challenge of quickly determining what role it should have in public debates such as those over Mabo and the Commonwealth response to it. That is, how could the Council meaningfully participate in these debates in such a way that would best advance the reconciliation process that it had been established to oversee?

As the preceding sections of this chapter show, the Council, along with ATSIC, helped to arrange the Eva Valley meeting of several hundred Aboriginal representatives in August 1993.<sup>106</sup> The Council Chairperson, Patrick Dodson, also made several incisive contributions to the public debate which preceded the passage of the Keating Government's *Native Title Act 1993*, as is demonstrated below. Overall, however, the Council for Aboriginal Reconciliation stayed out of the everyday politics of Mabo because, as it pointed out in its first report to the Parliament in 1994, the 'Council had

members representing many political, cultural and economic perspectives of the debate'.<sup>107</sup> This is demonstrated by the fact that the Council's members at this time included Rick Farley, the Executive Director of the National Farmers' Federation (NFF), which was lobbying the government on behalf of the farming and pastoral industries; Robert Champion de Crespigny, the Chairman of a large mining company; Galarrwuy Yunupingu, Chairperson of the Northern Land Council (NLC); and Lois O'Donoghue, Chairperson of ATSIC, who was one of the leading Indigenous negotiators. Senator Cheryl Kernot, who was a key player in the passage of the native title legislation through the Senate, was also a member of the Council.

The Council for Aboriginal Reconciliation had been designed to be broadly representative of the community. While this was one of its strengths, the Council's diverse membership—and the competing interests this membership represented—subsequently meant that it was difficult for the Council, as a group, to be involved in the detail of the debate.<sup>108</sup> Thus, the Council for Aboriginal Reconciliation's structure effectively emphasised the principle of plurality over the need for precision. It could be argued that this feature of the structure of the Council was a metaphor for the broader reconciliation process.

While it steered clear of the specifics of the debate, however, the Council did take a role in advocating on some of the broader issues which the debate raised, as well as on the process through which the Commonwealth response to the Mabo judgment was being determined.<sup>109</sup> Several examples demonstrate how this was the case.

### ***Making Things Right and Exploring for Common Ground***

In early 1993 the Council for Aboriginal Reconciliation produced a booklet (and accompanying video), *Making Things Right: Reconciliation after the High Court's decision on native title*.<sup>110</sup> The booklet (which, according to the Council, 'proved to be in great demand'), '[introduced] the process of reconciliation', outlined some of the implications of the Mabo decision for the process, and in doing so, aimed to '[stimulate] discussion, particularly in Aboriginal and Torres Strait Islander communities'.<sup>111</sup> *Making Things Right* described the reconciliation process as aiming to 'reduce [divisions in Australian society] and suggest ways in which the relationship between Aboriginal and Torres Strait Islander peoples and other Australians can be healed, with respect for humanity on both sides'.<sup>112</sup> The Council for Aboriginal Reconciliation's task was 'to look for a way for indigenous and other Australians to share this country as equals'.<sup>113</sup> The booklet reiterated the Council's view that the Mabo decision provided an opportunity to progress or advance reconciliation:

The High Court's decision rights a distortion in the history of Australia. On the basis of truth and justice, we now have the opportunity to set right the relationship in a way that was not possible in the beginning. From this point, the Council hopes that reconciliation will grow.<sup>114</sup>

Accordingly, *Making Things Right* emphasised the importance of a process based on consultation and negotiation for resolving the uncertainty and potential tension between different stakeholders.<sup>115</sup> In doing so, the Council for Aboriginal Reconciliation focused on the means by which the Commonwealth response to the Mabo decision should be determined, rather than on the details of what the response should be.

Similarly, in June 1993, the Council published another document, *Exploring for Common Ground: Aboriginal Reconciliation and the Australian mining industry*, which was the product of a series of meetings between members of the Council's mining committee, representatives from the mining industry and Aboriginal people.<sup>116</sup> The aim of those meetings had been 'to discuss practical ways of improving communication and understanding between Aboriginal people and the mining industry'.<sup>117</sup> The Council for Aboriginal Reconciliation-sponsored meetings between mining industry representatives and Aboriginal people did not discuss the Mabo decision or its implications: 'The [Council for Aboriginal Reconciliation mining] committee felt that the issue was too unclear and divisive for all sides at the time of our meetings'. Rather, *Exploring for Common Ground* emphasised that with 'co-operation and dialogue the issues will be resolved and the [Mabo] decision will be a landmark on the path to reconciliation'; however, without co-operation and dialogue, 'the issue will remain divisive'.<sup>118</sup>

Like *Making Things Right*, therefore, *Exploring for Common Ground* emphasised process rather than outcome. Both documents also define the role of the Council for Aboriginal Reconciliation itself as one of mediator, or facilitator of the processes of negotiation and consultation it identified as being central to the Commonwealth response to the Mabo judgment and to the process of reconciliation itself. *Exploring for Common Ground*, for example, described the role of the Council in the meetings between miners and Aboriginal people as that of a 'neutral intermediary'.<sup>119</sup> Similarly, *Making Things Right* defined the Council's role in the post-Mabo environment as follows: 'The task for the Council in the wake of the [Mabo decision] is to harness the energy of concerned Aboriginal and Torres Strait Islander peoples and other Australians to productive discussion and positive outcomes'.<sup>120</sup>

The Council for Aboriginal Reconciliation's role as facilitator and mediator was also demonstrated by its involvement in convening the Eva Valley meeting, as discussed above. What is also evident in both these documents is a broad conceptualisation of reconciliation as unity. For example, *Making Things Right* defined reconciliation as a

process aimed at '*reducing* division' in Australian society, and *Exploring for Common Ground* articulated reconciliation as the opposite of division: for the Mabo decision to be a 'landmark on the road to reconciliation', the divisiveness potentially created by the decision needed to be overcome. Thus, in these documents the Council defines its role as one of mediator or facilitator in a process broadly aimed at achieving 'unity' (though, as discussed above, at this stage the discourse of reconciliation did not offer any definitive account of what 'unity' through reconciliation entailed).

## The Council for Aboriginal Reconciliation's vision statement

The preceding discussion outlines how the Council for Aboriginal Reconciliation sought to define a role for itself in the Mabo debates as a mediator and facilitator, in a process which was geared towards the broad aim of overcoming division in Australian society and achieving 'unity'. In September 1993, as discussed above, tensions between the government and Indigenous negotiators were running high (this was the time when the government was considering the possibility of overriding the *Racial Discrimination Act 1975* to extinguish native title on post-1975 land grants). On 15 September, Council Chairperson Patrick Dodson, made an important intervention in the debate in an address to the National Press Club in Canberra. The speech was significant because it attempted to demonstrate to the government and other stakeholders in the native title debates how the framework of reconciliation and associated ideas such as 'unity', could be brought to bear on the Mabo debate and the Commonwealth's response to the High Court's decision.

In May 1992, just a few months after its first meeting, the Council for Aboriginal Reconciliation had presented the government with its first triennial strategic plan, which included a statement of the Council's vision 'of Australian society that we would like to see in the year 2001':

A united Australia which respects this land of ours, values the Aboriginal and Torres Strait Islander heritage and provides justice and equity for all.<sup>121</sup>

Dodson's press club speech used the Council's vision statement to show how the broad ideas contained in the Council's vision (many of which had also been articulated in the debates on the reconciliation legislation in 1991), included those such as 'unity' discussed above, could be given content and applied to the circumstances of the Mabo debates. Dodson argued that the Council's vision statement should be used as the benchmark 'against which responses to the Mabo decision should be measured'.<sup>122</sup>

First, according to Dodson, the idea of a 'united Australia' implies unity, but on 'terms and conditions negotiated between us':

The Mabo decision presents an opportunity to do this, and it would be a tragedy if this opportunity was lost altogether or was not perceived as an opportunity for an act of reconciliation, or even a minimalist recognition of the aspirations of Aboriginal people.<sup>123</sup>

Second, Dodson argued that the idea of ‘respect for this land of ours’ necessitated ‘willingness to share on just terms’. He went on to say that Mabo provided an opportunity for all Australians to learn about the sacredness of land and its significance to Aboriginal people: ‘although sacred sites are the locations of Aboriginal peoples’ essence or being, sacred places are no more separate from the land than the people are who belong to that land’.<sup>124</sup> Similarly, Dodson’s third point was that the idea of ‘valuing the Aboriginal and Torres Strait Islander heritage’ meant Australians learning ‘to nurture and allow for the co-existence of [the Indigenous] heritage as part of the living fabric of the Australian society, and not as something reconstructed from a fossilised past’.<sup>125</sup>

Fourth, Dodson argued that the idea of providing ‘justice and equity for all’ required recognition that ‘equality will not be achieved by treating people without respect for difference’—the ideas of justice and equity had to take into account ‘the uniqueness of the Aboriginal situation, our needs, our cultures and our laws’.<sup>126</sup> Finally, Dodson ‘stressed negotiation between equals as the basis of a resolution of the broad historical implications of the High Court’s decision—negotiations which involve all governments, all sectoral interests and all parts of the community’, and he argued that all government responses to the Mabo decision should be informed by the broad principles contained in the Council for Aboriginal Reconciliation’s vision statement.<sup>127</sup>

It is difficult to assess the impact (direct or otherwise) which Dodson’s speech had on the debate at this time (though it is worth noting that the native title legislation eventually passed by the Parliament in December 1993 did not require overriding the *Racial Discrimination Act 1975*). However, Dodson’s speech is significant because it illustrates how the Council for Aboriginal Reconciliation, through Patrick Dodson as Chair, negotiated the challenges which the Mabo decision and the ensuing public debate created both for the Council itself and the reconciliation process it had been established to oversee. For example, Dodson’s address demonstrates that Council’s concern during the native title debates was with seeking to influence the outcome through emphasising the importance of process and broad principles, rather than through engagement in debates about specific details. As Phillips suggests, the Council ‘aspired to leadership only on the broad thematics of the debate’.<sup>128</sup>

It also illustrates the way that, without being too prescriptive, the Council for Aboriginal Reconciliation sought to give content to the broad principles of

reconciliation in a way which could be brought to bear on the native title debates. Finally, in imploring governments and other stakeholders to use the principles contained in the Council's vision statement as a benchmark against which to assess their responses to the Mabo decision, Dodson's speech demonstrates the way that, during the native title debates, a concept of reconciliation came to be used as if it were a way of measuring the value (or otherwise) of particular policy proposals and responses.

## The Council for Aboriginal Reconciliation's influence on the parliamentary debates

While the Council for Aboriginal Reconciliation was using the post-Mabo environment as an opportunity to carve out a role for itself in the national debate, the picture of the Council that emerges from the content analysis of the 1993 Hansard conducted for this study is one of apparent limited influence. There were intermittent references to the Council during the debate: for example, Prime Minister Keating's speech drew on the Council's vision statement in describing the importance of the Native Title Bill.<sup>129</sup> Similarly, Liberal MP Christopher Pyne used the vision statement to highlight the importance of the reconciliation process itself.<sup>130</sup> Gareth Evans referred to the Council's role as a vehicle for consultation with the broader community on issues to do with native title.<sup>131</sup> There were also some references to *Making Things Rights* and *Exploring for Common Ground*—the documents the Council had produced after the Mabo decision was handed down.<sup>132</sup> But overall, the 1993 Hansard does not provide a sense of the Council as a major player in the native title debates.

This is not to say, however, that the influence of the Council was not felt in less obvious and overt, but still significant, ways. For example, in an interview conducted for this study, former Council member and former Executive Director of the National Farmers Federation, Rick Farley, described how his membership of the Council helped to influence the position the Farmers Federation took on the Native Title Bill:

In [the post-Mabo] environment there were certainly benefits of the Farmers Federation's involvement in the reconciliation council. I was able to impress upon the membership the benefits of negotiation, and the Farmers Federation supported the original native title bill without dissent, which was quite significant.<sup>133</sup>

Further, while the direct influence of the Council for Aboriginal Reconciliation on the native title debates may have been limited, the Council began to take a much more active policy role during its dealings with the Keating Government on the proposed social justice package (the second part of the Keating Government's response to the Mabo decision), as the following chapter reveals.

## Conclusion

Robert Tickner argues that the reconciliation process put in place by the Labor government in 1991 helped to produce a positive outcome for Indigenous people from the Mabo decision and the subsequent debates over the native title legislation:

There is no doubt that the climate of the 1992 debate and policy-making on Mabo would have been radically different and deeply disadvantageous to Aboriginal and Torres Strait Islander people had the Labor government not put the reconciliation process in place and striven for cross-party cooperation during the previous two and a half years. Without these initiatives, powerful industry groups and their friends in the Coalition would have hijacked the agenda and Mabo would have become a potentially dominant issue in the 1993 election. As it was, they still did their best to achieve that outcome but were beaten by the strategy that had been put in place.<sup>134</sup>

While it might be true that the native title debates were less acrimonious than they otherwise might have been for taking place in an environment in which ‘reconciliation’ was the prevailing policy framework, this chapter challenges Tickner’s conclusion that the *outcome* of the Mabo debates would have been different if not for the reconciliation process. The chapter shows that while most parliamentarians who spoke about reconciliation during the parliamentary debates on the Native Title Bill professed support for the concept, the concept was sufficiently broad as to allow a range of positions to be taken under the broad mantle of reconciliation.

The analysis presented in this chapter demonstrates that a repertoire of different meanings of reconciliation had developed both before and during the debates on the native title legislation in 1993. That is, while reconciliation was a prominent idea during the parliamentary debates on the native title legislation, in the absence of any consensus on how reconciliation should be defined, it is unclear what, if any, influence the concept had on the outcome of these debates. This chapter has also demonstrated how the term ‘reconciliation’ was used by various players in the debate in pursuit of their own political or sectoral interests. That it could be employed in support of such a range of positions (for instance, by the Indigenous negotiators, by the government, and by the Opposition) further demonstrates the broad nature of the concept of ‘reconciliation’.

This chapter has also begun to document the role of the Council for Aboriginal Reconciliation in policy and parliamentary debates over Indigenous policy during the reconciliation decade. This theme is taken up further in the following chapter which examines the Keating Government’s proposals for a social justice package as part of the government’s response to the Mabo decision.





## Chapter Four: Towards social justice?

---

*There can be no reconciliation without social justice.*

—Council for Aboriginal Reconciliation, *Walking Together: The First Steps*, 1994

Following the tumultuous end to the 1993 parliamentary year, the *Native Title Act 1993* came into force on 1 January 1994. However, the turbulent debates over the Native Title Act in 1993 were not the end of native title as an issue on the political and parliamentary agendas.

The Native Title Act was only the first stage of the Keating Government's response to the High Court's Mabo decision: the vast majority of Australia's Indigenous people were not eligible to make claims to land under the principles set out in the Mabo decision and the Native Title Act because dispossession rendered them incapable of demonstrating the continuing association with their traditional lands which the principles of Mabo and the Native Title Act required. Accordingly, during the debates over the Native Title Act in 1993, the government had pledged that in addition to the Native Title Act, its response to the Mabo decision would include a suite of 'social justice' measures. This second stage of the government's Mabo response was itself to contain two separate parts: the establishment of an Indigenous Land Fund to 'provide a capital base for land acquisition for those who had ... no realistic expectations of rights under the [Native Title Act]', and a package of measures designed to address the broader aspirations and rights of Australian Indigenous people and communities.<sup>1</sup> This chapter chronicles the government's (and the Council for Aboriginal Reconciliation's) efforts to this end.

The development of, and debates over, the second stage of the government's response to Mabo during 1994 and 1995 are an important chapter in the history of the formal reconciliation process. This is because they highlight the increasingly active policy role played by the Council for Aboriginal Reconciliation and, in doing so, demonstrate the Council's efforts to give public policy content to the concept of reconciliation during this time. In examining this period, this chapter also traces the development of the concept of 'social justice' as a key idea in the reconciliation process. At the same time, the events discussed in this chapter illustrate a recurring theme of this monograph, which is that while there was a willingness to use the word 'reconciliation', there was no consensus about its meaning.

## Giving content to reconciliation

The government wasted no time in setting in train a process for the development of the second stage of its response to the High Court's Mabo decision. In mid-January 1994, the Acting Prime Minister, Brian Howe, wrote to the Council for Aboriginal Reconciliation seeking its views on the development of 'further social justice measures' in response to Mabo, which would focus on 'ways to increase the participation of Aboriginal people in Australian economic life and to develop Aboriginal and Torres Strait Islander cultures'. Howe said that the government was seeking 'constructive and realistic proposals which would contribute to lasting reconciliation'.<sup>2</sup>

The Council responded enthusiastically to the government's invitation, quickly devising a strategy for consolidating views and preparing a formal response to the government. At its February 1994 meeting, the Council resolved that the package would have to meet three requirements in order to be effective: first, it would have to benefit those Indigenous people who did 'not stand to benefit from the [Native Title Act]'; second, it would need to give Indigenous people an opportunity to provide counsel on the 'broader structural issues such as self-determination, self-government and changes to the Constitution that could give meaning to the rights of indigenous Australians'; and third, it would need to give the wider Australian community an opportunity to become more fully apprised of the 'underlying reasons for the continuing disadvantaged position of indigenous peoples and the need for a process of consultation and negotiation to enable the nation to come to grips with such issues'.<sup>3</sup> The Council also took the view at this meeting that there would need to be an extensive consultation process, of which Aboriginal people would need to have 'very strong "ownership"', for there to be any 'realistic prospect of meaningful outcomes responding to the legitimate needs of [Indigenous] peoples'.<sup>4</sup>

The Council subsequently prepared a submission to the government outlining these concerns, and spelling out a framework for the development of the social justice measures. In this submission, the Council emphasised:

- the view that government policies adopted in response to Mabo were 'crucial to the process of reconciliation'<sup>5</sup>
- what it saw as the need for agreement between governments, industry, the wider community and Indigenous communities on the social justice package so as to minimise the potential for discord between these groups which could 'adversely affect the process of reconciliation for years to come'<sup>6</sup>

- that the social justice package needed to be informed by the views of Indigenous communities, particularly at the local and regional levels. The Council also recommended a formal process of consultation and negotiation through which Indigenous views could be sought, and agreement between governments, Indigenous people and the wider community on key issues and principles negotiated and achieved.<sup>7</sup>

Further, it emphasised the need for:

- the social justice package to be ‘strategically directed to communities whose land, economic and cultural needs are greatest’, particularly those who had been dispossessed and had their native title extinguished—that is, those who would not benefit from the Native Title Act<sup>8</sup>
- ‘structural issues’ of Indigenous economic development and issues of disadvantage to be addressed through ‘innovative, industry-linked and regionally-agreed strategies’<sup>9</sup>
- Indigenous cultures and attachment to land to be developed and valued, through processes ‘firmly under Aboriginal and Torres Strait Islander community control’<sup>10</sup>
- the social justice package to be developed in the context of an awareness of the wider implications (that is, those beyond land management issues) of the Mabo decision for relations between Indigenous and non-Indigenous Australians: the social justice package ‘should be seen as an important checkpoint for the nation to take stock of the relationship between indigenous and other Australians and to chart the course of reconciliation to the Centenary of Federation in 2001 and beyond’<sup>11</sup>
- the wider implications of the Mabo decision to be addressed through ‘consensus, co-operation and dialogue—agreement to agree’. To this end, the Council proposed a legislated framework for regional agreements so that the social justice package would be ‘defined regionally and supported nationally’,<sup>12</sup> and
- the social justice response to be based on the eight key issues for reconciliation which the Council had identified during its first two years: understanding country, improving relationships, valuing cultures, sharing histories, addressing disadvantage, responding to custody levels, agreeing on a document or documents of reconciliation, and controlling destinies.<sup>13</sup>

Thus, the Council for Aboriginal Reconciliation had begun to map out its vision of what ‘social justice’ for Australian Indigenous people might mean. In doing so, and linking the social justice framework to reconciliation, the Council had begun to

articulate a public policy framework for reconciliation. It was an expansive vision, incorporating Indigenous people's 'citizenship' rights—that is, those rights owed to Indigenous people by virtue of their being citizens of Australia, such as the right to appropriate health, housing and education services, the right to participate in the nation's economic life and the right to equality before the law. The Council's social justice framework also incorporated rights specific to Indigenous people, such as the need to address Aboriginal and Torres Strait Islander peoples' rights to land which exist by virtue of their status as Indigenous people.<sup>14</sup> Finally, in stressing the need for there to be broad consensus (among governments, industry groups, Indigenous people and the wider community) about the social justice package, and proposing a framework within which such a consensus could be achieved, the Council was emphasising that *process*, as well as content, was central to its vision of social justice.

The government responded positively to the Council for Aboriginal Reconciliation's submission. Subsequently, the Council, in collaboration with ATSIC and the Aboriginal and Torres Strait Islander Social Justice Commissioner, Mick Dodson, embarked upon an extensive consultation process with Indigenous people around the country about what should go into the social justice package.<sup>15</sup>

At the same time, the Council was actively working on advocating its reconciliation agenda to parliamentarians around the country. In February 1994, it adopted a program for promoting the passage through all Australian parliaments of a resolution supporting the reconciliation process and adopting the vision of the Council.<sup>16</sup> The Australian Senate passed the motion (moved by Council member, Senator Margaret Reynolds) on 16 March 1994:

That the Senate—

- a) notes that in 1991 the Parliament of the Commonwealth unanimously enacted the Council for Aboriginal Reconciliation Act 1991 to promote a process of reconciliation between the indigenous and wider Australian communities;
- b) supports the concept of constructive reconciliation between the indigenous and wider Australian communities;
- c) in acknowledgment of this support, adopts the vision of the Council for Aboriginal Reconciliation, namely, 'a united Australia which represents this land of ours; values the Aboriginal and Torres Strait Islander heritage; and provides justice and equity for all' as a vision shared by this Chamber.<sup>17</sup>

## **The Indigenous Land Fund**

Around the time that the Council for Aboriginal Reconciliation was devising a framework for developing its social justice proposals in early 1994, the Keating Government was preparing legislation to implement the second part of its second stage response to Mabo: the Indigenous Land Fund.

According to Robert Tickner, various calls for the establishment of a land acquisition fund for dispossessed Indigenous people had been made, by Indigenous and non-Indigenous people alike, since the 1970s. As a backbencher in the mid-1980s, Tickner himself had proposed a 'national Aboriginal land fund based on compensation for lost land'.<sup>18</sup> During both the public and parliamentary debates over the native title legislation in 1993, the idea of a land fund for dispossessed Indigenous people began to gain momentum, particularly as various Indigenous groups made ambit native title claims over land, with 'no prospects of success'.<sup>19</sup> Indeed, early on in the public debate over the government's response to Mabo, ATSIC Commissioner, David Ross, said that the government could 'kiss [reconciliation] goodbye' unless it provided money for dispossessed Aboriginal people to buy land.<sup>20</sup>

In the first six months of 1994, the government consulted a wide range of Indigenous groups (including the ATSIC regional councils, legal services, land councils, representative bodies prescribed under the Native Title Act and peak bodies), as well as industry, farming, mining and other bodies on its specific proposals for the Indigenous Land Fund.<sup>21</sup> The ATSIC Amendment (Indigenous Land Corporation and Land Fund) Bill 1994 was subsequently introduced into the Parliament by Prime Minister Keating on 20 June 1994.

### **Addressing historical injustice: Labor's land fund proposal**

In short, the Bill introduced by the Prime Minister proposed the establishment of an Indigenous Land Fund which would be managed by the Indigenous Land Corporation, an independent statutory body to be established under the ATSIC Act.<sup>22</sup> The aim of the Indigenous Land Fund, according to the government, was to enable Indigenous people to 'acquire land and to manage and maintain it in a sustainable way to provide economic, social and cultural benefits for future generations'.<sup>23</sup> The Bill proposed to set aside \$200 million for the Indigenous Land Fund in the first year, and \$121 million for each of the following nine years, a total funding commitment of around \$1.3 billion over ten years.<sup>24</sup>

When debate on the land fund Bill resumed in August 1994, Prime Minister Keating told the Parliament that the establishment of the Indigenous Land Fund would be the

‘centrepiece of the social justice measures to be undertaken by the government’ in response to Mabo. The Indigenous Land Fund also represented the ‘major financial element’ of the social justice package, the aim of which was the removal of ‘structural and institutional barriers to full participation in Australian economic life by its indigenous peoples, and safeguarding and developing indigenous culture’.<sup>25</sup> Keating’s second reading speech placed the creation of the Indigenous Land Fund in the context of the government’s ‘great ambition’ to ‘establish a new relationship between indigenous Australians and the wider community’. It was to this end, according to Keating, that the government’s establishment of the Council for Aboriginal Reconciliation and the Native Title Act were also directed. Thus, Keating clearly linked the Indigenous Land Fund (and the social justice package) with the pursuit of reconciliation, which he defined as ‘greater understanding and justice, greater unity and universal respect for Australia’s indigenous heritage’.<sup>26</sup>

In the lead up to the introduction of the Indigenous Land Fund legislation into the Parliament, the Opposition, under new leader, Alexander Downer, had made clear that it opposed the establishment of the land fund, ‘because purchasing land isn’t as big a priority as we see it as dealing with issues of Aboriginal health, education and housing’.<sup>27</sup> In contrast to the Opposition’s position which saw Indigenous people’s access to land and Indigenous disadvantage as conceptually distinct, Mr Keating’s speech on the land fund Bill linked the issue of Indigenous people’s disadvantage in areas of health, education and housing directly to the fact of Indigenous people’s dispossession from land (though at the same time he emphasised that addressing land was just one part of the picture). Therefore, according to Keating, addressing disadvantage needed to be linked to addressing dispossession:

... land ownership is fundamental to the wellbeing of the indigenous community and should be addressed as a matter of priority. The benefits flowing from the re-establishing indigenous attachment to the land will not only be social and cultural, but will lead to improved economic wellbeing.<sup>28</sup>

Accordingly, Keating’s conceptualisation of ‘social justice’ as it was set out in his speech on the land fund Bill was very similar to that which Council for Aboriginal Reconciliation had been articulating at this time: that is, a vision of ‘social justice’ for Indigenous people which was based on addressing fundamental citizenship rights, such as those to decent health, housing, education, and so on, but linking the attainment of these to Indigenous-specific rights, such as those to land.

## Land alone is no panacea: the Opposition position on the land fund

The Opposition's central concern with the Indigenous Land Fund legislation, as it was articulated by Opposition Leader Alexander Downer, was that it did not do enough to address the 'systematic disadvantage' and 'unacceptable deprivation of Aboriginal people in Australia'. According to Mr Downer, land was an 'important' issue, but 'land alone is no panacea for Aboriginal health, education and social problems'.<sup>29</sup>

In framing the Opposition's objections to the Indigenous Land Fund Bill in this way, Mr Downer's speech highlighted the differences between the Coalition's conceptualisation of reconciliation, and that of the government. As noted above, the government saw the issues of access to land, social and economic disadvantage, and reconciliation as inextricably intertwined, whereas the Coalition saw reconciliation as being *predominantly* about addressing issues of disadvantage. Accordingly, the Opposition proposed a series of amendments to the Indigenous Land Fund Bill, which if incorporated into the Bill would have required money from the Land Fund to be used 'to address the issues of health, housing, education and economic independence in addition to the purchasing of land'.<sup>30</sup> Mr Downer argued that the government's attitude to its proposed amendments were a test of its bona fides:

Is it serious about reconciliation and bipartisanship or are these words merely idle talk for political advantage? ... Is the government serious about the things that matter—including health, education and housing—or does it just have a part-time conscience? I challenge the government to embrace our amendments to this bill. These are amendments which go to the heart of Aboriginal economic and social disadvantage. Now we will see whether the government is truly concerned with the welfare of Australia's indigenous people or whether it is simply playing for political advantage.<sup>31</sup>

(The government did not accept the Coalition's amendments, because, according to Tickner, there was 'strong and overwhelming opposition to the amendments from [Indigenous] leaders and representative bodies' and because the government thought there was a 'fundamental inconsistency between some of the amendments and the nature and aims of the land fund'.<sup>32</sup> This was because the government viewed the Indigenous Land Fund as being primarily about land, and thought other social problems would be best addressed through other avenues.<sup>33</sup>)

Mr Downer's challenge to the government to accept its amendments—and its portrayal of the government as 'playing politics' if it did not do so—helps to highlight further the contestability of the concept of reconciliation. For the Opposition, the government's failure to accept its amendments relating to Indigenous disadvantage was an indication that the government was not 'serious' about reconciliation or about 'the things that



matter' (Indigenous people's health, housing, education and so on). But equally, for the government, the Opposition's refusal to support the land fund in the form proposed was antagonistic to reconciliation. This is because it was the government's view that the reconciliation process, the interests of 'justice and equity', and the 'cause of righting historic wrongs', required issues of Indigenous people's access to land to be addressed as matters of priority.<sup>34</sup> This further demonstrates a point made several times in the previous chapter, which is the way that the concept of reconciliation came to be used as a political tool: that is, each side of the debate judged the 'bona fides', as Alexander Downer put it, of the other side's position using the language of reconciliation.

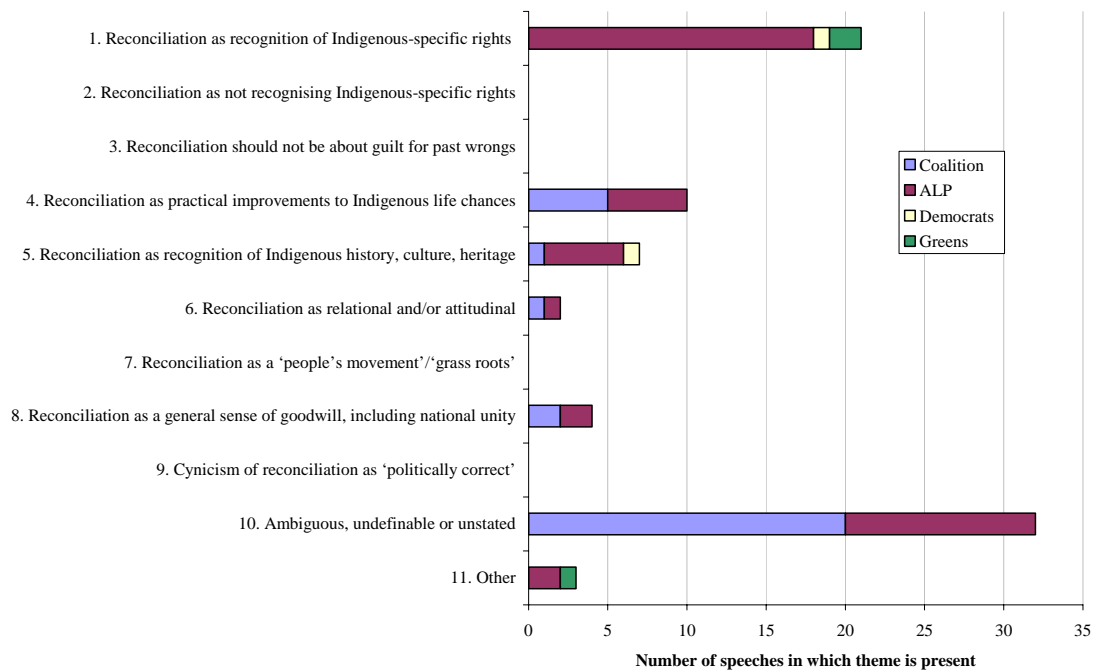
## **Major themes of the land fund debates**

As discussed above, the Council for Aboriginal Reconciliation had used the government's second stage response to Mabo as an opportunity to begin mapping out what a public policy framework for reconciliation might look like, and many of the Council's ideas were evident in Prime Minister Keating's second reading speech on the Indigenous Land Fund Bill. In the remainder of the parliamentary debates on the Indigenous Land Fund, however, while some of the ideas expressed were consistent with the Council's framework, the idea of social justice itself was not a strong theme.

Figure 4.1 shows the results of the content analysis of approximately 133 speeches made during the parliamentary debates on the Indigenous Land Fund legislation between June 1994 and March 1995.<sup>35</sup> The parliamentary debates on the Indigenous Land Fund Bill echoed many of the major patterns and themes of the debate on the native title legislation the previous year: as was the case in the debate on the Native Title Act, reconciliation defined as 'the recognition of Indigenous-specific rights' was a major theme in the Parliament's deliberations on the Indigenous Land Fund. Reconciliation defined as 'addressing Indigenous people's disadvantage', reconciliation as 'the recognition or acceptance of Indigenous people's history, culture, and heritage', and reconciliation as 'a sense of national unity' were also key ideas. Like the debates on the Native Title Act in 1993, in many of the speeches on the Indigenous Land Fund in which reconciliation was a key theme, the meaning of the concept of reconciliation itself was ambiguous or unclear.

Further, as in the debates over the Native Title Act, in the majority of those speeches on the Indigenous Land Fund Bill where reconciliation was discussed, the word 'reconciliation' was frequently used by parliamentarians in explaining their positions on the Indigenous Land Fund Bill. This demonstrates how 'reconciliation' had well and truly become part of the political lexicon by the mid-1990s.

Figure 4.1: Key themes in parliamentary debates on the Indigenous Land Fund, June 1994–March 1995



For example, as Figure 4.1 suggests, as in the Native Title Act debate during 1993, most ALP (and Democrat and Greens) parliamentarians who spoke about reconciliation in their contributions to the debate on the Indigenous Land Fund Bill conceptualised 'reconciliation' in terms of the recognition of Indigenous-specific rights. Aboriginal and Torres Strait Islander Affairs Minister, Robert Tickner, for instance, articulated the importance of the Indigenous Land Fund to the reconciliation process in terms of justice. Tickner said that the Indigenous Land Fund Bill 'sends a message' to the Australian community: a message of 'justice, one of explanation about the rights of indigenous people, and one of the importance of land to indigenous people and the central place of land in the reconciliation process'.<sup>36</sup> Similarly, Labor Member for Leichhardt (Queensland), Peter Dodd, said that it was 'crucial for any reconciliation with Australia's Aboriginal and Torres Strait Islander people that those dispossessed indigenous people now receive compensation'.<sup>37</sup> Senator Cheryl Kernot, Leader of the Australian Democrats, argued that the 1993 native title legislation 'was part of the first and fundamental stage in the process of reconciliation', and subsequently that the creation of an indigenous land fund represented 'the next stage in meeting honourably our responsibilities as a nation. It goes to the very heart of the reconciliation process'.<sup>38</sup>

Senator Christabel Chamarette (Greens, WA) echoed the words of the Prime Minister and Aboriginal and Torres Strait Islander Affairs Minister by saying that there could be no ‘talk of reconciliation without the restoration of historical justice’.<sup>39</sup> However, the WA Greens were extremely critical of the Indigenous Land Fund Bill, arguing that the money allocated to the fund itself was a ‘pittance’ and that the proposed Indigenous Land Fund was poorly structured, such that it would give very little genuine control over land to dispossessed Indigenous people.<sup>40</sup> (Subsequently, the WA Greens supported a series of Coalition amendments to the Bill when it was being debated in the Senate, and voted against its final passage through the Senate in March 1995.<sup>41</sup>) Again, this demonstrates how similar rhetoric about reconciliation and justice can be marshalled in support of quite different positions on the same issue.

Just as many ALP parliamentarians spoke about reconciliation and Indigenous rights during the Indigenous Land Fund debates as they had done during the Native Title Act debates in 1993, most Coalition parliamentarians focused on the relationship between reconciliation and addressing Indigenous disadvantage, as indicated in Figure 4.1. This was in keeping with the Opposition’s position as it was articulated by Opposition Leader Alexander Downer, that the Indigenous Land Fund did not do enough to address Indigenous people’s disadvantage in health, education, housing and employment.

However, this is not to say Coalition parliamentarians defined reconciliation *exclusively* in terms of addressing Indigenous disadvantage. For example, Council for Aboriginal Reconciliation member and former Shadow Aboriginal Affairs Minister, Peter Nugent, the Member for Aston (Victoria), spoke of the need for a ‘holistic approach [which] has to include the subject of land’. Mr Nugent supported the establishment of the Indigenous Land Fund in principle, but opposed the Indigenous Land Fund in the form proposed by the government because ‘land alone is not going to solve all of the problems of the indigenous people in this country’.<sup>42</sup> Similarly, Liberal MP Christopher Pyne (Sturt, SA) said that the Coalition ‘fundamentally accepts that land means a great deal to the Aboriginal and Torres Strait Islander people of Australia’, and that that was ‘why we supported the reconciliation council being established and land being the central tenet of that reconciliation’. This was why, according to Mr Pyne, the Coalition was seeking to improve the Indigenous Land Fund Bill through its proposed amendments regarding Indigenous disadvantage.<sup>43</sup>

This is also not to say that ALP parliamentarians did *not* express concern that the reconciliation process should address issues of Indigenous disadvantage. For example, Labor member for Moreton, Garrie Gibson, spoke of how ‘all of us in this House want to do something to address the appalling health situation, education situation and unemployment situation of Aboriginal people’. But, like Prime Minister Keating,

Gibson argued that issues of health, education and unemployment were linked to issues of land: ‘unless we heal the spirit of the Aboriginal people, we are not going to heal the body. To heal the spirit we must address the question of land’.<sup>44</sup>

The key difference between the ALP and the Coalition was that the Opposition argued that the Indigenous Land Fund needed to exist in conjunction with ‘other remedies to improve the lot of indigenous people’, whereas the ALP agreed that other issues such as Indigenous health, education, housing and economic opportunities were important, but wanted the Indigenous Land Fund Bill just to be about the Indigenous Land Fund.<sup>45</sup> Yet despite the fact that the positions of ALP and Coalition parliamentarians on the relationship between reconciliation, land, and Indigenous disadvantage, at least as they were articulated in the speeches sampled here, were not that far apart—for instance, Figure 4.1 shows that both Labor and Coalition parliamentarians defined ‘reconciliation’ in terms of Indigenous disadvantage—for most of the time their positions on the Indigenous Land Fund Bill itself were intractable. And so the debate went on, with each side accusing the other of seeking to undermine or threaten the progress of the reconciliation process.

Many other key themes from the Native Title Act debates were also played out again during the debates on the Indigenous Land Fund. For instance, both ALP and Coalition parliamentarians spoke about the idea of national unity in explaining the importance of reconciliation in the context of the Indigenous Land Fund Bill. For example, Peter Nugent spoke of how the ‘vision of a united Australia is the key to what the council and reconciliation are all about. We want a united Australia; we do not want a country that is divided’.<sup>46</sup> Labor Member for Oxley (Queensland), Les Scott, spoke about how the passing of the Native Title Act in 1993 had achieved a ‘sense of unified nationhood’.<sup>47</sup> (Whether or not it did is moot: the important point here is the appeal to national unity to define the importance of reconciliation.) Some Coalition MPs also reiterated the view that reconciliation should not be about present generations being made to feel guilty for the past. The National Party Member for Cowper (NSW), Garry Nehl, for instance, expressed this view as follows: ‘I reject the guilt industry and I proclaim that I personally feel no guilt for what has happened in the past ... Our great need today is to go forward in a spirit of reconciliation and to provide for the future wellbeing of all Australians, including Aboriginal and Torres Strait Islander people’.<sup>48</sup>

## That's un-bipartisan: reconciliation and bipartisanship in the land fund debates

Chapter Three demonstrated how the debate on the native title legislation had tested the atmosphere of cooperation on Indigenous affairs that was present at the advent of the reconciliation process in 1991. During the debate on the Native Title Act, parliamentarians from both major parties portrayed the other side's position as a betrayal of a bipartisan commitment to reconciliation. However, the previous chapters demonstrate that although both sides had used the word 'reconciliation', they had always meant different things. These disputes over reconciliation and bipartisanship were one of the most striking themes of the Indigenous Land Fund debates.

For the government, for example, the Coalition's refusal to support the Indigenous Land Fund in the form proposed was a failure of bipartisanship. Les Scott, the Labor Member for Oxley, for instance, spoke of how the government had 'been trying to work towards a bipartisan position on the plight of Aboriginal and Torres Strait Islander people in this country'. He implored the Opposition 'to find a little bit of goodwill amongst their people and do something about aiding the *true* reconciliation process' (emphasis added).<sup>49</sup>

Equally, for the Coalition, the government's failure to come to the party on its proposed amendments to the Indigenous Land Fund Bill demonstrated a lack of commitment to the bipartisan approach to reconciliation begun in 1991. Liberal Member for Hindmarsh (South Australia), Chris Gallus, the then Shadow Aboriginal and Torres Strait Islander Affairs Minister, said that:

... the coalition is very keen in its efforts to be part of the Aboriginal reconciliation in this country ... [but] bipartisanship does not mean the opposition simply saying yes to the government. It means that the government must come to the opposition, sit down and negotiate to reach a solution that is acceptable to both sides.<sup>50</sup>

Similarly, other Liberal MPs such as the Member for McPherson (Queensland), John Bradford, accused the Prime Minister of harming the reconciliation process: 'The divisiveness of the Prime Minister in this debate has harmed the process of reconciliation. For any other leader, bipartisanship would have been a priority in this matter, but this Prime Minister does not understand the meaning of that word'.<sup>51</sup>

In this context, 'reconciliation' was effectively defined *as* bipartisanship. For example, according to Peter Nugent, 'if we want to see reconciliation work, having an ongoing partisan political split on matters Aboriginal is only going to cause division in our community'.<sup>52</sup> In other words, because each side did not agree with the other's position,

it accused the other side of being ‘un-bipartisan’: that is, of undermining the bipartisanship approach to reconciliation that had been established with the *Council for Aboriginal Reconciliation Act 1991*. As Chapter Two demonstrated, the importance of bipartisan support for the reconciliation process was a major theme of the 1991 debates on the reconciliation legislation.

Of course, much of the positioning over ‘bipartisanship’ was rhetorical: as in many national political debates, it was in both parties’ interests to portray themselves as virtuous and principled, and the other side as uncooperative and seeking only political gain. This demonstrates again the continuing theme of how the concept of reconciliation came to be used as a tool of political debate. But as discussed earlier, despite the cooperative atmosphere of the 1991 reconciliation debates and the cross-party support for the reconciliation process, there was no widely shared understanding, either in those debates or subsequently, of how the idea of reconciliation should be understood. Similarly, the Indigenous Land Fund debates demonstrate that while there was a shared commitment to bipartisanship, there was no shared understanding of exactly what the ‘bipartisan approach to Indigenous affairs’ established by the reconciliation process in 1991 meant in practice.

An example demonstrates these points. At the height of the heated debate over the Indigenous Land Fund Bill, the Labor Member for Moreton (Queensland), Garrie Gibson, moved the reconciliation motion designed by the Council for Aboriginal Reconciliation in the House of Representatives. As discussed above, this was a resolution supporting the concept of ‘constructive reconciliation’ and adopting the vision statement of the Council. The motion also invited members and senators to establish a group called Australian Parliamentarians for Reconciliation ‘to advance the reconciliation process’.<sup>53</sup> Mr Gibson moved the motion in an effort to ‘bring some balance back into the debate’ about Indigenous affairs and the process of reconciliation. The important message that the parliament needed to send to the Australian community, Mr Gibson said, was that ‘the principle of Aboriginal reconciliation [was] supported by both sides of [the] House’.<sup>54</sup> The motion was seconded by Liberal MP and Council for Aboriginal Reconciliation member, Peter Nugent, and supported by both Labor and Coalition MPs, *all* of whom reiterated their support for the process of reconciliation in their speeches backing the motion.

This example suggests that the only thing about which there was consensus during parliamentary debates on issues associated with reconciliation, was the word itself. Yet the *absence* of a sense of shared understanding of reconciliation in the Indigenous Land Fund debates was widely perceived as the reconciliation process having become derailed. For example, for Garrie Gibson:

Unfortunately, since the formation of the Council for Aboriginal Reconciliation, we have gone off the track and we have lost that vision. We have tended to be bogged down in political arguments about processes rather than returning to the essential essence of the argument, which is to try to bring together those two important cultures, the non-Aboriginal culture and the Aboriginal culture, so that we as a society are walking together, as the Council for Aboriginal Reconciliation so aptly titles its magazine.<sup>55</sup>

In this excerpt, Gibson articulates the ‘essence’ of reconciliation as ‘bringing together’ Indigenous and non-Indigenous cultures, and expresses frustration about the difficulty of returning to these ‘essentials’. In a similar vein, the former Shadow Minister for Aboriginal and Torres Strait Islander Affairs, Michael Wooldridge, opened his speech on the Indigenous Land Fund Bill by recounting the handshake with Robert Tickner across the dispatch boxes three years earlier when the Council for Aboriginal Reconciliation Bill passed through the House of Representatives. Dr Wooldridge recalled the positive and cooperative spirit of bipartisanship in which that had taken place, and lamented the absence of this same spirit in the debates on the Indigenous Land Fund Bill (and native title more generally).<sup>56</sup>

The problem for Gibson and Wooldridge, and all the other parliamentarians who bemoaned the breakdown of bipartisanship during the Indigenous Land Fund debates, is that while there may have been a bipartisan commitment to ‘reconciliation’, and even to broad principles such as ‘bringing cultures together’, there was no agreement across parties about how the ideals or principles of reconciliation should be applied to specific public policy issues, such as access to land for dispossessed Indigenous people who were not eligible to claim native title under the principles established by the Mabo decision. In other words, while the Council for Aboriginal Reconciliation had arguably succeeded in building some consensus about the word ‘reconciliation’, there was no consensus about what reconciliation should mean. Consequently, it was almost inevitable that debates around reconciliation would become ‘bogged down in political arguments’.

This was the state in which the debate over the Indigenous Land Fund Bill remained over the remaining months of 1994 and into the beginning of 1995: the Bill made its way to the Senate in September, and was referred to the Senate Finance and Public Administration Committee for inquiry. After the Finance and Public Administration Committee reported, the Senate made over 150 amendments to the original Bill, which were promptly rejected by the government when the Bill returned to the House of Representatives in November. The political debate continued over the next few months, with the Opposition, under new leader, John Howard, eventually announcing in April 1995 that it would not vote against the Indigenous Land Fund legislation (reportedly so

as to avoid a double dissolution election).<sup>57</sup> The Indigenous Land Fund Bill was finally passed by the Parliament on 21 March 1995.

## **The Council for Aboriginal Reconciliation and the social justice package**

The Council for Aboriginal Reconciliation strongly supported the establishment of a land fund, though as was the case with the debates on the Native Title Act, the Council did not have a major lobbying or negotiating role.<sup>58</sup> Like the Native Title Act debates, the Indigenous Land Fund debates contained intermittent references to the Council. For instance, several parliamentarians drew on the Council's key issues publications to talk about the importance of land to Aboriginal and Torres Strait Islander cultures.<sup>59</sup> During the debate on the Gibson-sponsored reconciliation motion in September 1994 (discussed above), several MPs spoke about the work of the Council in furthering the process of reconciliation.<sup>60</sup> And, as discussed above, the Gibson motion included an affirmation of the Council's vision statement.

However, while the concept of 'social justice' was not an overt theme in most parliamentarians' speeches on the Indigenous Land Fund Bill, the content analysis conducted for this study does suggest that the social justice agenda that the Council for Aboriginal Reconciliation was articulating had at least some influence. As discussed above and shown in Figure 4.1, the themes of addressing historical injustice, addressing disadvantage and dispossession, and recognising the importance of Indigenous people's history, culture and heritage, were all key ideas in the Indigenous Land Fund debates, albeit that there was little consensus about how these issues should be prioritised or what principles such as 'recognising the importance of land to Indigenous people' meant in practice.

While the Council may not have had an active role in influencing the tenor and outcome of the Indigenous Land Fund debates, during 1994 it had been advocating its reconciliation agenda to parliamentarians and policy-makers in other ways. For instance, as noted earlier in the chapter, the Council was lobbying members of all Australian legislatures to pass its motion supporting the reconciliation process and adopting its vision statement. Further, this period saw the Council taking on an increasingly active public policy role. As the Indigenous Land Fund debates were unfolding, the Council was hard at work consulting on and developing its proposals for the broader social justice package.

In early 1994, the Keating Government invited the Council to provide advice on the social justice measures which were to form the third stage of the government's response



to the Mabo decision. In conjunction with ATSIC and the Aboriginal and Torres Strait Islander Social Justice Commissioner, the Council embarked on a lengthy consultation process, which involved several rounds of consultation meetings around the country and the distribution of various issues and discussion papers.<sup>61</sup> According to Council Chairperson, Patrick Dodson, the consultation process ‘saw an important growing consensus among indigenous people in defining the issues of social justice and in setting priorities’. One of the views most commonly expressed during the consultations was that ‘there can be no reconciliation without justice’.<sup>62</sup>

Importantly, at the same time, the consultation meetings also provided a forum for Indigenous people to express their reservations about the reconciliation process and the government’s proposed social justice package. For instance, at a meeting held in Darwin, Jabiluka activist, Jacqui Katona, questioned the government’s seriousness about the social justice package: ‘the reconciliation process has been given ten years ... and we’ve been given a few months [to develop the social justice proposals]. The government is not taking the issue of social justice seriously’.<sup>63</sup> Another participant in the Darwin meeting, Roseann Brennan, expressed concern about whether Indigenous people had sufficient ownership of the social justice agenda: ‘The agenda has been set by non-Indigenous people ... it’s too fast’.<sup>64</sup> Other participants suggested that the government would do better to devote its energies to implementing the recommendations of the Royal Commission into Aboriginal Deaths in Custody than to ‘reinventing the wheel’.<sup>65</sup> Thus, many Indigenous people remained sceptical about, and perhaps suspicious of, the reconciliation process.

### ***Going Forward: the Council for Aboriginal Reconciliation’s social justice proposals***

Following the consultation process, the Council for Aboriginal Reconciliation presented its proposals for the social justice package to Prime Minister Keating on 17 March 1995. (ATSIC and the Aboriginal and Torres Strait Islander Social Justice Commissioner made separate submissions, which ‘generally [traversed] the same policy areas and [were] broadly complementary in nature’.)<sup>66</sup> Council Chairperson, Patrick Dodson, described the Council’s social justice submission as ‘undoubtedly ... the most important product of the Council’s first three-year term, demonstrating the critical nexus between social justice and reconciliation’.<sup>67</sup>

The Council’s social justice proposals, *Going Forward: Social Justice for the First Australians*, built on the framework articulated in the Council’s submission to the government in response to its original invitation to give advice on the social justice package in early 1994. That is, it was based on a conceptualisation of social justice for

Indigenous people which incorporated both citizenship rights—that is, Indigenous people’s rights to things most Australians take for granted: decent health and health care services, education, socially accepted standards of housing, and so on—and the specific and unique rights which arise from Indigenous people’s position as the first peoples of Australia. These rights include (but are not limited to) Indigenous people’s rights to their traditional lands, and their rights to protect and practise their cultures.<sup>68</sup> The Council’s vision of social justice emphasised not just the importance of the existence and recognition of these rights, but also that of Indigenous people being empowered to *exercise* these rights in a meaningful way.

Accordingly, *Going Forward* presented what Council Chairperson, Patrick Dodson, called a ‘rights-based model’ of social justice, which represented a break from the previous welfare dependence model, where Indigenous people’s access to ‘efficient and effective services’ was treated as an issue of welfare, rather than a matter of right. In other words, Mr Dodson said, ‘it is time that society stopped making indigenous people feel that they are the beggars of Australia’s welfare system’.<sup>69</sup>

The Council’s conceptualisation of social justice was encapsulated by Michael Dodson, the former Aboriginal and Torres Strait Islander Social Justice Commissioner, as follows:

Social Justice must always be considered from a perspective which is grounded in the daily lives of indigenous Australians. Social justice is what faces you in the morning. It is awakening in a house with an adequate water supply, cooking facilities and sanitation. It is the ability to nourish your children and send them to a school where their education not only equips them for employment but reinforces their knowledge and appreciation of their cultural inheritance. It is the prospect of genuine employment and good health: a life of choices and opportunity, free from discrimination.<sup>70</sup>

*Going Forward* contained a comprehensive set of recommendations, covering what the Council saw as four key areas: the place of Indigenous people in Australia’s structures of governance; access to those citizenship rights which are available to all Australian citizens; Indigenous-specific rights which exist by virtue of Indigenous people’s status as the first people of Australia, who were dispossessed without consent or compensation; and Indigenous people’s rights to participate meaningfully in economic activity and development.<sup>71</sup>

For example, on issues of recognition, empowerment, and governance, *Going Forward* recommended embarking on a process for inclusion of a new preamble into the Australian Constitution, ‘to acknowledge the prior occupation and ownership, and continuing dispossession of Aboriginal and Torres Strait Islander peoples’.<sup>72</sup> It also

recommended exploring the possibility of dedicated Indigenous seats in the House of Representatives and the Senate, and advocated the wider adoption of regional agreements, ‘to enable [Indigenous] peoples, in a defined geographic area, to have greater control over the design, operation or funding of services being provided to them’.<sup>73</sup> The Council also canvassed a range of Indigenous rights and cultural heritage protection issues. For instance, it recommended further examination of ‘the need for and forms of indigenous community property title, and customary intellectual and cultural property rights’.<sup>74</sup>

Other recommendations related to issues such as funding and service delivery, including direct funding of Indigenous organisations rather than providing funding through state and territory governments, improved coordination between different levels of government for Indigenous programs, and the need for common performance measures to be established which would enable better comparison of the outcomes of Indigenous-specific policies and programs in different areas.<sup>75</sup> *Going Forward* addressed the issue of implementation of the Royal Commission into Aboriginal Deaths in Custody’s recommendations, advocating that all Australian governments legislate to create ‘a statutory basis for the implementation of the Royal Commission’s recommendations’ to overcome perceived inadequacies in implementation.<sup>76</sup> In discussing contemporary issues of social and economic disadvantage in *Going Forward*, the Council placed a great deal of emphasis on understanding the *causes* of Indigenous disadvantage, which include, but are not limited to, historical factors such as Indigenous people’s dispossession and exclusion from social and economic life, and the ongoing inter-generational impact of these factors. The Council stressed that policies designed to combat Indigenous people’s disadvantage would not be successful if they are conceived and designed without reference to the historical and contemporary causes of disadvantage.<sup>77</sup>

*Going Forward* was received well by the Keating Government. In the 1995–96 federal budget, it allocated \$3 million, to be expended jointly by ATSIC and the Council for Aboriginal Reconciliation, for further consultation and development of the social justice measures.<sup>78</sup> The government also announced that it would move to give the Aboriginal and Torres Strait Islander flags official recognition under the *Flags Act 1953*—this was one of the specific recommendations contained in *Going Forward*.<sup>79</sup> However, the Labor government did not provide a formal response to the social justice proposals submitted by the Council (and ATSIC and the Aboriginal and Torres Strait Islander Social Justice Commissioner), and 12 months after the social justice proposals were presented, the Keating Government was voted out of office.

After the change of government, the Council for Aboriginal Reconciliation's social justice agenda, and in particular, its 'rights-based model' of social justice, was not to sit as comfortably with the new Coalition government after 1996, as the following chapters go on to demonstrate.<sup>80</sup> Subsequently, the vast majority of the issues raised in the Council's social justice proposals—such as the proposals for pursuing constitutional recognition of Indigenous rights, exploring issues such as dedicated Indigenous seats in parliament, and legislating to provide a statutory basis for the implementation of the Royal Commission into Aboriginal Deaths in Custody recommendations—were to remain substantially unaddressed.<sup>81</sup>

## Conclusion

While the Council for Aboriginal Reconciliation's social justice package in its entirety was never implemented, the Council's efforts to articulate a public policy framework for reconciliation built around the idea of social justice constitute a key element in the history of the formal reconciliation process. In chronicling these efforts, this chapter has traced the emergence of 'social justice' as a key concept in the reconciliation process. As the chapters in the second half of this monograph go on to show, however, the rights-based model of social justice articulated by the Council in its development of the social justice proposals (arguably) set the Council, and the reconciliation process more generally, on a collision course with the new Coalition government after 1996.

This chapter also demonstrates that, half-way through the formal process of reconciliation established by the *Council for Aboriginal Reconciliation Act 1991*, there was a lack of coherence or consensus about the goals of the reconciliation process as they were understood by Australia's federal parliamentarians. Members and senators appeared to agree on the importance of the pursuit of reconciliation, but beyond a general sense of reconciliation constituting a commitment to 'improved outcomes for Aboriginal and Torres Strait Islander people', there was no cross-party consensus about what reconciliation meant or how it should be achieved.<sup>82</sup>



## 1996–2000

The chapters in the first part of the monograph chronicled the development of the discourse of reconciliation in the Australian Parliament over the first half of the formal reconciliation process. The chapters in this second part examine how the dynamics of the reconciliation process changed following the election of the Howard Government in 1996.

Chapter Five discusses how two events soon after the change of government—the High Court’s decision in the Wik case and the release of the Human Rights and Equal Opportunity Commission’s report on the separation of Indigenous children from their families, *Bringing Them Home*—dominated the Coalition’s first term in office. Chapter Five also shows how, in response to these events, the Howard Government began to develop an approach to reconciliation which differed substantially from that of its Labor predecessor. The Coalition emphasised the importance of what it defined as ‘practical’ issues in the reconciliation process, such as addressing Indigenous people’s social and economic disadvantage, and sought to *de-emphasise* what it described as ‘symbolic’ issues, such as Indigenous rights.

Chapter Six examines the emergence of the notion of ‘practical reconciliation’ in more detail—the emergence of this idea is one of the defining features of reconciliation politics during the Howard era. In particular, Chapter Six traces the development of the conceptual distinction between so-called practical and symbolic issues in the reconciliation process. In doing so, this chapter shows how, during the latter years of the reconciliation decade, a gulf developed between the vision of reconciliation being pursued by the Council for Aboriginal Reconciliation and that being pursued by the government. However, in highlighting how the Howard Government sought to define reconciliation in terms of the idea of ‘practical reconciliation’, Chapter Six illuminates the central theme of this monograph—that is, the idea that ‘reconciliation’ is broad enough to accommodate a range of views and positions about what reconciliation entails.

Chapter Seven concludes the monograph by reflecting on the meanings of ‘reconciliation’ examined in this monograph and on how the politics of reconciliation have influenced public policy-making in Indigenous affairs since 1991.



## Chapter Five: Collision course—Wik, the stolen generations, and reconciliation under the Howard Government

---

*We are at a crossroads and need to choose the right direction. Together, indigenous and other Australians are called upon to choose the path we now take. Our choices will determine the future shape of our nation.*

—Patrick Dodson, Council for Aboriginal Reconciliation Chair, April 1996

On 2 March 1996, the Liberal-National Coalition led by John Howard swept to a landslide election victory. The subsequent change of government marked a significant change of direction for Indigenous affairs and the process of reconciliation.

In the Howard Government's first budget, Indigenous-specific programs managed by ATSIC were cut by around 11 per cent.<sup>1</sup> One of the government's first actions in Aboriginal affairs was the appointment of a special auditor to examine accountability within ATSIC-funded organisations.<sup>2</sup> And while the Coalition election platform professed a commitment to 'social justice' for Indigenous people, this term was to disappear quickly from official government rhetoric.<sup>3</sup>

These decisions aroused much controversy. Some critics saw them as concessions to the constituency that had welcomed the election of Pauline Hanson as the Member for Oxley (Queensland) in the 1996 election. Her remarks about multiculturalism and Indigenous affairs policies in her maiden speech contributed to a climate of considerable tension in Indigenous affairs in the aftermath of the 1996 election.<sup>4</sup> The Chair of the Council for Aboriginal Reconciliation, Patrick Dodson, commented in April 1996 that the reconciliation process was 'at a crossroads'.<sup>5</sup> Two further events early on in the government's term—the High Court's decision in the Wik native title case in December 1996 and the release of the Human Rights and Equal Opportunity Commission's (HREOC's) report into the separation of Indigenous children from their families in May 1997—highlighted the tensions within the reconciliation process.<sup>6</sup>

These two events and the conjunction of debates around them during the Howard Government's first term constitute an important chapter in the reconciliation process. This is because, as this chapter argues, in its responses to Wik and the HREOC report the new government began to chart an agenda for the reconciliation process which was considerably different from that of its predecessor. In examining how the language of



reconciliation was applied to these debates, this chapter demonstrates again the central theme of this monograph—that the ‘discourse’ of reconciliation was pliable enough to be able to accommodate a range of ideas about reconciliation. The widening gulf between the new government and the leadership of the Council for Aboriginal Reconciliation during this time also tested the official rhetoric of reconciliation and its focus on ‘consensus’ and ‘unity’.

## The Wik decision

On 22 December 1996, the High Court of Australia delivered its judgment in the case of *Wik Peoples and Thayorre People v Queensland* (1996) 187 CLR 1 (‘Wik’). In short, the Court decided that native title could co-exist with pastoral leases.<sup>7</sup>

As Chapter Three discussed, following the High Court’s historic decision in the Mabo case, the federal parliament passed the *Native Title Act 1993* which established a statutory regime for the recognition of native title. Consistent with the Mabo judgment, the Native Title Act confirmed the ‘extinguishment’ of native title by ‘valid, inconsistent government acts such as the grant of freehold or leasehold’.<sup>8</sup> One of the questions the Native Title Act left unanswered, however, was the status of native title on pastoral leases.<sup>9</sup>

This was the question the Wik peoples and the Thayorre people of far north Queensland took to the courts.<sup>10</sup> Ultimately, the High Court decided that ‘the granting of a pastoral lease, whether or not the lease [had] expired (or [had] otherwise been terminated)’, did not *necessarily* extinguish *all* native title rights and interests that *might* otherwise exist. In other words, native title rights could, potentially, co-exist with pastoral leaseholders’ rights. For example, a native title holder’s ‘right to fish could probably co-exist with a pastoralist’s right to conduct his cattle operation’. The Court did say, however, that in the event of any conflict between pastoralists’ rights and native title holders’ rights, pastoralists’ rights would prevail.<sup>11</sup>

The Wik decision introduced what Justice Michael Kirby described as an ‘element of uncertainty into land title in Australia’.<sup>12</sup> This was because the Court had effectively determined that the grant of a pastoral lease did not confer *exclusive* rights of possession on pastoral lessees, as had previously been widely assumed to be the case.<sup>13</sup> Accordingly, the High Court decision created some doubt as to *exactly* what rights pastoralists possessed ‘where those rights [were] not expressly set out in their lease documents or in the relevant legislation’.<sup>14</sup> For example, uncertainties arose as to what kinds of activities could be carried out on pastoral lease land, and whether substantial

developments, such as dam building, could occur without the consent of potentially affected native title holders.<sup>15</sup>

As had been the case with *Mabo*, the *Wik* decision was welcomed by the Indigenous plaintiffs and Indigenous rights advocates, but greeted with frustration and disappointment in other quarters.<sup>16</sup> The President of the National Farmers' Federation, Donald McGauchie, said that the decision had created 'enormous uncertainty', and delivered 'a body-blow to the pastoral industry in Australia'.<sup>17</sup> The Prime Minister, John Howard, described the decision as 'disappointing' because it had not 'resolved outstanding ambiguities concerning pastoral leases'.<sup>18</sup> Over the ensuing months, the *Wik* decision led to heated, bitter public debate. The High Court was accused of 'unreasonable judicial activism', and of 'creating unmanageable uncertainty for future land administration'.<sup>19</sup> The spectre of Indigenous people claiming native title over the majority of the continent—even though the status of native title on freehold and leasehold land was unequivocally spelt out in the Native Title Act—was once again raised.<sup>20</sup>

Early in 1997, the Howard Government indicated that it would move to amend the Native Title Act to improve its workability and reinstate 'certainty' into the land management system for pastoral lease holders following *Wik*.<sup>21</sup> After consultation with the various stakeholders, in May 1997 the government released the 'Ten Point Plan', the framework for its legislative response to the *Wik* decision. The Ten Point Plan included provision for:

- confirmation of extinguishment of native title on 'exclusive' tenures (such as freehold and leasehold land)
- permanent extinguishment of native title on pastoral leases where the native title rights were inconsistent with the rights of the pastoralist
- higher registration tests for native title claimants seeking to exercise their 'right to negotiate' over future mining activity and future government and commercial development, and
- measures designed to facilitate the negotiation of agreements over native title 'to avoid the more formal native title machinery'.<sup>22</sup>

The Ten Point Plan was greeted with dismay by Indigenous negotiators and sparked a war of words between some in the Indigenous leadership and the government. At one stage, the Deputy Prime Minister and National Party Leader, Tim Fischer, declared that the government's response to *Wik* would provide 'bucket loads of extinguishment'.<sup>23</sup> Council for Aboriginal Reconciliation Chairperson, Patrick Dodson, said the *Wik*

decision had been a chance ‘to develop friendship, develop genuine trust, to develop coexistence’, but described the Ten Point Plan as ‘setting out to destroy that’, thus making it ‘difficult to achieve reconciliation in this country’.<sup>24</sup> At one point he suggested that the government’s approach to native title was akin to the ‘poisoning of the last waterhole’.<sup>25</sup> In response, the government described Dodson’s words as an ‘ugly misrepresentation’ which were not ‘helpful’ to ‘[his] efforts to achieve reconciliation’.<sup>26</sup>

Following further consultation and debate, the government introduced the Native Title Amendment Bill 1997 into the Parliament in September 1997. The heated parliamentary debates over the government’s proposed amendments to the Native Title Act were to dominate the parliamentary agenda for many months.

## The *Bringing Them Home* report

In the midst of debate about the government’s response to the Wik decision, in May 1997 another key event in the reconciliation process occurred: the release of the Human Rights and Equal Opportunity’s (HREOC’s) report on its inquiry into the separation of Aboriginal and Torres Strait Islander children from their families.

The HREOC inquiry had been formally established in August 1995 by former (Keating government) Attorney-General, Michael Lavarch, in response to lobbying from Indigenous agencies and communities that were concerned that ‘the general public’s ignorance of the history of forcible removal was hindering the recognition of the needs of its victims and their families and the provision of services’.<sup>27</sup> The inquiry’s terms of reference were to:

- trace past laws, practices and policies which resulted in the separation of Indigenous children from their families by compulsion, duress or undue influence
- examine the adequacy of current laws, practices and policies with regards to contemporary services available to Indigenous people affected by separation
- examine relevant principles for compensation for Indigenous people affected by separation
- examine current laws, practices and policies regarding placement and care of Indigenous children, and advise on any necessary changes, ‘taking into account the principle of self-determination by Aboriginal and Torres Strait Islander peoples’.<sup>28</sup>

The inquiry received over 700 submissions and held an extensive program of hearings around the country between December 1995 and October 1996.<sup>29</sup> The report of the

inquiry, *Bringing Them Home*, was presented to the new Attorney-General, Daryl Williams, in April 1997 and tabled in the federal parliament on 26 May 1997.<sup>30</sup>

*Bringing Them Home* made 54 recommendations in total, covering issues such as the provision of funding for recording of testimonies of Indigenous people affected by forcible removal; the inclusion of education modules on the history and effect of separation in school curricula; provision of funding for Indigenous family information, family tracing and reunion services in each state and territory; and revision of national standards of treatment for Indigenous children by child protection agencies, the juvenile justice system and so on. The report recommended that all Australian parliaments (as well as churches and other non-government agencies involved in separation policies and practices) ‘officially acknowledge the responsibility of their predecessors for the laws, policies and practices of forcible removal’, and negotiate with ATSIC over ‘a form of words for official apologies to Indigenous individuals, families and communities’. The report also recommended monetary compensation for Indigenous people affected by forcible removal.<sup>31</sup>

The Aboriginal and Torres Strait Islander Affairs Minister, Senator Herron, released the Government’s formal response to the *Bringing Them Home* report in late 1997. The government emphasised the ‘practical’ nature of its response, which included \$63 million in assistance for Indigenous people affected by forcible removal, including funding for a national network of family link-up services to assist in facilitating family reunions, funding for counselling for Indigenous people affected by forcible removal, assistance for development of Indigenous family support and parenting programs, and additional funding for culture and language maintenance programs.<sup>32</sup>

## The Australian Reconciliation Convention

While the Howard Government’s formal response to *Bringing Them Home* was still some months away, a pivotal moment in the debates over both the report and the Wik decision came at the Australian Reconciliation Convention organised by the Council for Aboriginal Reconciliation in Melbourne in May 1997. At this time, the government was still drafting its Ten Point Plan legislation and, in response to *Bringing Them Home*, had indicated it would not support an apology or financial compensation.<sup>33</sup>

In his speech opening the Convention, the Prime Minister declared that while the Coalition was committed to the reconciliation process, there was a need to be ‘realistic in acknowledging some of the threats to reconciliation’. These threats included premising the reconciliation process ‘solely on a sense of national guilt and shame’; making one of the ‘central purposes’ of the process ‘the establishment of different

systems of accountability and lawful conduct among Australians on the basis of their race or any other factor'; and putting 'a higher value on *symbolic gestures and overblown promises* rather than the *practical needs* of [Indigenous] people in areas like health, housing, education and employment' (emphasis added).<sup>34</sup>

Prime Minister Howard's speech was a key rhetorical moment in the reconciliation process. This is because it is the first point at which Prime Minister Howard clearly articulated a distinction between so-called symbolic issues and practical matters such as Indigenous health, housing, education and employment, and the Coalition's view that the latter should take precedence in the reconciliation process. This view, which would later become codified in the term 'practical reconciliation' as Chapter Six goes on to show, was the central theme in Coalition Indigenous affairs policy in the second half of the reconciliation decade.

Mr Howard's remarks were not well received by many Convention delegates, some of whom famously stood and turned their backs as the Prime Minister spoke. Yet Mr Howard pressed on in what observers described as 'increasingly hectoring tones'.<sup>35</sup> On the issue of Indigenous people forcibly removed from their families, Mr Howard said he personally felt 'deep sorrow for those of my fellow Australians who suffered injustices under the practices of past generations towards indigenous people'. However, he argued, 'we must not join those who would portray Australia's history since 1788 as little more than a disgraceful record of imperialism, exploitation and racism'. Such a portrayal would be a 'gross distortion' which would deliberately neglect 'the overall story of great Australian achievement that is there in our history to be told'. Finally, Mr Howard said, 'Australians of this generation should not be required to accept guilt and blame for past actions and policies over which they had no control'.<sup>36</sup>

The Prime Minister then launched into a 'loud and passionate defence' of the Ten Point Plan—which had been described by Patrick Dodson as akin to the 'poisoning of the last waterhole' only the day before.<sup>37</sup> Mr Howard repudiated 'the claim that [the] ten point plan involves a massive hand-out of freehold title at taxpayer expense'. Rather, Mr Howard argued, the Ten Point Plan represented a 'fair and equitable balance' between the interests of all stakeholders and provided 'the only basis of a proper approach'.<sup>38</sup>

While the Prime Minister had declared the Reconciliation Convention to be a 'unifying event', his speech only added to the existing climate of conflict and tension around both the government's moves to amend the Native Title Act and its response to the release of the *Bringing Them Home* report.<sup>39</sup> While Mr Howard later expressed regret for the hostile tone of his speech at the Reconciliation Convention (though he did not resile from the views he expressed in it), and repeated his qualified expression of 'personal

regret' for past policies and practices of forcible removal the next day in parliament and on other subsequent occasions, he steadfastly refused to offer a formal apology on behalf of the Commonwealth.<sup>40</sup> Consequently, the issue of an apology became a focal point for debates over the *Bringing Them Home* report over the ensuing months and years.

In rhetorical terms, Mr Howard's Reconciliation Convention speech was important because it signposted the direction in which the process would be steered under the Coalition government. In the narrative of the reconciliation decade, it was also a powerful moment: though Mr Howard acknowledged later that the speech was not his finest hour, for many observers of Indigenous affairs the image of the Prime Minister thumping his hand on the lectern as his audience jeered and turned their backs became one of the most enduring images of John Howard's prime ministership.

## The parliamentary debates

These two issues—the government's legislative response to the Wik decision and the report of the HREOC inquiry into the separation of Indigenous children from their families—dominated the Indigenous affairs landscape for the remainder of the Howard Government's first term in office. This part of the chapter examines how this was reflected in the language and politics of reconciliation in the parliamentary debates on these issues over 1997 and 1998.

## Overall content analysis results

The content analysis for this chapter was conducted on 185 parliamentary speeches made between May 1997 and July 1998.<sup>41</sup> The speeches selected for the content analysis were those where the term 'reconciliation' was used in the context of native title, the HREOC report and the stolen generations, or the reconciliation process generally over this time.<sup>42</sup> The overall results of the content analysis are shown in Figure 5.1.

Figure 5.1 provides a sense of overall themes in debates about the stolen generations and Wik in 1997 and 1998 (though these broad themes were largely informed by the debates on the native title legislation which account for the majority—around 70 per cent—of speeches included in the content analysis for this chapter).

For instance, reconciliation understood as 'the recognition of Indigenous-specific rights' was the most frequent theme. As was the case in the debates on the original native title legislation in 1993, the vast majority of speeches in which this theme was present (around 95 per cent) were made by ALP, Democrats, Greens and independent

parliamentarians. This reflects the fact that ALP and minor party parliamentarians considered that there was a close link between the reconciliation process and the recognition of native title (and Indigenous rights more generally). On the other hand, Figure 5.1 shows that speeches in which Coalition parliamentarians spoke about reconciliation were more likely to include themes such as addressing disadvantage, and improving relations and changing attitudes. The preponderance of these themes in Coalition speeches reflects the Coalition’s emphasis on what they were coming to describe as a ‘practical’ approach to reconciliation.

Figure 5.1: Key themes in parliamentary debates on Wik, native title, and the stolen generations, May 1997–July 1998

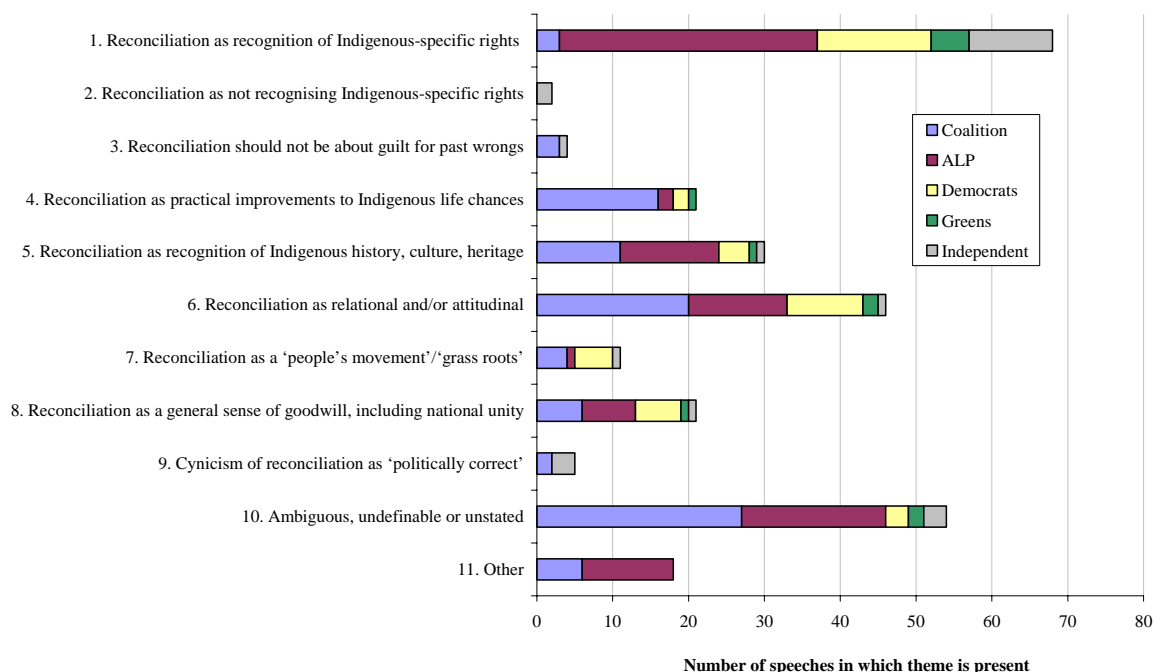


Figure 5.1 also indicates that reconciliation understood as ‘the recognition of Indigenous history, heritage and culture’, and reconciliation understood in terms of national unity were common themes. The former was a particularly strong theme in speeches by parliamentarians of all political persuasions on the *Bringing Them Home* report. And, as previous chapters have discussed, there has been a strong association between reconciliation and concepts of national unity in parliamentary discussion of reconciliation since the reconciliation process began in 1991. At the same time, the number of speeches in which the use of the term ‘reconciliation’ was ambiguous or

unclear is still relatively high: it is the second most common ‘theme’ after reconciliation understood as ‘the recognition of Indigenous-specific rights’.

While it is instructive to consider overall themes in the discourse of reconciliation during this period, the following discussion highlights the particular ways the language of reconciliation was applied to each of the stolen generations and native title debates (and the similarities and differences between them). This demonstrates again the malleability of ‘reconciliation’: that is, the different ways in which reconciliation is spoken about according to the context.

## The Bringing Them Home report

Figure 5.2 shows the results of content analysis of 26 speeches in the federal parliament between May 1997 and July 1998 in which the HREOC report into the separation of Indigenous children from their families, or the stolen generations more generally, was a central theme. (There have also been many speeches in the parliament discussing the stolen generations issue *since* 1998, but this chapter is focused just on the period 1997–1998.)

The content analysis results shown in Figure 5.2 reflect the different approaches of Labor and the Coalition (and the Democrats and independent parliamentarians) to the *Bringing Them Home* report and the stolen generations issue, and the emphases the parties placed on different aspects of the reconciliation process more generally.<sup>43</sup>

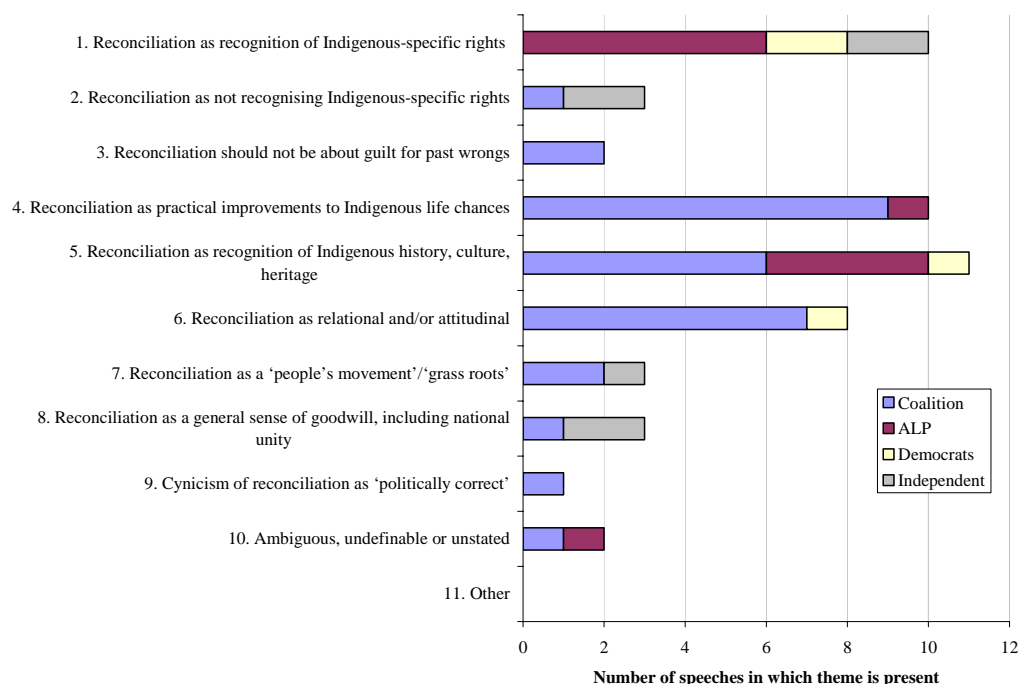
For example, in his speech at the Australian Reconciliation Convention in May 1997, Prime Minister Howard outlined ‘three fundamental objectives’ which in his view lay ‘at the heart of the reconciliation process’. The first of these was the need for a ‘shared commitment to raise the living standards’ and broaden the ‘opportunities available’ to Indigenous people. The second objective was the ‘realistic acknowledgment of the inter-related histories of the various elements of Australian society’. The third objective was the ‘mutual acceptance of the importance of working together to respect and appreciate our differences and to ensure that they do not prevent us from sharing the future’.<sup>44</sup> The emphasis on these ideas in the Coalition’s approach to reconciliation—and the application of this approach to the stolen generations issue—is reflected in Figure 5.2.

The most common theme in Coalition speeches in which the stolen generations and reconciliation were discussed was the need for the reconciliation process to focus on addressing Indigenous people’s disadvantage. As discussed above, the government’s response to the *Bringing Them Home* report emphasised the importance of a ‘practical’ approach in keeping with its approach to reconciliation more generally.<sup>45</sup> For example,



in a speech during National Reconciliation Week in 1998, the Minister for Family Services, Warwick Smith, spoke of the importance of taking ‘practical steps’ and ensuring ‘practical outcomes’ in response to issues such as the stolen generations.<sup>46</sup>

Figure 5.2: Key themes in parliamentary debates on the *Bringing Them Home* report and the stolen generations, May 1997—July 1998



Similarly, the Liberal Member for Murray (Victoria) and the Coalition’s representative on the Council for Aboriginal Reconciliation in its third term, Sharman Stone, spoke of how the government had responded to the *Bringing Them Home* report in ‘sensitive and practical ways’, exemplified by funding to assist family reunions and establish ‘link-up’ centres. Dr Stone also linked the response to the report with broader issues in the reconciliation process, including Indigenous disadvantage, arguing that as long as the ‘intolerable’ circumstances of disadvantage in which many Indigenous people live persisted, ‘we can only talk about reconciliation—it cannot be achieved’.<sup>47</sup>

Another key theme in many Coalition parliamentarians’ speeches on reconciliation and the stolen generations issue was the importance of acknowledging historical injustices committed against Indigenous people (reflected in bar 5 of Figure 5.2). This is in line with the second objective of the reconciliation process as outlined by Mr Howard. Dr Stone, for example, spoke of how ‘this government believes we must honestly and realistically acknowledge the injustices of the past’.<sup>48</sup> Both Prime Minister Howard and

Senator Herron also reiterated this theme frequently.<sup>49</sup> The emphasis in Coalition speeches on the importance of acknowledging historical injustice, however, was usually qualified by the argument that ‘present generations should not be made to feel guilty for the mistakes of the past’.<sup>50</sup>

The Coalition’s emphasis on the third objective for reconciliation outlined by Mr Howard, ‘mutual acceptance of the importance of working together’, is indicative of a view of reconciliation as being broadly about *relationships* between Indigenous and non-Indigenous people. This theme is reflected by the Coalition speeches in bar 6 of Figure 5.2. For example, during National Reconciliation Week in 1998, the Immigration and Multicultural Affairs Minister, Philip Ruddock, spoke of how the government placed a ‘great deal of emphasis upon’ reconciliation, and (borrowing Mr Howard’s words) did so in the context of ‘mutual acceptance of the importance of working together to ensure that differences do not prevent us from sharing equally in a common future for this nation’.<sup>51</sup> Senator Herron also restated this idea several times in the Senate.<sup>52</sup>

The frequency of these three ideas about reconciliation in Coalition speeches on the stolen generations also helps to explain why the number of Coalition speeches in which the articulation of reconciliation was ambiguous or unclear was much lower than in previous debates: the government had come to a clear position on what constituted reconciliation which was drawn on by Coalition parliamentarians in their speeches on the stolen generations issue.

## Reconciliation and apology

While the government response to the *Bringing Them Home* report emphasised a range of issues (as did the report itself), much of the parliamentary debate over this issue in 1997 and 1998 revolved around the issue of a formal apology. While Mr Howard had issued a qualified personal apology at the Reconciliation Convention in Melbourne in May 1997, he remained of the view that a formal national apology was ‘not appropriate’.<sup>53</sup> Labor and the minor parties, however, portrayed this as a weak spot in the Prime Minister’s reconciliation credentials and continued to agitate for a formal national apology.

For example, then Democrats Leader, Cheryl Kernot, argued when the *Bringing Them Home* report was released that ‘we must apologise. It is absolutely crucial. Its costs nothing; it means so much’.<sup>54</sup> Opposition Leader Kim Beazley moved a motion in the House of Representatives in Reconciliation Week in May 1998 apologising for the mistakes of the past, ‘believing such an apology is the first step to effective

reconciliation'.<sup>55</sup> The Leader of the Opposition in the Senate, Senator John Faulkner, took up the *Bringing Them Home* report's argument that a formal apology was fundamentally important to the healing process for those affected by practices and policies of separation:

Great numbers of indigenous Australians and many health and education professionals tell us that progress must start with healing and that an apology—an expression of regret—from authorities that have represented oppression and pain is central to that healing. Why in the name of good government, if not in the name of humanity, should this government deny them such a simple, symbolic gesture?<sup>56</sup>

According to Senator Faulkner, the government's failure to make a formal apology meant that 'what we have, on balance, is a situation in which Australians in favour of reconciliation suspect they have got no friend in the Prime Minister', while 'those who are opposed to reconciliation ... privately celebrate their suspicion that they have a secret friend in the Prime Minister'.<sup>57</sup>

## A methodological note

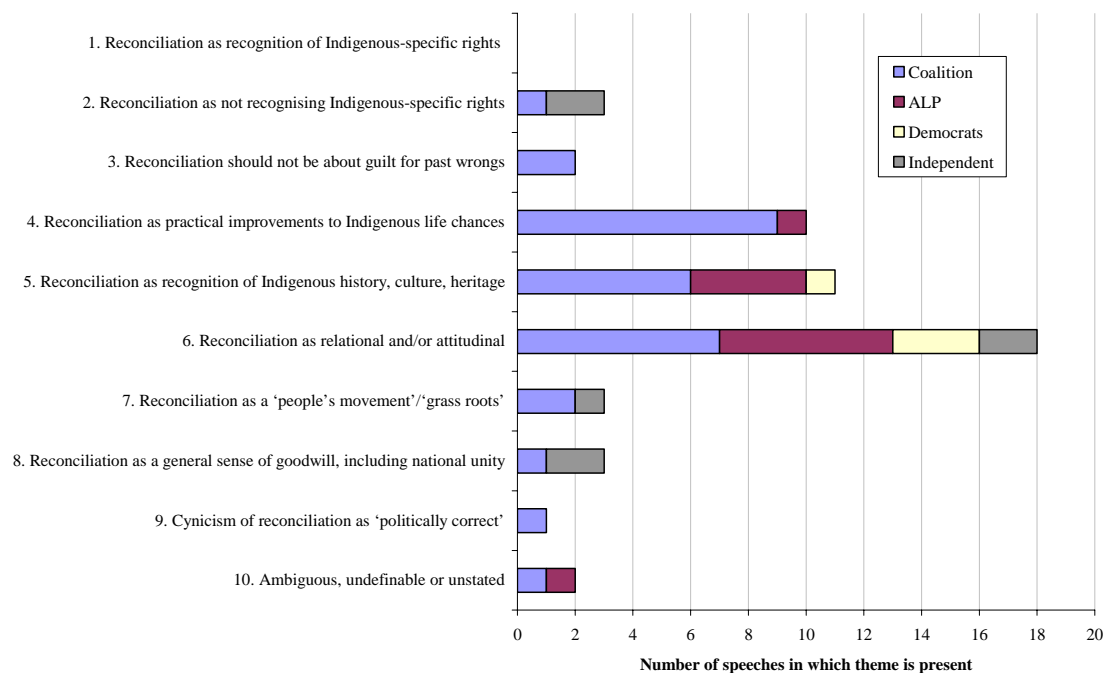
The emergence of 'apology' as a key issue of debate in response to the *Bringing Them Home* report presented a methodological difficulty for this study, in that 'apology' did not fit neatly into any of the categories used for the content analysis.<sup>58</sup>

On one hand, during the latter part of the reconciliation decade the push for a formal apology was closely associated with the 'rights' agenda (and thus could be coded in category 1—reconciliation as the recognition of Indigenous-specific rights). On the other hand, the apology issue also tended to be discussed—both by advocates of the 'rights' agenda and others—in terms of its importance for *healing* the effects of past policies and practices. This idea fits more neatly with a view of reconciliation as being about improving relationships (and thus could be coded in category 6—reconciliation as relational). For instance, John Faulkner argued that 'progress must start with healing', and an apology 'from the authorities that have represented oppression and pain is central to that healing'.<sup>59</sup> In a speech to the House of Representatives during Reconciliation Week in May 1998, the Independent (but former Liberal) Member for McPherson (Queensland), John Bradford, argued that '[sorry] is only a simple word, but it is an enormous word in the context of what we are facing today, and that is what I believe to be the greatest challenge facing this nation ... that is to achieve reconciliation to a very great degree'.<sup>60</sup>

In Figure 5.2, advocacy of a formal apology was coded in category 1 (reconciliation understood as recognition of Indigenous-specific rights). This explains the significant

number of Labor and minor party parliamentarians' speeches in bar 1 of Figure 5.2. The absence of Coalition speeches in this category, on the other hand, reflects the government's view that a formal apology and compensation were inappropriate responses to the *Bringing Them Home* report.<sup>61</sup> However, if apology is coded as reflecting a view of reconciliation as *relational*, the resulting content analysis results would look considerably different, as shown in Figure 5.3. This figure suggests a debate in which 'rights' talk was absent and in which reconciliation was most commonly used to refer to improving relationships. This may be a more accurate reflection of the debates around the stolen generations, however, it fails to convey the association between the 'rights' and 'apology' agenda which developed in response to this issue.

**Figure 5.3: Key themes in parliamentary debates on the *Bringing Them Home* report and the stolen generations, May 1997–July 1998 ('apology' re-coded as category 6)**



The issue of apology therefore highlights both the benefits and limitations of this kind of methodological approach to analysing political debate. On one hand, content analysis provides a means through which different themes can be quantified, which can be an extremely useful tool of discursive analysis. On the other hand, this example demonstrates the difficulties that can be involved in codifying themes (because of the nuances within and between them).

## Reconciliation and history

Figures 5.2 and 5.3 show that, like their Coalition counterparts, Labor parliamentarians spoke about the importance to reconciliation of recognising Indigenous history, heritage and culture in the context of debates on the stolen generations. In his 1998 Reconciliation Week speech, for instance, Kim Beazley spoke of ‘mourning for our common loss’:

Let us acknowledge that we are all the poorer for the generations of neglect and denial—the denial of opportunities that has robbed us of more Michael Dodsons, more Cathy Freemans, more Lois O’Donoghue’s, more Harold Blairs ... Ignorance blinded us until only recently to the magnificence and richness of Indigenous art, dance, song and stories, and prejudice determined that desecration and suppression rather than celebration were the hallmarks of many responses to so much that is rich, strong and spiritually uplifting. It is in the interests of reconciliation, a more mature national identity and sound public policies that members of this parliament open their eyes, their ears and their hearts.<sup>62</sup>

Like the Coalition, therefore, the ALP considered that recognition of Indigenous history—and in particular the history of forcible removal of Indigenous children and the contemporary consequences of removal—was central to the reconciliation process. However, as previous chapters noted and as is the case with reconciliation itself, ‘acknowledging history’ can mean very different things to different people.

For Prime Minister Howard, the history of injustices committed against Indigenous people was a ‘significant blemish’ in Australia’s history which ought to be acknowledged, but for which current generations of Australians ought not to be ‘held accountable ... or regarded as guilty’.<sup>63</sup> Rather, the reconciliation process should focus on working towards ‘a better and more cooperative future’, the most effective means of which was to ‘commit our energy, our resources and our time to remedying those areas of continuing disadvantage [among Indigenous people]’.<sup>64</sup> On the other hand, the Opposition’s rhetoric about acknowledgment of history emphasised both formal apology and responsibility for seeing that the consequences of past practices and policies of forcible separation were addressed. For Labor, this required more than just addressing Indigenous people’s material disadvantage. Labor parliamentarians also linked the consequences of past policies and practices of removal to broader Indigenous rights issues such as native title.<sup>65</sup>

Thus, both the Coalition and the ALP had clearly articulated positions on the stolen generations and reconciliation: the Coalition emphasised addressing disadvantage, acknowledging history, and ‘working together for a better future’; Labor emphasised acknowledging history and the issue of a formal apology. Accordingly, unlike the

debates surveyed in previous chapters, figures 5.2 and 5.3 show that the number of speeches in which the use of the term ‘reconciliation’ was ambiguous or unclear is relatively low.

Finally, while the vast majority of speeches on the *Bringing Them Home* report and the stolen generations issue surveyed for this chapter were sympathetic to the issues raised by the report, it is important to note that the parliamentary debates on the report also provided a forum for the expression of scepticism about the stolen generations and cynicism towards the reconciliation process more generally. This is reflected in bars 2, 3 and 9 of Figures 5.2 and 5.3.

For example, the Labor-turned-independent Member for Kalgoorlie (WA), Graeme Campbell, described Sir Ronald Wilson (the President of HREOC who oversaw the inquiry which led to the report) as ‘a fool’ and Indigenous advocates such as Patrick Dodson as ‘doyens of the guilt industry’, and suggested that the Governor-General at the time, Sir William Deane (who had offered an apology to Indigenous people for past practices) was blinded by ‘the misty eyes of political correctness’. The report itself, according to Mr Campbell, was ‘so guilt driven and so predictable that it deserves scant consideration’.<sup>66</sup>

Similarly, the independent-turned-One Nation Member for Oxley, Pauline Hanson, argued that the report was designed primarily to ‘make us feel guilty about the past’. Ms Hanson argued that the report was ‘misleading’ in that it suggested ‘these awful privations were solely owned and experienced by Aborigines’, citing the example of British orphans brought to Australia during the middle of the 20<sup>th</sup> century to demonstrate that this was not the case. Subsequently, Ms Hanson argued, ‘we will never have true reconciliation until we rid our society of divisive policies clearly based on race alone ... Equality for all Australians is the only path to a cohesive future as one nation’.<sup>67</sup> Thus, for Ms Hanson, the *Bringing Them Home* report was an example of Indigenous people being treated ‘differently’ to other Australians and this was counter-productive to reconciliation which would only work if it were based on ‘equality for all’.

## The Wik debates continue

Just as the debates over the *Bringing Them Home* report continued in the middle months of 1997, so too did the heated debates over the government’s contentious approach to native title in the wake of the Wik decision.

In September 1997, while the government was fine tuning its legislation for introduction into the parliament, the Prime Minister appeared on the ABC’s 7:30

*Report* to discuss the native title issue. In one of the most memorable moments of the entire debate, Mr Howard held up a map of Australia and declared that if the government's Ten Point Plan was not enacted, 'the Aboriginal people of Australia would have the potential right of veto over further development of 78 per cent of the land mass of Australia'.<sup>68</sup>

The Prime Minister's *7:30 Report* appearance was seen to be an extremely provocative foray into the debate, and in many ways set the tone for the ensuing parliamentary debate.<sup>69</sup> On one hand, the Prime Minister portrayed Labor and the Democrats (who opposed the Ten Point Plan) as obstructionist and as somehow pandering to the interests of the Indigenous minority, who in turn were depicted as seeking to claim back the vast majority of the continent. On the other hand, Mr Howard allowed himself and the government to be positioned by Labor as hostile to Indigenous people and to the recognition of native title, and scare-mongering in the interests of its rural constituency. Mr Howard was also accused of deliberate misrepresentation. Deputy Opposition Leader, Gareth Evans, for instance, described the Prime Minister's appearance on the *7:30 Report* as 'one of the ugliest little scenes it has been my misfortune ... to witness for a long time in this country ... it was malicious in its intent, it was alarmist in its effect and it was thoroughly immoral in its substance'.<sup>70</sup>

Thus, on both sides of the debate, tempers were frayed and passions were inflamed. This remained the case for the best part of the following 12 months.

## The amendments to the Native Title Act

The Prime Minister introduced the government's legislative response to the Wik decision, the Native Title Amendment Bill 1997, into the parliament on 4 September 1997. The Bill proposed extensive amendments to the Native Title Act to give statutory effect to the Ten Point Plan (as well as amendments to the Act proposed by the government in 1996 prior to the Wik decision).<sup>71</sup>

As had been the case with the debates which followed Mabo, the parliamentary debates over the Native Title Amendment Bill 1997 were long (the debates spanned almost 12 months), complex (approximately 800 amendments to the Bill were debated in the Senate in 1997 alone), and the atmosphere in which the debates took place was extremely tense.<sup>72</sup> At various stages, the Senate appeared intractable on various aspects of the government's proposed amendments to the Native Title Act and the spectre of a 'race-based' double dissolution loomed. The legislation was eventually passed in July 1998 with the Tasmanian independent Senator Brian Harradine's support.

## The government's position: the 'pendulum has swung too far'

How was 'reconciliation' to be operationalised in the parliament during the lead-up to, and debates over, the native title amendments?

Figure 5.4 shows the content analysis of almost 130 speeches on Wik and native title between May 1997 and July 1998. As with the debates already discussed, the content analysis results shown in Figure 5.4 reflect differences in the approaches to Wik and native title (and reconciliation more generally) by the Coalition on one hand, and Labor and the minor parties on the other.

According to the Prime Minister, the High Court's judgment in the Wik case was 'disappointing', 'impractical', and had 'pushed the pendulum too far in one direction' (in favour of Indigenous rights).<sup>73</sup> Consequently, as far as Mr Howard was concerned, the 'proper role of the parliament [was] to bring the pendulum back to the middle'.<sup>74</sup> This was the aim of the government's Ten Point Plan: it sought to respect common law native title, but it was 'also designed to give to the pastoral and mining industries of Australia the certainty to which they are clearly entitled and which is clearly in the national interest'.<sup>75</sup> Thus, the Coalition's response to the Wik decision effectively positioned Wik as a title management issue.

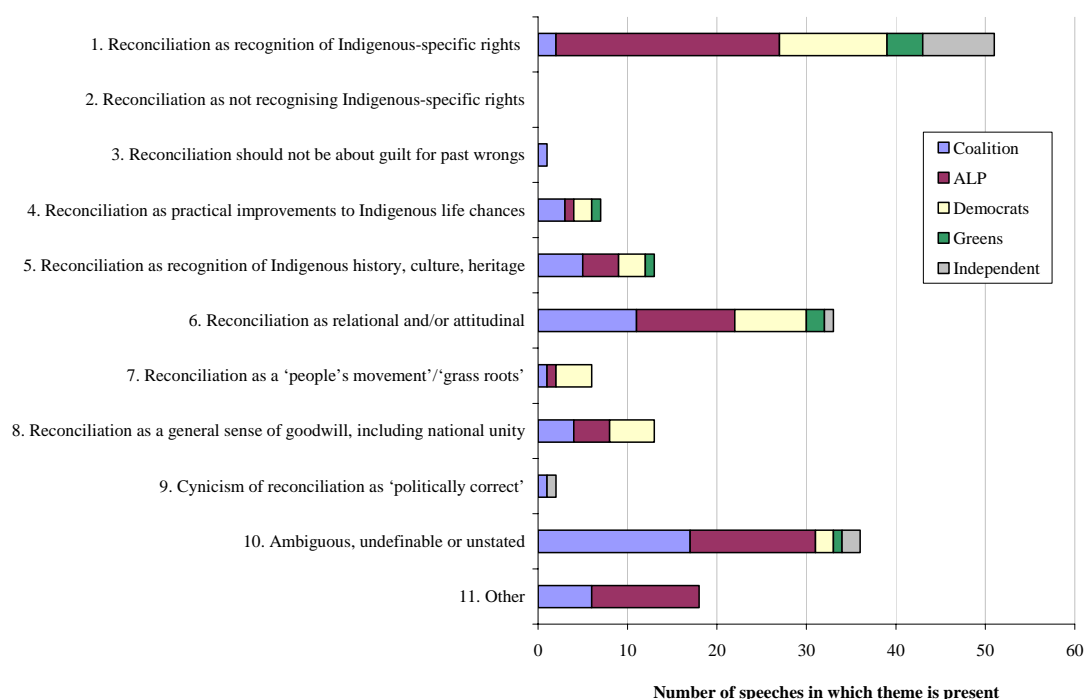
While the contexts are different, it is worth noting the contrast between this response by the Howard Government and the Labor government's response to Mabo in 1992. Then Prime Minister Keating sought to position Mabo as an opportunity to further the reconciliation process, whereas the Coalition government appeared to view the Wik decision as an impediment to it. For instance, at one point during the Wik debates, the Deputy Prime Minister Tim Fischer suggested that the reconciliation process would be on hold until the consequences of the Wik decision had been dealt with. Fischer said that if the Senate passed the government's legislation, 'the day after that would be the first day of a renewed effort by myself as deputy PM ... and the government to renew energy and effort into reconciliation'.<sup>76</sup>

During the debates, several Coalition parliamentarians strongly criticised the High Court's decision in the Wik case. For example, Tony Smith, the Liberal Member for Dickson (Queensland) echoed Mr Howard's view about the 'pendulum having swung too far' by describing the High Court's decision as having 'crossed the line ... the court has simply lost its way'.<sup>77</sup> Along these lines, the Liberal Member for Cowan (WA), Richard Evans, argued that the native title amendments proposed by the government provided 'the first steps to bringing some *balance* back to the reconciliation debate' (emphasis added).<sup>78</sup>



During the debates, several Coalition parliamentarians strongly criticised the High Court’s decision in the Wik case. For example, Tony Smith, the Liberal Member for Dickson (Queensland) echoed Mr Howard’s view about the ‘pendulum having swung too far’ by describing the High Court’s decision as having ‘crossed the line ... the court has simply lost its way’.<sup>79</sup> Along these lines, the Liberal Member for Cowan (WA), Richard Evans, argued that the native title amendments proposed by the government provided ‘the first steps to bringing some *balance* back to the reconciliation debate’ (emphasis added).<sup>80</sup>

Figure 5.4: Key themes in parliamentary debates on Wik and the native title amendments, May 1997–July 1998



There was also scepticism within the government about the merits of the original native title legislation and a strong view that the Native Title Act had been, in Prime Minister Howard’s words, ‘a disaster for reconciliation in the Australian community’.<sup>81</sup> Senator Chris Ellison (Liberal Party, WA) argued, for instance, that while the Coalition had ‘always recognised native title’, the Native Title Act had only bred ‘division and uncertainty’.<sup>82</sup> The Liberal Member for Swan (WA), Don Randall, argued that the Native Title Act was ‘supposed to benefit the indigenous people of Australia but [had] benefited nobody but wealthy lawyers’.<sup>83</sup> Similarly, Tony Smith argued that the Native Title Act was ‘a sham, an illusion and a big con, where most [Indigenous] people will

not get a thing out of it'. Further, Mr Smith said, the Native Title Act had 'divided this country into white and Aboriginal and Torres Strait Islander ... I have never seen more division in this country since the notion of reconciliation and native title came to the fore'.<sup>84</sup>

According to Liberal Senator Jeannie Ferris (Liberal Party, SA), the 'tragedy' of the Native Title Act was that it served 'to create anger, frustration and division on all sides and patently [did] nothing for reconciliation'.<sup>85</sup> The Coalition's Council for Aboriginal Reconciliation representative, Sharman Stone, described the Native Title Act as a 'deeply flawed piece of legislation', which had been 'nothing more than a mirage, a cruel hoax that promised so much and delivered so very little'.<sup>86</sup> As a result, Dr Stone argued, the Native Title Act had 'inadvertently ... contributed to a deterioration in inter-race relations throughout this country'.<sup>87</sup>

This line of argument—that the original native title legislation had damaged relations and caused division—reflects a view of reconciliation as being broadly about relations between Indigenous and non-Indigenous people. Figure 5.4 shows that this was one of the most common themes in Coalition speeches on Wik and the native title amendments. (This was also an important theme in Labor and minor party parliamentarians speeches, though it tended to be articulated differently, as discussed below.) As far as the Coalition was concerned, since the original Native Title Act had been damaging to the reconciliation process, an additional impediment to the process had been created by the 'uncertainty' about land tenure which resulted from the Wik decision.

Accordingly, there was a great deal of emphasis on the importance of 'certainty' in Coalition parliamentarians' speeches on the native title amendments. For example, Prime Minister Howard emphasised the importance of achieving certainty for the pastoral and mining industries in his exposition of the merits of the government's approach.<sup>88</sup> In fact, for some Coalition parliamentarians, 'reconciliation' almost came to be defined *as* certainty: Sharman Stone argued, for instance, that the government's amendments to the Native Title Act would 'deliver certainty across the nation for all interested parties. *They will move Australia towards reconciliation*' (emphasis added).<sup>89</sup> Likewise, the Minister for Primary Industries and Energy and Deputy Leader of the National Party, John Anderson, articulated the relationship between reconciliation and certainty as follows: 'how can reconciliation, which has to involve better relationships between indigenous people and pastoralists ... possibly be advanced *in the current climate of uncertainty* and animosity over this issue?' (emphasis added).<sup>90</sup>

Figure 5.4 also shows that reconciliation understood as ‘the recognition of Indigenous history, heritage and culture’, and reconciliation understood as ‘practical improvements to Indigenous people’s life chances’ were also present in Coalition speeches on Wik and native title, though to a less significant degree. These themes are consistent with the objectives for the reconciliation process outlined in May 1997 by Prime Minister Howard, discussed above in the section on the stolen generations. Figure 5.4 indicates that the theme of reconciliation as being tied to national unity was also an important idea in the Coalition’s approach to Wik and native title. The similarities and differences between themes in the stolen generations and Wik debates are discussed further below.

## Native title and reconciliation

Overall, the content analysis results suggest that there was considerable ambiguity in the Coalition’s approach to reconciliation in its response to the Wik decision. This is reflected in the number of Coalition speeches included in the ‘ambiguous, undefinable’ category in Figure 5.4. Arguably, this was the case for two reasons: first, there was some imprecision in the government’s official position on the relationship between reconciliation and native title. Second, during the period in which the debates over the stolen generations and Wik took place, reconciliation came increasingly to be used as a broad moral language rather than a framework within which to articulate specific policy positions.

The government’s imprecise definition of the relationship between reconciliation and native title was demonstrated by contradictory statements by senior government ministers. For instance, during a speech at a conference on reconciliation and the law in February 1997, the Aboriginal and Torres Strait Islander Affairs Minister, Senator Herron, told his audience that ‘the Prime Minister has made it quite clear that he recognises the essential link between native title and reconciliation for indigenous Australians’.<sup>91</sup> Similarly, according to Senator Nick Minchin, the Special Minister of State who had specific responsibilities for native title, the government ‘understood the importance of native title to the reconciliation process’.<sup>92</sup> Yet at one point during the parliamentary debate on native title, Senator Herron criticised opposition senators for ‘attempting to link inextricably the native title debate to the reconciliation process’, and appeared to suggest that native title and reconciliation ought to be seen as separate issues:

Surely it is in the interests of everybody in this chamber to recognise the significance of the reconciliation process in the long-term interests of the nation and not to try to drag everything that anybody wants to comment on [such as native title] into that reconciliation process when it quite rightly is not related.<sup>93</sup>

While the view apparently expressed here by Senator Herron—that native title and reconciliation ought to be treated separately—contradicted the Coalition’s official rhetoric at the time, it *was* consistent with the position taken by the Coalition during the post-Mabo debates in 1992 and 1993. Prime Minister Howard expressed a slightly different version of this view when he criticised attempts to ‘portray native title issues as the only element of reconciliation’, describing this as ‘both dishonest and neglectful of the true needs of indigenous people’.<sup>94</sup>

In contrast to Senator Herron, several government backbenchers maintained that the issues of Wik, native title and reconciliation were closely aligned. Sharman Stone, for example, argued that the government’s proposed amendments to the Native Title Act ‘go to the heart of the reconciliation process that this nation so badly needs’.<sup>95</sup> John Bradford, the Member for the Queensland electorate of McPherson, said that ‘one of the main concerns that many of us in this place have about this whole issue is how it will impact on the process of reconciliation’. For Mr Bradford, weighing up the effect on reconciliation of the native title amendments had been an important part of determining his own position on the Bill: ‘it has been important for me, in dealing with this legislation, to come to the view that [the] legislation is not inconsistent with finding a ... substantial degree of reconciliation between black and white people in our country’.<sup>96</sup>

Similarly, for Liberal Member for Aston (Victoria) and former Council for Aboriginal Reconciliation member, Peter Nugent, the relationship between reconciliation and native title was paramount. In fact, Mr Nugent’s conclusions about the effect on reconciliation of the government’s proposed native title amendments led him to express serious reservations about the merits of the proposed amendments. Mr Nugent described the reconciliation process in the context of native title as ‘seeking to negotiate a solution that is acceptable to all sides of the argument’. Mr Nugent was concerned that the government’s approach did not place ‘enough emphasis on the importance of land to its Aboriginal custodians’. Second, Mr Nugent expressed reservations about whether the Native Title Amendment Bill 1997 would provide sufficient ‘certainty to all stakeholders’, and subsequently was concerned about the ‘unedifying prospect of future litigation’. Finally, Mr Nugent expressed ‘serious concerns about the impact of this legislation on the reconciliation process’.<sup>97</sup> (He nonetheless decided not to vote against the legislation, because of a concern that if he did so ‘the media would use that for other political purposes’.<sup>98</sup>)

The Liberal Member for Kingston (SA), Susan Jeanes, expressed concern about the prospects of achieving ‘meaningful reconciliation’, because in her view the government had ‘failed to grasp the seriousness of the race crisis that we face in this country and its

underlying causes'. Ms Jeanes also linked the government's approach to the issue of native title with its approach to the stolen generations: 'whether real or not, alongside our refusal to apologise to the stolen generation, there is a perception in the Australian community that we are mean spirited and that we have put the rights of pastoral and mining companies ahead of the rights of Aboriginal Australians'.<sup>99</sup>

Conversely, some Coalition parliamentarians saw the concept of reconciliation as meaningless and as a hangover from the perceived 'politically correct' approach of the Labor government. Member for Dickson, Tony Smith, argued that the term 'reconciliation' was 'muddle-headed and divisive and should be discarded, as it is used as a whipping post to foster division in Australian society'.<sup>100</sup> The Liberal Member for Grey (SA), Barry Wakelin, was even more scathing:

The myths of the concept of reconciliation abound in this place—one might even describe it as a mantra for the opposition benches. I believe that the central tenet of reconciliation—the idea that there is a gaping hole in the spiritual life of the nation that can be remedied only by prolonged apologising by white Australia—is not only an insult to this nation and its people but a dead-end for Aboriginal people. It is a road to nowhere and its pursuit is undoubtedly to the disadvantage of Aboriginal people.<sup>101</sup>

## **The Opposition's position: reconciliation and rights**

The Labor Opposition's approach to the native title amendments rested on a very different attitude towards Wik to that of the government. This made for a series of heated debates over the government's proposed native title legislation before the legislation was finally passed by the parliament in July 1998.

Rather than seeing the Wik judgment as a threat to reconciliation, Labor regarded the judgment as an opportunity to advance or promote reconciliation just as it had done with Mabo in 1992. The difference between the ALP's and the government's approach to Wik is reflected in Figure 5.4. For example, when Labor parliamentarians spoke about reconciliation in the context of Wik and native title, the most common theme was that reconciliation required the recognition of Indigenous-specific rights (reflected in bar 1 of Figure 5.4). In other words, where the Coalition was equivocal about the relationship between native title and reconciliation, for Labor native title and reconciliation were closely linked.

For example, according to Senator John Faulkner, 'native title rights are inextricably linked to reconciliation and to justice ... The Labor Party recognises this and has worked hard towards genuine reconciliation with Aboriginal people and Torres Strait

Islanders'.<sup>102</sup> Senator Chris Evans (ALP, WA) described his reaction to the Wik decision as follows:

From my point of view, I celebrated when I heard the Wik decision. I thought, 'That's great. That is a decision with which Australia can go forward, with which we can build reconciliation and with which we can build a better Australia' ... The decision recognised the rights of pastoralists and miners, but said that the rights can coexist—that they can live together and work together to make this a better country and to respect each other's interests.<sup>103</sup>

Senator Kate Lundy (ALP, ACT) argued that the Native Title Amendment Bill 1997 presented 'an opportunity for the government to enshrine the principles of the Wik High Court decision in legislation and, hence, proceed another step down the path of reconciliation'.<sup>104</sup>

Accordingly, Labor was extremely critical of the government for portraying native title as an 'encumbrance' or an 'intrusion', and took the view that by pursuing what they saw as unnecessary extinguishment of native title, the government's approach was doing serious damage to the reconciliation process.<sup>105</sup> Deputy Opposition Leader Gareth Evans, for example, described the Native Title Amendment Bill 1997 as an 'instrument of division and despair'.<sup>106</sup> Senator Bob Collins (ALP, Northern Territory) argued that the Prime Minister had 'all but destroyed the process of reconciliation'.<sup>107</sup>

Democrats and Greens senators took a similar view: Senator Natasha Stott Despoja (Democrats, SA) warned that the legislation threatened 'to undermine the reconciliation process'.<sup>108</sup> Senator Dee Margetts (Greens, WA) argued that there was 'no issue of greater importance to Australian society than how we, as non-indigenous Australians, reconcile with the people whose land we have stolen and whose society we have decimated'. However, according to Senator Margetts, the government's approach was based on the view that native title was 'an inconvenient property right to be read down in line with the narrowest possible interpretation of common law'.<sup>109</sup> This view, Senator Margetts suggested, was essentially assimilationist and thus antithetical to reconciliation.

Many Labor MPs also saw parallels between the government's approach to native title and its response to the *Bringing Them Home* report and the stolen generations issue, in that both were indicative of what Labor portrayed as a mean-spirited and insensitive approach to reconciliation.<sup>110</sup> The relationships between the two sets of debates are discussed further below.

## Reconciliation and coexistence

Another central theme in ALP parliamentarians' speeches on the native title amendments was that of 'coexistence' between the rights of native title holders and other land holders, and between Indigenous and non-Indigenous people more generally. Labor's emphasis on this theme reflects a view of reconciliation as relational (reflected in bar 6 of Figure 5.4).

For example, Carmen Lawrence (Fremantle, WA) urged the government 'in a spirit of decency and of leadership to embrace the spirit of the Mabo and Wik decisions and to realise that native title exists and that coexistence of Aboriginal and pastoral interests is not only possible but also desirable'. Further, Dr Lawrence argued, 'reconciliation will not proceed without recognising the rightful title to land of indigenous Australians'.<sup>111</sup> Senator Nick Bolkus (SA) said that the debate on the government's proposed native title amendments was 'a debate about matters of highest principle', but it was also 'a debate about achieving real coexistence for real people on real pieces of land'.<sup>112</sup> Many other Labor parliamentarians espoused similar views.<sup>113</sup> Labor's focus on coexistence also emphasised the importance of reconciling the 'competing interests' of Indigenous people, pastoralists and other parties with interests in land on which native title existed.<sup>114</sup> This understanding of coexistence and reconciliation—as the negotiation and management of *competing interests*—is reflected in the number of ALP speeches included in bar 11 ('other') of Figure 5.4.

Therefore, for many ALP parliamentarians, reconciliation in the context of native title meant first recognising Indigenous-specific rights (in the case of the Wik judgment, this meant upholding the rights of native title holders on pastoral leases where they did not conflict with the rights of pastoralists), and on that basis, determining how native title could feasibly coexist with the rights of other parties with interests in native title land. This idea—that 'reconciliation' necessitated negotiation over how different interests could coexist—was hitherto little mentioned in reconciliation discourse. This is one of the criticisms that can be made of reconciliation: that is, the vagueness of reconciliation as a concept enables it to avoid 'hard-edged' issues like how competing interests in land should be worked out.

As discussed above, Coalition parliamentarians who spoke about reconciliation during the native title debates also espoused views which were indicative of an understanding of reconciliation as being about improving the relationship between Indigenous and non-Indigenous people. Indeed, Figure 5.4 demonstrates that this was one of the most frequently occurring themes in the debates overall. However, the ALP's emphasis on 'coexistence' in the debates on the post-Wik amendments to the Native Title Act

suggests a different approach to the question of how to improve relations between Indigenous and non-Indigenous people from that of the Coalition.

For Labor, the Wik judgment provided a potential blueprint for coexistence, and thus itself potentially presented an opportunity to improve relations between Indigenous and non-Indigenous people—witness Senator Chris Evans’s remarks that Wik was a decision ‘with which Australia can go forward, with which we can build reconciliation’.<sup>115</sup> On the other hand, for the Coalition the uncertainty created by the decision was a potential impediment to the reconciliation process and needed to be resolved before the reconciliation process could progress.<sup>116</sup> This is not to say that the ALP did not recognise the importance of an outcome to the native title debate which provided certainty for stakeholders, and it is also not to say that the Coalition did not understand the significance of coexistence.<sup>117</sup> Rather, these examples demonstrate again the kinds of differences the discourse of reconciliation is capable of accommodating, even when there is general agreement on a broad meaning or objective—in this case, improving Indigenous/non-Indigenous relations.

## Comparing the stolen generations and Wik/native title debates

It is worth pausing to compare the stolen generations and native title debates, in terms of which ideas about reconciliation were enunciated frequently or infrequently. This can be done by comparing Figures 5.2 and 5.3 (the stolen generations content analysis), and Figure 5.4 (the content analysis of the Wik and native title debates).

There are several similarities between these figures (depending on how ‘apology’ is coded in the stolen generations debate). For instance, the idea of reconciliation as *relational* is a key theme in both debates, particularly if ‘apology’ is coded in this category in the stolen generations debate (as in Figure 5.2). In the native title debates, the instances of reconciliation being spoken of in this way are fairly evenly distributed between Coalition, Labor and minor party and independent parliamentarians. This is also the case in the stolen generations debates if advocacy for a formal apology is coded in this way (as in Figure 5.3).

Either way, the prominence of the ‘relational’ theme suggests a widely shared view that reconciliation is about improving relationships between Indigenous and non-Indigenous people. As earlier discussions have demonstrated, however, there are different ideas about what this means in practice. For instance, the content analysis results in this chapter demonstrate that the issue of ‘rights’ is a key difference between Labor (and the minor parties) and the Coalition. In both debates, there is almost a complete absence of



Coalition speeches in the reconciliation as recognition of Indigenous-specific rights category.

## Reconciliation as a moral language

Perhaps the most significant difference between the stolen generations and native title debates is in the number of uses of ‘reconciliation’ where the meaning of the term was ambiguous, undefinable or unclear (bar 10 in each figure). While there were relatively few speeches in this category in the stolen generations debates (because both major parties had clearly articulated positions on the stolen generations issue as already noted), Figure 5.4 shows that, next to reconciliation understood as ‘the recognition of Indigenous-specific rights’, this was the second most commonly occurring ‘theme’ in the native title debates.

It was suggested above that the number of Coalition speeches in this category reflects an imprecision in the Coalition’s conceptualisation of the relationship between reconciliation and native title. However, Figure 5.4 shows that uses of ‘reconciliation’ in this category in speeches made by ALP, minor party and independent parliamentarians comprise the majority. Parliamentarians of *all* political persuasions used reconciliation as a *moral* language—that is, a language or discourse in which to express broad, and often vague and somewhat nebulous principles, rather than specific policy positions.

The following examples illustrate this usage. Labor Member for Melbourne (Victoria), Lindsay Tanner, opened his speech on the Native Title Amendment Bill in October 1997 by saying that ‘our response as a nation to issues of native title, Aboriginal reconciliation and Aboriginal living standards is fundamental to our future as a nation. The government’s response to these issues is wrong on all counts’.<sup>118</sup> Senator Kate Lundy (ALP, ACT) argued that the Coalition has ‘no interest in the long term future of this country. They are not concerned with reconciliation. They have no vision for this generation or for future generations’.<sup>119</sup> Senator John Herron, in response to Cape York Land Council Chairman Noel Pearson describing the Coalition as ‘racist scum’ at one point during the debates, said that ‘people who use those phrases should go to church, should pray for reconciliation, because it will not occur without that attention to that particular detail’.<sup>120</sup> Liberal Member for Sturt (SA), Christopher Pyne described some other comments by Mr Pearson as ‘damaging [to] any opportunities we might have in Australia for genuine reconciliation’.<sup>121</sup>

In each of these examples, the other side of the debate was criticised for damaging, threatening or appearing not to understand ‘reconciliation’, but no meaning of exactly

what *would* constitute reconciliation in the circumstances was provided. This is because reconciliation provided a broad framework within which parliamentarians could situate their views about native title, but this framework was better suited to the expression of platitudes than to the complex, complicated minutiae of native title legislation. That is, reconciliation was a *moral* language rather than a language of public policy.

## Relations between the government and the Council for Aboriginal Reconciliation

If the debates in the parliament over the government's proposed amendments to the Native Title Act were tense, relations between the government and the Council for Aboriginal Reconciliation—and in particular Council Chairperson Patrick Dodson—were arguably even more so.

The preceding discussion demonstrates how the Howard Government's approach to reconciliation placed a strong emphasis on the importance of addressing Indigenous people's material social and economic disadvantage. Accordingly, the government distanced itself from the rights-based, social justice framework for reconciliation that the Council for Aboriginal Reconciliation had advocated since 1991 (and which the previous Labor government had supported). Thus, as the new government settled into office, it became increasingly apparent that there was tension between Council's vision of reconciliation and the government's.

Perhaps out of a sense of obligation to the framework for reconciliation that the Council for Aboriginal Reconciliation had deliberately mapped out since 1991, or perhaps because of a sense of frustration at what he perceived to be the government's 'mean-spirited' approach to the reconciliation process more generally, Mr Dodson took an increasingly active role in the debates over the native title amendments in 1997.<sup>122</sup> Arguably, Mr Dodson also played an increasingly partisan role, in the sense that he was much more explicitly critical of government policy where it did not, in his view, accord with the principles or imperatives of the reconciliation process as outlined by the Council—witness for instance Mr Dodson's comments that the government's Ten Point Plan was akin to 'poisoning the last waterhole'.<sup>123</sup> Similarly, when the legislation giving effect to the Ten Point Plan was introduced into the parliament, Mr Dodson and Council Deputy Chairperson Ian Viner—a Minister for Aboriginal Affairs in the Fraser Government—described the Bill as '293 pages of extinguishment'.<sup>124</sup>

Not surprisingly, Mr Dodson's forays into the debate were not always welcomed by the government. Senator Nick Minchin, for instance, described Mr Dodson's characterisation of the Ten Point Plan as 'unhelpful' to the process of reconciliation.<sup>125</sup>

Senator Eric Abetz (Liberal Party, Tasmania) described Mr Dodson's and Mr Viner's comments as 'simply untrue, simply inflammatory', and as having 'no basis in fact whatsoever'.<sup>126</sup>

As a result, in late 1997 some commentators described Indigenous–government relations as being at 'an all time low'.<sup>127</sup> This tension between the Council for Aboriginal Reconciliation and the government culminated in Patrick Dodson and Ian Viner resigning from the Council in late October 1997.<sup>128</sup>

Patrick Dodson had become the very public face of the reconciliation process since the establishment of the Council for Aboriginal Reconciliation and the formal reconciliation process in 1991. This led to him being dubbed the 'father of reconciliation' in Australia. His departure from the post of Council Chairperson in frustration at what he perceived to be the government's failure 'to act on the heartfelt cries for justice and fair dealing in response to the Wik decision', and its 'lack of commitment to the reconciliation process' more generally was a pivotal moment in the reconciliation decade.<sup>129</sup>

The following chapter examines the issue of the gap between the reconciliation framework articulated by the Council for Aboriginal Reconciliation and the approach pursued by the Howard Government in more detail.

## Conclusion

The debates over Wik, native title and the stolen generations which took place over 1997 and 1998 constitute a critical period in the reconciliation decade. With a new government which advocated a markedly different approach to reconciliation from that of its predecessor, the Council for Aboriginal Reconciliation and the reconciliation process more generally were operating in a vastly different political climate after March 1996. For the Council, this period was one of working out how it fitted into the new political environment: for Patrick Dodson the ultimate answer to this question was that he did not.

The bitter debates that took place over this period placed the official rhetoric of reconciliation—which emphasised unity and consensus—under considerable strain. Michael Phillips notes on this point that there 'is some irony' to be found in these debates, particularly those around native title, national unity and reconciliation. This irony 'is the disjunction between Coalition rhetoric when in opposition and the development of a highly divisive popular debate on Aboriginal affairs whilst it was in government'.<sup>130</sup>

This chapter demonstrates again several of the central themes of this monograph. It shows how the word ‘reconciliation’ is easily used as a political tool. It shows how the language of reconciliation can be used differently in different contexts. It also demonstrates the ambiguity of the term ‘reconciliation’ as applied to public policy debates. And it shows that ‘reconciliation’ is a word to which many different ideas and meanings, often contradictory, are attached. As Prime Minister Howard himself remarked in 1998: ‘it is possible for Australians of good will to hold different views on the appropriate response to the *Bringing Them Home* report and issues of native title, yet be united in their commitment to the process of reconciliation’.<sup>131</sup>

Mr Howard’s point encapsulates one of the central arguments of this monograph: it is the very fact different people can have vastly different positions on the same issue, each in the name of reconciliation, that makes reconciliation such a popular idea. This is because, as this chapter demonstrates, while both John Howard and Patrick Dodson profess their support for reconciliation, in the context of an issue like native title, John Howard and Patrick Dodson’s understandings of reconciliation are very different. In other words, they can each support reconciliation because to each of them ‘reconciliation’ means very different things.

The following chapter on the emergence of the idea of ‘practical reconciliation’ during the twilight years of the reconciliation decade demonstrates again how this is the case.



## Chapter Six: 'Practical reconciliation'

---

*National reconciliation calls for more than recognition of the damaging impact on people's lives of the mistaken practices of the past. It also calls for a clear focus on the future. It calls for practical policy-making that effectively addresses current indigenous disadvantage particularly in areas such as employment, health, education and housing.*

—John Howard, Prime Minister, 2000

The previous chapter discussed the development of the Howard Government's response to the High Court's Wik decision and the debate over a formal apology to the stolen generations. These issues dominated the Indigenous affairs landscape and indeed much of the political landscape more generally during the Howard Government's first term in office. This chapter traces another key development in reconciliation politics during the Howard Government's tenure: the emergence of the idea of 'practical reconciliation'.

Chapter Five demonstrated that the election of the Howard Government in 1996 marked the beginnings of a discursive shift away from the view of social justice which had been pursued by the Council for Aboriginal Reconciliation and supported by the previous Labor government. Reconciliation under the Howard Government emphasised a different version of social justice, which was focused on 'practical' policy-making designed to address Indigenous people's disadvantage in areas such as health, housing, education and employment, and on promoting Indigenous people's economic independence. Of course, this theme was not new. Previous chapters have shown how parliamentarians of all persuasions frequently emphasised the importance of Indigenous health, housing, education and employment in their contributions to parliamentary debates on a range of Indigenous affairs issues.

The significance of the concept of 'practical reconciliation' that emerged in the second half of the reconciliation decade was that the Howard Government defined efforts aimed at addressing disadvantage *in opposition to* support for native title and for an apology for past injustices. Rights and apologies were labelled, apparently pejoratively, as 'symbolic' actions.

This chapter traces the emergence of the concept of 'practical reconciliation'. It does so first by discussing the historical antecedents of the term in the first half of the reconciliation decade and earlier, and then by examining the emergence of the idea of 'practical reconciliation' since 1996. The latter discussion focuses in particular on the construction of a discursive dichotomy between so-called practical and symbolic

aspects of reconciliation (and resistance to the construction of this dichotomy from non-Coalition parliamentarians). Thus, this chapter is a departure from the form of earlier chapters which examined how different ideas and meanings were attached to the term 'reconciliation' in particular contexts. This chapter focuses instead on one particular theme: the idea of 'practical reconciliation'.

## Badging of an idea: the genealogy of 'practical reconciliation'

While the term 'practical reconciliation' was not coined until the latter part of the 1990s and not in wide circulation until the year 2000, the central ideas behind the concept have a lengthy history.

### Practical reconciliation's historical antecedents

The importance of addressing Indigenous disadvantage has long been recognised by parliamentarians from both major parties in Australia.

As Chapter One discussed, during the 1983 election campaign, Labor leader Bob Hawke spoke of how Indigenous people 'experience the worst health, housing, employment, education, and the greatest poverty and despair', and that while this situation persisted, 'we can never truly bring this country together'.<sup>1</sup> Similarly, in one of his first major speeches to the parliament as Aboriginal Affairs Minister in December 1983, Clyde Holding spoke of the need for a 'planned, coordinated and phased attack on each aspect of Aboriginal disadvantage'.<sup>2</sup>

The distinguishing feature of the term 'practical reconciliation' which has emerged since 1996, however, is its disavowal of so-called symbolic issues. The idea that addressing Indigenous disadvantage should take priority over 'symbolism' was being articulated by the Coalition, under John Howard as Opposition Leader, at least as early as 1988. For instance, Chapter One briefly discussed the reconciliation motion which was the first substantive item of business in the new Parliament House in August 1988. In his speech on the motion, John Howard emphasised the importance of '[Indigenous people's] disadvantage [being] removed as part and parcel of their rights and their entitlements as Australians and as part of the Australian nation'. Mr Howard also articulated his view that 'practical' policies should take precedence over the 'symbolic':

I do not hold the view that symbolism is irrelevant in public life, although it is fair to say that the passage of this motion, in whatever form, by this Parliament will not of itself improve the health or the education standards or necessarily lift the horizons of Aboriginal

Australians. Anybody who imagines that resolutions and symbolism are a substitute for effective working policies in this or, indeed, any other area is deluding himself.<sup>3</sup>

Similarly, when the motion was debated in the Senate, Fred Chaney, a former Minister for Aboriginal Affairs in the Fraser Government, spoke of the 'doubts ... felt by many on this side of the chamber about the use of symbols and the attachment of this Government in particular to symbolic approaches to this problem as against severely practical approaches to the problems of Aboriginal Australians'.<sup>4</sup> In addition to emphasising the 'practical', the suggestion that Labor was excessively concerned with the so-called symbolic was one of the key features of the discourse of 'practical reconciliation' which emerged after 1996.

The importance of addressing Indigenous disadvantage has also been a consistent theme of debates about reconciliation since the formal reconciliation process was established in 1991. Indeed, the need for the reconciliation process to address Indigenous disadvantage was built into the reconciliation legislation itself.<sup>5</sup> Indigenous people's systemic disadvantage was also a theme in the Royal Commission into Aboriginal Deaths in Custody's final report, released in 1991. In particular, the Royal Commission emphasised the links between Indigenous people's contemporary experiences of social and economic disadvantage and their historical experiences of dispossession and discrimination.<sup>6</sup>

Earlier chapters illustrated how addressing disadvantage has been a key theme of various debates about reconciliation since 1991. For example, as Chapter Two (and Figure 2.1) demonstrated, the need for the reconciliation process to focus on overcoming Indigenous disadvantage was the single most dominant theme in the parliamentary debates on the legislation which established the formal reconciliation process: the majority of speakers from both Labor and the Coalition who spoke on the Council for Aboriginal Reconciliation Bill 1991 emphasised the centrality of addressing Indigenous disadvantage to the formal reconciliation process. Chapter Three discussed (and Figure 3.1 demonstrated) how, in the Mabo and native title debates of 1993, while Indigenous disadvantage was not as prominent an overall theme as it had been in the debates on the reconciliation legislation of 1991, it *was* a key theme in Coalition parliamentarians' speeches on native title. Then (Coalition) Opposition Leader, John Hewson, for example, criticised the government for creating the 'myth' that the native title legislation would be 'some kind of panacea for Aboriginal and Islander disadvantage'.<sup>7</sup>

Chapter Four showed that Indigenous disadvantage was an important theme in the debates on the Indigenous Land Fund legislation in 1994 and 1995. As had been the



case in the native title debates during 1993, Coalition parliamentarians criticised the Indigenous Land Fund legislation for not doing enough to address Indigenous disadvantage. Labor parliamentarians, on the other hand, argued that addressing the issue of Indigenous people's access to land, including by programs such as the Indigenous Land Fund, was crucial to addressing issues of Indigenous disadvantage. Member for Moreton (Queensland), Garrie Gibson, for instance, argued that 'unless we heal the spirit of the Aboriginal people, we are not going to heal the body. To heal the spirit we must address the question of land'.<sup>8</sup> Chapter Four also discussed how the importance of addressing Indigenous disadvantage was a central idea in the 'social justice' model of reconciliation promoted by the Council for Aboriginal Reconciliation and in the proposals for a package of social justice measures it put to the Keating Government in 1995.<sup>9</sup>

It appears, therefore, that while there has been disparity between Labor and the Coalition in the views expressed on the *relative* importance of other issues in relation to Indigenous disadvantage, the fact of Indigenous disadvantage and the importance of addressing it are perhaps the *only* aspects of the reconciliation process over which there has been broad consensus. This conclusion is also borne out by the interviews conducted for this study: without exception, all the parliamentarians (past and present) interviewed spoke about the fundamental importance of addressing issues such as Indigenous health, housing, education and employment in any discussion of reconciliation.

While there has long been consensus about the need to address Indigenous people's social and economic disadvantage, this brief history also highlights the Coalition's long-held position of disavowing or down-playing the importance of what it defined as the 'symbolic' issues of reconciliation and Indigenous affairs policy. Thus, when the term 'practical reconciliation' was coined by the Coalition in the latter part of the 1990s, this did not constitute a new policy direction in Indigenous affairs. Rather, it was a case of giving a long-standing idea the badge or label that it had hitherto lacked.<sup>10</sup>

## A term is coined

After the Howard Government came to office in March 1996, the distinction between 'practical' and so-called symbolic issues in the reconciliation process was first articulated in Prime Minister Howard's speech to the 1997 Reconciliation Convention (as Chapter Five discussed). The first recorded use of the actual term 'practical reconciliation', however, appears to be in a press release issued in September 1997 during the post-Wik debate by Senator Nick Minchin, then Special Minister of State with responsibility for native title.

Referring to the government's proposed amendments to the *Native Title Act* 1993, Senator Minchin said that the amendments would 'greatly expand the provisions for negotiated agreements with native title holders on all aspects of native title'. These agreements, 'and the mutual respect and goodwill required to achieve them', Senator Minchin said, 'are the real examples of *practical reconciliation*' (emphasis added).<sup>11</sup> Senator Minchin made the same point in a speech to a native title conference in April 1998.<sup>12</sup> Similarly, the first use of the term in the parliament was in a speech by Liberal MP for Adelaide (South Australia) and Parliamentary Secretary for Health and Family Services, Trish Worth, in December 1997, in which Ms Worth reiterated Senator Minchin's argument that negotiated native title agreements were examples of 'practical reconciliation'.<sup>13</sup>

It is interesting to note, therefore, that while the term 'practical reconciliation' has come to be widely associated with the Howard Government's focus on addressing Indigenous people's disadvantage in areas such as health, housing, education and employment (to the detriment of efforts to address so-called symbolic concerns such as Indigenous rights issues), the first recorded usages of the term 'practical reconciliation' were in the context of the post-Wik amendments to the Native Title Act. Accordingly, Michael Phillips argues that 'practical reconciliation' emerged as a response to 'the particular kinds of symbolism articulated by Indigenous people when they derived their entitlements to land or to government services from prior ownership, historical dispossession or indigeneity'.<sup>14</sup>

While Prime Minister John Howard foreshadowed this meaning of 'practical reconciliation' in his May 1997 Reconciliation Convention speech, the first instance of him actually using the term 'practical reconciliation' does not appear to have been until March 2000 at the launch of the National Indigenous Literacy and Numeracy Strategy. Then Howard described the strategy as 'very much an exercise in practical reconciliation', and 'in every sense of the word a gesture of practical reconciliation amongst all Australians'.<sup>15</sup> After the Literacy and Numeracy Strategy launch, the term then came into wide circulation in press material issued by government ministers over the following months.<sup>16</sup> Since John Howard's inaugural use of the term in 2000, 'practical reconciliation' has been used widely by Coalition parliamentarians.

## Parliamentary talk about 'practical reconciliation'

This part of the chapter examines parliamentary talk about 'practical reconciliation' after the Howard Government came to office. It uses the results of content analysis conducted on around 70 speeches between 1996 and the end of the year 2000 in which the word 'practical' was used in conjunction with the word 'reconciliation'.<sup>17</sup> The

approach to content analysis taken in this chapter is a deliberate departure from the approach adopted in the previous chapters, which examined the various themes associated with use of the term 'reconciliation' in particular contexts. Instead, this chapter focuses on the phrase 'practical reconciliation' and analyses its various meanings in speeches delivered in the parliament between 1996 and 2000. The results of the content analysis are shown in Figure 6.1.

Most speeches (around 60, or over 80 per cent) were from the last two years of the reconciliation decade (1999 and 2000). This is because the term 'practical reconciliation' did not emerge until late in the reconciliation decade, even though, as already noted, the ideas behind it have a much longer history. A large majority of speeches (around 50, or approximately 70 per cent) were made by Coalition parliamentarians, which reflects the fact that the idea of 'practical reconciliation' is a Coalition construct. However, as the following discussion demonstrates, non-Coalition parliamentarians also spoke about 'practical reconciliation' and, in particular, resisted the construction of a dichotomy between 'practical' and 'symbolic' issues.

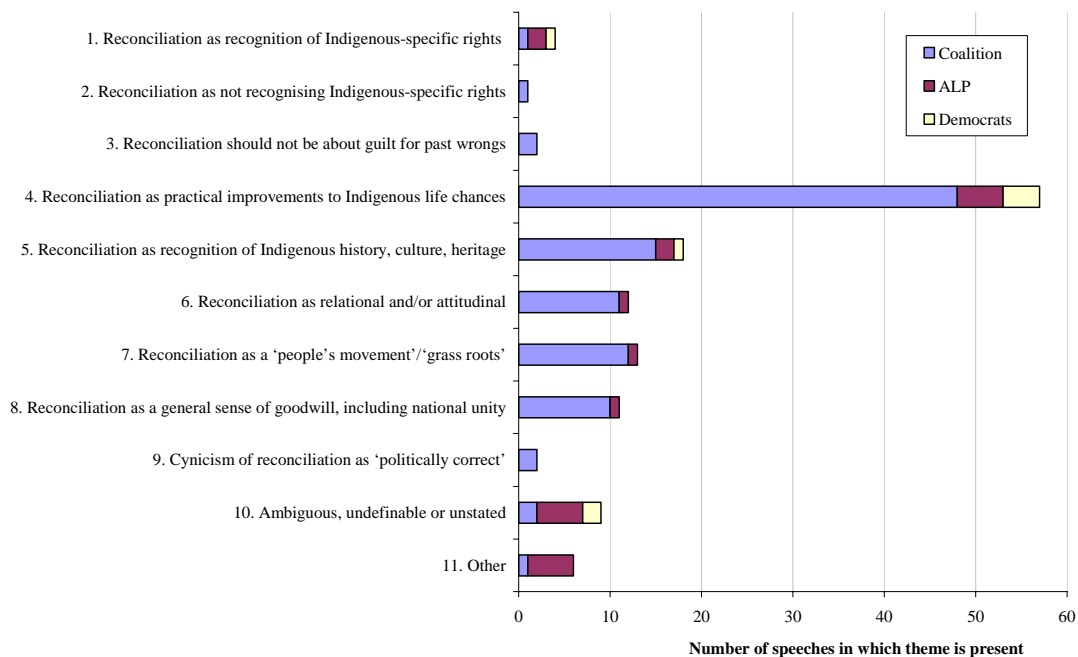
## Practical reconciliation and Indigenous disadvantage

Not surprisingly, Figure 6.1 demonstrates that addressing Indigenous disadvantage was the most prominent theme in parliamentary speeches on 'practical reconciliation' between 1996 and 2000. Since the majority of speeches contained in the content analysis are by Coalition parliamentarians, this largely reflects the Coalition's emphasis on addressing Indigenous people's disadvantage as the most important aspect of the reconciliation process. For example, when Prime Minister John Howard spoke about reconciliation in the parliament, he often repeated the view that 'the path to effective reconciliation lies in remedying those areas of disadvantage and through that giving to the Aboriginal and Torres Strait Islander people the full capacity to enjoy freedom of opportunity as Australian people'.<sup>18</sup> Likewise, Minister for Aboriginal and Torres Strait Islander Affairs from 1996 to 2001 Senator John Herron, frequently spoke of the government's practical approach to reconciliation, which consisted of concentrating on 'the five key areas indigenous Australians have identified as crucial to equality of opportunity ... : health, housing, education, employment and economic development'.<sup>19</sup>

As discussed above, however, the importance of addressing Indigenous people's disadvantage has long been a theme of parliamentary talk about reconciliation for parliamentarians of *all* political persuasions. This continued to be the case after 1996. But in speaking about issues such as overcoming disadvantage and improving service provision to Indigenous people and Indigenous communities, Labor parliamentarians were often critical of the Coalition's emphasis on these issues to the detriment of other

aspects of the reconciliation process. For example, the Labor Member for the seat of Northern Territory, Warren Snowdon, argued that the idea of 'practical reconciliation' referred only to Indigenous people's access to the rights and services *all* Australians are entitled to expect.<sup>20</sup> This critique of the idea of 'practical reconciliation' is discussed in further detail below.

**Figure 6.1: Key themes in the discourse of 'practical reconciliation', March 1996–December 2000**



## The 'practical' versus 'symbolic' divide

While the idea of 'practical reconciliation' emphasises the importance of policy measures designed to address Indigenous disadvantage, the distinguishing feature of 'practical reconciliation' as a *discourse*—that is, a set of meanings and ideas—lies largely in what it seeks to exclude: that is, so-called symbolic aspects of reconciliation. This part of the chapter traces the construction of the dichotomy between the so-called practical and symbolic aspects of reconciliation.

As noted in Chapter Five, the first explicit articulation of the distinction between the 'practical' and the so-called symbolic aspects of reconciliation was made in Prime Minister Howard's speech at the Australian Reconciliation Convention in Melbourne on 26 May 1997. On that occasion, Mr Howard declared that 'reconciliation [would] not work if it puts a higher value on symbolic gestures and overblown promises rather than

the practical needs of Aboriginal and Torres Strait Islander people in areas like health, housing, education and employment'.<sup>21</sup> Mr Howard reiterated this view in a speech on a motion on reconciliation in parliament the next day:

[We] believe that the essence of reconciliation lies not in symbolic gestures—although some of them are important; this motion in a sense is a symbolic gesture. It is important on these issues that the parliament, as far as possible, speak with one voice—not in overblown rhetoric but in a practical determination to address the areas of disadvantage that indigenous people suffer ... We are not obsessed with symbolism. We are concerned, though, with practical outcomes.<sup>22</sup>

Other Coalition parliamentarians began to echo this view around the same time. For instance, in a speech on the *Bringing Them Home* report on 29 May 1997, Senator Helen Coonan said that Indigenous people 'still live in the most appalling conditions', and thus, that however 'fundamental symbolic gestures may be, let us not forget that this is all hollow rhetoric unless it actually gets translated into real commitment for the future—real commitment to addressing ... practical programs for reconciliation'.<sup>23</sup>

As noted above, Aboriginal and Torres Strait Islander Affairs Minister, Senator John Herron, also became an enthusiastic proponent of the government's 'practical' approach, frequently arguing that the 'government's commitment to reconciliation goes beyond words', and rather, that the government was focused on 'a practical approach to indigenous affairs'.<sup>24</sup> In Question Time in April 2000, Senator Herron said that 'symbolism will not achieve much if you want a roof over your head, if you want a job, if you want money in your pocket or if you want an education'.<sup>25</sup>

The distinction between 'practical' and 'symbolic' was also used in Coalition rhetoric to differentiate the Howard Government's approach to reconciliation from that of its Labor predecessor. For example, in a speech to the House of Representatives in 1997, Trish Worth argued that the 'symbolism of Keating's efforts in the areas of reconciliation would have been far more credible and genuine if they had been substantiated, for example, with initiatives in rural and remote health that achieved real results'.<sup>26</sup>

In each of these examples, while 'practical' issues were clearly defined as those associated with addressing Indigenous people's disadvantage and improving service delivery to Indigenous communities, the 'symbolic' tended only to be defined antithetically: that is, as anything which did not fall within the realm of the Coalition's definition of 'practical'.

This distinction between the 'practical' and 'symbolic' as defined by the Coalition was criticised by other parliamentarians. In a speech to the Senate the day after Prime

Minister Howard's address at the Reconciliation Convention in May 1997 Senator John Woodley (Democrats, Queensland), for instance, was critical of the Prime Minister for trying 'to drive a wedge between what he calls practical measures—which he supports—and mere symbolism'. Senator Woodley argued that the 'practical' and 'symbolic' should not be traded off against one another: 'I want to say to the Prime Minister that there is no choice between symbolism and practical measures. Both are important and, if we are really fair dinkum about reconciliation ... both must be put [in place] ... symbolism is as important as practical measures'.<sup>27</sup> While Senator Woodley was being critical of the government, his conceptualisation of reconciliation was nonetheless consistent with the government's rhetoric in so far as it drew a distinction between the 'practical' and the 'symbolic'.

One of the critiques that has been levelled at the concept or policy of 'practical reconciliation' so defined, however, is that this is a false dichotomy. This is because issues which apparently fall into the category of 'symbolic', such as native title, are in fact highly *practical* in nature. In other words, the discourse of 'practical reconciliation' emphasises a *particular kind* of 'practical'—Indigenous people's health, housing, education, employment and economic development—that is, those rights, entitlements and opportunities that Indigenous people share *in common with all Australians*, as against practical issues arising from Indigenous people's unique status *as Indigenous people*.

This is why parliamentarians such as Labor MP, Warren Snowdon, have been so critical of 'practical reconciliation': not because they disagree with the importance of addressing Indigenous disadvantage or improving service delivery to Indigenous communities, but because the idea of 'practical reconciliation' creates 'the impression something specific is being contributed toward the project of Indigenous reconciliation, while the outcomes sought are the same as those for all Australians'.<sup>28</sup> During a speech to the House of Representatives in April 2000, Snowdon expressed this view as follows:

Every Australian citizen, every Australian person, has a right to a decent education. Every Australian person has a right to a decent health service. Every Australian person has a right to community services. The only people who largely do not get these services in this community are Aboriginal people who live in remote communities ... The provision of these services is not practical reconciliation. It is just providing people with the rights they expect, and should expect, as Australian citizens.<sup>29</sup>

It is also important to note that not all Coalition parliamentarians have subscribed unconditionally to the view that the 'symbolic' should take precedence over the 'practical'. For instance, during a 1995 parliamentary debate on land rights, the Coalition's Council for Aboriginal Reconciliation representative, Peter Nugent (Aston,

Victoria), argued in favour of 'symbolic' measures such as constitutional recognition of Indigenous people's 'ownership and occupation' of Australia prior to the arrival of the Europeans in the 18<sup>th</sup> century:

When the Council for Aboriginal Reconciliation was set up, just such a preamble [recognising Indigenous prior occupation and ownership] was included in the legislation. I have not noticed the heavens fall in since that legislation was passed, and I very much doubt if the heavens would fall in if it was in the constitution ... But it would be an important symbol for indigenous people to have that sort of recognition. It seems to me that, unless you undertake a few symbolic things as well as some practical things, then you are never going to get on top of the problems and issues that I have been talking about.<sup>30</sup>

This position may have been at odds with the views of the Coalition leadership both at that time and subsequently, though it is important to note that this excerpt from Nugent's speech is consistent with Coalition policy in so far as it frames 'practical' and 'symbolic' aspects of reconciliation as conceptually distinct.

### **Other key themes in the discourse of 'practical reconciliation'**

While addressing Indigenous disadvantage is most prominent, the content analysis results shown in Figure 6.1 point to several other important themes in the discourse of 'practical reconciliation'. Because the sample of speeches contained in the content analysis is predominantly made up of speeches by Coalition parliamentarians, these results largely reflect major themes in Coalition rhetoric on Indigenous affairs and reconciliation between 1996 and the end of the reconciliation decade in 2000.

For example, as Chapter Five noted, in his speech at the May 1997 Reconciliation Convention, the Prime Minister argued that 'three fundamental objectives' lay 'at the heart of the reconciliation process': improving living standards and broadening the 'opportunities available' to Indigenous people; 'realistic acknowledgment of the inter-related histories of the various elements of Australian society'; and 'mutual acceptance of the importance of working together to respect and appreciate our differences and to ensure that they do not prevent us from sharing the future'.<sup>31</sup> These three themes are reflected in the content analysis results.

The frequency of the theme of reconciliation as 'the recognition of Indigenous history, heritage, or culture' (it was a theme in one-quarter of the speeches included in the content analysis, and almost one-third of all Coalition speeches), for instance, reflects the fact that 'realistic acknowledgment of inter-related histories' was also one of Prime Minister Howard's three 'key objectives' of reconciliation. For example, in response to questions in parliament about the government's approach to reconciliation, the Minister for Aboriginal and Torres Strait Islander Affairs, Senator John Herron, reiterated on

several occasions the view that reconciliation requires acknowledgment of shared history and past injustices.<sup>32</sup> However, as the previous chapter's discussion of the response to the stolen generations report demonstrated, precisely what constitutes 'realistic' acknowledgment of shared history was often a matter of at times heated debate during the second half of the reconciliation decade.

Similarly, the frequency of the theme of reconciliation as 'relational or attitudinal' (contained in just under 20 per cent of speeches included in the content analysis, and just over 20 per cent of all Coalition speeches) reflects an emphasis in Coalition rhetoric on 'mutual acceptance' and 'working together' to overcome Indigenous disadvantage. For instance, Philip Ruddock, the former Minister assisting the Prime Minister for Reconciliation, frequently talked about reconciliation in terms of working positively and cooperatively to address Indigenous people's marginalisation and disadvantage. Mr Ruddock also spoke about the need for Indigenous and non-Indigenous people to 'have a better understanding of each other and each other's point of view'.<sup>33</sup> The frequency of this theme also reflects a view that reconciliation is largely about attitudinal change. For example, in a speech on the motion of reconciliation instigated by Senator Aden Ridgeway (Democrats, NSW) and passed by the parliament in 1999 (which is discussed in more detail below), Senator John Tierney (Liberal Party, NSW) spoke about the importance of '[bringing] on a great change of attitude in the Australian people'.<sup>34</sup> Prime Minister Howard has also suggested that the success of reconciliation lies in 'the attitudes and the openness of Australian individuals'.<sup>35</sup>

The other themes which occurred most frequently in conjunction with discussion of 'practical' aspects of reconciliation—such as the idea of reconciliation as a community-based or 'grass roots' process, and reconciliation as a sense of goodwill and national unity—also reflect particular emphases in the Coalition's approach to reconciliation. For instance, senior Coalition parliamentarians often expressed the view that 'true reconciliation' (emphasis added) involves a process that is 'genuinely community-based'.<sup>36</sup> The preponderance of this theme in Coalition speeches on reconciliation (it was contained in almost one-quarter of the speeches included in the content analysis conducted for this chapter), however, exposes a potential contradiction in Coalition rhetoric: arguably there is tension between the insistence that reconciliation should primarily be about addressing Indigenous people's social and economic disadvantage—surely a responsibility of government—on one hand, and the suggestion that 'true reconciliation' must 'grow from the ground up', on the other.<sup>37</sup>

Of course, the view that reconciliation should be a community-based or 'grass roots' process was by no means unique to the Coalition: many non-Coalition parliamentarians emphasised the importance of reconciliation taking place at 'grass roots' or community



level. This was often iterated in terms of endorsement of reconciliation as a 'people's movement'. For example, in May 2000 Labor Member for Charlton (NSW), Kelly Hoare, spoke of the reconciliation walk across the Sydney Harbour Bridge as a 'demonstration of the strength of the people's movement for reconciliation, bringing together Australians of all backgrounds, of all ages and from all walks of life'.<sup>38</sup> Indeed, academic Ravi de Costa argues that the 'abdication' of reconciliation to 'the community' was 'an explicit political intention of reconciliation in Australia' when the reconciliation process was established.<sup>39</sup>

Also noteworthy in these content analysis results, however, are some of the *less* frequently occurring themes. For instance, the idea of reconciliation as the recognition of Indigenous-specific rights, a key theme in earlier debates, was less common in the speeches included in the content analysis for this chapter. This is not to say that Indigenous rights issues were no longer being discussed in the second half of the reconciliation decade—Chapter Five's analysis of the Wik and stolen generations debates demonstrated that Indigenous rights issues were a key theme of these debates. Rather, the relatively low overall frequency of the idea that reconciliation should constitute the recognition of Indigenous-specific rights in Figure 6.1 is indicative of the fact that the discourse of 'practical reconciliation' tends to eschew discussion of issues to do with recognition of Indigenous-specific rights.

This is demonstrated by the composition of bar 1 in Figure 6.1: Labor and Australian Democrat parliamentarians accounted for most of those speeches in which the idea of reconciliation as Indigenous rights was articulated. The low frequency of Coalition speeches in this category, on the other hand, reflects the fact that in the discourse of 'practical reconciliation' Indigenous-specific rights, such as native title and rights to land, are not seen as 'practical' issues. This also reflects the fact that 'practical reconciliation' focuses on the rights of Indigenous people which exist by virtue of their status as Australian citizens rather than on the rights of Indigenous people which exist by virtue of their status *as* Indigenous people.

Similarly, the number of speeches contained in the content analysis in which the definition or meaning of 'reconciliation' was ambiguous or unclear was considerably lower than in the debates surveyed in earlier chapters. This is largely a result of sample bias: by only including speeches in which the theme of 'practical reconciliation' was present, speeches in which the idea of reconciliation was ambiguous were largely excluded. But significantly, unlike the earlier debates' the majority of speeches included in the content analysis in which the definition of reconciliation was not clearly articulated were made by Labor and Australian Democrat parliamentarians. This is because these speeches often denigrated the concept of 'practical reconciliation' as not

being 'true' or 'genuine' reconciliation, but without articulating what 'true' or 'genuine' reconciliation would mean.<sup>40</sup>

As with the issue of apology discussed in Chapter Five, however, the emergence of critiques of 'practical reconciliation' as a theme of debates in the latter years of the reconciliation decade presented a methodological problem for this study, in that they did not always fit neatly into any of the existing content analysis categories. Where this was the case, these uses of reconciliation were included in the 'other' category (bar 11 of Figure 6.1). But the emergence of this theme highlights again the potential methodological difficulties of a study of this kind.

### 'Practical' versus 'symbolic': a false dichotomy?

One of the main critiques of the idea of 'practical reconciliation', mentioned briefly above, is that it sets up a false dichotomy between 'practical' and 'symbolic' issues: that is, that issues eschewed by 'practical reconciliation' as 'symbolic'—such as native title—are in fact highly practical in nature. As Michael Phillips argues, while native title is 'tied up in the public understanding of Australian history via *terra nullius* and the *Mabo* judgement', it is also 'a supremely "practical" right. Native title concerns the rights of Indigenous people to access, use and care for their traditional lands'.<sup>41</sup>

Just as 'practical reconciliation' might be critiqued for de-emphasising only particular kinds of 'practical' issues, another point which can be made about the discourse of 'practical reconciliation' is that it did not altogether preclude 'symbolism' but rather was selective in its repudiation of so-called symbolic issues. For example, the idea of 'national unity' has been a key theme in discussions and debates about reconciliation since 1991. As earlier chapters noted, parliamentarians of all political persuasions have at various times defined 'reconciliation' in terms of 'national unity' (albeit that there was considerable variation in definitions of what constituted 'national unity' in the context of reconciliation). As Figure 6.1 demonstrates, the idea of 'national unity' was a strong theme in the parliamentary discussion of 'practical reconciliation' between 1996 and 2000.

Perhaps the most obvious iteration of this theme in the discourse of 'practical reconciliation' is Prime Minister Howard's oft-repeated line that 'the things that unite us as Australians are greater than the things that divide us'—that is, the idea that 'the things that unite us about reconciliation and where we agree are far greater than the things on which we may disagree and the things that may divide us'.<sup>42</sup> The need to address Indigenous disadvantage is often cited as an example of one of the 'things that unite us': for instance, in a speech to the parliament in 1999, Mr Howard said that:

We agree that as a group the indigenous people of this country remain the most disadvantaged of any group within the Australian community. We agree that part of the process of achieving effective reconciliation is to improve the education, housing, employment and health facilities amongst the indigenous people of this country.<sup>43</sup>

Similarly, the reconciliation process itself is seen as a unifying force. For instance, on election night in October 1998, Mr Howard declared, after '[committing himself] very genuinely to the cause of true reconciliation', that 'we may differ and debate about the best way of achieving reconciliation, but I think *all Australians are united in a determination to achieve it*' (emphasis added).<sup>44</sup>

As well as being invoked as a reason for focusing on a particular aspect of the reconciliation process—that is, because Indigenous disadvantage is an area of agreement—in Coalition rhetoric, the idea of national unity is also a goal of reconciliation itself. For example, according to Mr Howard, 'we agree on the objective of reconciliation', which is that 'this country's fabric will be greatly enhanced if a successful process of reconciliation can be achieved'.<sup>45</sup> During debate on the 1999 parliamentary motion of reconciliation, the Prime Minister declared:

I have come to the view that an important element ... of the unity of the Australian nation is undoubtedly achieving an effective and lasting reconciliation between indigenous Australians and other members of the Australian community. I know it is a desire which everybody in this chamber shares because, in reality, there is an extent to which the sense of the unity of the Australian nation is qualified and diminished so far as indigenous Australians are concerned unless, in their hearts and in their understanding, there is a proper basis for achievement of reconciliation.<sup>46</sup>

Similarly, in his speech on the motion, the Minister Assisting the Prime Minister for Reconciliation, Philip Ruddock, stated simply that 'reconciliation itself is about achieving a unity'.<sup>47</sup>

In the discourse of 'practical reconciliation', the language of unity is also used to argue against ideas with which the government disagrees. For instance, in a speech to the House of Representatives shortly after the reconciliation bridge walks in May 2000, following which the issue of a treaty briefly returned to the agenda, the Nationals' Member for Dawson (Queensland), De-Anne Kelly argued that a treaty would 'divide, *not unite*, Australians' (emphasis added). Further, 'having mandated seats for indigenous representatives in parliament would again *divide and not unite*' (emphasis added). Finally, according to Ms Kelly, 'an apology—certainly for the people in my area—would not make up for practical assistance and would also be seen as a sop for those in the cities who think that such matters can be dealt with at a very symbolic level'.<sup>48</sup> Thus, as far as Ms Kelly was concerned, 'symbolic' measures, such as a treaty,

dedicated Indigenous seats in parliament, and an apology for past injustices, would run counter to the unifying nature of the reconciliation process.

Each of these examples demonstrates, that in drawing on the idea of 'national unity' as both a goal of reconciliation and a function of the process itself (witness the Prime Minister's statement that 'we are all united in our determination to achieve reconciliation'), the language of 'practical reconciliation' invokes precisely that which it purports to shun: the politics of the 'symbolic'. For better or worse, the pursuit of 'national unity' is a highly 'symbolic' enterprise. As Phillips argues, to relate Indigenous disadvantage and the reconciliation process to the 'unity of Australia' is to engage in 'politics of a highly symbolic nature'.<sup>49</sup> That is, 'national unity', unlike Indigenous disadvantage, is not tangible; it cannot be measured; and while political leaders of all persuasions appeal to it from time to time, it can never be said to have been achieved definitively.

What this reveals in the discourse of 'practical reconciliation' is a *selective* recourse to 'symbolism' in Coalition rhetoric on Indigenous affairs. That is, the government's 'practical reconciliation' agenda does not shun 'symbolism' *per se*. Indeed, Prime Minister Howard has said this explicitly on several occasions.<sup>50</sup>

As well as having recourse to the politics of the symbolic in general terms, the Coalition rhetoric of 'practical reconciliation' did not completely preclude 'symbolic' *gestures*, such as the motion of reconciliation instigated by Senator Aden Ridgeway and passed by the parliament in August 1999. That motion, moved by Prime Minister Howard in the House of Representatives:

- reaffirmed the parliament's 'wholehearted commitment to the cause of reconciliation'
- committed members to working together 'to strengthen the bonds that unite us, to respect and appreciate our differences and to build a fair and prosperous future in which we can all share'
- reaffirmed 'the central importance of practical measures leading to practical results that address [Indigenous people's] profound economic and social disadvantage'
- recognised 'the importance of understanding the shared history of indigenous Australians and the need to acknowledge openly the wrongs and injustices of Australia's past'
- acknowledged 'that the mistreatment of many indigenous Australians over a significant period represents the most blemished chapter in our [nation's] history'

- expressed 'deep and sincere regret that indigenous Australians suffered injustices under the practices of past generations, and for the hurt and trauma that many indigenous people continue to feel as a consequence of those practices', and
- expressed the belief that 'we, having achieved so much as a nation, can now move forward together for the benefit of all Australians'.<sup>51</sup>

The wording of the motion, reached by agreement with Senator Ridgeway, reflects very closely Mr Howard's conceptualisation of reconciliation, in particular its emphasis on unity, and on 'practical measures leading to practical results'. The wording of the motion also reflects Mr Howard's view that injustices against Indigenous people represent a 'blemished chapter' in Australian history (rather than a more significant stain, as others have argued), as well as his position that an expression of 'regret' for these injustices was more appropriate than a formal apology.<sup>52</sup>

On the other hand, when the Council for Aboriginal Reconciliation was finalising its Document for Reconciliation (for presentation to national leaders at the Corroboree 2000 celebrations held in May 2000), the Prime Minister indicated he would not support the Document if particular phrases—such as an apology to the stolen generations and statements of support for specific Indigenous rights—were left in.<sup>53</sup> What each of these examples appears to suggest is that the Coalition is prepared to engage in the politics of the 'symbolic' only if it can do so on its own terms.

Various commentators have criticised the Howard Government for defining reconciliation so narrowly. Indigenous rights advocates have argued that the concept of 'practical reconciliation' has precluded discussion of key outstanding issues, such as Indigenous rights issues like native title and self-determination. For example, as the former Aboriginal and Torres Strait Islander Social Justice Commissioner, Michael Dodson, explained to a Senate inquiry in 2003:

By saying, "We will not deal with the things we disagree on," you take us out of the agenda entirely. The key things outside practical reconciliation that we want addressed are the things we disagree on. Where is the timetable to deal with that? That is my problem with the government's approach.<sup>54</sup>

But what this chapter and the example of 'practical reconciliation' demonstrates again is that 'reconciliation' itself is sufficiently broad as to allow for a range of meanings to co-exist, of which 'practical reconciliation' is just one. Just as the Hawke and Keating (Labor) Governments branded reconciliation in their own way (and selectively invoked concepts such as 'national unity' in doing so), so too did the Howard (Coalition) Government through the idea of 'practical reconciliation'. The open-ended nature of the term 'reconciliation' was a deliberate design feature of the reconciliation process: the

broad nature of the term was seen as attractive precisely because it would enable different people to attach their own meanings to the term. Given this, it is hardly surprising that the Howard Government chose to define the term in its own way.

## The Council for Aboriginal Reconciliation and 'practical reconciliation'

Following the resignation of Patrick Dodson as Chair of the Council for Aboriginal Reconciliation in 1997 and the appointment of Aboriginal community worker and rights activist Evelyn Scott as his replacement, the Council became engaged in what some commentators have described as a more 'polite' form of advocacy.<sup>55</sup> As Phillips suggests, Scott was 'patient and enduring, and less inclined to mention treaties than was Dodson, or to say of Wik, as Dodson had, that the government's native title legislation was the "final poisoning of the last waterhole"'.<sup>56</sup> However, while relations between the Howard Government and the Council under Evelyn Scott might have been more cordial than they were under Dodson's leadership (though this is not to say there were not times when relations were considerably strained), the emergence of the idea of 'practical reconciliation' in the late 1990s demonstrated the gulf that had been growing since 1996 between the vision of reconciliation being pursued by the Council for Aboriginal Reconciliation and that being pursued by the Howard Government.

For example, there was a considerable contrast between the emphasis of the 'practical reconciliation' agenda on efforts to address material disadvantage as the priority of the reconciliation process and the 'social justice' or rights-based model of reconciliation pursued by the Council for Aboriginal Reconciliation. While the Council's model of reconciliation recognised the importance of addressing Indigenous people's social and economic disadvantage, it differed from the 'practical reconciliation' model in that Indigenous people's citizenship rights—that is, their rights to decent health and health care services, decent education, adequate housing, and so on—were seen as inextricably related to Indigenous-specific rights such as rights to access traditional land. In the Council for Aboriginal Reconciliation model, citizenship rights and Indigenous rights were part and parcel of the one package. In the 'practical reconciliation' model, citizenship rights were seen as being of primary importance, and Indigenous-specific rights were generally seen as marginal or peripheral.

Michael Dodson and legal researcher, Lisa Strelein, point out several ways in which the Council for Aboriginal Reconciliation's vision of reconciliation can be contrasted with the concept of 'practical reconciliation'. For example, they argue that the 'practical reconciliation' model seeks to address Indigenous disadvantage through a framework of

individual rights. While this does not preclude consideration of issues such as cultural appropriateness in service delivery, it does exclude 'Indigenous peoples' autonomy to address these issues collectively, especially where that is expressed as a right to be self-governing in regions or over jurisdictions for which they have the capacity and desire to assert control'.<sup>57</sup> Second, Dodson and Strelein argue that 'practical reconciliation' emphasises the concept of equality which is understood as a 'formal sameness of treatment', and which is manifest in policy measures such as prohibition of discrimination and support for 'special measures' (such as remedial action to address issues such as deficiencies in health, housing, education and so on). While these issues clearly need to be addressed, Dodson and Strelein argue that to do so purely within a framework of equality ignores 'Indigenous peoples' claims as the collective rights of peoples, which transcend the ending of discrimination'.<sup>58</sup>

Thus, 'practical reconciliation' cast the key issues of reconciliation much more narrowly than did the Council for Aboriginal Reconciliation and in the process worked to nullify the rights-based, 'social justice' model of reconciliation that the Council had been advocating since the early 1990s (and which the previous Labor government had supported). The problem with defining reconciliation in this way, according to the former Aboriginal and Torres Strait Islander Social Justice Commissioner, William Jonas, was that it diminished the prospect of achieving a '*meaningful*' reconciliation because the focus of the process was no longer on 'transforming the relationship' between Indigenous and non-Indigenous people.<sup>59</sup>

Both the Council's final report to the parliament, *Reconciliation: Australia's Challenge* (presented to the Prime Minister on 4 December 2000), and the *Australian Declaration Towards Reconciliation* (presented to national political leaders at the Corroboree 2000 celebrations in May 2000), persisted with the Council's broad vision of reconciliation. The Council continued to argue that reconciliation was about addressing more than 'differences in social and economic outcomes between Aboriginal and Torres Strait Islander peoples and other Australians'.<sup>60</sup> For example, the *Declaration Towards Reconciliation* spoke of respecting and recognising 'continuing customary laws, beliefs and traditions', and of '[respecting] that Aboriginal and Torres Strait Islander peoples have the right to self-determination within the life of the nation'.<sup>61</sup>

In its final report, the Council insisted that among the outstanding issues that needed to be addressed was the need for a 'formal resolution of issues which were never addressed when this land and its waters were settled as colonies without treaty or consent'.<sup>62</sup> The report suggested that a formal resolution might be reached 'through an agreement or treaty', thus raising again the treaty issue which had traditionally attracted the ire of the Coalition. The report also emphasised the importance of promoting the

recognition of Indigenous-specific rights as part of the ongoing process of reconciliation.<sup>63</sup>

## Conclusion

By the time the Council for Aboriginal Reconciliation wound up its operations in December 2000, the reconciliation process was at something of an impasse: the body charged by the parliament in 1991 to oversee reconciliation had bestowed on the parliament a blueprint for the future of the process which was at odds with the direction in which reconciliation was being steered by the incumbent government. Supporters of the Council for Aboriginal Reconciliation-sponsored reconciliation model were dismayed by the government's perceived recalcitrance in not supporting a more wide-ranging understanding of reconciliation than that conveyed by the concept of 'practical reconciliation'.

In May 2005 the Prime Minister indicated, however, that his position had shifted somewhat. In a speech to the National Reconciliation Planning Workshop in Canberra, Mr Howard said that he is prepared to 'meet the indigenous people of this country more than half way' in bringing together the 'practical and the symbolic' aspects of reconciliation, and on issues of 'rights and responsibilities'.<sup>64</sup> However, while Mr Howard's speech was widely seen as a softening of a previously 'hardline' position on reconciliation and Indigenous affairs issues, it is important to note that it is consistent with earlier iterations of the 'practical reconciliation' discourse in that 'practical' and 'symbolic' aspects of reconciliation are still seen as conceptually distinct.





## Chapter Seven: Beyond 2000 and the conclusion of the reconciliation decade

---

*Who's to say at what point—if ever—substantial reconciliation will have been achieved or how much must be done before progress can be claimed?*

—Michelle Grattan, *Reconciliation*, 2000

At the time of writing, it was a decade and a half since the handshake between Robert Tickner and Michael Wooldridge across the House of Representatives dispatch box which signalled the beginning of the formal reconciliation process in Australia, and five years since the formal process ended (though reconciliation continues to be promoted through Reconciliation Australia, the non-government foundation set up after the Council for Aboriginal Reconciliation disbanded at the end of the formal reconciliation decade). Reconciliation was no longer the fixture on the front page of the national newspapers that it had been at the culmination of the formal reconciliation decade in 2000. So with the benefit of time and hindsight, what can we say about the reconciliation process?

### A repertoire of meanings

This monograph has shown that reconciliation means many different things to many different people. Using the results of content analysis conducted on several hundred parliamentary speeches given over the period of the formal reconciliation process, 1991–2000, this monograph has mapped out the ‘discursive repertoire’ of reconciliation in the Australian Parliament: that is, the range of meanings of ‘reconciliation’ that have been used by different players in parliamentary debates about reconciliation at different times and in various contexts.

For example, in most of the debates surveyed in this monograph Labor, Greens and Democrats parliamentarians tended to place a strong emphasis on the relationship between reconciliation and the recognition of Indigenous-specific rights. This was particularly so in debates which focused on Indigenous-rights issues, such as those over native title. On the other hand, one of the strongest overall themes in Coalition parliamentarians’ speeches during the reconciliation decade was the importance of addressing Indigenous peoples’ disadvantage (though this was a consistent theme in Labor party rhetoric about reconciliation as well). In the latter half of the reconciliation

decade, the Coalition's view about the importance of addressing Indigenous disadvantage became codified in the term 'practical reconciliation'.

Parliamentarians of all political persuasions seemed to share the view that the reconciliation process was broadly about improving relationships between Indigenous and non-Indigenous people. There was no broad consensus, however, about how 'improving relationships between Indigenous and non-Indigenous people' would be achieved. For some parliamentarians, relational change was linked to changing attitudes and overcoming racism towards Indigenous people. For others, Indigenous/non-Indigenous relationships would be improved by overcoming Indigenous social and economic disadvantage. Some parliamentarians linked improving relationships to addressing issues such as Indigenous-specific rights. In the context of the debate over the stolen generations (discussed in Chapter Five), some parliamentarians argued vigorously that relational change could only be achieved through a formal apology to Indigenous people affected by policies and practices of forcible removal. At the same time, others were equally adamant that the reconciliation process did not require a formal apology.

Similarly, in various debates, many parliamentarians expressed the view that reconciliation required greater awareness and acceptance on the part of non-Indigenous people of Indigenous people's heritage and Indigenous cultures. Likewise, there seemed to be a widely shared view that reconciliation required some acknowledgment of Indigenous peoples' histories, including their experiences of violence, dispossession and discrimination. However, there were vastly different views about how Indigenous histories should be understood, and the relative weight they should be given in the broader Australian story as the debate over the stolen generations discussed in Chapter Five showed. These examples demonstrate how the language of reconciliation was sufficiently broad to be able to accommodate different, sometimes almost opposite, points of view.

This monograph has also documented the Council for Aboriginal Reconciliation's work in the first half of the reconciliation decade in shaping an agenda for the reconciliation process. This agenda was framed in terms of the principle of 'social justice', and emphasised the relationship between Indigenous people's rights as Australian citizens, and their specific rights as Indigenous people. The Council's framework for reconciliation had a sympathetic audience in the Hawke and Keating (Labor) Governments. The latter chapters show, however, that there was some disparity between the Council's reconciliation framework and the 'practical reconciliation' agenda pursued by the Howard Government after 1996.

One of the most striking findings of the content analysis conducted for this study, however, is the frequency with which the word ‘reconciliation’ was used in the parliament in a way that was ambiguous, undefinable or unclear. In some cases, as several chapters demonstrated, the ambiguity of the term ‘reconciliation’ was a function of lack of clarity or precision in party positions on various issues related to reconciliation. Vagueness around reconciliation was also related to the tendency for the term to be used as a broad, moral language rather than a language of policy specifics.

The central theme of this monograph has been that the term ‘reconciliation’ is sufficiently broad and vague such that it enables different players in political debates to attach vastly different, at times even contradictory, meanings to the term. Chapter Two discussed how, for instance, at the outset of the reconciliation process when the Council for Aboriginal Reconciliation legislation was being debated, some parliamentarians’ support for reconciliation was premised on the process not being a means through which a treaty between Indigenous and non-Indigenous people would be pursued. At the same time, others argued that the pursuit of a treaty was exactly what the reconciliation process *should* be about.

For many people, reconciliation’s diversity is precisely its strength. In its final report to the parliament, for example, the CAR argued that while ‘people differ on exactly what reconciliation means and how to achieve it’, ‘much of this is a healthy diversity—different views are not necessarily mutually exclusive’.<sup>1</sup> Indeed, the advantage of open-endedness is that it is easier to build consensus around a word when people can attach their own meanings to it. The difficulty with such an open-ended concept, however, is that it risks becoming what social commentator Don Watson calls a ‘weasel word’—a word that is so broad and vague that it essentially becomes devoid of meaning.<sup>2</sup> Various chapters in this monograph have discussed instances, like the treaty example mentioned above, where different parliamentarians each expressed their whole-hearted support for reconciliation, but where this support was based on vastly different ideas about what reconciliation entails. The question this monograph raises is: how consequential is it to speak of shared support for reconciliation if there is little or no meaningful shared understanding of what ‘reconciliation’ means?

## Reconciliation, politics and policy

While this monograph raises questions about the ambivalent nature of the concept of ‘reconciliation’, the reconciliation decade was certainly not without some significant achievements and policy developments.

For example, most commentators appear to agree that the reconciliation process has led to a heightened awareness of issues affecting Indigenous people in the Australian community, and an improvement in general community attitudes towards Indigenous people and Indigenous cultures. In an appearance before a Senate committee inquiring into national progress towards reconciliation in 2003, for instance, Michael Dodson said that ‘we are much more educated and much more aware as a nation of Indigenous issues in this country than we were ... when the reconciliation council started’.<sup>3</sup> Some parliamentarians cited changes in their own attitudes as evidence of the success of the reconciliation process. In his speech on the Ridgeway reconciliation motion in 1999 (discussed briefly in Chapter Six), for example, Senator John Tierney (Liberal Party, NSW) said that he had ‘come on a long journey in my own attitudes. In 1988 when we had the bicentenary, I got very angry about some of the activities of indigenous people with regard to the bicentenary ... But over recent weeks, I have had a profound shift in attitude’.<sup>4</sup>

Similarly, in the interviews conducted for this study, most parliamentarians expressed a great deal of confidence that the reconciliation process has improved relations, awareness and attitudes. Many cited the incorporation of ‘welcome to country’ protocols (where Indigenous traditional owners welcome visitors to their land) and the acknowledgment of traditional owners at the beginning of many major events as evidence of this improved awareness. However, several parliamentarians lamented the fact that welcome to country and acknowledgment of traditional owner protocols have not been incorporated into the opening of federal parliament after each election. Nonetheless, the sense that emerged from the interviews conducted for this study and from the thousands of pages of Hansard that were included in the content analysis, is that there is genuine goodwill on *all* sides, and a genuine desire to do better by the Indigenous peoples of this country (albeit that there are very different ideas over how this should be achieved). Given the bitter debates about Indigenous affairs that gave rise to the reconciliation process in the late 1980s, this is a considerable achievement.

There is also an argument that the reconciliation decade gave rise to a new focus on the need to address Indigenous peoples’ social and economic disadvantage. While Indigenous inequality and the corresponding need for remedial measures in areas such as health, housing, employment and education have long been recognised by both Labor and Coalition governments, it can be argued that the reconciliation process in general (by raising awareness of Indigenous disadvantage) and the idea of ‘practical reconciliation’ in particular (by focusing government attention on remedying that disadvantage) have also focused political and public attention on issues of Indigenous disadvantage in an unprecedented way.

Of course, while there is consensus that Indigenous disadvantage needs to be addressed as a matter of priority, the ‘practical reconciliation’ agenda has not been without its critics. Commentators such as the former Aboriginal and Torres Strait Islander Social Justice Commissioner, William Jonas, argue that the ‘practical reconciliation’ approach ‘strips Indigenous disadvantage of its historical context’, and at worst, results in an approach that is assimilationist; that is, which seeks to have Indigenous people conform to ‘mainstream’ Australian society.<sup>5</sup> This is because ‘practical reconciliation’ addresses Indigenous social and economic disadvantage without reference to the historical factors which are the major contributor to Indigenous peoples’ current disadvantaged status.

This is also because, according to Professor Larissa Behrendt, ‘practical reconciliation’ does not ‘attack the systemic and institutionalised impediments to socio-economic development’.<sup>6</sup> It is for this reason that many commentators argue that the ‘practical’ and ‘symbolic’ or ‘rights’ agenda are ‘inextricably linked’ (and thus that the ‘practical’ versus ‘symbolic’ dichotomy is a false divide, as Chapter Six discussed).<sup>7</sup> For example, according to Sean Brennan, Vanessa Bosnjak and George Williams of the Gilbert and Tobin Centre of Public Law at the University of New South Wales, ‘practical measures to tackle social and economic disadvantage will only be effective in the long term if Indigenous peoples are able to operate within a framework of responsibility and rights’.<sup>8</sup>

Further, while ‘practical reconciliation’ has focused attention on the problems affecting Indigenous people and Indigenous communities in Australia, it can be argued that, thus far, it has achieved little by way of fixing them. For example, an analysis of census data on key health, housing, income, employment and education indicators conducted by Jon Altman and Boyd Hunter, researchers at the Centre for Aboriginal Economic Policy Research in 2003 found that, ‘despite the policy rhetoric of three Howard governments, there is no statistical evidence that their policies and programs are delivering better outcomes for Indigenous Australians, at the national level, than those of their political predecessors’.<sup>9</sup> In particular, Altman and Hunter’s analysis showed that while there has been absolute improvement on some indicators of Indigenous wellbeing since 1996, such as in the number of Indigenous people attaining post-secondary qualifications, in several areas Indigenous peoples’ wellbeing *relative to non-Indigenous people* has actually declined. For example, in 1996, Indigenous male life expectancy was 57 years, and non-Indigenous male life expectancy was 75 years. In 2001, Indigenous male life expectancy was still 57 years, though *non-Indigenous* male life expectancy had increased to 76 years. Therefore, between 1996 and 2001, non-Indigenous male life expectancy had improved, while Indigenous male life expectancy had remained the same, meaning that the *gap between* the life expectancy of Indigenous and non-

Indigenous men actually increased over the period 1996–2001.<sup>10</sup> Similarly, the problems of petrol sniffing in Indigenous communities which were the focus of considerable public and political attention in 2005 demonstrate that there are many significant problems still afflicting Indigenous Australia.<sup>11</sup>

Of course, it is important to note that change in indicators such as life expectancy is not achieved overnight. Nonetheless, Altman and Hunter point out that the intractability in key indicators of Indigenous wellbeing is particularly worrying given that ‘it is evident during a time when Australian the macro-economy is growing rapidly’.<sup>12</sup> Thus, as Gary Banks, Chairman of the Productivity Commission, observed in 2003:

It is distressingly apparent that many years of policy effort have not delivered desired outcomes; indeed in some important respects the circumstances of Indigenous people appear to have deteriorated or regressed. Worse than that, outcomes in the strategic areas identified as critical to overcoming disadvantage in the long term remain well short of what is needed.<sup>13</sup>

So, even allowing for the slow pace of change, why the inertia? Some commentators argue that despite record levels of Commonwealth Government expenditure on Indigenous-specific programs, resources being directed to critical areas of need such as Indigenous primary health care under the policy of ‘practical reconciliation’ are inadequate.<sup>14</sup> For example, the Australian Medical Association (AMA) argues that Indigenous primary health care services (that is, GP-style services) are currently under-funded to the tune of approximately \$400 million per annum, and there is unlikely to be any significant movement in Indigenous health care indicators until this shortfall is addressed.<sup>15</sup>

Along the lines of the critiques of ‘practical reconciliation’ discussed above, however, other commentators such as Altman and Hunter argue that ‘the term ‘practical reconciliation’ implies that it is relatively straightforward to address Indigenous disadvantage’, but ‘the multifaceted and historically ingrained nature of this disadvantage means that deficits in particular social indicators might not be amenable to easy solutions’ such as simply increasing funding. Further, they argue, ‘physical and psycho-emotional needs must be satisfied simultaneously. One of the major problems with the practical reconciliation agenda is that it fails to recognise that many of the practical outcomes highlighted are driven, directly and indirectly, by social, cultural and spiritual needs’.<sup>16</sup>

In any case, this debate over the merits of the ‘practical reconciliation’ policy highlights again the central theme of this monograph: that the language of reconciliation is broad enough and malleable enough to support a range of policy positions. The concept of

‘practical reconciliation’ is but one of these, albeit the politically dominant one at the moment. As discussed above, for many observers of the reconciliation process, this is precisely reconciliation’s strength because it allows people to define ‘reconciliation’ in their own ways. However, while this feature of reconciliation is arguably what has led to reconciliation being a concept widely supported by parliamentarians of all political persuasions, it makes it difficult to identify the ways that reconciliation has *influenced* Indigenous affairs policy-making since 1991. This is because any number of divergent policy positions can be supported under the mantle of ‘reconciliation’. In fact, the chapters in this monograph have highlighted how, in many instances, the language of reconciliation simply provided a new language in which old policy positions could be voiced.

Hence, the example of ‘practical reconciliation’ demonstrates how the language of reconciliation provided a shared discursive framework within which particular approaches to policy—such as the Howard Government’s prioritisation of ‘practical’ over what it called ‘symbolic’ issues—could be articulated, but it was not a source for new or significantly different policies to those that had been articulated by both major parties in the past. Similarly, while the Keating Government’s response to the 1992 Mabo decision was steeped in the rhetoric of reconciliation, it was consistent with the Hawke Government’s attempts to introduce national land rights legislation in the 1980s.

None of this is to say that reconciliation has had no influence on the politics of Indigenous affairs policy-making in the Australian Parliament at all: there have been significant achievements and developments, as noted above. But what this monograph has shown is that ‘reconciliation’ should not be overestimated as an influence on or source of new or especially innovative policy in Indigenous affairs. Rather, the introduction of the idea of reconciliation into the political landscape in Australia provided a new language—a broad, moral language—within which to speak about issues of Indigenous social justice, but it did not necessarily help to resolve any of the questions these issues raised.<sup>17</sup> It is for this reason that Phillips argues that the ‘appalling’ thing about reconciliation, and its connotations of healing, appeasement and conciliation, ‘was that it hardly seemed able to bear the ethical weight of its own name’.<sup>18</sup>

## A reconciled Australia?

In her introduction to a book of essays on reconciliation published in 2000, journalist Michelle Grattan asks: ‘Who’s to say at what point—if ever—substantial reconciliation will have been achieved or how much must be done before progress can be claimed?’<sup>19</sup>



This monograph has shown that the answer to this question depends on how the term ‘reconciliation’ is defined. If ‘reconciliation’ is defined as the recognition of Indigenous-specific rights, the reconciliation decade saw some gains: for example, Indigenous peoples’ rights to native title are now enshrined in Commonwealth law (albeit perhaps imperfectly, as the debates over amendments to the native title legislation in 1998 in the wake of the Wik decision discussed in Chapter Five demonstrated). On the other hand, some advocates of Indigenous-specific rights argue that reconciliation did not do enough to advance the Indigenous rights agenda, and in particular, that Indigenous peoples’ rights to self-determination suffered a blow when ATSIC was dismantled in 2005.<sup>20</sup> Further, some commentators suggest that, more broadly, reconciliation did little to overcome entrenched, systematic inequality and unequal power relations between Indigenous and non-Indigenous people.<sup>21</sup>

If ‘reconciliation’ is defined as a greater sense of national unity, it is difficult to say to what extent this has been achieved, given that national unity, like reconciliation, is a notoriously slippery concept which is difficult to define and thus even more difficult to measure. If ‘reconciliation’ is defined as improvements in Indigenous social and economic wellbeing, then clearly there is much to be done: as a group, Indigenous people remain poorer, sicker, less educated, less likely to be employed, less likely to live in adequate housing, and less likely to be able to access decent government services than their non-Indigenous counterparts.<sup>22</sup> If reconciliation is defined as improved awareness of Indigenous history, culture and heritage, and changes in non-Indigenous attitudes towards Indigenous people, many observers appear to agree that the reconciliation process brought about some positive changes, though there is still work to do: Australia is by no means a racism-free society. Further, there is an argument that racism is about more than non-Indigenous attitudes towards Indigenous peoples, but rather that these are the result of entrenched, systemic racism within the Australian society and polity.

If ‘reconciliation’ is defined as *all* of these things (and more), then clearly Australia is some way from a point at which we might consider ourselves to be ‘reconciled’. As Australia’s federal parliamentarians continue to grapple with how to deal with the contemporary legacy of Indigenous peoples’ prior ownership of the Australian continent and their subsequent dispossession, and if reconciliation continues to be the framework within which these issues are examined and addressed, then this is the question Australian parliamentarians will need to keep asking themselves: that is, what will it mean to be a ‘reconciled’ Australia?

## Appendix I—Chronology of events in the reconciliation process

---

1990

*13 December*—Prime Minister Bob Hawke announces the government's in principle support for a framework for 'advancing a process of reconciliation between Aborigines and Torres Strait Islanders and the wider Australian community'.

1991

*January*—Aboriginal Affairs Minister, Robert Tickner, issues a discussion paper entitled *Aboriginal Reconciliation*, proposing the establishment by legislation of a Council for Aboriginal Reconciliation.

*21 February*—Robert Tickner is appointed Minister Assisting the Prime Minister for Reconciliation.

*9 May*—Royal Commission into Aboriginal Deaths in Custody final reports are tabled in the Australian Parliament.

*31 May*—the Council for Aboriginal Reconciliation Bill 1991 is introduced into the parliament.

*20 August*—Parliament passes the Council for Aboriginal Reconciliation Act 1991.

*December*—first members of the Council for Aboriginal Reconciliation announced, including Patrick Dodson as Chairperson.

*20 December*—Bob Hawke loses leadership challenge to Paul Keating, and Keating becomes Prime Minister. In one of his last formal acts as Prime Minister after losing the leadership challenge, Hawke hangs the Barunga Statement in Parliament House.

1992

*February*—CAR holds its first meeting at the Australian Institute for Aboriginal and Torres Strait Islander Studies (AIATSIS) in Canberra.

*27 May*—25<sup>th</sup> anniversary of the 1967 referendum on whether Aboriginal people should be counted in the Australian census.

*3 June*—The High Court of Australia hands down its decision in *Mabo and Others v. Queensland (no. 2)* (1992) 175 CLR 1.

*10 December*—Prime Minister Paul Keating delivers the Redfern Park speech.

### **1993**

UN International Year of the World's Indigenous Peoples.

*13 March*—Keating Government is re-elected.

*3 June*—on the first anniversary of the Mabo decision, the government releases Mabo discussion paper.

*3 August*—Eva Valley meeting.

*2 September*—the government releases draft native title legislation.

*8 October*—Indigenous leadership holds the 'Black Friday' press conference.

*16 November*—Prime Minister Keating introduces the Native Title Bill 1993 into the parliament.

*25 November*—House of Representatives passes the Native Title Bill.

*21 December*—The Senate enacts the Native Title Act 1993.

### **1994**

*January*—the Keating Government asks the Council for Aboriginal Reconciliation to develop proposals for a package of social justice measures.

*1 January*—the Native Title Act 1993 comes into force.

*30 August*—Prime Minister Paul Keating introduces the ATSIIC Amendment (Indigenous Land Corporation and Land Fund) Bill 1994 into the parliament.

### **1995**

*17 March*—the CAR presents its proposals for a social justice package to Prime Minister Keating.

*21 March*—Indigenous Land Fund legislation is passed by the parliament.

*August*—Attorney-General Michael Lavarch refers the issue of Indigenous children forcibly separated from their families to the Human Rights and Equal Opportunity Commission for inquiry.

### **1996**

*3 March*—the Liberal-National Coalition government, led by John Howard, is elected.

*May 27–June 3*—the first National Reconciliation Week (commemorating the anniversaries of the 1967 referendum and the High Court’s Mabo decision) is launched.

*22 December*—the High Court of Australia hands down its decision in *Wik Peoples v. Queensland* (1996) 187 CLR 1.

### 1997

*1 May*—Prime Minister John Howard announces a ‘Ten Point Plan’ for a legislative response to the Wik decision.

*26–28 May*—Australian Reconciliation Convention is held in Melbourne (coinciding with National Reconciliation Week).

*26 May*—the *Bringing Them Home* report is tabled in the federal parliament.

*4 September*—the Native Title Amendment Bill 1997 is introduced into the parliament.

*20 September*—the term ‘practical reconciliation’ is first used by Special Minister of State Senator Nick Minchin.

*October*—Patrick Dodson and Ian Viner resign from their positions as Chair and Deputy Chair of the CAR. Evelyn Scott is appointed as Dodson’s replacement.

*16 December*—the Howard Government releases its response to the *Bringing Them Home* report.

### 1998

*8 July*—the Native Title Amendment Act 1998 is passed.

*3 October*—the Howard Government is re-elected, and NSW Democrats candidate, Aden Ridgeway, is elected to the Senate. Ridgeway is only the second Indigenous person to be elected to the Australian Parliament after the Senator Neville Bonner (Liberal Party, Queensland).

### 1999

*26 August*—Motion of reconciliation passes both houses of the Australian Parliament.

### 2000

*27 May*—Corroboree 2000 takes place.

*28 May*—the walk for reconciliation across Sydney Harbour Bridge occurs.

*Appendices*

*4 December*—CAR's final report to the parliament, *Reconciliation: Australia's Challenge* is presented to Prime Minister Howard.

*31 December*—CAR ceases to exist and the formal reconciliation process ends.

## Appendix II—Methodology used in content analysis

---

As Chapter One discussed, the major component of the research conducted for this study was a content analysis of approximately 650 speeches between 1991 and 2000 in which the term ‘reconciliation’ was used in the context of a discussion or debate about Indigenous affairs policy. The content analysis did not include *all* such instances of usage of the term ‘reconciliation’ in the period 1991–2000, rather only those used in the discussions and debates which are the focus of each of the chapters of this monograph.

The aim of this content analysis was to construct a methodology through which the following could be quantified:

- the different senses in which the term ‘reconciliation’ was used by parliamentarians in a series of key debates on Indigenous affairs policy during the period 1991–2000
- the most frequently occurring senses in which ‘reconciliation’ was employed, and how these correlate with political party affiliation
- any changes from year to year, or in association with any particular parliamentary debate, or in association with political party affiliation,
- what references there are within parliamentary talk about reconciliation to the Council for Aboriginal Reconciliation’s work and to the Council as a source for particular positions and ideas.

### Pilot analysis

In order to construct a set of categories according to which different meanings of reconciliation could be quantified, a small pilot content analysis of approximately 40 randomly selected speeches in which the term ‘reconciliation’ was used in an Indigenous affairs debate between 1991 and 2000 was conducted. During this pilot content analysis, the following meanings of reconciliation were identified:

- reconciliation means the recognition of Indigenous-specific rights (such as native title, land rights, and self-determination)
- reconciliation should specifically mean *not* recognising Indigenous-specific rights
- reconciliation should not be about attaching guilt to contemporary generations for past wrongs

- reconciliation should focus on ‘practical’ improvements to Indigenous peoples’ life chances in areas such as health, education, employment, housing and criminal justice
- reconciliation means recognising and accepting Indigenous history, culture and/or heritage, as well as the need for *education* about each of these areas
- reconciliation is relational and/or attitudinal: that is, it is about improvements in Indigenous and non-Indigenous peoples’ attitudes towards one another, overcoming racism and/or improving relationships between Indigenous and non-Indigenous people
- reconciliation is a ‘people’s movement’, and should be predominantly driven by community-based or ‘grass roots’ activity
- reconciliation as a general sense of goodwill or good feeling, including a sense of national unity
- cynicism of reconciliation as a ‘politically correct’ pursuit, and
- definition or meaning of reconciliation is ambiguous, undefinable or unstated.

These different meanings of reconciliation were then used as the basis of codes in which to categorise the different usages of reconciliation during the content analysis. An ‘other’ code was also included to allow for usages of reconciliation which did not fit into any of the ten categories listed above.

## Selection of records for analysis

The records used in the content analysis for each chapter were selected using the Parlinfo database of Australian parliamentary information. This database allows for full-text searching of Hansard back to 1981, (<http://parlinfoweb.aph.gov.au/piweb/>).

Parlinfo was used to identify speeches and other Hansard parliamentary records (such as answers to questions during Question Time) in which the term ‘reconciliation’ appeared in the context of the debates which were the focus of each chapter. Thus, not *all* speeches on a particular topic or issue were included: for example, in the parliamentary debates on the Native Title Bill in 1993, hundreds of speeches were given in total. However, only 90 of these included the term ‘reconciliation’.

As Chapter Six briefly explained, the selection methodology for the analysis of the discourse of ‘practical reconciliation’ differed slightly from that of the other chapters. For the analysis contained in that chapter, speeches in which the word ‘practical’ was

used in conjunction with the word ‘reconciliation’ between 1996 and 2000 were included (the Parlinfo database allows for searching for terms near each other).

## Content analysis

Following selection of speeches for the analysis contained in each chapter, each speech was read and the meaning or meanings of ‘reconciliation’ used in the speech categorised according to the codes listed above. In many speeches, the term ‘reconciliation’ was employed in more than one of the categories included above, in which case the various meanings of reconciliation identified in the speech were recorded in the content analysis results. Thus, in each chapter, the number of *usages* of reconciliation indicated by the figure will generally exceed the number of *speeches* included in the content analysis.

For example, as Chapter Two discussed, the speech by Minister for Aboriginal and Torres Strait Islander Affairs, Robert Tickner, on the Council for Aboriginal Reconciliation Bill emphasised several different aspects of the reconciliation process. These included:

- social justice issues, including those issues broadly associated with overcoming Indigenous disadvantage
- the relationship between reconciliation and justice for Indigenous people, including recognition of Indigenous-specific rights
- reconciliation as *relational*—that is, reconciliation understood in terms of the need for change in the way Indigenous and non-Indigenous peoples relate to each other and in their attitudes towards one another
- the importance of raising awareness about Indigenous history, culture and heritage, and
- the relationship between reconciliation and Australian nationhood or national identity.<sup>1</sup>

Accordingly, this speech was coded as including five different meanings of reconciliation: these are categories **1** (reconciliation understood as the recognition of Indigenous-specific rights); **4** (reconciliation as overcoming Indigenous social and economic disadvantage); **5** (reconciliation as recognising and accepting Indigenous history, culture and/or heritage); **6** (reconciliation as relational and/or attitudinal); and **8** (reconciliation as national unity).



## *Appendices*

Following the completion of content analysis on each selected speech, the number of usages in each category for each chapter were tallied. The results of this analysis are shown in the figures in each chapter.

## Appendix III—Interviews

---

As Chapter One briefly explained, a series of interviews with past and present parliamentarians and other participants in the reconciliation process was conducted in the early stages of the research conducted for this study in 2003 (during the term of the 40<sup>th</sup> Parliament). The aim of these interviews was to seek the insights, observations and impressions of people who have been involved in parliamentary debates about reconciliation and Indigenous affairs, and of people who have been close observers of those debates over time. Twenty-seven interviews were conducted in total.

Senators and members of the 40<sup>th</sup> Parliament with an active or known interest in Indigenous affairs and reconciliation were sought out for interviews: these included ministers and shadow ministers, parliamentary secretaries, chairs of relevant committees, and people who have had an interest in Indigenous affairs through work in their own electorates. All members and senators also received a general letter outlining the nature of this study and requesting an interview. Several parliamentarians responded to that letter to offer their time to be interviewed.

The interviews were semi-structured. General questions were posed about:

- the interviewee's ideas about what the concept of reconciliation means
- the interviewee's observations about what the formal reconciliation process has achieved, including the impact of reconciliation on parliamentary debates and processes
- interactions the interviewee had with the Council for Aboriginal Reconciliation, including use of the Council's documents and other material in the course of parliamentary and political work, and
- the interviewee's views about the future of reconciliation in Australia.

The following tables list the people interviewed for this study.

**Table 1: Senators and Members of the 40<sup>th</sup> Parliament**

Peter Andren (Independent)	Member for Calare (NSW)
Paul Calvert (Liberal Party)	Senator for Tasmania, President of the Senate
Trish Crossin (Labor Party)	Senator for the Northern Territory
Jennie George (Labor Party)	Member for Throsby (NSW)
Julia Gillard (Labor Party)	Member for Lalor (Victoria), Shadow Minister for Health, former Shadow Minister for Reconciliation and Indigenous Affairs
Senator Bill Heffernan (Liberal Party)	Senator for NSW, former Parliamentary Secretary to Cabinet
Carmen Lawrence (Labor Party)	Member for Fremantle (WA), former Shadow Minister for Reconciliation, Aboriginal and Torres Strait Islander Affairs
Jann McFarlane (Labor Party)	Former Member for Stirling (WA)
Jan McLucas (Labor Party)	Senator for Queensland
Bob McMullan (Labor Party)	Member for Fraser (ACT), former Shadow Minister for Reconciliation and Indigenous Affairs
Daryl Melham (Labor Party)	Member for Banks (NSW), former Shadow Minister for Aboriginal and Torres Strait Islander Affairs and former Shadow Minister for Reconciliation
Claire Moore (Labor Party)	Senator for Queensland
Michael Organ (Australian Greens)	Former Member for Cunningham (NSW)
Aden Ridgeway (Australian Democrats)	Former Senator for NSW, former Democrats spokesperson on Indigenous Affairs and Reconciliation
Nigel Scullion (Country Liberal Party)	Senator for the Northern Territory
Warren Snowdon (Labor Party)	Member for Lingiari (NT), former Parliamentary Secretary to the Shadow Minister for Reconciliation and Indigenous Affairs
Sharman Stone (Liberal Party)	Member for Murray (Victoria), former Coalition representative on the Council for Aboriginal Reconciliation
Barry Wakelin (Liberal Party)	Member for Grey (SA)
Penny Wong (Labor Party)	Senator for South Australia

**Table 2: Former Senators and Members**

Malcolm Fraser (Liberal Party)	Prime Minister 1975–1983
Bob Hawke (Labor Party)	Prime Minister 1983–1991
Robert Tickner (Labor Party)	Minister for Aboriginal and Torres Strait Islander Affairs 1990–1996

**Table 3: Other interviewees**

Linda Burney	Member of the Legislative Assembly, NSW, former member of Council for Aboriginal Reconciliation, former convenor of NSW Reconciliation Committee
Rick Farley	Former member of Council for Aboriginal Reconciliation
Olga Havnen	Former coordinator, National Indigenous Working Group on Native Title
Jackie Huggins	Former member of Council for Aboriginal Reconciliation, co-chair of Reconciliation Australia
William Jonas	Former Aboriginal and Torres Strait Islander Social Justice Commissioner



# Endnotes

## Chapter One: Introduction

1. R. Tickner, *Taking a Stand—Land Rights to Reconciliation*, Allen & Unwin, Sydney, 2001, p. 38.
2. R. Tickner, Minister for Aboriginal and Torres Strait Islander Affairs, ‘Second reading: Native Title Bill 1993’, House of Representatives, *Debates*, 23 November 1993, p. 3412.
3. While it could be argued that there *was* bipartisan agreement on the policy of assimilation between the 1950s and 1970s, it never received the same kind of expression of unanimous parliamentary support given to the *Council for Aboriginal Reconciliation Act 1991*.
4. There is some controversy over the term ‘stolen generations’. Indeed, there was a heated public debate in 2000 when the government’s submission to a Senate committee inquiry into progress towards implementation of the HREOC report on the separation of Indigenous children from their families controversially stated that ‘there was never a generation of stolen children’. This term is still used in this monograph for two reasons: first, because, notwithstanding this controversy, the term is widely understood to refer to Indigenous people who were separated from their families as children; and secondly, because many (possibly most) Indigenous people who were separated from their families as children choose to identify themselves in this way.
5. See, for example: J. Borrows, ‘Practical Reconciliation? Practical Re-Colonisation?’, Australian Institute of Aboriginal and Torres Strait Islander Studies Native Title Research Unit Issues Paper, no. 27, 2004; R. de Costa, *New relationships, old certainties: Australia’s reconciliation and treaty-making in British Columbia*, PhD thesis, Institute for Social Research, Swinburne University of Technology, Melbourne, 2002; R. de Costa, ‘Reconciliation as Abdication’, *Australian Journal of Social Issues*, vol. 37, no. 4, 2002, pp. 397–408; A. Moran, ‘Aboriginal Reconciliation: Transformations in Settler Nationalism’, *Melbourne Journal of Politics* [Reconciliation issue], vol. 25, 1998, pp. 101–131; S. Moran, ‘Imagining Reconciliation’, *Journal of Australian Studies* [Voicing Dissent issue], no. 76, 2003, pp. 183–253; P. Muldoon, ‘Reconciliation and Political Legitimacy’, *Australian Journal of Politics and History*, vol. 49, no. 2, 2003, pp. 182–196; F. Nicoll, ‘The Art of Reconciliation: Art, Aboriginality and the State’, *Meanjin*, vol. 52, no. 4, 1993, pp. 705–718; F. Nicoll, ‘Blacklash—Reconciliation after Wik’, *Meanjin*, vol. 57, no. 1, 1998, pp. 167–217; P. Patton, ‘Reconciliation, Aboriginal Rights and Constitutional Paradox in Australia’, *Australian Feminist Law Journal*, vol. 15, 2001, pp. 25–40; M. Phillips, *The Politics and Theology of Aboriginal Reconciliation*, PhD Thesis, Department of Philosophy, University of Sydney, 2003; A. Pratt, C. Elder and C. Ellis, “‘Papering over the Differences’: Australian nationhood and the normative discourse of reconciliation”, in M. Kalantzis and B. Cope (eds), *Reconciliation, Multiculturalism, Identities: Difficult Dialogues, Sensible Solutions*, Common Ground Publishing, Melbourne, 2001, pp. 135–148; W. Sanders, ‘Journey without end: Reconciliation between Australia’s Indigenous and settler peoples’, Centre for Aboriginal Economic Policy Research (CAEPR) Discussion Paper, no. 237, 2002;

- D. Short, 'Australian "Aboriginal" Reconciliation: The Latest Phase in the Colonial Project', *Citizenship Studies*, vol. 7, no. 3, 2003, pp. 291–312; and D. Short, 'Reconciliation, Assimilation, and the Indigenous Peoples of Australia', *International Political Science Review*, vol. 24, no. 4, pp. 491–513.
6. This graph is based on figures derived from a search of the Parlinfo database for Hansard records (which include speeches, and answers to question with and without notice) in which the terms 'reconciliation', and 'Aboriginal' or 'Indigenous' appear (so as to narrow the search field down to those records in which 'reconciliation' is being discussed in the context of Indigenous/non-Indigenous relations). There are limitations to the conclusions which can be made on the basis of data generated from this sort of research. For instance, a generic search of the Parlinfo database of Hansard records does not distinguish between a speech which has reconciliation or Indigenous policy as its main focus, and a speech about some other issue where reconciliation rates only a brief cursory mention. Nonetheless, the general picture which emerges on the basis of these search results is broadly indicative of the increased volume of talk about 'reconciliation' in the Australian Parliament following the introduction of the reconciliation legislation.
  7. N. Wran, 'Introduction' in B. Hawke, *National Reconciliation: The Speeches of Bob Hawke*, Prime Minister of Australia, Fontana/Collins, Sydney, 1984, p. 7.
  8. *ibid.*
  9. *ibid.*
  10. N. Fraser and L. Gordon, 'A Genealogy of Dependency: Tracing a Keyword of the Welfare State' in P. James (ed.), *Critical Politics: From the Personal to the Global*, Arena Publications, Melbourne, 1994, p. 83.
  11. See, for example, de Costa, *New relationships, old certainties*, *op. cit.*; and Phillips, *op. cit.*
  12. Though Yardi and Stokes argue that the genesis of 'reconciliation' as an idea in Indigenous affairs policy-making can be found even earlier, in the work of the historian C.D. Rowley published in the late 1960s and early 1970s—see R. Yardi and G. Stokes, 'Foundations for Reconciliation in Social Science: The Political Thought of C. D. Rowley', *Melbourne Journal of Politics*, vol. 25, no. 1, 1998, pp. 45–61.
  13. The Noonkanbah conflict was a dispute between the Yungngora community, the Aboriginal owners of the Noonkanbah pastoral station, and the Amax Iron Ore Corporation and the West Australian State Government. Amax, supported by the Charles Court-led State Government, wanted to drill for oil on the Noonkanbah property, despite the protestations of the Yungngora community, who argued that to do so would risk destroying culturally significant sites. See D. Ritter, 'The fulcrum of Noonkanbah', *Journal of Australian Studies*, no. 75, 2002, pp. 51–58. Viner quote cited in M. Griffiths, *Aboriginal Affairs: A Short History 1788-1995*, Kangaroo Press, Kenthurst, NSW, 1995, p. 194.
  14. Phillips, *op. cit.*, p. 115.
  15. Hawke, *National Reconciliation*, *op. cit.*, pp. 10–39.
  16. S. Mills, *The Hawke Years: The Story from the Inside*, Viking, Ringwood, Victoria, 1993, p. 34.

17. Hawke cited in *ibid.*
18. Hawke, *National Reconciliation*, *op. cit.*, pp. 34–35.
19. Phillips, *op. cit.*, p. 115.
20. C. Holding, Minister for Aboriginal Affairs, ‘Aboriginal Affairs’, House of Representatives, *Debates*, 8 December 1983, p. 3485.
21. *ibid.*
22. *ibid.*
23. Phillips, *op. cit.*, p. 117; and Holding, ‘Aboriginal Affairs’, *op. cit.*
24. Phillips, *op. cit.*, p. 116.
25. *ibid.*
26. *ibid.*
27. James Porter, ‘Second Reading: Aboriginal and Torres Strait Islander Heritage (Interim Protection) Bill 1984’, House of Representatives, *Debates*, 31 May 1984, p. 2670.
28. Paul Everingham, ‘Second Reading: Aboriginal Land Rights (Northern Territory) Amendment Bill 1985’, House of Representatives, *Debates*, 20 May 1985, p. 2691. See also Phillips, *op. cit.*, p. 117.
29. Phillips, *op. cit.*, p. 119.
30. Hawke, *National Reconciliation*, *op. cit.*, pp. 34–35.
31. Senator Susan Ryan, *Summary of the ALP's 1983 Election Commitments to Aboriginal Affairs*, Parliamentary Library collection, 1983, p. 1.
32. Holding, ‘Aboriginal Affairs’, *op. cit.*
33. P. Dodson, M. Mowbray and W. Snowdon, ‘Promise, confrontation and compromise in Indigenous affairs’, in S. Ryan and T. Bramston (eds), *The Hawke Government: A Critical Retrospective*, Pluto Press Australia, North Melbourne, 2003, p. 299; and C. Jennett, ‘Aboriginal Affairs Policy’, in C. Jennett and R. G. Stewart (eds), *Hawke and Australian Public Policy: Consensus and Restructuring*, Macmillan Press, South Melbourne, 1990, p. 255.
34. Jennett, *op. cit.*, p. 255.
35. Dodson, Mowbray and Snowdon, *op. cit.*, p. 300; and Jennett, *op. cit.*, p. 255.
36. Dodson, Mowbray and Snowdon, *op. cit.*, pp. 300–301; and Jennett, *op. cit.*
37. C. Holding, ‘Aboriginal Land Rights: Ministerial Statement’, House of Representatives, *Debates*, 18 March 1986, p. 1473.
38. *ibid.*
39. *ibid.*
40. De Costa, *New relationships, old certainties*, *op. cit.*, p. 41. Though Goot and Rowse point out that the passage of the Keating Government’s *Native Title Act 1983* effectively fulfilled the promise, made by Hawke in his 1983 campaign speech, that a Labor government would use the Commonwealth’s legislative powers to provide for Aboriginal land rights—see M. Goot and T. Rowse, ‘Editors’ introduction’, in M. Goot and



- T. Rowse (eds), *Make a Better Offer: The politics of Mabo*, Pluto Press, Leichhardt, NSW, 1994, p. 1.
41. Dodson, Mowbray and Snowdon, op. cit., p. 301.
  42. According to Frank Brennan, Holding had also claimed that ‘fifty Aboriginal groups had expressed dissatisfaction with the preferred land rights model because it did not go far enough and that was why the Government decided to drop it altogether’. See F. Brennan, *Sharing the Country—The Case for an Agreement between Black and White Australians*, Penguin Books, Ringwood, Victoria, 1994, p. 72.
  43. Dodson, Mowbray and Snowdon, op. cit., p. 300.
  44. *ibid.*
  45. *ibid.*, p. 301. For an in-depth account of the debates over Aboriginal land rights in the 1980s, see R. Libby, *Hawke’s Law: The Politics of Mining and Aboriginal Land Rights in Australia*, University of Western Australia Press, Perth, 1989.
  46. Brennan, op. cit., pp. 58–59. The National Aboriginal Conference was the elected Indigenous advisory body to the federal government, established by the Fraser Government in 1977 to replace the National Aboriginal Consultative Committee established by the Whitlam Government in 1973.
  47. T. Rowse, ‘The Treaty Debate 1979-1983 and the Continuing Problem of Federalism’, paper presented to the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) Seminar Series, 2001, available online via the AIATSIS website: <http://www.aiatsis.gov.au/rsrch/smnrs/papers/rowse.htm> (accessed 23 August 2005).
  48. T. Rowse, *Obligated To Be Difficult: Nugget Coombs’ Legacy in Indigenous Affairs*, Cambridge University Press, Melbourne, 2000, p. 176.
  49. For example, in August 1979 the Aboriginal Tent Embassy had been re-established on Capital Hill, the site of the proposed new Parliament House, to call for a treaty—see *Direct Action*, 1 November 1979, pp. 16–17.
  50. J. Hagan, NAC Subcommittee on the Makarrata—Information and letter from Jim Hagan, 1980, available online via the AIATSIS Library Digitisation Project: [http://www.aiatsis.gov.au/lbry/dig\\_prgm/treaty/nac/m0023748\\_a.pdf](http://www.aiatsis.gov.au/lbry/dig_prgm/treaty/nac/m0023748_a.pdf) (accessed 23 August 2005).
  51. Cited in S. Bennett, *White Politics and Black Australians*, Allen & Unwin, Sydney, p. 173.
  52. Brennan, op. cit., p. 74.
  53. Cited in *ibid.*, pp. 74–75.
  54. Gerry Hand, Minister for Aboriginal Affairs, ‘Foundations for the Future: Ministerial Statement’, House of Representatives, *Debates*, 10 December 1987, p. 3152.
  55. de Costa, *New Relationships, Old Certainties*, op. cit., p. 43.
  56. Hand, ‘Foundations for the Future: Ministerial Statement’, op. cit.
  57. Chris Miles, ‘Foundations for the Future: Ministerial Statement’, House of Representatives, *Debates*, 10 December 1987, p. 3161.
  58. *ibid.*

59. *ibid.*
60. Cited in Brennan, *op. cit.*, pp. 80–81.
61. *ibid.*, p. 81.
62. *ibid.*
63. *ibid.*, p. 82.
64. Cited in *ibid.*
65. *ibid.*
66. Barunga Statement 1988, reproduced in *Public Law Review*, vol, 1, no. 4, 1990, p. 340.
67. R. Hawke, Prime Minister, ‘Transcript of Speech at Barunga Sports and Cultural Festival, Northern Territory’, unpublished typescript, 12 June 1988, p. 2.
68. *ibid.*
69. Dodson, Mowbray and Snowdon, *op. cit.*, p. 306.
70. Brennan, *op. cit.*, p. 83.
71. J. Howard, ‘Treaty is a Recipe for Separatism’, in K. Baker (ed.), *A Treaty with the Aborigines?*, Institute of Public Affairs, Melbourne, 1988, pp. 6–7.
72. Brennan, *op. cit.*, p.83.
73. The full text of the resolution read as follows:  
That this House-
- (1) acknowledges that:
    - (a) Australia was occupied by Aborigines and Torres Strait Islanders who had settled for thousands of years before British settlement at Sydney Cove on 26 January 1788;
    - (b) Aborigines and Torres Strait Islanders suffered dispossession and dispersal upon acquisition of their traditional lands by the British Crown; and
    - (c) Aborigines and Torres Strait Islanders were denied full citizenship rights of the Commonwealth of Australia prior to the 1967 Referendum;
  - (2) affirms:
    - (a) the importance of Aboriginal and Torres Strait Islander culture and heritage; and
    - (b) the entitlement of Aborigines and Torres Strait Islanders to self-management and self-determination subject to the Constitution and the laws of the Commonwealth of Australia; and
  - (3) considers it desirable that the Commonwealth further promote reconciliation with Aboriginal and Torres Strait Islander citizens providing recognition of their special place in the Commonwealth of Australia.
- See R. Hawke, Prime Minister, ‘Aborigines and Torres Strait Islanders: Suspension of Standing and Sessional Orders’, House of Representatives, *Debates*, 23 August 1988, p. 127.
74. *ibid.*

Endnotes

75. Phillips, *op. cit.*, p. 122.
76. Hawke, 'Aborigines and Torres Strait Islanders: Suspension of Standing and Sessional Orders', *op. cit.*
77. John Howard, 'Aborigines and Torres Strait Islanders', House of Representatives, *Debates*, 23 August 1988, p. 139.
78. Brennan, *op. cit.*, pp. 83–84.
79. Howard, 'Aborigines and Torres Strait Islanders', *op. cit.*
80. *ibid.*
81. *ibid.*
82. Phillips, *op. cit.*, pp. 124, 127.
83. R. Hawke, 'A Time for Reconciliation', in K. Baker (ed.), *op. cit.*, p. 5.
84. *ibid.*
85. Phillips, *op. cit.*, p. 132.
86. *ibid.*
87. A. Pratt, 'Make or Break? A Background to the ATSIC Changes and the ATSIC Review', *Current Issues Brief*, no. 29, Parliamentary Library, Canberra, 2002–03, pp. 3–4.
88. *ibid.*, pp. 4–5.
89. Dodson, Mowbray and Snowdon, *op. cit.*, p. 308.
90. See, for example, Senator J. Short, 'Second Reading: Aboriginal and Torres Strait Islander Commission Bill 1989', Senate, *Debates*, 18 August 1989, p. 392; and Senator F. Bjelke-Peterson, 'Second Reading: Aboriginal and Torres Strait Islander Commission Bill 1989', Senate, *Debates*, 30 August 1989, p. 639.
91. J. Howard, 'Administration of Aboriginal Affairs: Ministerial Statement', House of Representatives, *Debates*, 11 April 2004, p. 1328.
92. Phillips, *op. cit.*, p. 130.
93. *ibid.*, p. 131.
94. Senator John Coulter, 'Second Reading: Aboriginal and Torres Strait Islander Commission Bill 1989', Senate, *Debates*, 17 August 1989, p. 251.
95. Pratt, *op. cit.*, p. 7.
96. Tickner, *op. cit.*, p. 27.
97. *ibid.*, pp. 27–28.
98. Interview, Sydney, Thursday 13 November 2003.
99. Jennett, *op. cit.*, p. 245.
100. Phillips, *op. cit.*, p. 312.
101. de Costa, *New Relationships, Old Certainties*, *op. cit.*
102. Wran, *op. cit.*, p. 7.
103. Parlinfo is available on the internet at <http://parlinfoweb.aph.gov.au/piweb/>.

## Chapter Two: Legislating reconciliation

1. R. Tickner, *Taking a Stand: Land Rights to Reconciliation*, Allen & Unwin, 2001, p. 28.
2. *ibid.*
3. *ibid.*
4. *ibid.*, p. 30.
5. *ibid.*
6. *ibid.*, pp. 30–31.
7. *ibid.*, p. 32.
8. *ibid.*, p. 33.
9. *ibid.*, p. 34.
10. *ibid.*
11. *ibid.*, pp. 34–35; and Bills Digest Service, ‘Council for Aboriginal Reconciliation Bill 1991’, *Bills Digest*, Department of the Parliamentary Library, Canberra, 1991.
12. *ibid.*
13. Tickner, *op. cit.*, p. 35.
14. *ibid.*
15. Though Tickner’s account of this time notes that ATSIC’s support for the proposals was predicated on ‘the word “treaty” not being excluded from the possible agenda of indigenous aspirations’ (*ibid.*, pp. 37–38).
16. *ibid.*, pp. 36–37.
17. E. Johnston, *Royal Commission into Aboriginal Deaths in Custody–National Report*, Australian Government Publishing Service (AGPS), Canberra, 1991, volume 1, p. 1.
18. *ibid.*
19. *ibid.*, pp. 1–2.
20. R. Edney, ‘The Stolen Generation and the Sentencing of Indigenous Offenders’, *Indigenous Law Bulletin*, vol. 5, no. 23, 2003, p. 10.
21. E. Johnston, *Royal Commission into Aboriginal Deaths in Custody–National Report*, AGPS, Canberra, 1991, volume 5, p. 57.
22. *ibid.*
23. *ibid.*, p. 58.
24. *ibid.*, p. 61.
25. *ibid.*, pp. 63–64.
26. *ibid.*, p. 63.
27. *ibid.*, pp. 62–63.
28. *ibid.*, p. 63.
29. *ibid.*, p. 65.
30. Council for Aboriginal Reconciliation Bill 1991, clauses 14, 32. The Council would cease to exist on 1 January 2001

31. *ibid.*, clauses 4, 14.
32. *ibid.*, clause 5.
33. *ibid.*, clause 6.
34. *ibid.*
35. *ibid.*
36. Robert Tickner, interview with author, Sydney, Wednesday 12 November 2003.
37. *Council for Aboriginal Reconciliation Act 1991*, Preamble. For a more detailed discussion of the Council for Aboriginal Reconciliation Bill 1991, see Bills Digest Service, 'Council for Aboriginal Reconciliation Bill 1991', *op. cit.*
38. R. Tickner, Minister for Aboriginal Affairs, 'Second Reading: Council for Aboriginal Reconciliation Bill 1991', House of Representatives, *Debates*, 30 May 1991, p. 4498.
39. R. de Costa, *New relationships, old certainties: Australia's reconciliation and treaty-making in British Columbia*, PhD thesis, Institute for Social Research, Swinburne University of Technology, Melbourne, 2002, p. 27.
40. Note: while the total number of speeches in the reconciliation debates was 34, the total number of definitions will add up to more than 34 because in most speeches more than one definition or understanding of 'reconciliation' was evident.
41. M. Wooldridge, 'Second Reading: Council for Aboriginal Reconciliation Bill 1991', House of Representatives, *Debates*, 5 June 1991, p. 4824.
42. P. Nugent, 'Second Reading: Council for Aboriginal Reconciliation Bill 1991', House of Representatives, *Debates*, 5 June 1991, p. 4844.
43. G. Gibson, 'Second Reading: Council for Aboriginal Reconciliation Bill 1991', House of Representatives, *Debates*, 5 June 1991, p. 4842.
44. Senator M. Reynolds, 'Second Reading: Council for Aboriginal Reconciliation Bill 1991', Senate, *Debates*, 16 August 1991, p. 552.
45. Senator C. Kernot, 'Second Reading: Council for Aboriginal Reconciliation Bill 1991', Senate, *Debates*, 14 August 1991, p. 322.
46. F. Chaney, 'Second Reading: Council for Aboriginal Reconciliation Bill 1991', House of Representatives, *Debates*, 5 June 1991, p. 4830.
47. *ibid.*
48. R. Hulls, 'Second Reading: Council for Aboriginal Reconciliation Bill 1991', House of Representatives, *Debates*, 5 June 1991, p. 4827.
49. *ibid.*
50. The content analysis shows that of the ten speeches in the reconciliation debates in which this understanding or definition of reconciliation was enunciated, seven were made by ALP parliamentarians, two by Coalition parliamentarians, and the remaining one was by Senator Cheryl Kernot.
51. Tickner, 'Second Reading: Council for Aboriginal Reconciliation Bill 1991', *op. cit.*; and Chaney, *op. cit.*
52. Wooldridge, *op. cit.*
53. Reynolds, *op. cit.*

54. Senator M. Baume, 'Second Reading: Council for Aboriginal Reconciliation Bill 1991', Senate, *Debates*, 14 August 1991, p. 319.
55. See, for example, Gibson, op. cit.; Nugent, op. cit.; W. Snowdon, 'Second Reading: Council for Aboriginal Reconciliation Bill 1991', House of Representatives, *Debates*, 5 June 1991, p. 4833; and Wooldridge, op. cit.
56. W. Taylor, 'Second Reading: Council for Aboriginal Reconciliation Bill 1991', House of Representatives, *Debates*, 5 June 1991, p. 4849.
57. Senator I. Campbell, 'Second Reading: Council for Aboriginal Reconciliation Bill 1991', Senate, *Debates*, 16 August 1991, p. 556.
58. W. Truss, 'Second Reading: Council for Aboriginal Reconciliation Bill 1991', House of Representatives, *Debates*, 5 June 1991, p. 4847.
59. *ibid.*
60. Snowdon, op. cit.
61. M. Phillips, *The Politics and Theology of Aboriginal Reconciliation*, PhD Thesis, Department of Philosophy, University of Sydney, 2003, p. 132.
62. D. Kerr, 'Second Reading: Council for Aboriginal Reconciliation Bill 1991', House of Representatives, *Debates*, 5 June 1991, p. 4836.
63. Reynolds, op. cit.
64. Taylor, op. cit.
65. Senator S. Knowles, 'Second Reading: Council for Aboriginal Reconciliation Bill 1991', Senate, *Debates*, 15 August 1991, p. 400.
66. Campbell, op. cit.
67. Phillips, op. cit., p. 109.
68. de Costa, op. cit., p. 32.
69. Tickner, 'Second Reading: Council for Aboriginal Reconciliation Bill 1991', op. cit.
70. *ibid.*
71. Tickner, *Taking a Stand*, op. cit., pp. 83–220.
72. Taylor, op. cit.
73. Phillips, op. cit., p. 312.
74. Wooldridge, op. cit.
75. Nugent, op. cit.
76. Truss, op. cit.
77. Knowles, op. cit.
78. Kernot, op. cit.
79. Snowdon, op. cit.
80. Warren Snowdon, interview with author, Parliament House, Tuesday 19 August 2003.
81. Senator R. Crowley, 'Second Reading: Council for Aboriginal Reconciliation Bill 1991', Senate, *Debates*, 15 August 1991, p. 394.
82. de Costa, op. cit., p. 70.

83. Jackie Huggins, interview with author, Canberra, Wednesday 3 December 2003.
84. Bill Jonas, interview with author, Parliament House, Thursday 27 November 2003.
85. Linda Burney, interview with author, Sydney, Wednesday 12 November 2003.
86. *ibid.*
87. *The Australian*, 18 December 1991, cited in J. Gardiner-Garden, 'From Dispossession to Reconciliation', *Research Paper*, No. 27, Department of the Parliamentary Library, Canberra, 1998–99, p. 17.
88. Cited in T. Duke, 'Reconciliation ... Who reckons what!' in I. Moores (ed), *Voices of Aboriginal Australia—Past, present, future*, Butterfly Books, Springwood, NSW, 1992, p. 283.
89. *ibid.*
90. K. Gilbert, 'What are we to reconcile ourselves to?' in I. Moores (ed), *op. cit.*, p. 287.
91. Reynolds, *op. cit.*
92. Wooldridge, *op. cit.*
93. Bill Jonas, interview, Parliament House, Thursday 27 November 2003.
94. Tickner, *Taking a Stand*, *op. cit.*, p. 28.
95. Senator Patricia Giles, 'Second Reading: Council for Aboriginal Reconciliation Bill 1991', Senate, *Debates*, 15 August 1991, p. 379.

### Chapter Three: Mabo and the native title legislation

1. G. Nettheim, 'The uncertain dimensions of native title', in M. Goot and T. Rowse (eds), *Make a better offer: The politics of Mabo*, Pluto Press, Leichhardt NSW, 1994, p. 55. For more detailed commentary on the legal aspects of the judgment, see M. A. Stephenson and S. Ratnapala (eds.), *Mabo, a judicial revolution: The Aboriginal land rights decision and its impact on Australian law*, University of Queensland Press, St Lucia, Queensland, 1993.
2. Though it has been argued that while the Mabo judgment was a significant (if overdue) recognition of Indigenous people's rights to land, the High Court's judgment was at best a conditional recognition of Indigenous people's ownership of land prior to the commencement of British occupation, because the High Court did not address the wrongful application of the legal doctrine of *terra nullius* with respect to the issue of sovereignty—see A. Pratt, '*Indigenous Sovereignty Never Ceded*': *Sovereignty, Nationhood and Whiteness in Australia*, PhD Thesis, Faculty of Arts, University of Wollongong, 2003, pp. 2, 5.
3. Council for Aboriginal Reconciliation, *Walking Together: The First Steps—Report of the Council for Aboriginal Reconciliation to Federal Parliament 1991–1994*, AGPS, Canberra, 1994, p. 3.
4. M. Phillips, *The Politics and Theology of Aboriginal Reconciliation*, PhD Thesis, Department of Philosophy, University of Sydney, 2003, p. 3.
5. For a more detailed discussion of the minutiae of the Mabo debates, see: J. Gardiner-Garden, 'The Mabo debate: a chronology', *Background Papers*, no. 23, Department of

- the Parliamentary Library, Canberra, 1993; T. Rowse, 'How we got a Native Title Act', in M. Goot and T. Rowse (eds.), op. cit., pp. 111–132; and R. Tickner, *Taking a Stand: Land Rights to Reconciliation*, Allen & Unwin, 2001, pp. 83–220.
6. Tickner, *Taking a Stand*, op. cit., p. 90.
  7. *ibid.*, p. 87.
  8. *ibid.*, p. 90.
  9. Cited in Gardiner-Garden, op. cit.
  10. Tickner, *Taking a Stand*, op. cit., p. 90.
  11. Cited in Gardiner-Garden, op. cit.
  12. Tickner, *Taking a Stand*, op. cit., p. 90.
  13. *ibid.*, p.92.
  14. *ibid.*
  15. The interdepartmental committee was chaired by the Department of Prime Minister and Cabinet, and included representatives from the Attorney-General's Department, ATSIC, and the Department of Primary Industries and Energy—see Commonwealth of Australia, *Mabo, the High Court Decision on Native Title: Discussion paper*, AGPS, Canberra, 1993, pp. 10–11. See also Tickner, *Taking a Stand*, op. cit., pp. 92–93.
  16. Gardiner-Garden, op. cit.
  17. Tickner, *Taking a Stand*, op. cit., p. 92. Goot and Rowse also point out that Keating's announcement of 27 October effectively 'repudiated the Hawke government's March 1986 decision to leave "land rights" to the states'—see M. Goot and T. Rowse, 'Editors' introduction' in M. Goot and T. Rowse (eds.), op. cit., p. 1.
  18. Phillips, op. cit., pp. 149–150.
  19. Tickner, *Taking a Stand*, op. cit., pp. 90–91; and Gardiner-Garden, op. cit.
  20. *ibid.*
  21. Nettheim, op. cit., p. 55.
  22. M. Mansell, 'The Court Gives an Inch but Takes Another Mile', *Aboriginal Law Bulletin*, vol. 2, no. 57, 1992, p. 6.
  23. Tickner, *Taking a Stand*, pp. 95–96.
  24. Reproduced in M. Grattan (ed.), *Reconciliation—Essays on Reconciliation*, Black Inc, Melbourne, 2000, pp. 60–64.
  25. Tickner, *Taking a Stand*, op. cit., p. 96.
  26. Rowse, 'How we got a Native Title Act', op. cit., pp. 111–112.
  27. *ibid.*
  28. Tickner, *Taking a Stand*, op. cit., p. 105.
  29. *ibid.*, pp. 106–107.
  30. *ibid.*, p. 106.
  31. *ibid.*, p. 108.
  32. *ibid.*, p. 112–113.



33. *ibid.*, p. 113.
34. The significance of the *Racial Discrimination Act 1975* was that, in making it illegal to discriminate on the basis of race, it raised doubts over the validity of any land titles issued since 1975 which extinguished native title.
35. Tickner, *Taking a Stand*, *op. cit.*, p. 113.
36. *ibid.*
37. *ibid.*, p. 114.
38. N. Pearson, 'From remnant title to social justice', in M. Goot and T. Rowse (eds.), *op. cit.*, p. 183.
39. Tickner, *Taking a Stand*, *op. cit.*, p. 106.
40. *ibid.*, pp. 118–119.
41. *ibid.*, p. 119.
42. Commonwealth of Australia, Mabo, The High Court Decision on Native Title: Discussion Paper, *op. cit.*
43. *ibid.*, p. 92.
44. *ibid.* It should be noted that the discussion paper had not been vetted by the government before its release and did not represent official government policy, though it was the product of consultations which had conducted under the auspices of the government's Mabo Ministerial Committee. See Tickner, *Taking a Stand*, *op. cit.*, p. 122.
45. Commonwealth of Australia, Mabo, The High Court Decision on Native Title: Discussion Paper, *op. cit.*, p. 98.
46. Rowse, 'How we got a Native Title Act', *op. cit.*, p. 115.
47. Cited in Tickner, *Taking a Stand*, *op. cit.*, pp. 115–116.
48. Cited in *ibid.*, p. 115.
49. Cited in *ibid.*, p. 118.
50. Rowse, 'How we got a Native Title Act', *op. cit.*, p. 116.
51. Federal Coalition, 'Mabo: a Policy Discussion Paper' cited in *ibid.*, pp. 116–117.
52. Rowse, 'How we got a Native Title Act', *op. cit.*, p. 119.
53. Tickner, *Taking a Stand*, *op. cit.*, p. 124.
54. Cited in *ibid.*, p. 181.
55. Cited in *ibid.*, p. 188.
56. At this time it was still not clear where the minor parties and the Coalition stood (the government needed the support of one of at least these groups to get the legislation through the Senate). See Rowse, 'How we got a Native Title Act', *op. cit.*, p. 125.
57. *ibid.*, pp. 126–127.
58. R. de Costa, *New relationships, old certainties: Australia's reconciliation and treaty-making in British Columbia*, PhD thesis, Institute for Social Research, Swinburne University of Technology, Melbourne, 2002, p. 82.

59. P. Keating, Prime Minister, 'Second Reading: Native Title Bill 1993', House of Representatives, *Debates*, 16 November 1993, p. 2877. See also A. Twomey, 'Native Title Bill 1993', *Bills Digest*, Department of the Parliamentary Library, 1993.
60. Rowse, 'How we got a Native Title Act', op. cit., p. 127.
61. Senator G. Evans, Minister for Foreign Affairs, 'Second Reading: Native Title Bill 1993', Senate, *Debates*, 21 December 1993, p. 5500.
62. Senator Paul Calvert, interview with author, Parliament House, Thursday 18 September 2003.
63. See Appendix II for a more detailed explanation of the content analysis methodology employed in this study.
64. Keating, op. cit.
65. *ibid.*
66. R. Tickner, Minister for Aboriginal and Torres Strait Islander Affairs, 'Second Reading: Native Title Bill 1993', House of Representatives, *Debates*, 23 November 1993, p. 3412.
67. Senator G. Evans, Minister for Foreign Affairs, 'Question without Notice: Mabo Legislation', Senate, *Debates*, 20 October 1993, p. 2208.
68. C. Holding, 'Second Reading: Native Title Bill 1993', House of Representatives, *Debates*, 23 November 1993, p. 3436.
69. N. Newell, 'Second Reading: Native Title Bill 1993', House of Representatives, *Debates*, 25 November 1993, p. 3721.
70. M. Henzell, 'Second Reading: Native Title Bill 1993', House of Representatives, *Debates*, 24 November 1993, p. 3523.
71. P. Duncan, 'Second Reading: Native Title Bill 1993', House of Representatives, *Debates*, 24 November 1993, p. 3608.
72. B. Jones, 'Second Reading: Native Title Bill 1993', House of Representatives, *Debates*, 25 November 1993, p. 3727.
73. Senator G. Evans, Minister for Foreign Affairs, 'Native Title Bill Committee: Establishment', Senate, *Debates*, 9 December 1993, p. 4285.
74. F. Walker, Special Minister of State, 'Second Reading: Native Title Bill 1993', House of Representatives, *Debates*, 25 November 1993, p. 3724.
75. Senator C. Kernot, 'Second Reading: Native Title Bill 1993', Senate, *Debates*, 15 December 1993, p. 4624.
76. Senator C. Chamarette, 'Second Reading: Native Title Bill 1993', Senate, *Debates*, 15 December 1993, p. 4696.
77. Rowse, 'How we got a Native Title Act', op. cit., p. 129.
78. J. Hewson, 'Second Reading: Native Title Bill 1993', House of Representatives, *Debates*, 23 November 1993, p. 3405.
79. *ibid.*
80. *ibid.*
81. *ibid.*

Endnotes

82. P. Nugent, 'Second Reading: Native Title Bill 1993', House of Representatives, *Debates*, 23 November 1993, p. 3432.
83. M. Wooldridge, 'Second Reading: Native Title Bill 1993', House of Representatives, *Debates*, 24 November 1993, p. 3599.
84. C. Pyne, 'Second Reading: Native Title Bill 1993', House of Representatives, *Debates*, 24 November 1993, p. 3513.
85. P. Reith, 'Second Reading: Native Title Bill 1993', House of Representatives, *Debates*, 23 November 1993, p. 3415.
86. Senator J. Short, 'Second Reading: Native Title Bill 1993', Senate, *Debates*, 15 December 1993, p. 4707.
87. Senator B. Bishop, 'Second Reading: Native Title Bill 1993', Senate, *Debates*, 15 December 1993, p. 4721.
88. R. Charles, 'Second Reading: Native Title Bill 1993', House of Representatives, *Debates*, 24 November 1993, p. 3534.
89. M. MacKellar, 'Second Reading: Native Title Bill 1993', House of Representatives, *Debates*, 23 November 1993, p. 3480.
90. P. Worth, 'Second Reading: Native Title Bill 1993', House of Representatives, *Debates*, 24 November 1993, p. 3573.
91. G. Prosser, 'Second Reading: Native Title Bill 1993', House of Representatives, *Debates*, 24 November 1993, p. 3593.
92. Pyne, op. cit.
93. T. Fischer, 'Second Reading: Native Title Bill 1993', House of Representatives, *Debates*, 23 November 1993, p. 3424.
94. Senator J. Herron, 'Second Reading: Native Title Bill 1993', Senate, *Debates*, 15 December 1993, p. 4645.
95. Senator A. Ferguson, 'Second Reading: Native Title Bill 1993', Senate, *Debates*, 15 December 1993, p. 4660.
96. Senator J. Panizza, 'Second Reading: Native Title Bill 1993', Senate, *Debates*, 15 December 1993, p. 4609.
97. J. Anderson, 'Second Reading: Native Title Bill 1993', House of Representatives, *Debates*, 23 November 1993, p. 3455.
98. Senator P. Calvert, 'Second Reading: Native Title Bill 1993', Senate, *Debates*, 15 December 1993, p. 4693.
99. Nugent, op. cit.
100. P. Slipper, 'Second Reading: Native Title Bill 1993', House of Representatives, *Debates*, 23 November 1993, p. 3474.
101. R. Evans, 'Second Reading: Native Title Bill 1993', House of Representatives, *Debates*, 23 November 1993, p. 3492.
102. Holding, op. cit.
103. Phillips, op. cit., p. 312.

104. Council for Aboriginal Reconciliation, *Annual Report September 1991–June 1992*, AGPS, Canberra, 1992, p. 2.
105. Council for Aboriginal Reconciliation, *Walking Together: The First Steps*, op. cit., p. 46.
106. *ibid.*, p. 53.
107. *ibid.*
108. *ibid.*
109. *ibid.*, pp. 51, 53–54.
110. Council for Aboriginal Reconciliation, *Making Things Right: Reconciliation after the High Court's decision on native title*, Council for Aboriginal Reconciliation, Canberra, 1993.
111. *ibid.*, p. iii ('Foreword').
112. *ibid.*, p.1.
113. *ibid.*
114. *ibid.*, p. 7.
115. *ibid.*, pp. 9–16.
116. Council for Aboriginal Reconciliation, *Exploring for Common Ground: Aboriginal Reconciliation and the Australian Mining Industry*, AGPS, Canberra, 1993.
117. *ibid.*, p. ix.
118. *ibid.*, p. x.
119. *ibid.*, p. xi.
120. Council for Aboriginal Reconciliation, *Making Things Right*, op. cit., p.14.
121. Council for Aboriginal Reconciliation, *Triennial Strategic Plan 1992–93, 1993–94, 1994–95*, AGPS, Canberra, 1992, p. 2. This document was tabled in the Parliament in November 1992. See Kim Beazley, Leader of the House, 'Presentation of Papers', House of Representatives, *Debates*, 4 November 1992, p. 2573.
122. Council for Aboriginal Reconciliation, *Walking Together: The First Steps*, op. cit., p. 54.
123. Cited in *ibid.*
124. *ibid.*
125. *ibid.*
126. *ibid.*, pp. 54–55.
127. *ibid.*, p.55.
128. Phillips, op. cit., p. 155.
129. Keating, op. cit.
130. Pyne, op. cit.
131. Senator G. Evans, Minister for Foreign Affairs, 'Native Title Bill 1993: In Committee', Senate, *Debates*, 18 December 1993, p. 5133.
132. Evans, 'Native Title Bill Committee: Establishment', op. cit; and Senator M. Reynolds, 'Second Reading: Native Title Bill 1993', Senate, *Debates*, 15 December 1993, p. 4717—though note that Senator Reynolds was a member of the Council for Aboriginal

Reconciliation at that time, so it is not surprising that she would have been aware of these documents.

133. Rick Farley, interview with author, Sydney, 13 November 2003.
134. Tickner, *Taking a Stand*, op. cit., pp. 93–94.

#### Chapter Four: Towards social justice?

1. Council for Aboriginal Reconciliation, *Walking Together: The First Steps—Report of the Council for Aboriginal Reconciliation to Federal Parliament 1991–94*, AGPS, Canberra, p. 57.
2. Council for Aboriginal Reconciliation, *Annual Report 1993–94*, AGPS, Canberra, 1994, pp. 33–34.
3. *ibid.*, p. 34.
4. Council for Aboriginal Reconciliation, *Walking Together: The First Steps*, op. cit., p. 58.
5. *ibid.*, p. 59.
6. *ibid.*
7. *ibid.*, p. 60.
8. *ibid.*, p. 61.
9. *ibid.*
10. *ibid.*
11. *ibid.*, p. 62.
12. *ibid.*
13. *ibid.*, pp. 62–63, 83–84.
14. Council for Aboriginal Reconciliation, *Annual Report 1994–95*, AGPS, Canberra, 1995, p. 2.
15. Council for Aboriginal Reconciliation, *Walking Together: The First Steps*, op. cit., pp. 63–64. The Council for Aboriginal Reconciliation and ATSIC produced an issues paper entitled *Towards Social Justice?* (Council for Aboriginal Reconciliation, ATSIC, and the Aboriginal and Torres Strait Islander Social Justice Commissioner, 1994), which was to form the basis for discussion at consultation meetings around the country. Copies of the issues paper were distributed to a wide range of Indigenous communities and organisations, as well as people and organisations within the wider community. Following the first round of consultation meetings, a second round of more structured consultation meetings were held. A report documenting the issues discussed and views expressed during the first round of consultations was subsequently prepared (*Towards Social Justice? Compilation Report of First-Round Consultations*, Council for Aboriginal Reconciliation, ATSIC, and the Aboriginal and Torres Strait Islander Social Justice Commissioner, 1994).
16. Council for Aboriginal Reconciliation, *Annual Report 1993–94*, op. cit., p. 9.
17. Senator Margaret Reynolds, ‘Council for Aboriginal Reconciliation’, Senate, *Debates*, 16 March 1994, p. 1664.

18. R. Tickner, *Taking a Stand—Land Rights to Reconciliation*, Allen & Unwin, Sydney, 2001, pp. 222–223. See also Robert Tickner, Minister for Aboriginal and Torres Strait Islander Affairs, ‘Second Reading: ATSIC Amendment (Indigenous Land Corporation and Land Fund) Bill 1994’, House of Representatives, *Debates*, 31 August 1994, p. 792.
19. Tickner, *Taking a Stand*, op. cit., p. 225.
20. *ibid.*, p. 222.
21. *ibid.*, p. 226.
22. The Native Title Act had established a National Aboriginal and Torres Strait Islander Land Fund to assist Indigenous people to acquire land and manage it once acquired. However, according to the government, it did not ‘provide enough scope for the establishment and operations of the Indigenous Land Corporation in the way [the government considered] essential for an effective response to the need for land’—see P. Keating, Prime Minister, ‘Second Reading: ATSIC Amendment (Indigenous Land Corporation and Land Fund) Bill 1994’, House of Representatives, *Debates*, 30 August 1994, p. 587.  
 One of the key differences between the land fund established under the Native Title Act and the new one proposed by the ATSIC Amendment (Indigenous Land Corporation and Land Fund) Bill 1994 was that the Native Title Act land fund only allowed for money in the land fund to be spent on land acquisition and management of properties acquired through the fund. The ATSIC/Indigenous Land Corporation version allowed for money on land-management to be spent on ‘any indigenous-held properties, whether acquired under the Land Fund or not’—see A. Twomey, ‘ATSIC Amendment (Indigenous Land Corporation and Land Fund) Bill 1994’, *Bills Digest*, Department of the Parliamentary Library, Canberra, 1994. This was in recognition of the fact that ‘more needed to be done to support existing and future Aboriginal and Islander purchases of pastoral property’, as there had been ‘examples of Aboriginal organisations buying pastoral properties that were ... run down and denuded, without the financial resources necessary to restore the land’. Further, the new land fund, and the terms on which it would operate, were to be enshrined in legislation, rather than established by regulation (as was the case with the Native Title Act land fund)—this was so that the Commonwealth’s financial support for the Indigenous Land Fund would be legislatively mandated, and thus difficult for future governments to overturn—see Tickner, *Taking a Stand*, op. cit., p. 230.
23. Keating, op. cit.
24. The Bill stipulated that a certain amount—\$45 million, indexed—would be spent each year on land acquisition, management, and running costs, and the remainder was to be invested so that when government funding ceased in 2003–04, the income from its investments would be enough to make the Indigenous Land Fund self-sufficient (Tickner, *Taking a Stand*, op. cit., p. 231). The Indigenous Land Fund superseded an existing land acquisition and management program managed by ATSIC (and which received funding of approximately \$21 million per year) (Twomey, *Bills Digest*, op. cit.).
25. Keating, op. cit.
26. *ibid.*
27. Cited in Tickner, *Taking a Stand*, op. cit., p. 226.

28. Keating, *op. cit.*
29. A. Downer, 'Second Reading: ATSIC Amendment (Indigenous Land Corporation and Land Fund) Bill 1994', House of Representatives, *Debates*, 30 August 1994, p. 590.
30. *ibid.*
31. *ibid.*
32. Tickner, 'ATSIC Amendment (Indigenous Land Corporation and Land Fund) Bill 1994', *op. cit.*
33. Keating, *op. cit.*
34. *ibid.*
35. See Appendix II for a more detailed discussion of the content analysis methodology used in this study.
36. R. Tickner, Minister for Aboriginal and Torres Strait Islander Affairs, 'Consideration in Detail: ATSIC Amendment (Indigenous Land Corporation and Land Fund) Bill 1994', House of Representatives, *Debates*, 31 August 1994, p. 879.
37. P. Dodd, 'Second Reading: ATSIC Amendment (Indigenous Land Corporation and Land Fund) Bill 1994', House of Representatives, *Debates*, 30 August 1994, p. 657.
38. Senator C. Kernot, 'Second Reading: ATSIC Amendment (Indigenous Land Corporation and Land Fund) Bill 1994', Senate, *Debates*, 18 October 1994, p. 1929.
39. Senator C. Chamarette, 'Second Reading: ATSIC Amendment (Indigenous Land Corporation and Land Fund) Bill 1994', Senate, *Debates*, 18 October 1994, p. 1935.
40. *ibid.*
41. Tickner, *Taking a Stand*, *op. cit.*, p. 233.
42. P. Nugent, 'Second Reading: ATSIC Amendment (Indigenous Land Corporation and Land Fund) Bill 1994', House of Representatives, *Debates*, 30 August 1994, p. 653.
43. C. Pyne, 'ATSIC Amendment (Indigenous Land Corporation and Land Fund) Bill 1994: Consideration in Detail', House of Representatives, *Debates*, 1 September 1994, p. 653.
44. G. Gibson, 'Second Reading: ATSIC Amendment (Indigenous Land Corporation and Land Fund) Bill 1994', House of Representatives, *Debates*, 30 August 1994, p. 594.
45. Nugent, *op. cit.*; and Keating, *op. cit.*
46. P. Nugent, 'Aboriginal Reconciliation', House of Representatives, *Debates*, 19 September 1994, p. 997.
47. L. Scott, 'Second Reading: ATSIC Amendment (Indigenous Land Corporation and Land Fund) Bill 1994', House of Representatives, *Debates*, 30 August 1994, p. 602.
48. G. Nehl, 'Second Reading: ATSIC Amendment (Indigenous Land Corporation and Land Fund) Bill 1994', House of Representatives, *Debates*, 31 August 1994, p. 693.
49. Scott, *op. cit.*
50. C. Gallus, 'Second Reading: ATSIC Amendment (Indigenous Land Corporation and Land Fund) Bill 1994', House of Representatives, *Debates*, 30 August 1994, p. 598.
51. J. Bradford, 'Second Reading: ATSIC Amendment (Indigenous Land Corporation and Land Fund) Bill 1994', House of Representatives, *Debates*, 31 August 1994, p. 732.

52. Nugent, 'ATSIC Amendment (Indigenous Land Corporation and Land Fund) Bill 1994', op. cit.
53. G. Gibson, 'Aboriginal Reconciliation', House of Representatives, *Debates*, 19 September 1994, p. 995. The Parliamentarians for Reconciliation Group was co-convened by Council for Aboriginal Reconciliation members, Peter Nugent and Senator Margaret Reynolds; Peter Dodd was the Secretary; and Garry Nehl, Senator Cheryl Kernot and Senator Christabel Chamarette were deputy co-convenors. According to the Council's Annual Report, the group held meetings with outside guest speakers, and lent 'its support to issues which advance the position of Australia's indigenous people'—Council for Aboriginal Reconciliation, *Annual Report 1994-95*, Council for Aboriginal Reconciliation, Canberra, 1995, p. 9.
54. Gibson, 'Aboriginal Reconciliation', op. cit.
55. *ibid.*
56. M. Wooldridge, 'Second Reading: ATSIC Amendment (Indigenous Land Corporation and Land Fund) Bill 1994', House of Representatives, *Debates*, 30 August 1994, p. 607.
57. Tickner, *Taking a Stand*, op. cit., pp. 231–236.
58. Council for Aboriginal Reconciliation, *Walking Together: The First Steps*, op. cit., p. 57.
59. See, for example, Kernot, op. cit.; and Scott, op. cit.
60. See, for example, Gibson, 'Aboriginal Reconciliation', op. cit.; Nugent, 'Aboriginal Reconciliation', op. cit.; G. Nehl, 'Aboriginal Reconciliation', House of Representatives, *Debates*, 19 September 1994, p. 1002; and R. Brown, 'Aboriginal Reconciliation', House of Representatives, *Debates*, 19 September 1994, p. 1003.
61. Council for Aboriginal Reconciliation, ATSIC, and the Aboriginal and Torres Strait Islander Social Justice Commissioner, *Towards Social Justice? An Issues Paper*, Council for Aboriginal Reconciliation, ATSIC & Aboriginal and Torres Strait Islander Social Justice Commissioner, 1994; and Council for Aboriginal Reconciliation, ATSIC & Aboriginal and Torres Strait Islander Social Justice Commissioner, *Towards Social Justice? Compilation Report of First-Round Consultations*, Council for Aboriginal Reconciliation, ATSIC & Aboriginal and Torres Strait Islander Social Justice Commissioner, 1994.
62. Council for Aboriginal Reconciliation, *Annual Report 1994–95*, op. cit., p. 1.
63. Council for Aboriginal Reconciliation, ATSIC & Aboriginal and Torres Strait Islander Social Justice Commissioner, *Towards Social Justice? Compilation Report of First-Round Consultations*, op. cit., p. 9.
64. *ibid.*
65. *ibid.*
66. Council for Aboriginal Reconciliation, *Annual Report 1994–95*, op. cit., pp. 36–38.
67. *ibid.*, p. 1.
68. Council for Aboriginal Reconciliation, *Going Forward—Social Justice for the First Australians: A Submission to the Commonwealth Government*, AGPS, Canberra, 1995, pp. 26–28.
69. Council for Aboriginal Reconciliation, *Annual Report 1994–95*, op. cit., pp. 1, 37.



70. Council for Aboriginal Reconciliation, *Going Forward*, op. cit., p. 22.
71. Council for Aboriginal Reconciliation, *Annual Report 1994–95*, op. cit., p. 37.
72. Council for Aboriginal Reconciliation, *Going Forward*, op. cit., p. 37.
73. *ibid.*, pp. 41–43, 47.
74. *ibid.*, p. 59.
75. *ibid.*, p. 67.
76. *ibid.*, p. 52.
77. *ibid.*, pp. 19–20.
78. Council for Aboriginal Reconciliation, *Annual Report 1994–95*, op. cit., p. 38
79. Council for Aboriginal Reconciliation, *Annual Report 1995–96*, AGPS, Canberra, 1996, p. 1.
80. See, for example, J. Gardiner-Garden, 'From Dispossession to Reconciliation', *Research Paper*, No. 27, Department of the Parliamentary Library, Canberra, 1998–99.
81. It is worth noting that some of the issues raised in the Council's social justice proposals—such as the need for improved coordination between different levels of government, and the need for better performance measures to be established to enable better comparison of the outcomes of Indigenous-specific policies and programs in different areas—are now being addressed through initiatives like the Council of Australian Government (COAG) trials in whole-of-government service delivery in Indigenous communities, and the Productivity Commission's Steering Committee on the Review of Government Service Provision, which recently conducted a review of key indicators of Indigenous disadvantage.
82. Gibson, 'Aboriginal Reconciliation', op. cit.

#### Chapter Five: Collision course

1. A. Pratt, 'Make or Break? A Background to the ATSIC Changes and the ATSIC Review', *Current Issues Brief*, no. 29, Department of the Parliamentary Library, Canberra, 2002–03.
2. *ibid.*
3. Liberal Party of Australia, *Aboriginal and Torres Strait Islander Affairs Policy*, 14 February 1996 (authorised A. Robb, Melbourne), p. 6; and J. Gardiner-Garden, 'From Dispossession to Reconciliation', *Research Paper*, No. 27, Department of the Parliamentary Library, Canberra, 1998–99.
4. See, for example, L. Hill, 'Pauline Hanson, free speech and reconciliation', *Journal of Australian Studies*, vol. 57, 1998, pp. 10–22.
5. P. Dodson, 'Reconciliation at the crossroads', Address to the National Press Club, Canberra, April 1996.
6. As also noted in Chapter One, there is some controversy over the term 'stolen generations'. Indeed, there was a heated public debate in 2000 when the government's submission to a Senate committee inquiry into progress towards implementation of the HREOC report on the separation of Indigenous children from their families

controversially stated that ‘there was never a generation of stolen children’. This term is still used in this chapter and elsewhere in this monograph for two reasons: first, because, notwithstanding this controversy, the term is widely understood to refer to Indigenous people who were separated from their families as children; and secondly, because many (possibly most) Indigenous people who were separated from their families as children choose to identify themselves in this way.

7. J. Norberry, ‘Pastoral Leases and Native Title—the Wik Case’, *Research Note*, no. 23, Department of the Parliamentary Library, Canberra, 1996–97.
8. *ibid.*
9. *ibid.*; and G. Hiley (ed.), *The Wik Case: Issues and Implications*, Butterworths, Sydney, 1997, p. 2. Note, however, that the preamble to the Native Title Act suggested that native title would be extinguished by pastoral leases.
10. Note that the commencement of their court action preceded the commencement of the Native Title Act. See P. Hunter, ‘The Wik Decision: Unnecessary Extinguishment’ in G. Hiley (ed), *The Wik Case: Issues and Implications*, Butterworths, Sydney, 1997, p. 7.
11. Hiley, *op. cit.*, pp. 1–2.
12. Cited in M. Love, ‘The Farmgate Effect’ in Hiley, *op. cit.*, p. 42.
13. *ibid.*, pp. 40–42.
14. Hiley, *op. cit.*, p. 2.
15. S. Brennan, C. Field and J. Norberry, ‘Native Title Amendment Bill 1997’, *Bills Digest*, no. 51, Department of the Parliamentary Library, Canberra, 1997–98.
16. B. Cassidy and E. Hall on *The 7:30 Report*, ABC Television, 23 December 1996 (Parliamentary Library Parlinfo database).
17. D. McGauchie on *The 7:30 Report*, ABC Television, 23 December 1996 (Parliamentary Library Parlinfo database).
18. J. Howard, Prime Minister, Transcript of doorstep interview, Sydney, 24 December 1996.
19. Hunter, *op. cit.*, p. 6.
20. See, for example: K. O’Brien, on *The 7:30 Report*, ABC Television, 6 November 1996 (Parliamentary Library Parlinfo database).
21. Senator N. Minchin, ‘Wik: the way forward. Address to the National Conference on the Court’s Native Title Judgment’, Brisbane, 7 February 1997; and J. Howard, Prime Minister, Press conference, Parliament House, Canberra, 28 April 1997. The Coalition had also made an election commitment to improving the ‘workability’ of the Native Title Act—thus the Wik decision provided an added impetus for the government to implement this commitment.
22. J. Howard, Prime Minister, ‘Wik 10 point plan’, *Media release*, 1 May 1997.
23. Cited by I. Viner on *Life Matters*, ABC Radio, 20 November 1997, available via the ABC website: see <http://www.abc.net.au/rn/talks/lm/wik.htm> (accessed 28 August 2005).
24. P. Dodson on *AM*, ABC Radio, 8 May 1997 (Parliamentary Library Parlinfo database).

25. M. Peacock on *PM*, ABC Radio, 26 May 1997 (Parliamentary Library Parlinfo database).
26. Senator N. Minchin, 'Dodson wrong on Wik 10 point plan', *Media release*, 25 May 1997.
27. Human Rights and Equal Opportunity Commission (HREOC), *Bringing Them Home: National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, HREOC, Sydney, 1997 (preliminaries—terms of reference); and HREOC website: see [http://www.hreoc.gov.au/social\\_justice/stolen\\_children/index.html](http://www.hreoc.gov.au/social_justice/stolen_children/index.html) (accessed 28 August 2005).
28. HREOC, *Bringing Them Home*, op. cit.
29. HREOC website, op. cit.
30. D. Williams, Attorney-General, 'Separation of Aboriginal and Torres Strait Islander Children from their Families: Report', House of Representatives, *Debates*, 26 May 1997, p. 4002.
31. HREOC, *Bringing Them Home*, op. cit., pp. 651–665.
32. Senator J. Herron, "'Bringing them home": Commonwealth initiatives', *Media release*, 16 December 1997.
33. W. Sanders, 'Journey without end: Reconciliation between Australia's Indigenous and settler peoples', *Centre for Aboriginal Economic Policy Discussion Paper*, No. 237/2002, pp. 3–4.
34. J. Howard, Prime Minister, 'The Australian Reconciliation Convention—Transcript of Opening Address', Melbourne, 26 May 1997.
35. Sanders, op. cit., p. 3.
36. Howard, 'The Australian Reconciliation Convention—Transcript of Opening Address', op. cit.
37. M. Peacock on *PM*, ABC Radio, 26 May 1997 (Parliamentary Library Parlinfo database).
38. Howard, 'The Australian Reconciliation Convention—Transcript of Opening Address', op. cit.
39. *ibid.*
40. L. Oakes, 'Roadblock to reconciliation', *Bulletin with newswatch*, vol. 118, no. 6227, 6 June 2000, p. 22; and J. Howard, Prime Minister, 'Aboriginal Reconciliation', House of Representatives, *Debates*, 27 May 1997, p. 4110.
41. May 1997 were the first parliamentary sittings after the Wik judgment was handed down when either Wik or the stolen generations was mentioned, and July 1998 were the last parliamentary sittings before the 1998 federal election.
42. See Appendix II for further details on the methodology used in the content analysis.
43. The term 'reconciliation' was not used in any Greens speech on the stolen generations between May 1997 and July 1998.
44. Howard, 'The Australian Reconciliation Convention—Transcript of Opening Address', op. cit.

45. See, for example, Senator J. Herron, Minister for Aboriginal and Torres Strait Islander Affairs, 'Questions Without Notice—National Reconciliation Week', *Senate*, Hansard, 26 May 1998, p. 3060. See also J. Howard, Prime Minister, 'Aboriginal Reconciliation', House of Representatives, *Debates*, 27 May 1997, p. 4110.
46. W. Smith, Minister for Family Services, 'National Sorry Day', House of Representatives, *Debates*, 26 May 1998, p. 3705.
47. S. Stone, 'Grievance Debate—National Reconciliation Week', House of Representatives, *Hansard*, 25 May 1998, p. 3594.
48. *ibid.*
49. See, for example, J. Howard, Prime Minister, 'Ministerial Statements: National Reconciliation Week', House of Representatives, *Debates*, 27 May 1998, p. 3907; and Senator John Herron, Minister for Aboriginal and Torres Strait Islander Affairs, 'Ministerial Statements: National Reconciliation Week', *Senate*, *Debates*, 27 May 1998, p. 3249.
50. See, for example, Howard, 'Aboriginal Reconciliation', 27 May 1997, *op. cit.*, p. 4110.
51. P. Ruddock, Minister for Immigration and Multicultural Affairs, 'National Sorry Day', House of Representatives, *Debates*, 26 May 1998, p. 3710.
52. See, for example, Herron, 'Ministerial Statements: National Reconciliation Week', 27 May 1998, *op. cit.* See also Ruddock, 'National Sorry Day', *op. cit.* and W. Smith, 'National Sorry Day', *op. cit.*
53. J. Howard, Prime Minister, 'Questions without Notice—Reconciliation: Indigenous Australians', House of Representatives, *Debates*, 26 May 1998, p. 3671.
54. Senator C. Kernot, 'Separation of Aboriginal and Torres Strait Islander Children from their Families', *Senate*, *Debates*, 28 May 1997, p. 3895.
55. K. Beazley, 'National Sorry Day', House of Representatives, *Debates*, 26 May 1998, p. 3701.
56. Senator J. Faulkner, 'Ministerial Statements—National Reconciliation Week', *Senate*, *Debates*, 27 May 1998, p. 3252.
57. *ibid.*
58. Appendix II explains in more detail how the content analysis categories were devised based on a pilot analysis using a small sample of speeches from the reconciliation decade.
59. Faulkner, 'Ministerial Statements—National Reconciliation Week', *op. cit.*
60. J. Bradford, 'Grievance Debate—National Reconciliation Week, National Sorry Day', House of Representatives, *Debates*, 25 May 1998, p. 3597. John Bradford was the Liberal Member for McPherson from 1990 until 7 May 1998, when he left the Liberal Party to join the Christian Democratic Party. He contested the 1998 election as a Queensland Christian Democratic Party candidate for the Senate, but was not elected.
61. Howard, 'Questions without Notice—Reconciliation: Indigenous Australians', 26 May 1998, *op. cit.*
62. Beazley, 'National Sorry Day', *op. cit.*
63. Howard, 'Aboriginal Reconciliation', 27 May 1997, *op. cit.*

64. *ibid.*
65. Beazley, 'National Sorry Day', *op. cit.*; and Faulkner, 'Ministerial Statements—National Reconciliation Week', *op. cit.*
66. G. Campbell, 'Grievance Debate: Bringing Them Home', House of Representatives, *Debates*, 2 June 1997, p. 4595.
67. P. Hanson, 'Adjournment: Stolen Children', House of Representatives, *Debates*, 3 December 1997, p. 11 972.
68. J. Howard on *The 7.30 Report*, ABC Television, 4 September 1997 (Parliamentary Library Parlinfo database).
69. See, for example, K. O'Brien on *The 7.30 Report*, ABC Television, 6 November 1997 (Parliamentary Library Parlinfo database).
70. G. Evans, 'Second Reading: Native Title Amendment Bill 1997', House of Representatives, *Debates*, 25 September 1997, p. 8467.
71. See Brennan, Field and Norberry, 'Native Title Amendment Bill 1997', *op. cit.*
72. P. Andren, 'Consideration of Senate Message: Native Title Amendment Bill 1997', House of Representatives, *Debates*, 6 December 1997, p. 12 350.
73. Howard, Transcript of doorstep interview, 24 December 1996, *op. cit.*; and J. Howard, Prime Minister, 'Question without Notice: Native Title', House of Representatives, *Debates*, 2 June 1997, p. 4551.
74. Howard, 'Question without Notice: Native Title', *op. cit.*
75. *ibid.*
76. Cited in M. Phillips, *The Politics and Theology of Aboriginal Reconciliation*, PhD Thesis, Department of Philosophy, University of Sydney, 2003, p. 158.
77. T. Smith, 'Second Reading: Native Title Amendment Bill 1997', House of Representatives, *Debates*, 25 September 1997, p. 8481.
78. R. Evans, 'Second Reading: Native Title Amendment Bill 1997', House of Representatives, *Debates*, 25 September 1997, p. 8473.
79. T. Smith, 'Second Reading: Native Title Amendment Bill 1997', House of Representatives, *Debates*, 25 September 1997, p. 8481.
80. R. Evans, 'Second Reading: Native Title Amendment Bill 1997', House of Representatives, *Debates*, 25 September 1997, p. 8473.
81. J. Howard, Prime Minister, 'Question without Notice: Native Title', House of Representatives, *Debates*, 4 September 1997, p. 7852.
82. Senator C. Ellison, 'Second Reading: Native Title Amendment Bill 1997', Senate, *Debates*, 27 November 1997, p. 9711.
83. D. Randall, 'Second Reading: Native Title Amendment Bill 1997', House of Representatives, *Debates*, 1 October 1997, p. 8954.
84. T. Smith, 'Adjournment: Member for Dickson, Native Title', House of Representatives, *Debates*, 1 December 1997, p. 11 729.
85. Senator J. Ferris, 'Native Title Amendment Bill 1997: Report of the Native Title Committee', Senate, *Debates*, 28 October 1997, p. 8232.

86. S. Stone, 'Second Reading: Native Title Amendment Bill 1997', House of Representatives, *Debates*, 20 October 1997, p. 9266; and S. Stone, 'Second Reading: Native Title Amendment Bill 1997', House of Representatives, *Debates*, 2 October 1997, p. 9076.
87. Stone, 'Second Reading: Native Title Amendment Bill 1997', 20 October 1997, op. cit.
88. See, for example, Howard, 'Question without Notice: Native Title', 2 June 1997, op. cit.
89. S. Stone, 'Second Reading: Native Title Amendment Bill 1997 [No. 2]', House of Representatives, *Debates*, 11 March 1998, p. 968.
90. J. Anderson, Minister for Primary Industries and Energy, 'Question without Notice: Native Title', House of Representatives, *Debates*, 26 November 1997, p. 11 313.
91. Senator J. Herron, 'The Reconciliation and the Law Seminar', *Media release*, 21 February 1997.
92. Senator N. Minchin, 'ANTaR misrepresents Government's position on native title', *Media release*, 20 September 1997. Coalition parliamentarians frequently stated their support for the reconciliation process generally: see, for example, P. Slipper, 'Second Reading: Native Title Amendment Bill 1997', House of Representatives, *Debates*, 1 October 1997, p. 8894; and Stone, 'Second Reading: Native Title Amendment Bill 1997', 20 October 1997, op. cit.
93. Senator J. Herron, Minister for Aboriginal and Torres Strait Islander Affairs, 'Question without Notice: Aboriginal Reconciliation', Senate, *Debates*, 17 November 1997, p. 8853.
94. J. Howard, Prime Minister, 'Question without Notice: Native Title', House of Representatives, *Debates*, 20 November 1997, p. 10 939.
95. Stone, 'Second Reading: Native Title Amendment Bill 1997', 20 October 1997, op. cit.
96. J. Bradford, 'Second Reading: Native Title Amendment Bill 1997', House of Representatives, *Debates*, 2 October 1997, p. 9069.
97. P. Nugent, 'Second Reading: Native Title Amendment Bill 1997', House of Representatives, *Debates*, 21 October 1997, p. 9409.
98. *ibid.*
99. S. Jeanes, 'Grievance Debate: Native Title, Reconciliation', House of Representatives, *Debates*, 17 November 1997, p. 10 491.
100. T. Smith, 'Second Reading: Native Title Amendment Bill 1997', 25 September 1997, op. cit.
101. B. Wakelin, 'Second Reading: Native Title Amendment Bill 1997', House of Representatives, *Debates*, 1 October 1997, p. 8941.
102. Senator J. Faulkner, 'Second Reading: Native Title Amendment Bill 1997', Senate, *Debates*, 25 November 1997, p. 9419.
103. Senator C. Evans, 'Second Reading: Native Title Amendment Bill 1997', Senate, *Debates*, 27 November 1997, p. 9750.
104. Senator K. Lundy, 'Second Reading: Native Title Amendment Bill 1997', Senate, *Debates*, 27 November 1997, p. 9631.

105. G. Evans, 'Second Reading: Native Title Amendment Bill 1997', 25 September 1997, *op. cit.*; M. Ferguson, 'Second Reading: Native Title Amendment Bill 1997', House of Representatives, *Debates*, 1 October 1997, p. 8890; and R. McMullan, 'Second Reading: Native Title Amendment Bill 1997', House of Representatives, *Debates*, 2 October 1997, p. 9073.
106. G. Evans, 'Second Reading: Native Title Amendment Bill 1997', 25 September 1997, *op. cit.*
107. Senator R. Collins, 'Second Reading: Native Title Amendment Bill 1997', Senate, *Debates*, 25 November 1997, p. 9430.
108. Senator N. Stott Despoja, 'Second Reading: Native Title Amendment Bill 1997', Senate, *Debates*, 27 November 1997, p. 9721.
109. Senator D. Margetts, 'Second Reading: Native Title Amendment Bill 1997', Senate, *Debates*, 25 November 1997, p. 9425.
110. See, for example, G. Evans, 'Consideration of Senate Message: Native Title Amendment Bill 1997', House of Representatives, *Debates*, 6 December 1997, p. 12343.
111. C. Lawrence, 'Second Reading: Native Title Amendment Bill 1997', House of Representatives, *Debates*, 21 October 1997, p. 9409.
112. Senator N. Bolkus, 'Second Reading: Native Title Amendment Bill 1997', Senate, *Debates*, 25 November 1997, p. 9405.
113. See, for example, C. Evans, 'Second Reading: Native Title Amendment Bill 1997', 27 November 1997, *op. cit.*; and Senator P. Cook, 'Second Reading: Native Title Amendment Bill 1997', Senate, *Debates*, 27 November 1997, p. 9717.
114. G. Evans, 'Second Reading: Native Title Amendment Bill 1997', 25 September 1997, *op. cit.*
115. C. Evans, 'Second Reading: Native Title Amendment Bill 1997', 27 November 1997, *op. cit.*
116. J. Howard, Prime Minister, 'Consideration of Senate Message: Native Title Amendment Bill 1997', House of Representatives, *Debates*, 6 December 1997, p. 12 334.
117. See, for example, L. Ferguson, 'Second Reading: Native Title Amendment Bill 1997', House of Representatives, *Debates*, 22 October 1997, p. 9470; Senator N. Bolkus, 'Second Reading: Native Title Amendment Bill 1997', Senate, *Debates*, 25 September 1997, p. 8233; and Senator R. Boswell, 'Second Reading: Native Title Amendment Bill 1997', Senate, *Debates*, 25 November 1997, p. 9422.
118. L. Tanner, 'Second Reading: Native Title Amendment Bill 1997', House of Representatives, *Debates*, 2 October 1997, p. 9047.
119. Lundy, 'Second Reading: Native Title Amendment Bill 1997', 27 November 1997, *op. cit.*
120. Senator J. Herron, Minister for Aboriginal and Torres Strait Islander Affairs, 'Question without Notice: Native Title', Senate, *Debates*, 26 November 1997, p. 9491.
121. C. Pyne, 'Statements by Members: Native Title', House of Representatives, *Debates*, 1 December 1997, p. 11 610.

122. See, for example, P. Dodson, 'Address to the National Press Club', 28 November 1997, Canberra.
123. Minchin, 'Dodson wrong on Wik 10 point plan', op. cit.
124. Senator E. Abetz, 'Second Reading: Native Title Amendment Bill 1997', Senate, *Debates*, 27 November 1997, p. 9623.
125. Minchin, 'Dodson wrong on Wik 10 point plan', op. cit.
126. Abetz, 'Second Reading: Native Title Amendment Bill 1997', 27 November 1997, op. cit.
127. K. O'Brien on *The 7:30 Report*, ABC Television, 5 November 1997 (Parliamentary Library Parlinfo database).
128. Both advised the government that they did not wish to be considered for reappointment to the Council for Aboriginal Reconciliation for its third term. See Senator J. Herron, Minister for Aboriginal and Torres Strait Islander Affairs, 'Matters of Urgency: Council for Aboriginal Reconciliation', Senate, *Debates*, 10 November 1997, p. 8594.
129. Dodson, 'Address to the National Press Club', op. cit.
130. Phillips, op. cit., p. 166.
131. J. Howard, Prime Minister, 'Questions without Notice', House of Representatives, *Debates*, 26 May 1998, p. 3671.

#### Chapter Six: 'Practical reconciliation'

1. R. Hawke, *National Reconciliation: The Speeches of Bob Hawke, Prime Minister of Australia*, Fontana/Collins, Sydney, 1984, pp. 34–35.
2. C. Holding, 'Aboriginal Affairs', House of Representatives, *Debates*, 8 December 1983, p. 3485.
3. J. Howard, 'Aborigines and Torres Strait Islanders', House of Representatives, *Debates*, 23 August 1988, p. 139.
4. Senator F. Chaney, 'Aborigines and Torres Strait Islanders', Senate, *Debates*, 23 August 1988, p. 58.
5. See Council for Aboriginal Reconciliation Act 1991, section 5.
6. E. Johnston, *Royal Commission into Aboriginal Deaths in Custody—National Report*, AGPS, Canberra, 1991, volume 5, p. 57.
7. J. Hewson, 'Native Title Bill 1993: Second Reading', House of Representatives, *Debates*, 23 November 1993, p. 3405.
8. G. Gibson, 'Second Reading: ATSIC Amendment (Indigenous Land Corporation and Land Fund) Bill 1994', House of Representatives, *Debates*, 30 August 1994, p. 594.
9. See, for example, Council for Aboriginal Reconciliation, *Going Forward—Social Justice for the First Australians: A Submission to the Commonwealth Government*, Australian Government Publishing Service, Canberra, 1995, pp. 22–33; Council for Aboriginal Reconciliation, *Addressing Disadvantage—Key Issues Paper No. 5*, Australian Government Publishing Service, Canberra, 1994.
10. The author is grateful to Tim Rowse for this point.



11. Senator N. Minchin, 'ANTaR misrepresents Government's position on native title', *Media release*, 20 September 1997.
12. Senator N. Minchin, 'The future of Native Title and Aboriginal Reconciliation', Speech Notes, AIC Conferences: Working with Native Title and Reaching Agreement, 29 April 1998.
13. P. Worth, 'Second Reading: Appropriation Bills', House of Representatives, *Debates*, 5 December 1997, p. 12 229.
14. M. Phillips, *The Politics and Theology of Aboriginal Reconciliation*, PhD Thesis, Department of Philosophy, University of Sydney, 2003, pp. 269–270.
15. J. Howard, Prime Minister, Transcript of the Prime Minister the Hon. John Howard MP at the National Launch Indigenous National Literacy and Numeracy Strategy, Sydney, 29 March 2000.
16. See, for example: J. Kelly, 'Untapped potential of Indigenous Tourism', *Media release*, 26 July 2000; Senator J. Herron, 'Cubillo & Gunner Decision', *Media release*, 11 August 2000; P. Ruddock, 'Best wishes for reconciliation celebrations', *Media release*, 8 September 2000; Senator J. Herron, '450 Flushing Toilets, Fresh Water and Drainage for Torres Strait Communities', *Media release*, 23 October 2000; J. Howard, Transcript of the Prime Minister the Hon. John Howard MP, Melbourne Press Club Address, 22 November 2000; Transcript of P. Costello MP Treasurer, Doorstop, Melbourne, 3 December 2000; P. Ruddock, 'Labor exposed on Native Title Act', *Media release*, 9 April 2000; S. Stone, 'Darwin Bushcare Project Promotes Practical Reconciliation', *Media release*, 17 May 2000; and T. Abbott, Doorstop Interview, Mission Australia, Queanbeyan, 29 May 2000.
17. Thus not all speeches included in the content analysis use the actual term 'practical reconciliation'. This was so as to include all speeches which discuss or might be considered to be examples of the *discourse* of 'practical reconciliation'—that is, the idea that the reconciliation process should privilege efforts aimed at addressing Indigenous disadvantage—even though these might not all include the actual term. See Appendix II for further details on the methodology used in the content analysis.
18. J. Howard, Prime Minister, 'Aboriginal Reconciliation', House of Representatives, *Senate*, 27 May 1997, p. 4110.
19. Senator J. Herron, Minister for Aboriginal and Torres Strait Islander Affairs, 'Question without Notice: Aboriginal Reconciliation', *Senate, Debates*, 27 November 1997, p. 9646.
20. W. Snowdon, 'Local Government (Financial Assistance) Amendment Bill 2000: Second Reading', House of Representatives, *Debates*, 1 June 2000, p. 16 906.
21. J. Howard, The Australian Reconciliation Convention—Transcript of Opening Address, Melbourne, 26 May 1997.
22. Howard, 'Aboriginal Reconciliation', 27 May 1997, *op. cit.*
23. Senator H. Coonan, 'Answers to Questions without Notice: Aborigines: Stolen Children', *Senate, Debates*, 29 May 1997, p. 4008.

24. Senator J. Herron, Minister for Aboriginal and Torres Strait Islander Affairs, 'Question without Notice: Aboriginal Reconciliation', Senate, *Debates*, 27 November 1997, p. 9646.
25. Senator J. Herron, Minister for Aboriginal and Torres Strait Islander Affairs, 'Questions without Notice: Aboriginals: Stolen Generation', Senate, *Debates*, 3 April 2000, p. 13 110.
26. Worth, 'Second Reading: Appropriation Bills', 5 December 1997, op. cit.
27. Senator J. Woodley, 'Thirtieth Anniversary of the 1967 Referendum', Senate, *Debates*, 27 May 1997, p. 3758.
28. S. Bradfield, 'Citizenship, history and indigenous status in Australia: back to the future, or toward treaty?', *Journal of Australian Studies*, no. 80, 2004, p. 167.
29. W. Snowdon, 'Committees', House of Representatives, *Debates*, 6 April 2000, p. 15 516. See also records 1040, 1051.
30. P. Nugent, 'Aboriginal Land Rights (Northern Territory) Amendment Bill (No. 2) 1994: Second Reading', House of Representatives, *Debates*, 30 March 1995, p. 2557.
31. Howard, 'The Australian Reconciliation Convention—Transcript of Opening Address', op. cit.
32. See, for example, Senator J. Herron, Minister for Aboriginal and Torres Strait Islander Affairs, 'Question without Notice: Aboriginal Reconciliation', Senate, *Debates*, 10 November 1997, p. 8566; Senator J. Herron, Minister for Aboriginal and Torres Strait Islander Affairs, 'Native Title Amendment Bill: Second Reading', Senate, *Debates*, 27 November 1997, p. 9738; and Herron, 'Question without Notice: Aboriginal Reconciliation', 27 November 1997, op. cit.
33. See, for example, P. Ruddock, Minister for Immigration and Multicultural Affairs, 'Matters of Public Importance: Aboriginals: Reconciliation', House of Representatives, *Debates*, 30 May 2000, p. 16 540.
34. Senator J. Tierney, 'Motion of Reconciliation', Senate, *Debates*, 26 August 1999, p. 7836.
35. J. Howard, 'Practical Reconciliation', in M. Grattan (ed.), *Reconciliation—Essays on Australian Reconciliation*, Black Inc, Melbourne, 2000, p. 90.
36. *ibid.*
37. Senator J. Herron, Minister for Aboriginal and Torres Strait Islander Affairs, 'Questions without Notice: Aboriginal Reconciliation', Senate, *Debates*, 26 May 1999, p. 5451.
38. K. Hoare, 'Private Members Business—Aboriginals: Reconciliation', House of Representatives, *Debates*, 29 May 2000, p. 16 419.
39. R. de Costa, 'Reconciliation as Abdication', *Australian Journal of Social Issues*, vol. 37, no. 4, November 2002, p. 397.
40. See, for example, K. Beazley, 'Motion of Censure: Prime Minister', House of Representatives, *Hansard*, 3 April 2000, p. 15 024.
41. Phillips, op. cit., p. 159.
42. Transcript of the Prime Minister the Hon. J. Howard MP, Address at the National Reconciliation Planning Workshop, Old Parliament House, Canberra, 30 May 2005.

43. J. Howard, Prime Minister, 'Draft Document for Reconciliation', House of Representatives, *Debates*, 3 June 1999, p. 6015.
44. Transcript of the Prime Minister the Hon. J. Howard MP, Election Night Speech, Sydney, 3 October 1998.
45. Howard, 'Draft Document for Reconciliation', op. cit., p. 6015.
46. J. Howard, Prime Minister, 'Motion of reconciliation', House of Representatives, *Debates*, 26 August 1999, p. 9205.
47. P. Ruddock, Minister for Immigration and Multicultural Affairs, 'Motion of reconciliation', House of Representatives, *Debates*, 26 August 1999, p. 9216.
48. D. Kelly, 'Adjournment—Aboriginals: Reconciliation', House of Representatives, *Debates*, 6 June 2000, p. 17 162.
49. Phillips, op. cit., p. 123.
50. Most recently during his speech at the National Reconciliation Planning Workshop in Canberra in May 2005: '[Reconciliation] is about symbols as well as practical achievement'—Transcript of the Prime Minister the Hon. John Howard MP, Address at the National Reconciliation Planning Workshop, Old Parliament House, Canberra, 30 May 2005. See also John Howard, Prime Minister, 'Aboriginal Reconciliation', House of Representatives, *Debates*, 27 May 1997, p. 4110.
51. Howard, 'Motion of reconciliation', 26 August 1999, op. cit.
52. See, for example, J. Brett, 'Why John Howard can't say sorry', *Arena*, no. 50, Dec. 2000–Jan. 2001, pp. 35–41.
53. M. Gordon and K. Taylor, 'PM rejects key parts of Aboriginal declaration', *The Age*, 11 May 2000.
54. Senate Official Committee Hansard, Legal and Constitutional References Committee—Reference: Progress towards national reconciliation, 14 May 2003, p. 90.
55. Phillips, op. cit., p. 164.
56. *ibid.*
57. M. Dodson and L. Strelein, 'Australia's Nation-building: Renegotiating the Relationship between Indigenous Peoples and the State', *UNSW Law Journal*, vol. 24, no. 3, 2001, p. 833.
58. *ibid.*
59. W. Jonas, 'Reconciliation—Where to Now?', Speech delivered at the Sydney launch of the Social Justice Report 2001 and the Native Title Report 2001, 17 July 2002; and J. Borrows, 'Practical Reconciliation? Practical Re-Colonisation?', op. cit.
60. Council for Aboriginal Reconciliation, *Reconciliation: Australia's Challenge*, Council for Aboriginal Reconciliation, Canberra, 2000.
61. Council for Aboriginal Reconciliation, *Australian Declaration Towards Reconciliation*, Council for Aboriginal Reconciliation, 2000.
62. Council for Aboriginal Reconciliation, *Reconciliation: Australia's Challenge*, op. cit.
63. *ibid.*

64. Transcript of the Prime Minister the Hon. John Howard MP, Address at the National Reconciliation Planning Workshop, op. cit.

### Chapter Seven: Beyond 2000 and the conclusion of the reconciliation decade

1. CAR, *Reconciliation: Australia's Challenge*, CAR, Canberra, 2000.
2. D. Watson, *Watson's Dictionary of Weasel Words, Contemporary Cliches, Cant & Management Jargon*, Random House Australia, Milsons Point, NSW, 2004.
3. Senate Official Committee Hansard, Legal and Constitutional References Committee—Reference: Progress towards national reconciliation, 14 May 2003, p. 88.
4. Senator J. Tierney, 'Motion of Reconciliation', Senate, *Debates*, 26 August 1999, p. 7836.
5. Cited in J. Borrows, 'Practical Reconciliation? Practical Re-Colonisation?', Australian Institute of Aboriginal and Torres Strait Islander Studies Native Title Research Unit Issues Paper no. 27, 2004, p. 3. See also W. Jonas, 'Reconciliation—Where to Now?', Speech delivered at the Sydney launch of the Social Justice Report 2001 and the Native Title Report 2001, 17 July 2002; and M. Dodson and L. Strelein, 'Australia's Nation-building: Renegotiating the Relationship between Indigenous Peoples and the State', *UNSW Law Journal*, vol. 24, no. 3, 2001.
6. L. Behrendt, 'Filling the gaps and supporting the subversives: the role of philanthropic and corporate organizations in Indigenous self-determination', *Journal of Indigenous Policy*, Issue 2, 2002, p. 17. See also L. Behrendt, 'Self-determination and Indigenous Policy: The Rights Framework and Practical Outcomes', *Journal of Indigenous Policy*, Issue 1, 2002, pp. 43–58.
7. S. Brennan, V. Bosnjak and G. Williams, 'Rights-based reconciliation needs renewed action from Canberra', *Alternative Law Journal*, vol. 28, no. 3, June 2003, p. 122.
8. *ibid.*
9. J. C. Altman and B. H. Hunter, 'Monitoring "practical" reconciliation: Evidence from the reconciliation decade, 1991–2001', *Centre for Aboriginal Economic Policy Research (CAEPR) Discussion Paper No. 254*, 2003, p. 16. See also B. H. Hunter and R. G. Schwab, 'Practical reconciliation and continuing disadvantage in Indigenous education', *The Drawing Board: An Australian Review of Public Affairs*, vol. 4, no. 2, November 2003, pp. 83–98.
10. Altman and Hunter, 'Monitoring "practical" reconciliation', op. cit, p. 8.
11. L. Murdoch, 'The epidemic we cannot stop', *The Age*, 11 August 2005, p. 13.
12. Altman and Hunter, 'Monitoring "practical" reconciliation', op. cit, p. 16.
13. Steering Committee for the Review of Government Service Provision, *Overcoming Indigenous Disadvantage: Key Indicators 2005—Overview*, Productivity Commission, Canberra, 2005, p. 1.
14. See J. Gardiner-Garden, 'Commonwealth expenditure on Indigenous affairs 1968–2004', *Research Note*, no. 18, Parliamentary Library, Canberra, 2004–05.
15. Access Economics, *Indigenous Health Workforce Needs*, Report prepared by Access Economics for the Australian Medical Association, 2004, p. i.

## Endnotes

16. Altman and Hunter, 'Monitoring "practical" reconciliation', *op. cit.*, p. 14.
17. M. Phillips, *The Politics and Theology of Aboriginal Reconciliation*, PhD Thesis, Department of Philosophy, University of Sydney, 2003, p. 312.
18. *ibid.*, p. 319.
19. M. Grattan (ed.), *Reconciliation—Essays on Australian Reconciliation*, Black Inc, Melbourne, 2000, p. 5.
20. See, for example, G. Ring, 'ATSIC: The story of a political assassination', *New Matilda*, 13 July 2005.
21. See, for example, R. de Costa, *New relationships, old certainties: Australia's reconciliation and treaty-making in British Columbia*, PhD thesis, Institute for Social Research, Swinburne University of Technology, Melbourne, 2002; F. Nicoll, 'Backlash—Reconciliation after Wik', *Meanjin*, vol. 57, no. 1, 1998, pp. 167–217; and D. Short, 'Australian "Aboriginal" Reconciliation: The Latest Phase in the Colonial Project', *Citizenship Studies*, vol. 7, no. 3, 2003, pp. 291–312.
22. See, for example, Steering Committee for the Review of Government Service Provision, *op. cit.*

## Appendix II

1. Robert Tickner, 'Council for Aboriginal Reconciliation Bill 1991: Second Reading', House of Representatives, *Debates*, 30 May 1991, p. 4498.

## Index

- 'Aboriginal Peace Plan', 52–3
- Abetz, Senator, Eric, 128
- Aboriginal and Torres Strait Islander Commission (ATSIC), 16–17, 71, 83, 94, 96, 174n.15, 183n.15
- 'Aboriginal Peace Plan', 52
- apologies, form of words for, 105
- audit scrutiny, 101
- budget cuts, 101
- Chair, 49, 72
- disbandment, 158
- establishment, 11, 16
- parliamentary debates, 17, 26, 59, 60
- role vis-à-vis Council for Aboriginal Reconciliation, 31
- support for a national council, 27
- Aboriginal and Torres Strait Islander Heritage (Interim Protection) Bill 1984, 7
- Aboriginal and Torres Strait Islander Social Justice Commissioner, 43, 94, 146, 148, 155, 183n.15
- Aboriginal Development Commission, 16
- Aboriginal Tent embassy, 171n.49
- Aboriginal Treaty committee, 10
- ambiguity, 3, 4, 34, 59, 60, 86, 87, 103, 108, 110, 111, 112, 115, 117, 120, 126, 142, 153
- Anderson, John, 69, 119
- Anglican Church, 27
- apology, 105–6, 106–7, 111–12, 125, 144–5, 146, 152
- Beazley motion, 111–12
- attitudinal change, 32, 33, 35–7, 40, 43, 44, 60, 141, 142, 144, 148
- see also* parliamentary debates, key themes; reconciliation, relational
- Attorney General
- see* Lavarch, Michael; Williams, Daryl
- Australian Council of Trade Unions, 27
- Australian Declaration Towards Reconciliation, 148
- Australian Democrats, 17, 26, 33, 35, 42, 64, 87, 111, 113, 116, 118, 137, 139, 141, 142, 145, 151
- Australian Labor Party
- and land fund, 87, 89
- national conference, 1988
- and native title, 49–50, 62, 65, 65, 70, 71, 116
- parliamentarians, 33, 35, 36, 38, 39, 42, 43, 45, 59, 70, 88, 89, 90, 91, 111, 112, 113, 114, 115, 118, 123, 124, 126, 133, 136, 137, 139, 142, 151
- and reconciliation, 26, 62
- see also* Hawke, Bob; Hawke Government; Keating Government
- Australian Medical Association, 156
- Australian Reconciliation Convention, 105–7, 111, 140
- Barunga Statement, 13, 15
- Baume, Senator Michael, 37
- Beazley, Kim, 111–12, 114
- bicentenary (1988) celebrations, 6, 10–11, 154
- bipartisanship, 1, 17, 18, 23, 24, 29, 32, 39–40, 41, 42, 48, 66, 77, 85, 128
- general organisational support for, 26, 37

- land fund debates, 90–3
- Bishop, Senator Bronwyn, 67
- ‘Black Friday’, 57
- Bolkus, Senator Nick, 124
- Bradford, John, 90, 112, 121
- Brennan, Frank, 9, 12, 13, 171n.42
- Brennan, Roseann, 94
- Bringing Them Home* report, vii, 21, 99, 101, 104–5, 12
  - Howard Government response to, 105, 106, 113, 123
  - parliamentary debates, 107, 108, 109–11, 114–15, 138, 142
    - key themes, 108, 110, 113
  - recommendations, 105
  - terms of reference, 104
  - see also* stolen generations
- Britain (Great), 3
- Burke, Brian, 8
- Burney, Linda, 43–4
  
- Calvert, Senator Paul, 69
- Campbell, Graeme, 115
- Campbell, Senator Ian, 38, 39–40
- Cape York Land Council, 126
- centenary of Australian federation (2001), 25, 31, 32, 40, 57, 81
- Central Australian Aboriginal Media Association, 10
- Central Land Council, 13
- Centre for Aboriginal Economic Policy Research, 155
- Chamarette, Senator Christabel, 65, 88
- Chaney, Senator Fred, 36, 36–7, 133
- Charles, Bob, 67
- chronology of events, 159–62
  
- church leaders, 13, 26
- Coalition, 64
  - and land fund, 84, 85–6, 88, 89, 90
  - Mabo* discussion paper, 56
  - parliamentarians, 33, 35, 36, 38, 59, 66, 67, 68, 69, 88, 89, 91, 111, 113, 114, 117, 118, 122, 124, 125, 133, 134, 137, 138, 139, 141
  - representative on Council for Aboriginal Reconciliation, 34, 110
  - response to *Mabo*, 55, 56, 60, 65–71
  - see also* Howard Government; Liberal Party; National Party
- Coalition Government
  - see* Howard Government
- Coe, Paul, 44
- coexistence, 124–5
  - see also* reconciliation, relational
- Collins, Senator Bob, 123
- Confederation of Australian Industry, 27
- Constitution
  - possible amendments, 10, 80, 95
  - powers, 8
- Coombs, H.C. ‘Nugget’, 10
- Coonan, Senator Helen, 138
- Council for Aboriginal Reconciliation, vii, 4, 18, 20, 21, 47, 56, 84, 92, 97, 152, 183n.15
- ‘Aboriginal Peace Plan’, 52
  - booklet and video on reconciliation and native title, 72–4, 76
  - Chair, 9, 45, 49, 57, 71, 74, 94, 101, 127, 128, 147
  - Coalition representative, 34
  - disbandment, 149, 151
  - discussion paper, 27
  - Document for Reconciliation, Corroboree 2000, 146, 148

- document on reconciliation and the mining industry, 73–4, 76
- Eva Valley meeting, 56
- final report to Parliament, 148–9
- first meeting, 45, 71
- first report to Parliament, 72
- functions, 30–1
- land fund debates, 93
- members, 30, 43, 45, 55, 72, 76, 82, 88, 91, 110, 139
- native title debates, 71–4, 76–7
- object, 30
- and ‘practical reconciliation’, 147–9
- proposal for, 26–7
- and public policy, 79, 86, 93, 97
- relationship with Howard Government, 127–8
- role, 23–4, 51, 74
- social justice response to Mabo, 80–2, 84, 93–7, 134
  - proposals (*Going Forward*), 94–7, 187n.81
- strategic plan, 74
- vision statement, 61–2, 74–6, 93
- Wik* decision, 103–4
- Council for Reconciliation Act 1991, vii, 2, 19, 23, 25–45, 82, 91
  - enactment, 1, 45
  - introduction of Bill into parliament, 30
  - major provisions, 30–1
  - membership, 30
  - parliamentary debates, 23, 33, 35, 39, 41, 91, 133
    - key themes, 33–4, 59–60
    - reservations, 41–3
  - preamble, 31
- Council of Australian Governments (COAG), 54, 184n.81
- cross-party cooperation
  - see* bipartisanship
- Crowley, Senator Rosemary, 43
- de Crespigny, Robert Champion, 72
- Deane, Sir William, 115
- definitions
  - see* reconciliation
- Democrats
  - see* Australian Democrats
- Department of Aboriginal Affairs, 16
  - secretary, 44
- disadvantage
  - see* Indigenous disadvantage
- discourse/language of reconciliation
  - see* ambiguity; reconciliation, different meanings attached to; reconciliation, lack of meaning
- Dodd, Peter, 87
- Dodson, Michael, 146, 147–8, 154
- Dodson, Patrick, 9, 45, 49, 57, 71, 74–5, 94, 95, 101, 103–4, 106, 115, 127–8
  - resignation from Council for Aboriginal Reconciliation, 128, 147
- Downer, Alexander, 84, 85, 88
- Duffy, Michael, 49
- Duncan, Peter, 63
- Ellison, Senator Chris, 118
- Eva Valley
  - meeting, 56, 71
  - statement, 56
- Evans, Richard, 117



- Evans, Senator Chris, 123, 125  
Evans, Senator Gareth, 63, 64, 76, 116, 123  
Everingham, Paul, 7  
Exploring for Common Ground: Aboriginal Reconciliation and the Australian mining industry, 73, 76
- Farley, Rick, 18, 72, 76  
Faulkner, Senator John, 112, 122–3  
Ferguson, Senator Alan, 69  
Ferris, Senator Jeannie, 119  
Fischer, Tim, 55–6, 56, 68, 103, 117  
Flags Act 1953, 96  
Fraser Government, 5, 36, 127, 133
- Gallus, Chris, 90  
General Elections  
    1983, 5, 7, 8  
    1987, 10  
    1990, 14, 17  
    1993, 52  
    1996, 101  
Gibson, Garrie, 35, 88, 91, 91–2, 93, 134  
Gilbert and Tobin Centre of Public Law, University of New South Wales, 155  
Gilbert, Kevin, 44  
Giles, Senator Patricia, 45  
*Going Forward: Social Justice for the First Australians*, 94–7  
‘grass roots’, 37, 40, 141–2  
    *see also* parliamentary debates, key themes  
Greens, 64, 65, 87, 88, 151, 189n.43  
guilt, 13, 34, 36, 37, 61, 69, 87, 89, 105, 106, 108, 110, 111, 113, 114, 115, 118, 137, 162
- Hand, Gerry, 11  
    1987 ‘Foundations for the future’, 16  
Hansard records  
    number of mentions of term ‘reconciliation’, 2, 3  
Hanson, Pauline, 101, 115  
Harradine, Senator Brian, 116  
Hawke, Bob, 2, 5, 7, 9, 11, 132  
    bipartisan approach, 26  
    establishment of formal process of reconciliation, 15  
    1983 election, 5, 7, 26  
    1987 re-election, 10  
    1988 Australia Day address, 12  
    1990 re-election, 17, 25  
    motion acknowledging nation’s Aboriginal history, 13, 171n.73  
    support for reconciliation council, 27  
    view on treaty, 15, 26  
    *see also* Australian Labor Party  
Hawke Government, 17, 18, 20, 25, 146, 152  
    backdown on land rights, 8–9, 10, 15, 18, 171n.42  
Henzell, Marjorie, 63  
Herron, Senator John, 68–9, 105, 111, 120, 121, 126, 136, 140–1  
Hewson, John, 26, 64  
    view on native title and reconciliation, 65–6, 67, 133  
historical injustice, 64, 83–4, 93, 110–11, 114, 146, 152, 156  
history  
    *see* Indigenous culture/heritage/history; *see also* historical injustice  
Hoare, Kelly, 141  
Holding, Clyde, 5–6, 7, 132

- land rights, 8–9, 63, 70, 171n.42
- 1983 election campaign, 8
- Howard Government, 20, 21, 101–29
  - native title, 122–3
  - post 1996, vii, 35, 66, 97, 99
  - practical reconciliation, 99, 131–49, 152, 155
    - ‘Ten Point Plan’ response to *Wik* decision, 103–4, 105, 106, 116, 117, 127
    - view on Council for Aboriginal Reconciliation’s social justice agenda, 97
    - see also* Coalition; Liberal Party; National Party
- Howard, John, 13, 92
  - Australian Reconciliation Convention speech (1997), 105–7, 109, 134, 140
  - National Reconciliation Planning Workshop speech (2005), 149, 197n.50
  - 1999 Ridgeway motion on reconciliation, 145–6
  - opposition to ATSIC, 16–17
  - recognition of different views of reconciliation, 129
  - symbolism, 132–3
  - view on apology, 105–6, 106–7, 111, 114
  - view on reconciliation, 109, 110, 111, 120, 136, 138, 140, 141, 143–4, 145
  - view on native title, 115–16, 117, 118
  - view on treaty, 13, 14, 38
- Howe, Brian, 80
- Huggins, Jackie, 43
- Hulls, Rob, 36
- Human Rights and Equal Opportunity Commission, vii, 99, 101, 104–5, 115
- human rights, 16, 56
- Independents, 112, 113, 115, 116, 118, 126
- Indigenous children, separation from families, 28
  - see also* *Bringing Them Home*; stolen generations
- Indigenous culture/heritage/history, 29, 30, 32, 33, 34, 36, 75, 84, 93, 96, 114–15, 140–1, 148, 152, 158, 175n.50
- Indigenous disadvantage, 1, 6, 14, 29, 31–2, 33–5, 61, 66, 68, 80, 84, 85, 88, 93, 96, 108, 110, 114, 132, 133–4, 136–7, 140, 141, 143–4, 147, 151–2, 154–7, 158, 195n.17
- Indigenous Land Corporation, 83, 184n.22
- Indigenous Land Fund, 23, 24, 61, 79, 83–4, 184n.22, 184n.24
  - aim of, 83
  - passing of Bill, 93
  - major themes of parliamentary debates, 86–90, 133–4
  - Senate amendments, 92
- Indigenous rights, 37–40, 59, 109, 112, 117, 122, 124, 142, 146, 149, 151, 158
  - see also* parliamentary debates, key themes; land rights; self-determination; social justice
- Indigenous seats in the Parliament, 96, 97
- Indigenous views
  - reconciliation process, 43–5
  - social justice, 94
  - see also* Aboriginal and Torres Strait Islander Commission; Dodson, Patrick; Perkins, Charles; O’Donoghue, Lois; Mansell, Michael; Scott, Evelyn
- International Year of the World’s Indigenous People, 50
- interviews for research study, 19–20, 154, 165–7

- Jeanes, Susan, 121–2
- Johnston, Commissioner Elliott, 28, 29, 30, 31
- Jonas, William (Bill), 43, 148, 155
- Jones, Barry, 63–4
- Katona, Jacqui, 94
- Keating Government, vii, 9, 20, 134, 146, 152
- HREOC inquiry, 104
- native title legislation, 23, 24, 60–2, 69, 70, 71–2, 77
- 1993 re-election, 52
- response to *Going Forward*, 96
- response to *Mabo*, 48–50, 60, 117
- social justice response to *Mabo*, 77, 78, 79–97, 148
- see also* Australian Labor Party
- Keating, Paul, 48, 49, 53, 138
- reference to Council for Aboriginal Reconciliation vision statement, 61–2, 76
- view on *Mabo*, 54–5, 55, 60, 117
- view on land fund, 83–4, 86, 88
- view on native title, 58, 60–1, 65
- view on reconciliation, 55, 56, 57, 60, 62
- Redfern Park speech, 50–2, 60
- Kelly, De-Anne, 144
- Kernot, Senator Cheryl, 35, 42, 64, 72, 87, 111
- Kerr, Duncan, 39
- Kirby, Justice Michael, 102
- Knowles, Senator Sue, 39, 42
- land fund debates
- see* Indigenous Land Fund
- land rights, 7–9, 26, 33, 37, 39, 40, 41, 42, 147
- Labor backdown, 8–9, 10, 15, 18
- Labor policy, 8
- pastoral and mining interests, 8, 47, 49, 50, 52, 67, 72, 73, 117, 122, 124, 184n.22
- ‘preferred national land rights model’, 8
- special relationship, Aboriginal and Torres Strait Islander peoples, 47, 75, 87, 88, 93, 121
- state authorities, 54, 56
- treaty, 10–15, 26, 29, 38, 39–40, 44, 147, 148, 153, 174n.15
- see also* native title; *Mabo*; *Wik*
- Lavarch, Michael, 104
- Lawrence, Carmen, 124
- Liberal Party, 26
- parliamentarians, 34, 37, 38, 39, 41, 42, 67, 69, 70, 76, 84, 85, 90, 110, 119, 121, 127, 128, 141, 154
- see also* Coalition; Fraser Government; Hewson, John; Howard Government; Howard, John
- life expectancy, 155–6
- Lundy, Senator Kate, 123, 126
- Mabo and Others v. Queensland* (no. 2) (1992) 175 CLR 1 (‘*Mabo*’), vii, 9, 20–1, 23, 24, 45, 47–78
- Coalition discussion paper, 56
- Coalition Opposition response, 65–71
- Keating Government discussion paper, 54

- Keating/Commonwealth Government response, 48–50, 66, 77, 78, 79–97  
parliamentary debates, key themes, 61  
response to, Commonwealth v. states and territories, 54, 56  
criticisms of decision, 47–8, 67, 68  
*terra nullius*, 47, 49, 177n.2  
see also native title; Native Title Act 1993; Wik
- Mabo Ministerial Committee, 49, 52, 179n.44
- MacKellar, Michael, 67
- Making Things Right: Reconciliation after the High Court’s decision on native title, 72–4, 76
- Mansell, Michael, 50
- McGauchie, Donald, 103
- McLachlan, Ian, 55, 56
- Miles, Chris, 11–12, 12
- Minchin, Senator, Nick, 120, 134–5  
mineral titles, 52, 54  
mining interests, 8, 42, 47, 50, 52, 73, 76, 117
- Minister for Aboriginal and Torres Strait Islander Affairs  
see Chaney, Fred; Hand, Gerry; Herron, John; Holding, Clyde; Tickner, Robert; Viner, Ian
- morality, 126–7, 157
- Morgan, Hugh, 50
- Mutitjulu people, 7
- National Aboriginal Conference, 10, 16, 171n.46
- National Farmers’ Federation, 27, 72, 76, 103
- national identity, 4, 32, 40–1, 62, 70, 89, 120, 141
- National Indigenous Literacy and Numeracy Strategy, 135
- National Party, 26, 38, 56, 68, 69, 89, 119, 144  
leader, 55, 69, 103  
see also Anderson, John; Coalition; Fischer, Tim
- National Press Club, 9, 74
- National Reconciliation Week, 110, 111, 112, 114  
first, 160  
national unity, 143–7, 158  
see also bipartisanship; national identity
- Native Title Act 1993*, 58–9, 81, 84, 170n.40  
criticism of, 118–19  
enactment, 71, 79, 102  
freehold and leasehold land, 103  
Howard Government proposed amendments, 103, 106, 116, 135  
Keating second reading speech, 61–2  
parliamentary debates, 23, 24, 40, 56, 58, 58–78, 79, 86, 89, 139  
key themes, 61, 133  
understanding of reconciliation, 59–60, 61  
pastoral leases, 102, 184n.22
- Native Title Amendment Bill 1997, 104, 116  
parliamentary debates, 116–26, 158  
key themes, 118
- native title, 1, 18, 146  
reconciliation link, 59–60, 61, 63–5, 67, 68, 107–8, 120–2, 126, 129, 151  
minister responsible for, 53, 120  
see also land rights; Mabo; Wik

- Nehl, Garry, 89
- New South Wales, 52
- New South Wales Government, 55
- Newell, Neville, 63
- Noonkanbah conflict, 5, 169n.13
- Northern Land Council, 13, 72
- Northern Territory, 54
- Nugent, Peter, 34, 42, 55, 56, 66, 67, 69, 88, 90, 91, 121, 139–40
- O'Donoghue, Lois, 49, 57, 72
- One Nation, 101, 115
- Panizza, Senator John, 69
- parliamentary debates, key themes, ix, 24, 32–4, 35, 36, 59–60, 61, 59, 86, 87, 89, 108, 110, 113, 118, 125, 133, 137, 140–3
- Parlinfo database, 19, 169n.6, 173n.103
- pastoral leases, 102–4, 117, 122, 124, 184n.22
- Pearson, Noel, 126
- Perkins, Charles, 44
- 'political correctness', 69, 115  
*see also* parliamentary debates, key themes
- Porter, James, 7
- practical reconciliation, 21, 66, 99, 106, 108, 109–10, 131–49, 152, 154, 155, 156–7, 195n.17
- and Council for Aboriginal Reconciliation, 147–9
- criticism of, 155
- early/first use of term, 132, 134, 135, 137–8
- history of, 132–4
- key themes in discourse, 137
- success of, 155–6
- vs. symbolism, 143, 157
- Productivity Commission, 156, 187n.81
- Prosser, Geoff, 68
- public policy, 76, 79, 81–2, 86, 92, 93, 97, 99, 106, 127, 131, 153–7
- Pyne, Christopher, 66, 76, 88, 126
- Queensland, 39, 52
- Rabuntja, Wenten, 13
- Racial Discrimination Act 1975*, 50, 52, 53–4, 54, 56, 58, 74, 75, 179n.34
- Randall, Don, 118
- Reconciliation Australia, 36, 151
- reconciliation debates  
*see* Council for Aboriginal Reconciliation Act 1991, parliamentary debates
- reconciliation process, chronology of events, 159–61
- reconciliation success indicators, 157–8
- reconciliation walk, 142, 144
- reconciliation  
definition, most common, 33
- different meanings attached to, 7, 12, 18, 25, 33, 57, 66, 68, 70–1, 77, 79, 85, 86, 89, 90, 97, 112–13, 125, 126–7, 129, 146–7, 151, 152, 156–7, 158
- first reference to, 5–6
- lack of meaning, 153, 157
- moral, 126–7, 157
- native title link, 59–60, 61, 63–5, 67, 68, 107–8, 120–2, 126

- practical, 21, 66, 99, 106, 108, 109–10, 131–49
- relational, 111, 112, 113, 119, 124, 125, 141, 152
- strategic use of term, 57–8, 86, 129
- vis-à-vis Indigenous rights, 37–40, 56
- Reconciliation: Australia's Challenge, 148
- Redfern Aboriginal Legal Service, 44
- Reith, Peter, 67
- research study
- interviews, 19–20, 154, 165–7
  - methodology, 19, 143, 162–4
  - parliamentary speeches, content analysis, 19, 112–13, 135–6, 151
    - results, 33, 34, 59, 60, 61, 76, 86, 87, 93, 107–9, 113, 117, 118, 136, 137
  - pilot analysis, 172–3
  - selection of records for analysis, 163–4
- Reynolds, Senator Margaret, 35, 39, 44, 82
- Ridgeway, Senator Aden, 141, 145–6, 154
- 'rights agenda', vii, 21, 29, 95, 112
- Riley, Rob, 53
- Royal Commission into Aboriginal Deaths in Custody, 16, 28–30, 35, 36, 43, 94, 96, 97, 133
- comments on reconciliation, 29–30, 31
  - major findings, 28–9
- Ruddock, Philip, 111, 141, 144
- Scott, Evelyn, 147
- Scott, Les, 90
- self-determination, 24, 29, 33, 37, 53, 69, 80, 146, 148, 158
- Senate Finance and Public Administration Committee, 92
- Shadow Minister for Aboriginal Affairs
- see* Gallus, Chris; Wooldridge, Michael
- Short, Senator James, 67
- Slipper, Peter, 69–70
- Smith, Tony, 118, 119
- Smith, Warwick, 110
- Snowdon, Warren, 38, 42, 139
- social justice, vii, 21, 24, 31–2, 65, 68, 79–97
- Council for Aboriginal Reconciliation view, 80–2, 127–8, 131
  - Howard Government, 101
  - Indigenous people view, 94
  - rights-based model, vii, 21, 29, 95, 97, 127, 134, 147, 148, 152, 155
- speeches
- as a form of political communication, 2, 3
- Standing Committee on Constitutional and Legal Affairs
- inquiry into options for a treaty, 10
- states' rights, 6
- stolen generations, 1, 109, 110, 114–15, 122, 141, 146, 152
- comparison with Wik/native title debates, 125–6
  - controversy of term, 168n.4, 187n.6
  - parliamentary debates, key themes, 110, 113
  - see also* Bringing Them Home report
- Stone, Sharman, 110, 119, 121
- substance abuse, 1
- Sydney Harbour Bridge, 142
- symbolism, 99, 106, 131, 132, 134, 137–40, 149, 197n.50
- vs. practical reconciliation, 143–7, 155, 157

- Tanner, Lindsay, 126
- Tasmanian Government, 55
- Taylor, Bill, 38, 39, 41
- television
- as a form of political communication, 2
- Tickner, Robert, 1, 15, 17, 25–6, 27, 30, 45, 50, 54, 70, 77, 92, 151, 164
- appointment as Minister for Aboriginal Affairs, 17, 25
  - garnering support for national council, 27
  - idea for national council, 26–7
  - reappointment as Minister for Aboriginal and Torres Strait Islander Affairs, 52
  - second reading speech on reconciliation Bill, 31–2, 33, 37, 38, 40
  - view on *Mabo*, 49, 62–3
  - view on land fund, 83, 85
  - view on native title, 62–3
  - view on reconciliation, 32, 36, 40–1, 50
- Tierney, Senator John, 141, 154
- ‘Towards Reconciliation in Australian Society’, 13
  - Towards Social Justice?, 183n.15
- treaty
- see land rights
- Truss, Warren, 38, 42
- Uluru, 7
- Victorian Government, 55
- Viner, Ian, 5, 127, 128
- WA Aboriginal Legal Service, 53
- Walker, Frank, 53, 64
- ‘welcome to country’ protocols, 154
- welfare dependency, 1
- Western Australia Government, 8, 9, 55
- Western Australia, 5, 88
- Wik Peoples and Thayoree People v. Queensland* (1996) 187 CLR 1 (‘Wik’), vii, 21, 99, 101, 101–4, 105, 124, 128
  - criticism of, 116, 117, 118, 147
  - Howard view, 117
  - Labor Opposition view, 122–3
  - parliamentary debates, 101, 115–16, 117–20, 142, 158
    - comparison with stolen generations debates, 125
    - key themes, 108, 118
- Williams, Daryl, 105
- Wilson, Sir Ronald, 115
- Woodley, Senator John, 139
- Wooldridge, Michael, 1, 44, 151
- view on Council for Aboriginal Reconciliation, 41–2
  - view on land fund, 92
  - view on *Mabo*, 49, 55, 56, 66, 67
  - view on reconciliation, 34, 35, 37, 66
- Worth, Trish, 68
- Wran, Neville, 2, 19
- Yunupingu, Galarrwuy, 13, 72