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Constitutional Recognition of Aborigines and Torres Strait Islanders

Address by Mick Gooda,
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It's nice to be in a place like this on a Sunday morning. I'm a Gungaloo man from Central Queensland. On my country there's a big mission called Woorabinda, and that's my grandmother's country. We, like most tribes around Australia, have matriarchal lineage rather than patriarchal. So I follow my mother's mother. There were two Sisters of Mercy out there for about 25 years, Sister Nora and Sister Mary. In places like Woorabinda there's a gathering of churches and we really appreciated the efforts of Sister Nora and Sister Mary because they were just there to help. They didn't impose anything on the community and it was a great a lesson for everyone who went out there to see how those two nuns did their work. They're part of the community now. It's so embedded.

I'd like to pay my respects to the traditional owners on the land where we sit today. Every time I go anywhere my Elders - and I've got Elders, you know, I'm not the oldest - told me to say, pass on our salutations for their continued fight for their land and their country and their culture.

I came into this job just over two ago. I've got three years to go. We get appointed for five years. I'm based in the Human Rights Commission. There are now six Commissioners. There's the Human Rights Commission President. We have an Age, Race, Sex and Disabilities Commissioner plus me, so that's the six of us. When I came into this job I really struggled for a fair while to think, what am I going to do? I've got to have an agenda. And I thought I had to have that on day 1, the Monday I fronted up in the place. And it was really hard. I got really scared because I didn't have an agenda.

After a while I realised it would be pretty indulgent if I turned up in the place, in a job I didn't know, with a whole agenda over the five years about what I was going to do. So Liz Broderick, who's the Sex Discrimination Commissioner said, "Mick, just get your feet under the desk and it will come to you." I did a whole lot of travel around Australia and it finally came to me. And I realised I couldn't pick an issue like education or health or employment or fixing the criminal justice system and think that's going to be fixed in five years. I've said in speeches those things confronting us are almost nation-building exercises and they're inter-generational. So it's not going to be fixed in five years, which gave me other quandaries. **

But then I started thinking about relationships and I focussed on that and I talk about relationships at three levels. One, between Aboriginal and Torres Strait Islander people and the rest of the population. That allows me to talk about the Constitution. That's high on my agenda. I've made it fairly clear, Constitutional change, recognising Indigenous people is really going to be integral to my time in this job, but it also allows me to talk about racism. We've got to confront racism. I get annoyed all the time when we say we're not a racist country. I think all countries are racist in some sense. A friend of mine once described Australia like an alcoholic who won't admit that it's a problem. And once we admit there's a problem we can actually work on it.

I spent about 12 years in WA and worked with Geoff Gallop who I think is one of our great leaders. He actually chaired the Anti-Discrimination Committee for WA, and I challenged him once. I said, "Do you know Geoff, we really like to see a school come out and say there are problems with racism here, but we never see it because once they say there is a problem we can sort it. We can work on it but everyone seems to think it's okay"

Helen Szoke, the Race Commissioner, has now been tasked with heading up the development of an anti-racism strategy to the Federal Government

initiative. So you'll probably be hearing a lot more about that over the next few years.

The second level of relationship I think is really important. It's between Aboriginal people and Government. I'm happy to talk about the intervention when I finish on the Constitution. But I lived in the Northern Territory. I was living there in 2007. Pat Anderson, who co-authored the *Little Children Are Sacred* report, was the Chair of the Cooperative Research Centre for Aboriginal Health, so we worked together a lot on that report. Pat and Rex did consultation with everyone - they met with women, they met with men, they met with kids, they met with youth. They met with perpetrators of violence and everyone, basically, gave them one message - we've got to own this problem but we've also got to own the solutions.

In the first recommendation of *Little Children Are Sacred* it says both governments, Northern Territory and Federal governments, have got to engage with the Aboriginal community on this. And what we saw in the intervention was absolutely the opposite of that. I think it will be a continuing shame on this country's history that we actually turned the army against our own people. My daughter was seven at the time. She and I drove from Darwin to Nullumbuy, about a day and a half through the outback. It was pretty eerie to drive up that road and be overtaken by army vehicles all the way up. It was even a bit funny! So that's led to this breakdown in relationship between Aboriginal and Government - the trust is not there. I'm not romantic, but I tell you if you don't have relationships based on trust they will eventually fail. So the idea we've got to build here is trust and, like I say, I'm happy to talk about the intervention and what our views are on the new legislation being put before Parliament at the moment.

The third layer of relationships is ours. It's the relationship between Aboriginal and Torres Strait Islander people ourselves, and it's something we've got to sort. About six, seven years ago, my last job was in Canada and we came across this concept of lateral violence. I wrote about it

extensively in my two reports last year, the *Social Justice* and the *Native Title Reports*, about how we treat each other. Lateral violence is described as bullying, jealousy, gossiping, back-stabbing; the stuff that happens in society everywhere. And it happens everywhere, trust me. It's particularly acute in Aboriginal and Torres Strait Islander communities because of the phenomenon around the world of oppressed people eventually internalising oppression and oppressing themselves and taking on the behaviours of the oppressors.

So, I met with the Prime Minister last Wednesday and we were talking about politics and I said, "I can understand the problem you're having but try Aboriginal politics for a while, what that's like." So it's fairly confronting but we've got to work at it. Yesterday I was down at the Aboriginal Legal Service, the New South Wales Legal Service, talking about this. I'm going to run a risk talking about this issue because it could be just seen as another dysfunction Aboriginal people have, amongst a whole lot of other dysfunctions. But I haven't run across one Aboriginal or Torres Strait Islander person that said, "Don't do this." We could have been accused - I could have been accused of blaming victims and all that but there's an appetite within the Aboriginal community to sort this out and it has to be sorted, and it's nothing Government can do. Government have got to keep their hands out of this. So I'll keep on working at those three levels.

If I could talk about Constitutional change for a moment. People like Wes Patton and William Cooper back in the 30s talked about this. We really need to recognise Aboriginal and Torres Strait Islander people. If you look at the history of the Constitution, it's a document of its time, and we say Aboriginal people were excluded from the conversation in the development of the Constitution. We were excluded from the process to adopt the Constitution. We didn't vote for it. And we were actually excluded in two sections. So we have a history of exclusion in the Constitution. Before 1967 the Commonwealth couldn't make laws for Aboriginal people and we weren't counted in the Census.

My young sister was born in September 1967 and she said, "You know I just realised I was the first Gooda kid born to be counted as an Australian citizen." So it's real, you know. I was on a phone interview a while back with one of those shock jocks, and he's having a bit of a go at me and we're having a bit of a go. I related that to him and he said, "Well I was born in 1955 and I was an Australian citizen." I said, "Well, I was born in 1956. I don't know what I was." And that's when he said, "Okay, that's good enough. I'm going to vote for the change." And I've got it recorded. So somewhere down the track he said he'd give them his vote. I can hold him to this.

You know, John Howard said in 2007 if he got re-elected he would hold a referendum on recognition. We tried it in 1999 with the Republic thing and it was lost. We got that Les Murray to actually write the values of Australia in a preamble. So last election both parties, major parties, committed to this. Early last year, or late 2010, the Government appointed a panel, an expert panel. I was lucky enough to be asked to be on it, and we were tasked with consulting with the Australian public to see what form recognition should take. And we reported to the Prime Minister January last month and gave her a report. I'll go through some of that in a moment but we went out and consulted widely.

We had over 250 public meetings. We received 3600 submissions. We visited about 100 locations around Australia. We can't talk to everyone. We tried. But people overwhelmingly said to us that recognition, basically, isn't an issue. We set ourselves four criteria to help us form our recommendations. It had to be of benefit and accord with the wishes of Aboriginal and Torres Strait Islander people. It had to contribute to a more reconciled nation. And it had to be capable of being carried by an overwhelming majority of Australians and it had to be technically and legally sound. Whatever we recommend, we set ourselves those four criteria.

When we talked to Aboriginal people they said, "We want something substantive. And the very least we want is to fix up those sections that

have been used against us.” As it stands now there are two sections in the Constitution that allow discrimination on the basis of race. Look around the world and we have - there’s not too many Constitutions of nations that even mention race anymore. And is race really something that’s appropriate to discuss in the 21st century and what does it reflect for us as Australians?

Section 25 allows States to disqualify people from voting on the basis of race. The last time we know that happened was in the 1960s in Queensland up around the Gulf Country where the white people were a bit concerned that if all these Aboriginal people voted for one person they’d probably elect them. So the State fixed that up and just disqualified Aboriginal people from voting. But that applies to anyone, any race in Australia can be disqualified from voting. And Section 51(xxvi) was the one that before 1967 didn’t allow the Commonwealth to make laws for Aboriginal people. But at the moment it gives what we call a head of power to Government to make laws for any race for whom special laws are necessary.

A couple of weeks ago, Keith Windschuttle wrote an article about what we were proposing. As a historian he really needs to go back to school, I think, because he made a couple of statements that were just absolutely incorrect. The first one said Section 51(xxvi) wasn’t racist. Well, all we had to do was go and look at Hansard. Our first Prime Minister Barton, basically said we need this power to make laws for the lesser and darker races to control them. Windschuttle also made that statement about discrimination. He said we have a Race Discrimination Act. Yes, it’s been there since 1965. It’s been compromised three times. And every time it’s been compromised it’s been around Aboriginal issues. So we don’t have much faith in a statute like that.

The third thing he said was about the High Court, Section 51(xxvi) We wouldn’t have a head of power to allow the Native Title Act to be established without Section 51(xxvi) or things like Heritage Protection Acts that we see around the States, but he said it can only be used for

the benefit of Aboriginal people. Well actually in 1998 the High Court decided it was silent on that. So the Commonwealth can make laws that are both are beneficial and detrimental to any particular race. So Keith was pretty wrong on a whole lot of things and I suggested to an Australian journo that interviewed me about this, maybe you want to start taking some money off him because he's not actually being very good here, and it doesn't take a lot of research to find that stuff out.

What we recommended: we decided not to go with the preamble for a couple of reasons. One, Aboriginal people told us we don't want it in the preamble, we want it in the body of the Constitution, Otherwise we'd have to write a new preamble, because what passes as the preamble to our Constitution actually isn't ours to change. It's part of a British Act that set up the Australian Constitution. So we figured if you did that you could say a lot more things besides recognising Aboriginal people. We could talk about values, our commitment to the rule of law, commitment to democracy and we'd end up in the same debate we had in 1999, about what form the preamble should take and I think Aboriginal issues would have got swamped in that. So we decided not to go with the preamble.

We decided to recommend repealing 51(xxvi) and Section 25. You'll find general agreement with Section 25. The Liberal Party tells us that they're happy to support that. And someone described it as an elegant solution, with the repeal of Section 51(xxvi), to actually create a new Section 51A which would give the Commonwealth power to make laws for Aboriginal and Torres Strait Islander people. But before that - that's where you would put the preamble, and it would recognise a continuing connection to land, recognising the prior occupation before 1788, the recognising continuing connection to land and culture and heritage that sort of thing and then go on to this head of power.

We've recommended a non-discrimination clause, because once we started talking to Australians generally about this, they said we should actually be a bit pro-active and put this in there. So that's why we have that non-discrimination clause. People will say it's a backdoor way of

getting a Bill of Rights in. Well, our argument around that is if we had a Bill of Rights we'd mention women and people with disability. We'd mention sexuality, a whole a list of things you'd put in a Human Rights Bill, but in this one we mention race, colour and ethnic origin. That's the only thing we're saying you can't be discriminated against. Then there's another section about recognising English as the main language but then honouring the languages of the Aboriginal and Torres Strait Islander people. It's what we call a declaration. It doesn't have any power. So, basically, the only head of powers we're talking about is in the new Section 51A.

Some people say we've over-reached and I don't believe we have. I think we're being honest to the people who told us things. If you get yourself a copy of the report there's a whole lot of issues we decided not to go with. People raised the issue of specific seats like they have in New Zealand. We didn't go with that. People raised the issue of sovereignty. You talk to a hundred Aboriginal people, you'll find a hundred different ideas of what's meant by sovereignty. So it's hard to express. It's even harder to express it in a legal and technical sense as an amendment to the Constitution.

I think we actually devote more time in the report to what we didn't go with because it's going to be a historical document. Why didn't they do this? Why didn't they do that? And I think we haven't over-reached. But what we'll argue is the changes benefit everyone. Removing race out of the Constitution benefits everyone. It doesn't just benefit Aboriginal and Torres Strait Islander people.

I'm really enthused with referendums because it's when the people speak, not our politicians in Canberra. They are people we elect, but it's the people speaking. We've only had eight out of 44 questions succeed in referenda. And that's because we need what we called the double majority, a majority of Australians plus a majority in the States. It's pretty easy to run a no campaign. I think about 1977 when there was a no campaign run in Tasmania, Western Australia and South Australia and

they sank it. Doesn't matter what Victoria and New South Wales vote where the big populations are. We've got to be careful about this.

I'm going to leave the legal stuff to the lawyers. I can hold my own a little bit but it's not my job to do. What I'm going to argue is the relationships stuff and at an emotional level. I don't think we can entirely ignore this. Our heads rule everything in this life. Our hearts have got to be engaged as well. And I think what happens leading up to the referendum is going to actually settle the place Aboriginal people have in this country. It's the conversations we're going to have before the vote. I think about it as an opportunity this generation of Australians will get to say yes. And it's not an opportunity every generation gets. I think we've got to make sure it's right. We've got to have a discussion. The Prime Minister on Wednesday in her report to Parliament on *Closing the Gap* announced a \$10 million program to have a community conversation about this. So I'll be addressing forums like this forever I think, and it's going to be great. I love having the debates and talking to people about it.

I tell people - think about a Sunday morning, waking up when we've passed this. Think about how we all felt when Kevin Rudd apologised to the Stolen Generation. Think about that and multiply it by about 100 if we get this thing through and what it will say about this country. You know, we can reset this relationship and it needs resetting.

Finally, we've got to be part of this. So I think it's going to be a great opportunity to get in, have a conversation, convince people of the right thing to do. I'm not aiming majority and a bare minimum majority I think we should look at 90%. That's how Australians voted in 1967 for those two issues affecting Aboriginal and Torres Strait Islander people, 90%. The biggest referendum that passed by the biggest margin ever in Australia, the question about Aboriginal people.

I'm going to use this as my theme. There are two poems from Kath Walker, Oodgeroo Noonuccal. The first one is about her son that's called, funnily enough *My Son!* Her son Dennis was a wild boy, you know. And

the second one, it's the last verse out of the second one called **Song of Hope**.

It says it all for me. Kath actually wrote about reconciliation before anyone had even thought of the word.

My son, your troubled eyes, your puzzled eyes search mine.

Hurt and troubled by colour line.

Your black skin soft as velvet shine;

What can I tell you, son of mine?

I could tell you of heartbreak, and hatred blind.

I could tell you of crimes that shame mankind,

Of brutal wrongs and deeds malign,

Of rape and murder, son of mine.

But instead I'll talk of brave and fine

When lives of black and white entwine,

And men in brotherhood combine

This I'll tell you son of mine.

And the last verse of her *Song of Hope* is this:

To our father's fathers, the pain, the sorrow.

To our children's children, the glad tomorrow.

Thank you.

Questions and Responses

Q: You mentioned the fact that the question of political representation, a number of elected Aboriginal representatives in the Parliament was decided not to go with that. Was the reason for that because they didn't think that they'd get it up or they didn't believe it was necessary?

A: It was a bit of both. There's 22 of us on that panel and while we ended up with the unanimous report I must say there was some frank and open discussion. I think there was a line we didn't cross and I support it. I think it would lead to us being more separate and we were trying to create a reconciled country. That's not to say that there's different ways of electing people. You could get proportional representation like they have in South Australia, for instance. The other thing was we didn't think it would get the support of the majority of people we needed.

I think we're going to be even fighting a battle about saying we remove race from the Constitution but we've given a head of power to Government to make laws for Aboriginal and Torres Strait Islander people. It's a really hard argument. The critics are mainly talking about the non-discrimination stuff but we'll eventually get to that point where we're saying I'm trying to remove race, but then you make this head of power. But unless some lawyers can come up with a fancy way of doing it, like I said, basically, the Native Title Act would be made redundant if we didn't have a power, a head of power to make laws.

Q: Some people are saying it would be better not to have a referendum if there was any risk of it not succeeding. Are you saying we should go for it?

A: I'm in the camp that if there's any risk of it failing we shouldn't go. That's why I think we need this conversation to happen, so we build awareness and we discuss it. There'll be things like fights around barbecues and the front bars of hotels and people prowling the corridors of Parliament and, you know, a lot of hot air will be expended in this, but that's exactly what we need if this is going to succeed.

I think it's funny sitting in Parliament. I was down the other day to listen to the Prime Minister and Tony Abbot speak and, you know, on this issue it's the one thing they agree on. So it's not that narky stuff you see. We were constantly polling during the planning. News Poll came on board and did a fair bit of pro bono work for us; 80% of people support the recognition, support the non-discrimination.

Q: What is your opinion about bring young Aboriginal students to schools like Riverview and Joey's from the Aboriginal community. How is this working? Are they going back to their communities with their skills or are they just going to get brought into the mainstream?

A: I had a friend who is a mature aged student, who graduated as a doctor last year. She's from Melbourne, and she said, "I've got to pay the community back. You know I've got to go back out and work in the community." She said, "What do you reckon I should do"? I said, "I reckon you should go and open a practice up in Toorak." And she said, "Why?" and I said "Imagine all those rich white folk coming to an Aboriginal doctor. It would change minds."

I tell people I'm now living in the biggest Aboriginal community in Australia. It's Sydney. There are more Aboriginal people in Sydney than the whole of WA. So our kids going to St Joey's and things like Geelong Grammar, if they stay in the cities they're changing - they're fighting different fights. Recently I was at a meeting and this young kid who's an engineer and a lawyer, an Aboriginal fellow, "I want to fight for rights," And I said, "Mate, you're in there changing attitudes. We hear these things about Aboriginal people aren't very smart or can't work or don't like work. You're changing those perceptions. You're fighting a fight." And I think it's great that we do that and, of course, some people will go back to their communities and that's great too but I'm with my friend Shirley, go down to Toorak.

Q: I've just got one to make from the late Father Ted Kennedy. He was saying that in terms of attitude, the majority of people have not met an Aboriginal, haven't shaken hands with one. I know many people in that situation. And he said, "Until you can invite an Aboriginal to your table at home, you'll probably never change because there's an equalisation that goes on, there's a familiarity at a table and once you've done that then there's going to be a great change in your life." And I think that's a great challenge to make it your business to invite someone into your home.

A: I get a lot of people say I've never met an Aboriginal person. I say, "You probably have. You know, we come in all shapes and colours," but you're right. That's why I've decided to frame my thing around relationships. You've got to change the dynamics in these places and you've got to sit down and find we're not too different.

In the 80s I worked in Social Security, and we'd take people to Woorabinda. I'd go out there every fortnight and spend a day there doing work and then I decided to take the counter officers. Now, the counter officers are front line of any of these offices and, of course, someone from Rockhampton hears all these stories about Woorabinda. We'd leave about 6 o'clock in the morning. We'd stop at this little town called Duinga and have breakfast and they'd start getting a bit uneasy in their seat.

Then we'd hit the dirt road. Then they'd get a bit more uneasy. Then they'd go quiet because they've heard all these stories about Woorabinda. You come over this rise and then Woorabinda is down there and everyone of them said exactly the same thing, "It's a little town." I thought what were you expecting? And they'd go in and then they'd come back to Rockhampton and work on the counter and they'd say, "You know, we know these people. Why are people different out here at Woorabinda?" I said, "Well, we're on their country, you know." So it changed attitudes and you're right. That's how it's going to change.

Q: In Australia we're a sports-mad country and I think we need to roll out particular groups of people who have influence and I'm just thinking sports people. The other area that I'll just comment on is particularly older ethnic Australians, those that came out in the Post-War time, who often have hostility to young migrants and to Indigenous people. They've said "We've had it hard. So why should it be easier for people that come after us?"

A: We've had informal discussions with all the sporting codes, major sporting codes, cricket, AFL, NRL, they're on board. "Give us the word" they're saying, "And we'll totally be on board." You know, at the moment I think I'm amongst friends here talking about this. We've actually got to go and reach in to the people who disagree with this and for me that's the exciting bit, because I reckon I can sell them on it. I reckon we can have a go at this. Interestingly enough, a farming group in Queensland has been onto us saying, "Look, we're going to support this. We'll give you access to all of our members. We'll invite you to our meetings." These are farmers who you think wouldn't would be our natural allies but they've put their hands up. So I think we're going to get a lot of momentum but again it's the discussions we've got to have.

Q: I just wanted to ask your opinion on what happened about that incident in Canberra when there was the protest and the security people rushed Gillard away; do you know what was the background of that?

A: I've made comment that I think the behaviour was appalling. I won't endorse violence in any way. The underlying thing about that - it's like that staffer told someone in Canberra who told the Tent Embassy mob that Tony Abbot is down there and wants to dismantle the embassy. The thing that gets me about that is people like that staffer think they can still use us as a political tool and that's a disappointing thing for me. Let's just stir the blacks up and they'll go down and provide us a good opportunity protesting against Tony Abbot. I don't know whether they forgot the Prime Minister was in there too.

It's like the abolition of ATSIC. John Howard didn't say it first, Mark Latham said it. And it was during a time in his leadership where he got into a bit of strife about bringing the troops home from Iraq and copping a lot of flack and then just to divert attention said "I'll abolish ATSIC" and that became the issue.

It seems to me that people think we always become this political tool because emotions are pretty high, one way or the other.

Q: When I sit here with this group of people I feel they're listening to me. It's very positive and you think well why wouldn't people vote yes. But where do you expect there'll be groups that will mount an opposition or try and sabotage the whole yes movement?

A: There'll be - you can almost predict it. Why do we need to do this? And we're all one Australia, you know. We've actually got people working on a No Campaign just to work out the counter arguments. You know, we're one mob. What's all this business about? What about the Italians? And what about newly arrived refugees from Iraq? They'll run that line. What we've got to say is a line I particularly like: Australia as a nation is about 112 years old. Australia as a country is the oldest in the world and we have the oldest living culture here.

I went to really remote parts of Australia to talk about this and people in Central Australia were saying, "Look, we want people to understand our culture. They said, "We have a Constitution already, it's unwritten. But we've had a Constitution out here for years. We want people to not only say yes to this and understand our culture, we want them to share our culture. This is the Australian culture. What's the Australian culture if not this one? So when you see people dancing and all that you should be thinking, well, that's our culture." That's the message I was getting from people in Central Australia. Noel Pearson put it well- They asked what's different about Aboriginal Australia and he said, "We're the only dispossessed people in this country. That's what makes us different."

Q: Is there any more consultation or is there any consultation now with Aboriginal people and the Government?

A: There's a piece of legislation before Parliament now; it's the subject of a Senate Inquiry. People are saying we don't need any more legislation because the original stuff in 2007 had a sunset clause that expires in August this year. Unfortunately, you just can't stop things dead in its tracks. There's a whole lot of resources that have come to the Territory, like legal services, medical services that are depending on a continuation of legislation. So it has to continue. There was a six week period of consultation that we have been fairly critical of and in 2010 we wrote in my *Native Title Report* what we consider a Human Rights approach to consultation and we've used that as an assessment tool, and it almost fails on every count.

However we understand the time frames that are involved here but the legislation sets up lots of consultation. For instance, there are 73 communities involved in this. They'll all transition to Alcohol Management Plans. At the moment there's just a ban. The plan is that each community will start developing Alcohol Management Plans. The education measures are around these attendance plans. Some kids not going to school or parents in the school and Centrelink and then we'll have a conference and work out an attendance plan. And it's only when the parent is at fault that payment will be suspended. We have problems with that suspension of payment.

But, again it's consultation and our problem is that we just don't think the Government is capable of doing the proper consultation. They've got to tool themselves up a bit to get ready to do this. They're probably going to be talking with people who will have English as a second or third language - they're talking about things like attendance plans and compliance notices and all that. We are trying to get the process right, and we'll continue to negotiate with Government around this, but it's actually getting down to that point.

We've actually gone past this thing of cultural awareness. We're talking about cultural safety and cultural competence and cultural security even to the point where we're saying, maybe there should some form of accreditation for people to work in our communities because when the intervention started and those Government business managers went there, you might as well put some of them on Mars. You know, they've never known Aboriginal people and never lived in a remote community. I'm serious. You know, this is really, really solid cultural shock.

I've told this story about up in the Warlpiri Triangle there was - one of the communities, I think it was Yuendumu. There's this big compound with barbed wire on it and that's where these people live inside that compound. And this guy went up there and just - for some reason I think he was just scared and wouldn't come out. So the Warlpiri Mob gave him this name that equated in their language to an egg. An egg. And I said, "Why'd you do that?" and they said, "Because we know there's something alive in there but we don't know what it is."

And we've actually recommended they use our consultation principles - you need to give adequate time. You need to give resources. You actually need to talk to people who are going to be consulted, how the consultation is going to work. We're encouraging a whole lot of consultation around that. So while the six week was initially not enough and, like I say, we've been critical of it, the new legislation actually sets up lots of processes in there but, again, we have concerns about the Government's capability to do that. **

Q: For the last 225 years we've been using Aboriginal land and the normal practice is when you use someone else's land you pay rent for it. We haven't paid a cent for it over those 225 years. I think it's about time we started to pay billions of dollars every year to the Aboriginal people for the rent of the land, their land that we now use. It strikes me at first that would be real justice and a real acknowledgement of the fact that it is Aboriginal land and I think the perfect time to pay would be on the 26th of January every year.

A: I agree. Think about this: someone said to me one day when the Arabs took over the oils fields - and look at what they're doing - they're building ice fields in the middle of the deserts over there with the money they've got. Think about what's going out of the Pilbara. You need to go up and have a look. The average Australian would never understand what's happening up there. I've spent a fair bit of time in the Pilbara just to see the scale of operation. Now there are about 18, 19 big companies exporting iron ore. We went to Hamersley Iron (they mine Tom Price).

We talked to the guy who loads all the boats and he said - and iron ore is really dusty, it's like fine talcum powder that blows off it. And he said, "We had to work out how to manage dust. So we went down to Esperance and they've got an iron ore mine down there and they export iron ore through town. We just wanted to see what they do." And I said, "Did you learn anything?" And he said, "Well, that's a different scale of operation down there." I said, "What do you mean?" And he said, "Well they export about 4 million tonne of iron ore a year" and I said, "that's a lot" and he said, "We do it every six weeks!"

I'm on a couple of Boards. One is around this Australasian Centre for Rural and Remote Mental Health and we're looking at the effects of fly-in and fly-out. There's going to be some really awful social outcomes of fly-in and fly-out. Anyway we went up there and were shown this trailer. It was built to unload one piece of equipment off a boat. It will never be used again. It cost \$10 million to build that trailer.

With the mining tax we're actually in the throws of negotiating behind the scenes, whether there could be a percentage of the mining tax to go to a fund that would support Aboriginal people. But I agree with you, I think the 26th January would be really good to hand the cheque over.

Q: Thank you very much for your presentation, Mick. I was going to ask your point on two scenarios which I've observed. Was it Nicky Winmar the Aboriginal AFL player who spoke out Also Alan Jones on talkback radio

said, "We're not a multicultural country. We're multiracial." So I want your comment on both of those scenarios.

A: Nicky Winmar is our hero. He was being abused by Collingwood supporters. But I was in the UN last year, about this time we were over there, Australia was presenting and we took over Andrew McLeod. As a result of that, and the efforts of Michael Long and Nicky, AFL now has an anti-racism policy that's probably unequal throughout the world. The worst thing that can ever happen to a footballer now is to be seen to racially abuse someone. Eddie McGuire has been great. When they played that Sorry match and the Collingwood supporters were sarcastically singing sorry he went on the radio and said, "If you don't want to be part of this, leave our club. We're heading down this track."

So we have an overrepresentation in both Rugby League and NRL we should be proud of. You know, about 13% of players in AFL are Aboriginal and it's about 15%, a bit higher, in NRL. So we should be proud of that overrepresentation.

The second, I'm a great believer in multiculturalism and I think that's what makes this country great. I don't think it's multiracial at all. I think race is an outdated concept anyway.

I gave a lecture in Tasmania last year and talked about one night when I was in Melbourne and Greece played Australia in soccer. Lygon Street was just covered in Greek flags. Some were saying, "But they're Australians, they should be barracking for Australia." I said, "What! are you supposed to check out of all your cultural identity the moment you step foot in this joint?" That's what makes us great. You know, you're allowed to be proud of being Greek. You're allowed to be proud of being Aboriginal but we're still Australian. I think that's what multiculturalism means for me. We don't have to check out of our identity when we arrive here. Well, I was born here but when you were born here!

Q: Anyway I think we'll really have to pull up to a close because probably your driver is waiting for you downstairs. Just in case you may want to follow either the Human Rights Commission or Social Justice Commission there's a wonderful website and it will give you so much information.

A: It will be updated. FaHCSIA used to run it but now it's been handed over to Reconciliation Australia. So that's where you'll get a lot of information about these conversations and what is going to happen.

About Mick Gooda

Mick Gooda is a descendent of the Gangulu people of central Queensland. He is a senior executive with 25 years experience and a record of attaining high-level goals and leading multi-million dollar service programs and organisational reform.

Immediately prior to taking up the position of Aboriginal and Torres Strait Islander Social Justice Commissioner, Mick was the Chief Executive Officer of the Cooperative Research Centre for Aboriginal Health (CRAH) for close to five and a half years. Here, he drove a research agenda which placed Aboriginal and Torres Strait Islander people 'front and centre' in the research agenda, working alongside world leading researchers. His work at the CRAH empowered Aboriginal and Torres Strait Islander people to lead the research agenda in areas including: chronic disease management; skin infections; and promoting cultural change in hospitals to make them more appropriate to the needs of Aboriginal and Torres Strait Islander people.



Mick has extensive knowledge of the diversity of circumstance and cultural nuances of Aboriginal and Torres Strait Islander peoples throughout Australia. He has been actively involved in advocacy in Indigenous affairs throughout Australia and has delivered strategic and sustainable results in remote, rural and urban environments. Mick has played a leadership role in a range of areas including: Acting Chief Executive Officer of the Aboriginal and Torres Strait Islander Commission and Senior Consultant to the Aboriginal Legal Service (WA).

He is highly experienced in policy and program development in the public and community sectors.

Mick is also currently a Board Member of the Centre for Rural and Remote Mental Health Queensland, and is the Australian representative on the International Indigenous Council which focuses on healing and addictions. He also has an interest in the Lateral Violence Program in Canada and has been working closely with the First Nation people of Canada on the relevance of this program to Australia.

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