

## 190803\_Wyatt\_Garma\_Voices Panel

**Ken Wyatt** I want to begin by acknowledging the Gumatj people, Dr Galarrwuy Yunupingu. Let me say I'm delighted to be here today and I acknowledge and pay my respects to the Yolngu people whose country we're on today. To your member who represents you in the Northern Territory, Mark Guyula. I apologise for that message you received that is not the way I work. We respect your languages, your culture including your dreaming and creation stories. And I want to thank all those who are here today for having attended, because it's important.

When I received my Charter Letter, that all Ministers receive when they are given their role, my first point of achievement was to achieve constitutional recognition in the term of this government. And I, like Noel, remain optimistic, but I also want to thank Murray Gleeson for his speech. If you haven't had time to read his speech, read it. He provides the very salient points that we as a nation and we as governments have to consider in a way that will take us forward. Robert French equally, has come out strongly as a former High Court judge in making his views known. And then Noel, it was interesting you referring to the forgotten people. Because I also found of extreme interest the shifting position of people who when I first was involved in this told me we had no hope. People who said it would be too challenging. But it's not. Our story and our culture is both unique to each nation and shared across Australia. Whilst we form distinct kinship groups and nations there is so much that unites us to. Have stories. We've a rich tapestry together.

We stand today on Gulkula site. The auditorium that we are seated in today recognises Garrtjambal red kangaroo; the creative being who taught his people songs dances and ceremonies as he travelled over the land. I received a call, to ask me to bring my booka to celebrate the connection, with what my elders had given me and what is important on this site. Because our stories are interwoven. In fact you would have seen from my booka, it's made of four kangaroos including a red kangaroo or marloo as it's affectionately known in Noongar country. It has four tails that can be seen to point to the North, the East, the South and the West. We are all united in creating our future together no matter where we've come from.

As Minister, I have responsibility to reflect the views of Aboriginal and Torres Strait Islander Australians in many of the matters that come before government. And the theme for this year's Garma festival is so important. Pathways to our future. We all have a voice, and a role to play in determining our pathways forward and those voices never diminish. It doesn't matter where we are but when we speak and express our views then it is a reflection of our individual position, but more importantly our family. And equally that of our community from which we come because we often, by listening, gather broader understandings and knowledge of the things that must be tackled.

This site is connected with the actions of an ancestor and I apologise if I pronounce it wrongly Ganbulapula - who used his walking stick to disturb the bees then looked up to trace their flight. Looking up to the future, a future that has to be different to that of the past, we now have the opportunity to discuss and explore pathways together that are fair and just that recognises our place in this nation. That recognises the place of every Aboriginal community, every Aboriginal and Torres Strait Islander nation in Australia. It's a future for our youth, our children, our grandchildren and those who have yet to come.

Garma has a strong tradition of having honest discussions about issues impacting Aboriginal and Torres Strait Islander people and today you've seen that reflected in every

speech that we have heard. The power of the views, of those who have a vision for their community, and their region and our people; that those views that have been expressed may not always be palpable in being liked. But nevertheless, they are a reflection of a point in time that is underpinned by the histories of the past. But also equally, in the future directions that we need to take this nation.

I have come to Garma not just to talk to you but to listen to those honest discussions and I've appreciated all those that I've been involved in. It presents an opportunity to look at the future in resetting the national agenda, for our people with the Australian Government, and in fact, all tiers of government. I welcome the opportunity to hear from you about how we forge together. Because together, we have a story that weaves our traditions and our past into the present. It is who we are. As a nation, of Australians and Indigenous Australians, and working in partnership with Indigenous Australians in a true sense is absolutely critical, I want to say upfront that today I'm going to talk about that approach and not the outcomes we want to achieve. There are many opinions on the outcomes already but to ensure we can achieve the best outcomes we need to come together in genuine and earnest co-design. I've come to share some of those thoughts. To work them through. As a government minister I can put forward options without consulting or without co-designing. It is easy. It has been a history that we always do that. But that history doesn't sit comfortably with me and that's why I need to have the opportunity to take forward those things that reflect much of what is being said. I listened to Patrick yesterday and the comments that he made. This is a mammoth task. It is also important to ensure that each voice is heard and following these discussions, we'll provide more detail about the co-design process. But the ideas that are coming forward - we have to remember there have been five reports on this issue. There is no other topic that has had this many reports through parliamentary processes.

The government is committed to deepening partnerships with Indigenous Australians. The partnership between government and the coalition of Aboriginal and Torres Strait Islander peak organisations to co-design the Closing the Gap framework and targets is a great example of the way in which we can work together with Indigenous Australians having a seat at the partnership table, as equals, not only with the Commonwealth minister, but equally with State and Territory ministers. And I want to acknowledge Pat Turner in a particular way for her leadership in this space. Pat has been an integral part of driving this partnership along with her colleagues, which has been a game changer.

The inaugural meeting of the Joint Council of Closing the Gap was held in March this year and this is the first COAG Council to include include non-government members as equal partners in decision making. As of 1 July 2019 the coalition of peak organisations representing 41 organisations sit at the table. Whilst there is a lot of work to be done, I look forward to working in genuine a genuine partnership in the next phase of Closing the Gap with the coalition of peaks and other members of the agreement. This agreement has paved the way for governments to engage directly with Indigenous Australians on critical and important issues.

The Morrison Government is seeking to build on existing successful arrangements. And we're not going to start from scratch - I will work with Aboriginal and Torres Strait Islander Australians all over the country. As well as my state and territory colleagues to build on the work done in the past from community consultations, Joint Select Committees, discussions with elders and with expert panels. We have to create a space to celebrate our successes collectively and create a strong pathway forward for our generation and generations to come, we focus too much on the negativity. We have to learn to celebrate those things that

we achieved and where we are making incredible gains, because when I traverse this nation I see communities like this one achieving outcomes that are unparalleled in other areas and it is important that we consider all matters that work.

Garma is an incredible opportunity for all of us to listen about how we can articulate a voice and how we can ensure we are recognised in the Constitution as the oldest living culture. It's important to reiterate that co-design is not starting with a blank sheet of paper. Many of you already have done a lot of thinking about this. A lot of work had been done previously by the expert panel and Joint Select Committees. And I acknowledge we are building on this work.

As I mentioned before, the policy development about the voice won't be made in my office. They won't be made in my department. In fact, the development of the process itself relies on a close partnership with our people right across this nation. It's not an additional consultation. It is about finalising the models that we need. The process itself starts with conversations in forums like this so we can take this forward as equals. Co-design is based on mutually respectful relationships with one another. Our partnerships need to be based on mutual respect, mutual resolve and mutual responsibility. Indigenous Australians must be truly regarded as equal and active partners - involved and informed. And when I saw that transformation of the Mabo decision, I heard a significant leader in our nation say "there goes our backyards, there goes the litany of litigation". That didn't happen. What happened was an incredible transformation of the realisation that indigenous Australians had to sit at the table as partners in all of the negotiations. That the work that was commenced by many of the Indigenous leadership at the time realised a different approach. We still have areas where that is not working in the way that it was always intended and we will continue to push for that. This is why the process has not been articulated before these important discussions with Indigenous leaders are held. Our people need to be at the centre of any engagement. I personally envisage that there will be a multi-stage process as a first step, we need to work closely with leaders to build on the work to date. And then take the results of this test more broadly. And I'm committed to engaging with as many people as possible through this whole process.

I have committed to a parliamentary Working Group to engage across the Parliament and seek the counsel of Indigenous leaders to make sure that we get this right. What I want to do within the parliament is to find out those colleagues who are strong in their support and advocacy. I then need to know those who are rusted on in their views at the moment that there should be no recognition. Because I need to understand what is their opposing position in respect to why you cannot recognise the other half of this country on a birth certificate. The government will not pre-empt the process and the outcomes of these discussions.

From my perspective, as I said, there are many layers of the voice. I hear when I go into communities people saying to me who listens to my voice. We heard that very clearly from Denise this morning when she articulated the frustration of the Yolngu people in respect to your Territory government and the Commonwealth. Those are the voices that are critical in shaping the directions that we need to take if we are going to fix up the gaps in so many areas. We need to hear from Indigenous groups and organisations and communities. And the government is already engaging in both. We're seeking to build on the models that already exist. Empowered Communities are having an impact. They are involving people in direct decision making - Moody Park and other state and territory local design making arrangements - and not cut across this work because if we do that we disempower those groups that have been established for some time. This will better enable First Australians

to make decisions with governments on key matters for their community and region, determining local priorities and how to direct the work that needs to be done.

I want to turn to constitutional recognition. As I've mentioned before, the government is committed to recognising Aboriginal and Torres Strait Islander people in the Constitution. But let me share with you Lowitja O'Donoghue, who headed up ATSIC, the Aboriginal and Torres Strait Islander Commission, created a Section 13 Committee to look at the possibility back in the 80s of recognition within the Australian Constitution. Her proposition was challenged by many. And it was much more rigorous in opposition than it is today. And then we moved to a decision by John Howard to have a preamble within the Constitution. It was taken to a referendum and was lost. Subsequently, Kevin Rudd and Julia Gillard established the expert panel. And the expert panel consulted and produced a report that captured the thoughts and views of Australians on issues of not only recognition, but treaty, sovereignty and other matters that have been unresolved. That report had the opportunity of framing a set of words that could have gone to constitutional recognition. But instead a Joint Select Standing Committee was established. When Parliament was prorogued, a second Joint Select Committee was established. And then ultimately under Abbott, Morrison, there was another process established, more so under Tony Abbott. And we had the statement from the heart tabled with the Prime Minister of the day. And a colleague of mine quickly dubbed it the third chamber, which set the horses running in opposing and creating fear. To his credit he came out recently and apologised for doing that, which clears the way for those who use that as an excuse to leave it alone.

Prime Minister Morrison took this as an election commitment and said, provided there is consensus on an option for constitutional recognition, we will seek to conduct a referendum in the current term of the Parliament. The Prime Minister and the Leader of the Opposition have agreed to work together to achieve constitutional recognition for Indigenous Australians and I know that the Leader of the Opposition will outline his perspective this afternoon.

I'm also committed to working with the Shadow Minister for Indigenous Australians Linda Burney and Shadow Assistant Minister for Constitutional Recognition of Indigenous Australians Senator Pat Dodson, along with our leadership.

But what I want us to do is to make sure that we have a referendum that succeeds because we cannot afford a failed referendum and Noel made reference to it - a failed referendum would do what has happened to every failed referendum in this nation. It would halt the conversation for years to come. It would be detrimental for Australia as a nation and to the psyche of our people and certainly for all of us here today. I can't recall any constitutional question that failed ever being resurrected again. The last referendum was at least two decades ago on the republic. And that has not resurfaced. That is why it is critical to have the right words. We need to ensure it represents our people and all Australians. There is work in progress now that must not be undone to bring peace and healing. And we cannot underestimate the significance of including words in the Constitution, that recognises our place as first peoples. But we must balance that with pragmatism and real measures to create change for Indigenous Australians.

Let me say this process is not about political postulation, but about our people and our nation. I will be seeking further counsel from Indigenous leaders for their ideas and how to approach the way in which we will reach a final point for which we take a question to a referendum. To those outside government who are also keen to bring and be part of the solutions, I thank you.

A number of business leaders from the private sector including the Australian Business Council, the AMA and BHP, just to name a couple have contacted me stating their intention to work alongside governments and Indigenous people and their leaders to ensure a brighter future for all Australians, but more importantly for constitutional recognition.

It is important that we ensure that all Indigenous children and our young people can look forward to sharing in the economic and social opportunities afforded to all Australians, whilst retaining their culture, languages and culture and knowledge. And there are many opportunities to engage with this process over the coming months and I engage you to both listen and to be heard throughout the process. By working in partnership we will create a future that reflects the desires of Aboriginal and Torres Strait Islander people to have their voices heard.

There will be parallel work being undertaken, I had Andrea yesterday say to me when Pat was speaking, give the job to a woman and we will run all sessions parallel and we will achieve the outcomes at the same time. And we had a good discussion about the parallelism that has to happen. Because every voice is important and it's essential we keep sharing our thoughts.

But I want to acknowledge the speakers who have shared their stories over the course of Garma. And in particular I acknowledge Galarrwuy; I will acknowledge Mick Dodson who has a role as Treaty Commissioner for the Northern Territory; Pat Turner and June Oscar who are to speak, who'll be sharing their personal reflections as Aboriginal leaders at the moment. I think there is change in the air. I am pessimistic that we will achieve an outcome, optimistic sorry, I said the wrong word. I was listening to Noel when he was talking about pessimism and optimism. And I was quite taken by a couple of comments he made and I didn't mean to say that. I'm - I am totally optimistic. And I know and I believe we'll achieve it under three years.

But the government does recognise the importance of the voice to Indigenous Australians. The government has accepted all recommendations from the Joint Select Committee Report that Julian and Patrick chaired. The nation celebrate the idea of voice, treaty and truth during NAIDOC Week and we are beginning to take that journey to engage on all three issues. How we do it is important and critical.

Together, we need to keep exploring the details of a voice; it is a conversation that I'm keen to keep progressing because I recognise we each have different perspectives and different views. And I want to ensure that everybody has that opportunity but I don't wish to drag it out. The government is committed to working across, and with, all political persuasions to determine how the community wants us to move forward. What our community and Australia wants in the way of recognition within the Constitution that is real and meaningful. But more importantly, the parallel work of addressing the pragmatic needs on the ground of communities in the raft of areas that we've heard people cover in their addresses over these last two days.

I thank you for your time.