

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
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Canberra ACT 2600

Parliamentary Inquiry into Nationhood, National Identity and Democracy

Submission from the Older Women's Network Aboriginal Support Circle

Our group was established in 1994 during the Decade of Reconciliation which began when the Keating government legislated the Council for Aboriginal Reconciliation in 1991. In the introduction to our book *Steppin' out and speakin' up*, published in 2003, you can read: "The circle has evolved into a dynamic group of older women, both Indigenous and non-Indigenous, working together to understand and support Aboriginal initiatives in social justice, health, education, the arts and issues of concern to Aboriginal people."

There are many matters covered in your Discussion paper that concern us, but our submission will concentrate on the vitally important place of true and just recognition of our First Nations people in healing our **nation**, validating our **national identity** and fostering true **democracy** in Australia.

The *Uluru Statement from the Heart* should be a central document in your deliberations. Recognition of Indigenous Australians gets a few brief mentions in your Discussion paper, but it is the *sine qua non* for genuine nationhood, national identity and democracy. To quote it: "How could it be ... that peoples possessed a land for sixty millennia and this sacred link disappears from world history in merely the last two hundred years? ... [Our] sovereignty is *a spiritual notion: the ancestral tie between the land, or 'mother nature', and the Aboriginal and Torres Strait Islander peoples who were born therefrom, remain attached thereto, and must one day return thither to be united with our ancestors. This link is the basis of the ownership of the soil, or better, of sovereignty.*⁽¹⁾ It has never been ceded or extinguished, and co-exists with the sovereignty of the Crown. ... With substantive constitutional change and structural reform, we believe this ancient sovereignty can shine through as a fuller expression of Australia's nationhood."

The next section of the *Uluru Statement from the Heart* makes us face the terrible consequences of European settlement in Australia: "Proportionally, we are the most incarcerated people on the planet. We are not an innately

criminal people. Our children are aliened from their families at unprecedented rates. This cannot be because we have no love for them. And our youth languish in detention in obscene numbers. They should be our hope for the future. ... These dimensions of our crisis tell plainly the structural nature of our problem. This is *the torment of our powerlessness.*”

Professor Emeritus Genevieve Lloyd⁽²⁾ has commented: “What if the ongoing tragedies of Australia’s treatment of refugees and of its Indigenous peoples are seen as, conceptually, two sides of the one coin — facets of a flawed imagining of national identity, both grounded in a failure to engage in truth-telling? While attitudes towards refugees in Australia were hardening, historians were increasingly revealing the previously denied realities of the resistance to dispossession offered by Indigenous peoples — and of the accompanying massacres perpetrated by settlers. At the same time, evidence of the deep time of Indigenous presence on the continent — and the cultural depth of that presence — has become undeniable. What European settlement tried to displace was not an uncivilised form of humanity, doomed to extinction and incapable either of managing the land or of resisting its occupation. It was a highly developed system of knowledge and practices that had responded to environmental change over a period of 60,000 or more years. This is a great deal for the consciousness of non-Indigenous Australia to absorb.”

The Uluru Statement has the solution: “We seek constitutional reforms to empower our people and take a rightful place in our own country. When we have power over our destiny our children will flourish. They will walk in two worlds and their culture will be a gift to their country. ... We invite you to walk with us in a movement of the Australian people for a better future.”

To continue Professor Lloyd’s commentary: “In repudiating what seemed inadequate tinkering with the wording of the Constitution, the framers of the Uluru statement offered an alternative approach that had emerged from extensive consultation with Indigenous groups across the nation. Rather than seeking greater inclusion within a Constitution shaped by the dominant majority, the historically dispossessed Indigenous minority made an alternative offer to the national imagination: to include non-Indigenous Australians in a narrative of continuous human presence on the Australian continent.

“The offer came with a proviso: non-Indigenous Australia must first acknowledge the truth of past oppressive exclusions, and the ongoing effects of those exclusions. If there is to be non-tokenistic recognition, there must first be an exhaustive process of truth-telling and acknowledgement. It was a proposal of extraordinary generosity and powerful political potential; had it not been thoughtlessly dismissed by members of the government, it might have brought the nation together in meaningful reconciliation, grounded in genuine recognition. It might yet do so.”

Because a democracy cannot flourish unless the *Demos* – the People – is well informed, it is essential that constructive public debate about the issues raised in the Uluru Statement be fostered in traditional and social media. Truth-telling about the historic mistreatment of First Nations people is needed at every level of our national life, to eliminate the “Ah! Get over it!” attitude that is far too common. From early massacres to contemporary disregard for important cultural matters, and the legacy of that huge burden of oppression, disregard and neglect – ALL Australians must become aware of the consequences of Australia’s “black history,” so that the NEED for a national change of heart becomes apparent to all. Only then will it be possible to put the question of a Voice to Parliament to a referendum, and win the desired response.

OWN ASC begs the Committee to advise the government that the following recommendations of the First Nations people be implemented as the best way to ensure the WHOLENESS of our nation and the INTEGRITY of our national identity

1. The establishment of a First Nations Voice enshrined in the Constitution – NOT legislated, and therefore able to be abolished by a future government, as ATSICC was.
2. The establishment of a National Makarrata Commission – akin to those already being developed by various State governments – to supervise a process of agreement-making between governments and First Nations, and **truth-telling** about our history.

Yours faithfully,

Pat Zinn, Convenor

Gai Smith, Secretary

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1. This statement is an adapted quote from the submission put by Mr Bayona-Ba-Meya, Senior President of the Supreme Court of Zaire, who appeared on behalf of the Republic of Zaire in the International Court of Justice in 1975 dismissing "the materialistic concept of *terra nullius*" substituting "a spiritual notion." Judge Fouad Ammoun, the Lebanese Vice-President of the International

Court, quoted the submission in his judgment in the *Advisory Opinion on Western Sahara*. This part of Judge Ammoun's opinion was then quoted by a couple of the judges in the High Court *Mabo* decision.

2. Rethinking Australia's borders / Genevieve Lloyd, 27 February 2019. <https://insidestory.org.au/rethinking-australias-borders/>