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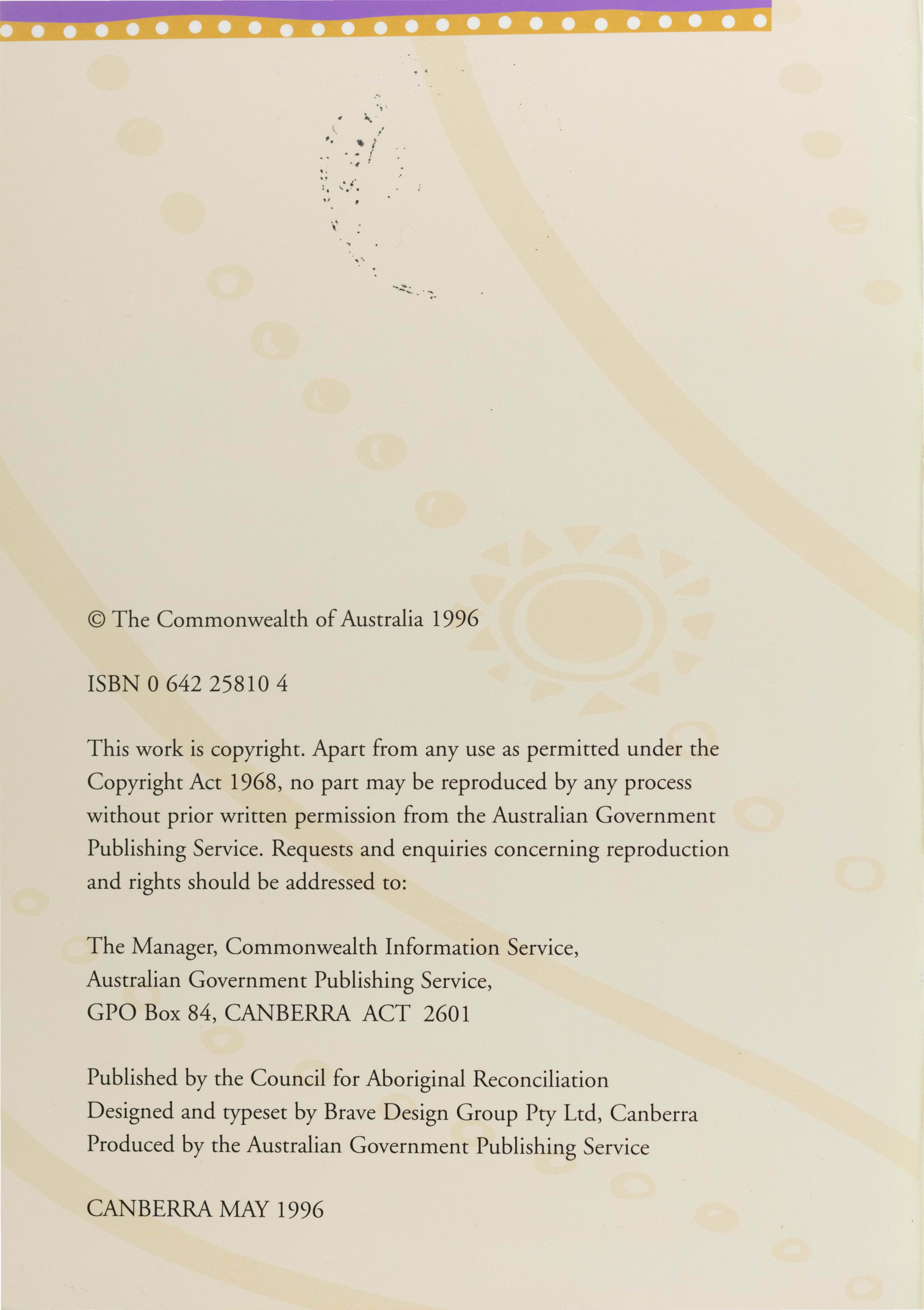


The Inaugural Vincent Lingiari
Memorial Lecture

*by Sir William Deane, Governor-General
of the Commonwealth of Australia*

Northern Territory University
August 1996

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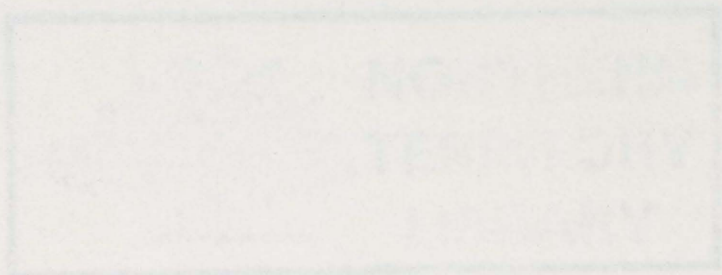
The Inaugural Lingiari Lecture

*Delivered by Sir William Deane
Governor-General of the Commonwealth
of Australia*

At the invitation of the Council
for Aboriginal Reconciliation

Darwin

Thursday 22 August 1996





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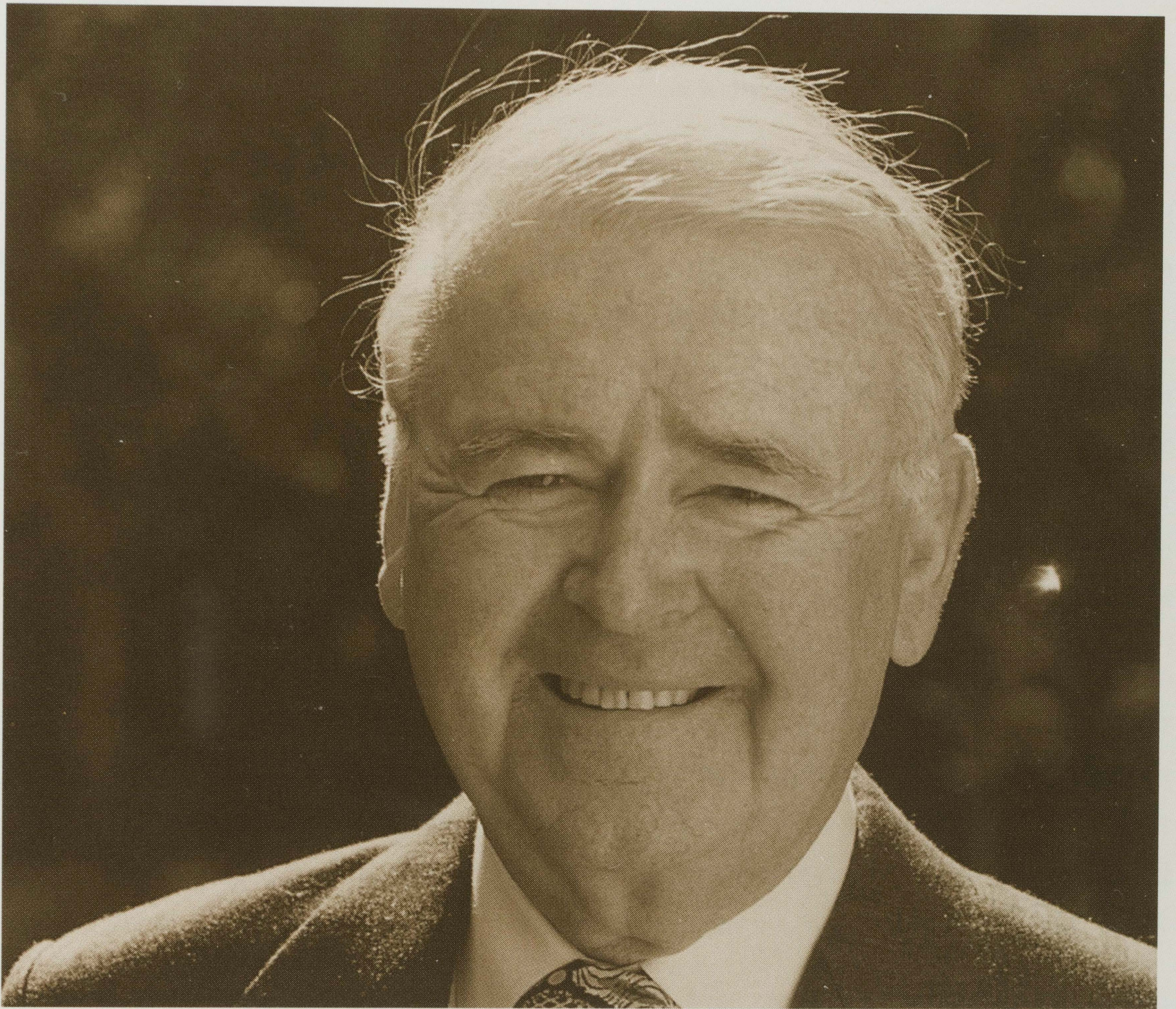
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SIR WILLIAM DEANE



Sir William Deane was born in Melbourne in 1931. He was educated at St Christopher's Convent in Canberra, St Joseph's College in Sydney and Sydney University, where he graduated in Arts and Law. He worked for a period with the Commonwealth Attorney-General's Department in Canberra before travelling to Europe where he studied international law. After his return to Australia, Sir William worked for a period with the Sydney firm of Minter Simpson and Co, and was called to the Bar in 1957. He was appointed Queen's Counsel in 1966. Sir William was appointed a judge of the Federal Court and President of the Australian Trade Practices Tribunal in 1977, and a Justice of the High Court of Australia in 1982. He was sworn in as Australia's 22nd Governor-General on 16 February 1996. Sir William and Lady Deane were married in 1965. They have two children, a son (Patrick) and a daughter (Mary).



FOREWORD

“From little things big things grow”

– Kev Carmody and Paul Kelly, songwriters

On 23 August 1966 Vincent Lingiari led members of his Gurindji tribe and other groups off Wave Hill Station, 600 kilometres south-west of Katherine in the Northern Territory, which was owned by the British Vestey group of companies, to a river bed nearby.

Most Australians at the time probably scarcely noticed this seemingly minor though highly unusual event, if they knew anything about it at all. Yet the ripples from the Wave Hill walk-off and strike were to keep travelling outwards across Australian society, gathering the force of a wave which eventually reshaped the agenda of relationships between indigenous Australians and the wider society.

The immediate catalyst for the strike was the refusal of Vestey's Manager at Wave Hill to meet Vincent Lingiari's request that Aboriginal stockmen be paid \$25 a week. But what was apparently an industrial dispute over appalling working and living conditions soon revealed itself as a demand by the Gurindji people for the return of their traditional lands.

Months after the original strike began, Vincent Lingiari led his people to establish a settlement at Wattie Creek, known to them as Daguragu, within the Wave Hill lease. When Lord Vestey attempted to get the Gurindji to leave Wattie Creek and return to work on the station, with inducements including money wages, Vincent Lingiari told him: “You can keep your gold, we just want our land back.”

The strike lasted seven years, and over that time a significant movement of political and practical support built up across Australia, linking in with the early beginnings of the renewed Aboriginal rights movements of the late sixties and early seventies. Finally, in 1975 the then Prime Minister, Gough Whitlam, handed back to the Gurindji people the rights to some of their traditional lands.

In early 1996, the Council for Aboriginal Reconciliation decided to mark the 30th anniversary of the Wave Hill walk-off by establishing the Vincent Lingiari Memorial Lecture. The inaugural lecture was delivered in August, on the eve of the 30th anniversary, by Australia's Governor-General, Sir William Deane, at the Northern Territory University.

In his lecture, *Some Signposts from Daguragu*, Sir William traces the story of the events at Wave Hill and discusses their historical significance. Most importantly, Sir William analyses aspects of the settlement at Daguragu which, he suggests, can be seen as "signposts" on the way to true national reconciliation.

As Australia's Governor-General, Sir William in a formal sense represents the nation as a whole. In *Some Signposts from Daguragu* he has done the nation a valuable service by drawing from the events at Daguragu some "guidance about the conditions and content of true national reconciliation". The eight signposts that he identifies provide a set of principles for a broader discussion about the essential features of what he calls a true national reconciliation.

Sir William closed his lecture by respectfully suggesting to:

Members of the Commonwealth Parliament, and State and Territory Legislatures, that they give consideration to affirming their support for true national reconciliation ...

The Council is pleased to publish *Some Signposts from Daguragu* as a significant contribution to national discussion about the reconciliation process.

Patrick Dodson

Chairperson

Council for Aboriginal Reconciliation

October 1996

At the outset, I acknowledge the Larrakia people who are the traditional owners of the land on which this University stands and I thank the representative of that people for the welcome he has expressed. I also acknowledge the Gurindji people whose representatives have travelled a considerable distance to be here this evening for this inaugural lecture which honours the memory of a great Gurindji elder. I note the guidance and assistance I have received in the preparation of the lecture from, among others, the persons and institutions mentioned in the first endnote.¹

INTRODUCTORY

William Faulkner once wrote that “the past is not dead and gone; it isn’t even past”. That statement was made with reference to racial tension. Nonetheless, it is a universal truth. The past is never fully gone. It is absorbed into the present and the future. It stays to shape what we are and what we do.

Thus it is that the story of Vincent Lingiari and of the events which have become known as the Wave Hill strike reaches into the early Gurindji dreaming when the ancestors cast the burden of responsibility which now bonds the Gurindji and their tribal lands. Vincent Lingiari was a Gurindji. That bond between his people and their lands was the core of his existence. It also provided the major part of the context and the key to an understanding of the Wave Hill strike. The other part of that context was the occupation by the Europeans of the Gurindji lands. Three or more generations on, by the time of the strike, that occupation had itself entered the dreaming.

The anthropologist, Dr Deborah Bird Rose, has recounted² a saga which was told to her by a leader of the Yarralin people of the Victoria River district of the Northern Territory and which was known over a wide area including the lands of the Gurindji. The saga relates how Captain Cook personally proceeded into the Northern Territory, killing and dispossessing Aboriginal people and requiring them to work for little or no pay. It is an allegory in which the application of European law is shown to have been aberrant in that it lacked the moral basis which characterises true law. According to Dr Rose, the Yarralin hoped, by recounting the saga, to persuade non-indigenous Australians to bring the non-indigenous law back to a moral basis under which Aboriginal culture and land rights would achieve due recognition and respect.

In truth, of course, the Yarralin saga of Captain Cook is as much an accurate summary of historical fact and past legal perceptions as it is a fictional personification of the type which characterises true allegory. The Europeans who came to Australia after Captain Cook and whom he personified in the saga did dispossess, with violence, traditional owners who vainly sought to defend their tribal lands. The contemporary European law, based on a fallacious assertion of *terra nullius*, was aberrant in that it was a travesty both of truth and of the underlying morality which characterises civilised law. The Europeans did reach³ and take possession of the lands of the Yarralin and the Gurindji in the Victoria Rivers region of the Northern Territory.⁴ From 1888 until well into the 1920s, there was bloodshed, including considerable slaughter of Aborigines. But by the time of the Wave Hill strike, a new status quo seemed to have been established under which the Europeans owned the land while the original owners were permitted to reside in some areas and to exercise traditional rights to the limited extent that their exercise was not inconsistent with, or rendered futile by, European

occupation and usage for private cattle raising. As in the Yarralin saga, Aborigines did in fact work for the European owners of Northern Territory cattle stations for little or no pay. Vincent Lingiari was one of their number. He worked for a British company ("Vesteys") on the traditional lands of his people on which Vesteys conducted the Wave Hill cattle station.⁵ He believed that his ancestral lands were wrongly occupied and that his people were oppressed and exploited by what he referred to as the Vestey mob.⁶

The Wave Hill strike came in the wake of proceedings in the Commonwealth Conciliation and Arbitration Commission. Like those proceedings, it began with a dispute about pay. As will be seen, however, the strike involved much deeper issues. And so, for that matter, did the proceedings in the Commission.

THE CONCILIATION AND ARBITRATION COMMISSION PROCEEDINGS

The Cattle Station Industry (Northern Territory) Award of 1951 prescribed minimum conditions and terms of employment for employees on cattle stations in the Northern Territory. Aborigines were excluded from its operation. The terms and conditions of employment for them, which could only be raised or lowered in special cases, were those prescribed pursuant to the 1953 Wards' Employment Ordinance of the Northern Territory. They were much lower than the minimum required by the Award. Indeed, the lowest wage pursuant to the Ordinance in 1966⁷ was about one-fifth of that payable under the Award and was less than half of the amount of the unemployment benefit then payable to Europeans.⁸ In practice, even the terms and conditions under the Ordinance were commonly not met by station owners. The low wages com-

bined with other circumstances to reduce the status of most cattle station Aborigines to an essentially servile one. Those other circumstances included: the practice of some station managers of crediting wages to payment of goods from the station store; a practice of the "welfare" authorities of paying Aboriginal entitlements to child endowment to station managers⁹ rather than direct to the Aborigines; commonplace fraud;¹⁰ and the provision of s.46 of the Ordinance which prohibited enticing or persuading an Aborigine who was a ward "to leave his lawful employment".

On 21 January 1965, the North Australian Workers' Union filed an application in the Conciliation and Arbitration Commission seeking an order varying the Award to make it applicable to Aboriginal workers. The hearing of the application extended over many months. On 7 March 1966, the Commission delivered its judgment¹¹ and made orders¹² which contained both good and bad news for the Aboriginal workers. The good news was that the orders amended the Award to delete the provisions whose effect was to exclude Aborigines from its cover. The bad news was that the operation of the orders was suspended until 1 December 1968. In other words, the Commission held that the exclusion of Aborigines from Award coverage, which exclusion it found to be contrary to "overwhelming industrial justice",¹³ should continue for almost another three years. And that in circumstances where even the pastoralists themselves admitted that there were some twenty to twenty-five percent of Aboriginal employees whose entitlement to full award wages was really beyond dispute.¹⁴

The Commission which heard the cattle station case was constituted by three most respected and experienced members, Kirby C.J., Moore J. and Taylor S.C. Thirty years later, their joint judgment is a docu-

ment of considerable historical importance which contains a disturbing insight into contemporary perceptions of government policy.

Not surprisingly, in a context where the Union called no evidence with the result that no Aboriginal witness was heard, the Commission members accepted the evidence of the pastoralists to the effect that “at least a significant proportion of the Aborigines employed on cattle stations in the Northern Territory is retarded by tribal and cultural reasons from appreciating in full the concept of work”.¹⁵ They also accepted the pastoralists’ submission that to extend the coverage of the Award to Aboriginals would, contrary to the argument of the Union, be likely to lead to substantial numbers of Aboriginal workers being replaced by Europeans.

Nonetheless, the members of the Commission concluded that any consequential loss of Aboriginal jobs would be a good thing for the reason that unemployment would cause the affected Aborigines to leave their traditional lands on the Northern Territory stations and enter government “settlements” or church “missions”. In fairness, that conclusion, with all its social engineering implications, must be understood in the context of the Commission’s understanding of the then government policy of “assimilation and integration”.¹⁶ In that regard, the members of the Commission wrote:

“If, therefore, as a result of our decision, substantial numbers of Aborigines move to settlements or missions it is our view that the policy of assimilation and integration will be assisted rather than hindered. Those Aborigines who move will be those who are now having the greatest difficulty in understanding the concept of work and in fitting into our economic community, whilst those who remain will be the most advanced and therefore the easier to assimilate on the station properties.”¹⁷

The Commission's explanation for delaying "overwhelming industrial justice" by denying Award coverage for almost three years was that the delay would

"give everyone concerned time to adjust and rearrange their activities so that the introduction of the Award will occur as smoothly as possible and with as little dislocation, social and economic, to everyone concerned and in particular to the Aborigines themselves."¹⁸

The reference to "dislocation...to the Aborigines" followed an earlier statement that the delay would

"give the pastoralists an opportunity to consider the future of their Aboriginal employees and to make arrangements for their replacement by white labour if necessary."¹⁹

Presumably, it was assumed by the Commission that the "Aboriginal employees" would be prepared quietly to wait under a yoke of acknowledged industrial injustice while the pastoralists took time to "consider" their "future".

Less than five months after the Commission handed down its decision, the Wave Hill strike commenced. Before turning to outline the course of the strike, it is appropriate, in this inaugural Vincent Lingiari lecture, to say something about him.

VINCENT LINGIARI

The Encyclopaedia of Aboriginal Australia asserts that Vincent Lingiari was born in 1919.²⁰ If that were so, he would have been no more than sixty-nine years old when he died on 21 January 1988, a few days before non-Aboriginal Australia celebrated the bicentenary of the arrival of the First Fleet. It would, however, seem that he was born about 1908 and was about eighty years old when he died.²¹

Whatever his precise date of birth, Vincent Lingiari became in his life, in the words of Mr Pat Dodson, “one of the greatest Aboriginal leaders since the turn of the century” who “inspired all [Aborigines] with his courage, vision and unswerving commitment to [their] fight for justice and land”.²² In 1977, he was honoured by the Australian nation by being appointed a Member of the Order of Australia. After he had died and when, in accordance with Gurindji custom, his name was no longer spoken, it became customary to refer to him simply and respectfully as “that old man”.

It is unnecessary for the purposes of this lecture that I seek to detail the particulars of Vincent Lingiari’s personal biography. Hopefully, that far from easy task will be performed in subsequent lectures in this series. What are important for my purposes are the character and the qualities of the man and his relationship with the Gurindji people whom he led.

Vincent Lingiari was illiterate in the sense that he could neither read nor write European script. His English vocabulary was limited. Yet, particularly if assisted in expressing his thoughts, he possessed great eloquence even in English.²³ He described himself as the “Kadijeri man”²⁴—the man in charge of the secret and chief male ceremony—of the Gurindji people. He retold the dreamtime story of the beginnings of his people at Seale Gorge near Wattie Creek on the Gurindji tribal lands which were incorporated in Wave Hill station.²⁵ That story was recounted in the corroboree dances of his people.

Those Gurindji ancestral lands were a vital part of the identity of Vincent Lingiari and the Gurindji people by reason of both dreamtime and more recent happenings. As a subsequent petition to a former Governor-General (Lord Casey),²⁶ to which Vincent Lingiari was the first signatory, records:

“Our people have lived here from time immemorial and our culture, myths, dreaming and sacred places have evolved in this land.”

In so far as more recent happenings were concerned, the land at Seale Gorge near Wattie Creek was sacred to the Gurindji as a shrine to their “many...forefathers [who] were killed in the early days while trying to retain it”²⁷ against the European occupants. Speaking of “beautiful Wattie Creek...where there is permanent water”, the petition said:

“This is the main place of our dreaming only a few miles from the Seale Gorge where we have kept the bones of our martyrs all these years since white man killed many of our people. On the walls of the sacred caves where their bones are kept, are the paintings of the totems of our tribe.”

The traditional method of decision-making in Aboriginal communities is consensus. Most things were prescribed by customary law. Where customary law²⁸ provided no answer, numbers were ordinarily small enough and time was ordinarily plentiful enough for discussions between the old and wise to proceed until true consensus emerged. That procedure of consensus had many advantages in traditional times. It has, however, had some disadvantages in the days since European occupation when the Aboriginal peoples have been called upon to meet the unprecedented acts, events and consequences of the dispossession and to make decisions for which tradition and custom provided and provide no guidance. In such times, any society has some need for leaders who can speak with authority on behalf of their people and whose decisions will be accepted and observed.

No less an authority than Dr H. C. Coombs expressed the view,²⁹ in 1974, that “of all the Aborigines whom I have ever met [Vincent

Lingiari] is the only one whom I could describe as a leader in the sense which we would use the word". Subsequently, Dr Coombs revised that statement³⁰ to say that Vincent Lingiari was "a man who, among Aboriginal associates, appears to be recognised more fully than any other I know of as" such a leader. Be that as it may, Vincent Lingiari was a leader of his people in every sense of the word.³¹ He has been described as "a truly heroic figure".³² He possessed "the elusive quality of authority"³³ and where he led, his people followed.³⁴ Throughout the Wave Hill strike and thereafter, he was a source of their courage and their strength. It is not surprising that he answered "Yes, I am" when asked whether he was the "big boss of the Wave Hill Aborigines"³⁵ a phrase which presumably would have no equivalent in traditional language to describe a relationship between Gurindji people. Nor is it surprising that subsequently, in 1975, a spokesman for the Commonwealth Department of Aboriginal Affairs commented that "Vincent Lingiari is *the* Aboriginal leader in Australia." And, like most outstanding leaders, he had a dream. That dream was formulated in the petition to Lord Casey: "to regain...our tribal lands...of which we were dispossessed and for which we received no recompense".

WAVE HILL

Wave Hill station was first taken up in 1883. It was acquired by Vestey's, a British-owned meat company, in 1914. By the end of the 1930s, it had grown to twenty-seven thousand seven hundred and thirty-three square kilometres.³⁶ It encompassed, in the primary lease, most of the ancient lands of the Gurindji, including the heartlands around Wattie Creek.

It is unnecessary for my purposes to seek to deal precisely with the tribal classifications of the Aborigines who worked on Wave Hill

station. It suffices to say that, if the word "Gurindji" is used in the broad linguistic sense in which the Aborigines at Wave Hill, and later at Daguragu, apparently used it, the great majority of Aboriginal workers at Wave Hill were Gurindji.

It is also unnecessary to seek to determine with any precision the extent to which Vincent Lingiari erred on the side of under-statement when he claimed that Vestey's did not "treat" its Aboriginal workers "right".³⁷ Again for present purposes, it suffices to repeat Vincent Lingiari's own account to the effect that he and his fellow Aboriginal cattle men received "no proper money...may be six dollars a week, but not every week"³⁸ and to recall the overall picture sketched by Toohey J. in his Report on the Daguragu Claim which, as his Honour commented, "gives some idea of the conditions which gave rise" to the strike:

"A report by R.M. and C.H. Berndt in 1946 showed that Aborigines were doing a wide range of tasks on the stations, that children under twelve were working illegally, that accommodation and rations were inadequate, that there was sexual abuse of Aboriginal women and prostitution for rations and clothing. No sanitation or garbage facilities were provided nor was there safe drinking water; the Berndts attributed the death of mothers and children at birth partly to the poor rations".³⁹

As I have already commented the status of most cattle station Aborigines was essentially a servile one. And so it was at Wave Hill station.⁴⁰

THE STRIKE

The Wave Hill strike commenced exactly thirty years ago. The objective facts of the strike have been recounted in the past.⁴¹ They

will, I expect, be subjected to detailed re-examination and re-telling in future lectures in this series. For now, there are some aspects of them to which I wish to draw specific attention.

On the face of things,⁴² the immediate cause of the strike was the rejection by the Vestey's Manager at Wave Hill of a request by Vincent Lingiari for a wage of twenty-five dollars per week for Aboriginal stockmen, that being much less than the thirty-four dollars to forty-six dollars per week then paid to the non-Aboriginal stockmen. When the request was rejected, Vincent Lingiari's response was immediate: "I'm walking off today." He went to the Aboriginal camp on Wave Hill where he addressed his people. "The people told [him]: 'You right, old man'."⁴³ He then led the Gurindji from the Wave Hill camp to the Victoria River bed near the small Wave Hill welfare settlement. That was the walk-off. Years later, Mick Rangiari recalled and translated⁴⁴ Lingiari's words of grim determination: "No one's gonna go back—no women, no men are gonna go back to the station to do their work."

In truth, however, the refusal of Lingiari's demand for a wage of twenty-five dollars per week for Aboriginal stockmen was no more than the catalyst for the strike. It was made clear at the time, and subsequent events confirmed, that the underlying causes went much deeper. Indeed, Vincent Lingiari himself subsequently made clear that the money claim for twenty-five dollars per week was of little meaning to him.⁴⁵ His first complaint to the manager of Wave Hill station in the conversation leading to the walk-off had not been about wages but about the sexual abuse of Aboriginal women by European workers on Wave Hill.⁴⁶ Essentially, however, the cause, the subject and the purpose of the strike, from the beginning and throughout until its end, lay in the emerging assertion of a claim by the Gurindji people for the return of their ancestral lands.

Vincent Lingiari was not the first to articulate that claim. Dr Rose has recorded⁴⁷ an apparently reliable account of how, in about 1950, Sandy Moray, a Gurindji from Wave Hill, was telling his Aboriginal listeners: "We gotta get this land back. Don't tell anybody." It was, however, Vincent Lingiari who transformed the claim into a demand which was heard not only at Wave Hill but ultimately throughout the nation. Indeed, the walk-off from Wave Hill station thirty years ago can justifiably be seen as the commencement of the Aboriginal land rights movement.⁴⁸

In March 1967, some seven months after the walk-off and after a full tribal meeting, Vincent Lingiari led his people back to the lands included in the lease of Wave Hill station. The return was not, however, either to work or to the station's Aboriginal camp. Instead, the Gurindji established a settlement at a waterhole on "beautiful Wattie Creek" which was known to the Gurindji as Daguragu and which was, as has been seen, "the main place of [their] dreaming only a few miles from the Seale Gorge". "Wattie Creek," Lingiari had told the tribal meeting, "is Gurindji country. We will live there."⁴⁹ And, once there, the Gurindji made plain that they were reclaiming their ancient lands. When Vestey's representatives, accompanied by welfare officers, sought to persuade them to return to work at the station and to leave what was said to be the Vestey's land at Wattie Creek, Lingiari responded: "Vestey's only got cattle, horse, but not land. That's mine."⁵⁰ Another Gurindji who played a prominent part in the strike, Hobbles Danayarri, recalled: "...Vincent [Lingiari] told Lord Vestey: 'You can keep your gold. We just want our land back'."⁵¹

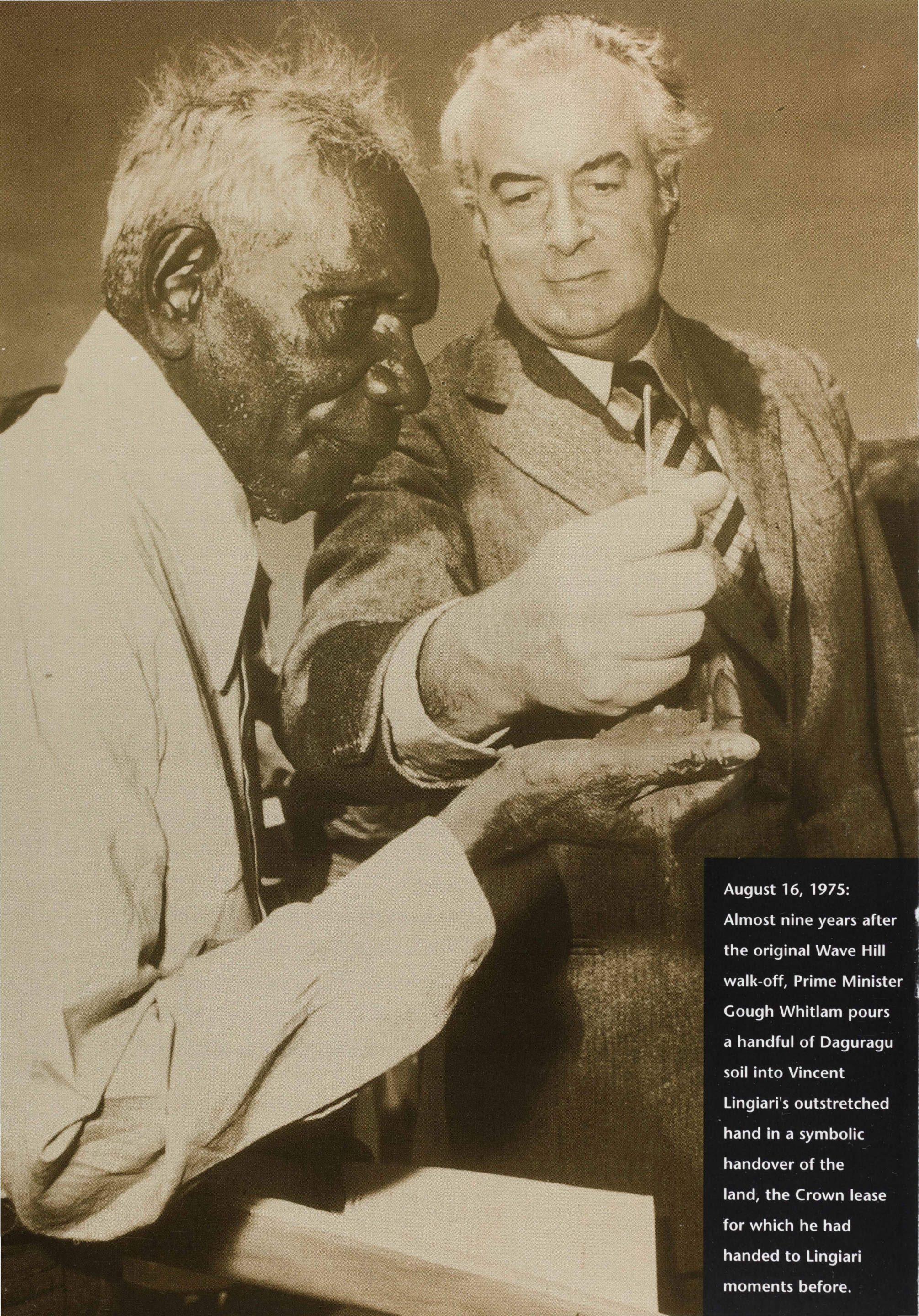
In the following month, April 1967, Vincent Lingiari and two other Gurindji formally petitioned the then Governor-General seeking "to regain tenure" of an area of some one thousand two

hundred and ninety square kilometres of their tribal lands “of which” they had been “dispossessed and for which” they had “received no recompense”. The basis of the petition was their arbitrary dispossession and the claim that “morally” the land was theirs and “should be returned” to them.

The subsequent course of the Wave Hill strike can be shortly passed over. The petition to the Governor-General was refused. With a few exceptions, the Gurindji stood firm in their resolve not to return to work at Wave Hill station. They continued to live at Daguragu. Their fight for their land, highlighted by a visit of Vincent Lingiari to the south, attracted a great deal of publicity which was adverse to both the Commonwealth Government and the Vestey group. Belatedly, the plight of the dispossessed Aborigines of the Northern Territory began to impinge upon the conscience of the nation. A Commonwealth Government attempt to attract the Gurindji from Daguragu to a new township near the Welfare settlement was unsuccessful. Vestey gave an undertaking that the Daguragu community would not be disturbed and the Gurindji, with help from a variety of largely non-Aboriginal sources, began fencing and building. In March 1971, the Murramulla Gurindji Company was incorporated.

On Australia Day 1972, it was announced by the then Prime Minister (Mr McMahon) that funds would be made available for the purchase of properties not on reserves. The statement also contained a hopefully final abandonment of any government policy of complete assimilation or integration. Among other things, it said:

“The Government recognises the rights of individual Aborigines to effective choice about the degree to which and the pace at which they come to identifying themselves with [Australian] society”...



August 16, 1975:

Almost nine years after the original Wave Hill walk-off, Prime Minister Gough Whitlam pours a handful of Daguragu soil into Vincent Lingiari's outstretched hand in a symbolic handover of the land, the Crown lease for which he had handed to Lingiari moments before.

“The role of government should increasingly be to enable [Aborigines] to achieve their goals by their own efforts.”

A few days later, Lord Vestey offered to surrender some areas of the Wave Hill lease to the Gurindji. Subsequently, a small area of ninety square kilometres was handed over for their use. This was, however, but a first step and went nowhere near resolving the Wave Hill dispute.

A CEREMONIAL RETURN

In December 1972, the Whitlam Government came to power in Canberra on a platform which included a promise to legislate for Aboriginal Land Rights. The new Government appointed Justice Edward Woodward as a Royal Commissioner to advise it in relation to the grant of such rights. Contemporaneously with the Woodward Royal Commission, there was a period of genuine negotiation between the Government, Vestey and the Gurindji in relation to the Gurindji claims and an offer by Lord Vestey to relinquish part of the Wave Hill lease. Finally, there was consensus that the original Wave Hill lease should be surrendered by Vestey and that two new leases would be issued, one to Vestey and the other to the Murramulla Gurindji Company, that is to say, to the Gurindji people. The Gurindji lease would comprise an area of more than three thousand square kilometres and would include the most important parts of the ancestral lands.

On 16 August 1975, the then Prime Minister, Mr Gough Whitlam, who is known to the Gurindji as Jungarni meaning “that big man”, accompanied by a number of other prominent national figures, came to Daguragu. There, he addressed the gathered Gurindji people. I repeat part of what he said:

“On this great day, I, Prime Minister of Australia, speak to you on behalf of the Australian people - all those who honour and love this land we live in.

For them I want to say to you...

I want to acknowledge that we Australians have still much to do to redress the injustice and oppression that has for so long been the lot of Black Australians...

Vincent Lingiari I solemnly hand to you these deeds as proof, in Australian law, that these lands belong to the Gurindji people and I put into your hands part of the earth itself as a sign that this land will be the possession of you and your children forever.”⁵²

As he concluded his remarks, the Prime Minister poured a handful of Daguragu soil into Vincent Lingiari’s outstretched hand. Vincent Lingiari, having received both the Crown lease of his ancestral lands and a symbolic handover of the land itself, simply replied:

“We are all mates now.”

He then turned and addressed his people in their own tongue. He noted that the “important White men” had come to Daguragu and were returning the Gurindji land. He exhorted the Gurindji thenceforth to live with “the Whites” as friends and equals. He concluded:

“They took our country away from us, now they have brought it back ceremonially.”⁵³

The Wave Hill strike had run its course. Much still remained undone. The title delivered to the Gurindji was leasehold only. Freehold title would not be obtained until more than ten years on, after the enactment, during the term of office of the Fraser

Government, of the *Aboriginal Land Rights (Northern Territory) Act 1976* and a report and supplementary report by Aboriginal Land Commissioners under that Act. Cattle, equipment and other assistance which had been promised remained to be supplied. The deforming fallacy of *terra nullius* continued to be accepted as the basis of our nation's land law.⁵⁴ Yet there was, at Daguragu on 16 August 1975, an event of limited but true reconciliation.

SOME SIGNPOSTS

The present is not the occasion for a recanvassing of the arguments which have led to a broad national acceptance of the proposition that somehow, somewhere, there should be true reconciliation between the Aboriginal and Torres Strait Islander peoples who are part of our nation and the nation itself. The establishment of the Council for Aboriginal Reconciliation by the unanimous vote of the Commonwealth Parliament⁵⁵ and subsequent statements and votes of support for its work⁵⁶ evidence the fact that the question is no longer one of "should there be?" but one of "how and when?" For my part, I remain of the view which I have publicly expressed on a number of occasions that genuine reconciliation between the Aboriginal and Torres Strait Islander peoples and our nation as a whole should be in the forefront of our national aspirations between now and 2001. The more particular question which arises this evening is does Daguragu offer any guidance about the conditions and content of true national reconciliation. I suggest there are some aspects of the settlement at Daguragu which can be seen as at least signposts on the way.

The first of these aspects is the express acknowledgment of the past "injustice and oppression" suffered by the Gurindji.⁵⁷ The second is the mutual recognition of a need for some redress. The third is that

there was clearly common rejection of any policy of complete assimilation and integration and common acceptance of the approach, enunciated on the preceding Australia Day, which recognised both that Aborigines had the right to “effective choice about the degree to which and the pace at which” they were assimilated with, or integrated in, ordinary Australian society, and that the primary role of government should be to assist the Aboriginal peoples “to achieve their goals by their own efforts”. The fourth aspect is that there was someone, Vincent Lingiari, who could speak and act with authority on behalf of the Gurindji. The fifth aspect is that the heart of the reconciliation at Daguragu was a consensus that the Gurindji and “the Whites” would thenceforth go forward, in Vincent Lingiari’s words, as friends and equals. The sixth aspect is that reconciliation between the nation and the Gurindji was achieved notwithstanding that much remained undone. The seventh is that there was consensus about steps which had already or would immediately be taken and steps and policies which would be taken or followed in the future to partly redress the wrongs of the past: the claim by the Gurindji for the return to them of a central part of the ancestral land of which they had been dispossessed was granted and assurances of future assistance were given and accepted. The final aspect is that consensus was transformed into a formal ceremony of reconciliation.

If one accepts those aspects of the settlement at Daguragu as signposts to true national reconciliation, it is apparent that the way ahead is difficult. It is, however, also apparent that it is not impassable. In relation to most of the signposts, significant progress has already been made. I turn to make some brief comments about each of them. The familiarity of the signposts should not be allowed to divert attention from the fact that, at the time of Daguragu, the signposts were novel pointers along an otherwise

uncharted route. The fact that, in my comments, I sometimes refer to Aborigines and the Aboriginal peoples is simply a reflection of the fact that Daguragu involved a claim by mainland Aboriginal people and should not be seen as a failure to acknowledge the Torres Strait Islanders.

Signpost (i): Acknowledgment of the Past

It should, I think, be apparent to all well-meaning people that true reconciliation between the Australian nation and its indigenous peoples is not achievable in the absence of acknowledgment by the nation of the wrongfulness of the past dispossession, oppression and degradation of the Aboriginal peoples. That is not to say that individual Australians who had no part in what was done in the past should feel or acknowledge personal guilt. It is simply to assert our identity as a nation and the basic fact that national shame, as well as national pride, can and should exist in relation to past acts and omissions, at least when done or made in the name of the community or with the authority of government. Where there is no room for national pride or national shame about the past, there can be no national soul.

In the *Mabo* case in 1992,⁵⁸ Australia's highest Court unequivocally concluded that the notion of *terra nullius* was a travesty of fact and a fallacy of law. The conclusion that previous authority supporting the notion as part of Australian law should be overturned was, to a significant extent, based on recognition that the unjustifiable past dispossession, oppression and devastation of the Aborigines and their lives had been purportedly founded on the notion. The *Mabo* decision was unreservedly accepted by the then Prime Minister, Mr Keating, and reinforced in his celebrated speech at Redfern on 10 December 1992. It has also been fully accepted by the present

Prime Minister, Mr Howard, who recently commented that “as a matter of principle” he found “absolutely nothing in [the *Mabo*] decision the least bit unacceptable” and added that the decision “made a great deal of common sense as well as representing a great statement of justice.”⁵⁹ The identification of past acts of injustice and oppression is, and to some extent will always remain, incomplete. In particular, the extent of some of the wrongs done in the name of assimilation and integration, including the removal, often forcible, of children from their parents, await more precise identification by the current Wilson inquiry. Nonetheless, it seems to me that, if one takes account of the totality of all that has been done and said in *Mabo* and in the years since, there has already been broad national acknowledgment that the past treatment of the Aborigines constitutes, to repeat the words of Gaudron J. and myself in *Mabo*,⁶⁰ “the darkest aspect of the history of this nation”.

In one important respect, however, acknowledgment would seem as yet to be incomplete. As I have said, the past is never fully gone. It is absorbed into the present and the future. The present plight, in terms of health, employment, education, living conditions and self-esteem, of so many Aborigines must be acknowledged as largely flowing from what happened in the past. The dispossession, the destruction of hunting fields and the devastation of lives were all related. The new diseases, the alcohol and the new pressures of living were all introduced. True acknowledgment cannot stop short of recognition of the extent to which present disadvantage flows from past injustice and oppression.

Signpost (ii): Recognition of the need for redress

Underlying what was said and done at Daguragu was a mutual recognition of the need for some national redress of past injustice

and oppression. Indeed, as we have seen, the then Prime Minister framed that recognition in words that went beyond the situation of the Gurindji and referred generally to “the lot of Black Australians”. He made his intention in that regard quite clear when he added: “I want to promise you that this act of restitution which we perform today will not stand alone—your fight was not for yourselves alone and we are determined that Aboriginal Australians everywhere will be helped by it.”

Theoretically, there could be national reconciliation without any redress at all of the dispossession and other wrongs sustained by the Aborigines. As a practical matter, however, it is apparent that recognition of the need for appropriate redress for present disadvantage flowing from past injustice and oppression is a pre-requisite of reconciliation. There is, I believe, widespread acceptance of such a need. Indeed, such acceptance has been the basis of the various Aboriginal land rights and native title legislation. The area of disagreement would now appear to lie around the question of the nature and extent of what represents appropriate redress and the question of what should be done to transform good intentions and words into deeds and facts. That area of disagreement can be put to one side until we reach the signpost of “consensus”.

Signpost (iii): Aboriginal right of choice

The third aspect of the settlement at Daguragu—general acceptance of the Aboriginal right of choice—should not represent any great obstacle on the road to national reconciliation. There is now general abhorrence of the excesses of what was done and said, often by well-intentioned people, in the name of complete assimilation and integration. It is now accepted by persons of goodwill that those Aborigines who desire separately to pursue and develop their

traditional culture and lifestyle within our multi-cultural nation should be encouraged, assisted and protected in that pursuit and development, and that those who wish to be assimilated within the ordinary community should be assisted in that wish. Any dispute is not so much about the right of Aborigines to “effective choice” as about what government support should be provided to assist them in giving effect to their choice.

Signpost (iv): The heart of reconciliation

Nor does the fourth aspect of Daguragu raise any independent problem. To see the heart of the reconciliation at Daguragu as lying in Vincent Lingiari’s pronouncement that thenceforth the Gurindji and “the Whites” would go forward as friends and equals, is to do no more than recognise what must be the final objective of any reconciliation between the Australian nation and its indigenous peoples. It is to help identify the content of that objective and, perhaps, incidentally to underline its difficulty. It is not, however, to identify an independent obstacle on the way to achieving it.

Signpost (v): Representation

In a modern context, consensus between communities will ordinarily require representation of both sides. At Daguragu, the Prime Minister spoke for the Australian nation. As leader of the elected Commonwealth Government, a Prime Minister at a particular time is, at least *prima facie*, entitled so to speak in respect of matters which relate to the peace, order and good government of the Commonwealth and which are of particular concern to Aborigines. The Commonwealth Parliament has the authority to legislate in relation to such matters.⁶¹ The answer to the question who (if any-

one) can speak and act for the Aboriginal peoples is not so clear. That is, however, a question for the Aborigines themselves. The only comment which I would presume to make in relation to it is that it is something which will arise for consideration at some stage along the road.

Signpost (vi): Things can remain undone

If national reconciliation were impossible until all the disadvantages of Aborigines *vis-a-vis* non-Aborigines had been eliminated, those of us who fervently hope for it by the year 2001 would be foredoomed to disappointment. The sixth aspect of the settlement at Daguragu teaches us, however, that reconciliation can be achieved notwithstanding that much remains undone. It will suffice if the continuing effects of past oppression and injustice are effectively addressed to the extent which will engender the mutual trust necessary for true consensus about the future. Nor should consensus be confused with unanimity. Thus, at the time of Daguragu, there were some non-Aboriginal Australians who thought the grant of land rights to the Gurindji quite mistaken.⁶² There were, no doubt, also some Aborigines who thought it too little and too late.

Signpost (vii): Consensus

The seventh aspect of the settlement at Daguragu is unequivocal and incontrovertible. There will be no reconciliation unless a general consensus is reached about the minimum that must be done and set in train to redress past oppression and injustice and, to the extent that they are the product of past oppression and injustice, present problems. Herein, of course, one finds the great

obstacle upon the road to national reconciliation. At the outset, it must be said that there is no real hope that the requisite consensus will be reached unless there is goodwill on both sides and unless it is accepted on both sides that the way to reconciliation from this time on is necessarily a path of compromise. In turn, the necessity of compromise on both sides will not be accepted unless there is a general and genuine recognition of the fact that national reconciliation is of vital importance to national pride, true national unity and national reputation.

As Governor-General, I must be conscious of the need to avoid becoming involved in divisive or party political debate. It is, however, permissible for me to make a plea to the Aboriginal peoples to recognise the progress which has been made in recent years. I mention, in particular: the *Aboriginal Lands Rights (Northern Territory) Act 1976* (Cth); the *Racial Discrimination Act 1975* (Cth) and its application in *Gerhardy v. Brown*⁶³ and *Mabo v. Queensland [No.1]*;⁶⁴ the *Mabo [No.2] Case* itself; the consensus between Government and Aboriginal leaders and mining and pastoral representatives about the general policy to be followed by native title legislation in the light of *Mabo* and the consequent enactment of the *Native Title Act 1993* (Cth); the current bipartisan acceptance of the basic approach adopted in that legislation;⁶⁵ the unanimous enactment of the *Council for Aboriginal Reconciliation Act 1991* and the stated commitment of Commonwealth governments, both past and present, to the processes of national reconciliation. If we are ever to reach the end of the road, the Aboriginal peoples must, for their part, recognise the progress along it which those steps and statements represent.

On the other hand, it is also permissible for me to point out to non-Aboriginal people how much remains to be done to overcome

or alleviate the terrible problems which are the present consequences of past oppression and injustice. Those problems include: the inadequacies of much Aboriginal education; the vastly higher than average levels of Aboriginal unemployment, particularly youth unemployment; the deficiencies of Aboriginal housing; and the problems of water supply and infrastructure in many Aboriginal communities. It is true that, with the abolition of the notion of *terra nullius* and the enactment of the various Aboriginal and native title statutes, we have made great progress towards addressing the immediate issue raised by the dispossession. Nonetheless, few would assert that the problems of Aboriginal land rights have now been fully and finally resolved. And, above all, there are the appalling problems relating to Aboriginal health. It is sometimes said that statistics lie. They do not lie when they identify the extent of those health problems. Nor can those statistics be discounted as bare figures without human content. They tell a story of present human sickness, suffering, dying and death which can be traced to the past dispossession, oppression and injustice.

The publication "Australia's Health 1996"⁶⁶ which was launched by the Minister for Health and Family Services, Dr Wooldridge, within recent weeks, documents a gap between the health levels of Aboriginal and Torres Strait Islander peoples and other Australians which is actually widening. If, using that and other sources, one focuses on particular age groups, the calamitous position which exists can be highlighted. For example, taking account of all causes including injury, indigenous males between the ages of fifteen and twenty-four years are 2.8 times more likely to die than non-indigenous males. Indigenous females within that age group are 3.5 times more likely to die than non-indigenous females. The disparity increases even further in the twenty-five to thirty-four age bracket.

Indigenous males are 5.5 times more likely to die between those ages than are non-indigenous males. Indigenous females are 6.1 times more likely to die. The disparity becomes even worse again if one focuses upon some particular areas of illness. For example, indigenous people die from diabetes-related illness at twelve times for men and seventeen times for women the rate for other Australians. If we turn our attention to the position of a new-born child destined to be raised in an Aboriginal community, two facts emerge to swamp all others. These facts are that the life expectancy of such an Aboriginal baby is, if conditions remain as they are at present, almost twenty years less than that of other Australian babies, and that Aboriginal infant and perinatal mortality rates are approximately three times that of the general population.

As I have said, those health statistics cannot be divorced from their human content. That point has been eloquently made by Mr Michael Dodson:

“A certain kind of industrial deafness has developed. The meaning of these figures is not heard or felt.

The statistics of infant and perinatal mortality are our babies and children who die in our arms...

The statistics of shortened life expectancy are our mothers and fathers, uncles, aunties and elders who live diminished lives and die before their gifts of knowledge and experience are passed on.

We die silently under these statistics.”⁶⁷

To draw attention to the extent of the problems which remain to be overcome is not to discount the steps that have been taken in recent years by governments and innumerable individuals in many

different fields to address and resolve those problems. Thus, even within the area of health, one must give credit for some recent developments which appear to me to be of significance and promise. In particular, there are the agreements which have been recently concluded or are in the process of being concluded between representatives of all Australian governments—Commonwealth, State and Territory—on the one side, and Commonwealth, State and Territory Aboriginal and Torres Strait Islander organisations on the other, aimed at ensuring a co-operative and integrated approach to overcoming the health problems of the Aboriginal and Torres Strait Islander peoples. Those agreements are based on the premises that Aboriginal and Torres Strait Islander peoples have the same rights to good health and health care as all Australians and that governments bear the responsibility with indigenous people for making the improvements which must be made. As the Chairperson of the Aboriginal and Torres Strait Islander Commission, Miss Lois O'Donoghue, has pointed out, the agreements are "a great first step in improving Australia's shocking indigenous health statistics". Ultimately, however, real progress can only be measured by reference to the awful facts behind the statistics.

The identification of what must be achieved and what policies must be set in place if national reconciliation is to be possible are largely matters for negotiation and political decision into which it would be inappropriate for me to intrude. There are, however, three comments which would appear to be beyond legitimate dispute and which I think I can properly make. The first is that the terrible problems oppressing the Aboriginal and Torres Strait Islander peoples—in particular the problems relating to health, unemployment, education, water, housing and self-esteem—are all inter-related and, on a long-term basis, must be approached and hopefully

resolved together. The second is that those problems will only be resolved by a partnership between the nation as a whole and the Aboriginal and Torres Strait Islander peoples under which the Aborigines and Torres Strait Islanders play a major active role, particularly in the actual supply of health and other services. The third comment is that there will be no true reconciliation until it can be seen that we are making real progress towards the position where the future prospects—in terms of health, education, life expectancy, living conditions and self-esteem—of an Aboriginal baby are at least within the same area of discourse as the future prospects of a non-Aboriginal baby. How can we hope to go forward as friends and equals while our children's hands cannot touch?

Signpost (viii): Formal ceremony

At Daguragu, Vincent Lingiari placed understandable importance upon the ceremonial nature of what was said and done. However, if the stage is reached where the other aspects of the settlement at Daguragu are present, the process of resolving the question of the manner in which reconciliation is to be formalised or celebrated will, I venture to think, be marked by a degree of goodwill and sense of achievement which will not permit minor problems, such as difficulties in verbiage,⁶⁸ to stand in the way.

CONCLUSION

It should be apparent from the totality of what I have said this evening that I am convinced that until true reconciliation with its indigenous peoples is reached, Australia is a diminished nation. I am also convinced that such reconciliation is possible. A great deal of the credit for the existence of that possibility belongs to Vincent

Lingiari. One hundred years from now, when we are approaching the second century of our nation, the dreamings of the Aboriginal peoples will record whether we Australians had the determination, tolerance and goodwill to convert short-term possibility into a reality that is timeless. Hopefully, when that time comes, the Yarralin saga of the dispossession will have been supplemented by a sequel in which an Aborigine and a non-Aborigine went forth together throughout the country as friends and equals and overcame the injustice and disadvantage which flowed from the actions of Captain Cook in the earlier saga. Be that as it may, one thing is certain. It is that if Vincent Lingiari were physically present with us tonight, he would extend to us his support and encouragement as we seek to identify and follow the signposts from Daguragu.

ADDENDUM

At the conclusion of the lecture, in some extemporary comments, the Governor-General noted that the lecture had been given under the auspices of the Council for Aboriginal Reconciliation. He paid tribute to the Council and its members for all that they have done. He expressed the strong hope that the work of the Council would continue.

The Governor-General added: "I would also respectfully suggest to the Members of the Commonwealth Parliament, and State and Territory Legislatures, that they give consideration to affirming their support for true national reconciliation, again for most but for the first time for some, by passing formal resolutions expressing that support."

¹ I acknowledge the guidance and assistance I have received in the preparation of this lecture from the following, among other, persons and institutions:

- Professor Garth Nettheim and Ms Susan Kerr of the University of New South Wales
- Mr A Hill
- Staff of the Parliamentary Library, Canberra
- Staff of the library, Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra
- Staff of the Library of the High Court of Australia, Canberra
- Professor Marcia Langton and staff of the Northern Territory University, Darwin
- The Secretariat to the Council for Aboriginal Reconciliation, Canberra
- Dr Deborah Bird Rose
- Mr Robert Griew and staff of the Office of Aboriginal and Torres Strait Islander Health Services
- Professor John Matthews and Drs Bart Currie, Jonathan Carapetis and Peter Morris of the Menzies School of Health Research, Darwin.

The views expressed and the errors are, of course, all my own

² “The Saga of Captain Cook: Morality in Aboriginal and European Law”, (1984) *Australian and Aboriginal Studies* (No.2), at 24-39.

³ It was 1855 or 1856 when a party of eight men, led by the Gregory brothers, entered the Gurindji lands.

⁴ N.Buchanan took up Wave Hill station on the Gurindji lands in 1883.

⁵ Strictly speaking, the Wave Hill station was apparently run by The Wave Hill Pastoral Co. Limited which was a subsidiary of the Australian Investment Agency, a firm controlled by the British Vestey family: see R.M. & C.H. Berndt, *End of an Era*, Canberra, (1987), at 15-16.

⁶ See, e.g., Hardy, *The Unlucky Australians*, (1968), Melbourne, at 71-72 (As told by Vincent Lingiari). And note, *Gurindji Blues*, *Arena*, vol.6, No.II, Sept. 25, 1973:6.

⁷ £2.8s.3d. (\$4.82) in 1966.

⁸ See Report of the Aboriginal Land Commissioner (Toohey J.) on the Land Claim to Daguragu Station, November 1981, par.31.

⁹ There were approximately 50 pastoral properties registered as “institutions” to which such payments could be made.

¹⁰ See, e.g., Frank Stevens, *Aborigines in the Northern Territory Cattle Industry*, (1974), A.N.U. Press, at 163-182.

¹¹ (1966) 113 C.A.R. 651.

¹² *ibid*, at 671.

- ¹³ *ibid* at 666.
- ¹⁴ *ibid.*, at 653.
- ¹⁵ *ibid* at 663. And note the strong criticism of the evidence before the Commission in Frank Stevens, *op.cit.*, at 199-203.
- ¹⁶ Note the Commission's own rejection of "social engineering" as any part of its function: *ibid*.
- ¹⁷ *ibid* at 668.
- ¹⁸ *ibid*, at 670.
- ¹⁹ *ibid*, at 669.
- ²⁰ (1994), vol.1, at 621. The records of the Order of Australia also indicate a birth date of 1919 but a subsequent document in the file suggests that he was "approx 66" in 1975.
- ²¹ Dr H.C. Coombs described him as "a man now in his sixties" in 1974 (Walter & Eliza Hall Lecture, Melbourne, 3 June 1974) and his son, Victor, was reported as saying that Vincent Lingiari was "nearly eighty" in May 1986 (Adelaide Advertiser, 13 May 1986).
- ²² See Land Rights News, March 1988, at 2.
- ²³ See, e.g., Hardy, *The Unlucky Australians*, (1968), Melbourne, at 156-159 (As told by Vincent Lingiari). And note Gurindji Blues, *Arena*, Sept. 1973, vol.6, No.II, at 6.
- ²⁴ Hardy, *op.cit.*, at 71 (As told by Vincent Lingiari). The current spelling is "Kajjarri".
- ²⁵ See *ibid*.
- ²⁶ Petition of April 1967 from "the leaders of the Gurindji people" to the Right Hon. Lord Casey.
- ²⁷ *ibid*.
- ²⁸ "The Law was made by the Dreamings many, many years ago and given to our ancestors and they gave it to us": Silas Roberts, first Chairman of the Northern Land Council: See Deborah Bird Rose, *Nourishing Traditions*, Australian Heritage Commission, (1996), at 27.
- ²⁹ Walter & Eliza Hall Lecture, Melbourne, 3 June 1974 in its original form.
- ³⁰ H.C. Coombs, *Kulinma*, (1978), A.N.U. Press, at 57.
- ³¹ Note C.D. Rowley, *Outcasts in White Australia*, (1971), A.N.U. Press, at 420: "The emergence of multi-purposed leadership among the Gurindji, vested in Vincent Lingiari."
- ³² D.C. Rowley, *A Matter of Justice*, (1978) A.N.U. Press at 58.
- ³³ H.C. Coombs, *Kulinma* at 60.
- ³⁴ Vincent Lingiari's leadership provided an important part in the explanation why the Aboriginal workers at Wave Hill station went on strike in 1966 while the Aborigines on Victoria River Downs and Humbert River stations did not go on strike until 1972.

- ³⁵ See Hardy, *op. cit.*, at 72 (As told by Vincent Lingiari).
- ³⁶ (10,712 square miles). See Report by the Aboriginal Land Commissioner (Toohey J.) on the Daguragu Land Claim (1981), para.27.
- ³⁷ See Hardy, *op.cit.*, at p.71.
- ³⁸ Hardy, *op.cit.*, at 71 (As told by Vincent Lingiari). Note Vincent Lingiari added (*ibid*): "Two months, may be three months got'em money. All gone in store." Mick Rangiari's subsequent recollection was even more harsh: "They didn't pay us nothing. Just a stick of tobacco every Friday in the muster, and a box of matches and a lump of meat and a bit of damper and a bucket of tea and that's all.": Land Rights News, December 1991, at 22. And note that, in so far as any money payments are concerned, the position is confused by the fact that welfare payments (such as child endowment) were ordinarily paid to the Station (as an "institution") and not to the Aborigines direct. See Hardy, *op. cit.*, at 72 (As told by Vincent Lingiari): "no child endowment money".
- ³⁹ And see, generally, R.M. & C.H. Berndt, *End of an Era* (1987); C.D. Rowley, *The Destruction of Aboriginal Society*, (1970), at 332ff.
- ⁴⁰ See, e.g., A. McGrath, *Born in the Cattle*, (1987) Allen & Unwin, p.69; J. Cadzow, *Vestey Empire Under the Hammer*, (1992), Sydney Morning Herald "Good Weekend" 20 June 1992, at 49 quoting Mr Bill Jeffries.
- ⁴¹ See, e.g., Deborah Bird Rose, *Hidden Histories*, Canberra, (1991), ch.23, at 225-235; C.D. Rowley, *A Matter of Justice*, (1978) A.N.U. Press, at 56-60; Coombs, Kulinma, (1978) A.N.U. Press at 57-60, 158-160, 174-176, 182-183; J.W. Doolan, "Walk-off (and later return) of various Aboriginal groups from cattle stations: Victoria River district Northern Territory" in *Aborigines and Change: Australia in the '70s* (R.M. Berndt Ed.), Australian Institute of Aboriginal Studies, Canberra; and, generally, Hardy, *op.cit.*
- ⁴² See, generally, Hardy, *op.cit.*, at 71-74 (As told by Vincent Lingiari).
- ⁴³ *ibid*, at 73.
- ⁴⁴ See Land Rights News, December 1991, at 22.
- ⁴⁵ Hardy, *op.cit.*, at 73: "I didn't know what proper money was, dollars or quids, so I asked for twenty-five quid."
- ⁴⁶ *ibid*.
- ⁴⁷ See Deborah Bird Rose, *Hidden Histories*, Canberra (1991), at 226.
- ⁴⁸ Note that there had been organised walkoffs incidents of Aboriginal resistance some twenty years earlier in the Pilbara in Western Australia (see C.D. Rowley, *A Matter of Justice*, at 22, 59 and the *Remote Aborigines* (1971), A.N.U. Press at 338-339; D.W. McLeod, *How the West was Lost*, W.A., (1984) and earlier walkoffs in 1966 from Northern Territory cattle stations (see, e.g., C.D. Rowley, *The Remote Aborigines*, (1971), A.N.U. Press, at 338-339).

- ⁴⁹ Hardy, op.cit., at 171.
- ⁵⁰ See Deborah Bird Rose, *Hidden Histories*, at 229.
- ⁵¹ *ibid.*
- ⁵² The full text is set out in, among other places, Gough Whitlam, *The Whitlam Government 1972-1975*, Viking Press (1985), at 471.
- ⁵³ See *This is What Happened* at 315.
- ⁵⁴ See *Milirrpum & Ors v. Nabalco Pty Ltd and The Commonwealth of Australia* (1971) 17 FLR 141.
- ⁵⁵ By enacting the *Council for Aboriginal Reconciliation Act 1991*. Various houses of Australian legislatures and various local government bodies have subsequently adopted “the vision of the Council”: see, e.g., the resolution of the Australian Senate of 16 March 1994.
- ⁵⁶ The published policy of the present Government recorded that the “Coalition is totally committed to the reconciliation process, and endorses the work of the Council for Aboriginal Council for Reconciliation.” This commitment was confirmed by the Prime Minister, Mr Howard, in his speech on the launch of the 1996 National Reconciliation Week (27 May 1996). And note the resolutions passed, without dissent, by the Senate and various Houses of State and Territory Legislatures.
- ⁵⁷ See the extract from Mr Whitlam’s speech quoted above.
- ⁵⁸ *Mabo & Ors v. The State of Queensland [No.2]* (1992) 175 CLR 1.
- ⁵⁹ See Prime Minister’s speech, National Reconciliation Week Launch, 27 May 1996.
- ⁶⁰ (1992) 175 CLR at 109.
- ⁶¹ See Constitution, s.51(xxvi).
- ⁶² See, e.g., *The Canberra Times*, 29 April 1968: “Graziers attack move to resume ‘Wave Hill’ Area”; *The Australian*, 10 April 1968: “Graziers will fight NT land release”.
- ⁶³ (1985) 159 CLR 70.
- ⁶⁴ (1988) 166 CLR 186.
- ⁶⁵ Note the commitment of the Prime Minister (Mr Howard) in his speech at the launch of National Reconciliation Week 1996 (27 May 1996) to “keep the Native Title Act” subject to “amendments to ensure its workability”.
- ⁶⁶ The fifth biennial health report of the Australian Institute of Health and Welfare.
- ⁶⁷ Aboriginal and Torres Strait Islander Social Justice Commissioner, in *Aboriginal and Islander Health Worker Journal*, vol. 18, No. 3 (May/June 1994), at 19.
- ⁶⁸ e.g. the choice between “treaty” and “compact”.

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The Council for Aboriginal Reconciliation was established by a unanimous vote of the Commonwealth Parliament in 1991 to promote and oversee a process of reconciliation between the wider community and Aboriginal and Torres Strait Islander peoples.

Council undertakes a wide range of activities in carrying out this mandate, and produces a variety of publications, videos, posters, and other materials, as well as a quarterly newsletter, *Walking Together*.

To obtain Council materials, including further information about the Council itself, phone the Council's toll-free number:
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Contact the Australians For Reconciliation coordinator in your State or Territory:

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