Nathan Allen

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There’s a couple of times each year where I am emotionally tormented by the issues facing indigenous people in this country. The first week is the week prior to Australia day where the closet racists and bigots all come out to share their wisdom, and reconciliation week which reminds me of the work that still needs to achieved in this area.

A few moments in the past help me to understand the context of the voice and where we need to be. In 1988 Australia had its bi-centenary celebration, and as part of the celebration Labor Prime Minister Bob Hawke went to the NT Barunga festival where he committed to creating a Treaty by 1990, an aspirational target to say the least. There he met Mandawuy Yunipingu who in the the next year said he heard Bob Hawke promise to create a treaty “on the radio, and he saw it on the television” which then became the theme of Yothu Yind’s 1991 song Treaty.

The following year in 1992, Paul Keating’s famous Redfern speech first publicly acknowledged that Aboriginal children were taken from their parents and reaffirmed the Labour government's commitment to Treaty. At that time under the Keating government, Aboriginal voices had a seat at the political table to advise the government on the many issues that Aboriginal were facing.

Then in 1996 when John Howard came into power, treaty was off the cards, and the indigenous voice at the table was removed, told you’re not needed. Howard then spent nearly 12 years in government which under his government included the suspension of the Racial Discrimination Act to conduct the NT intervention.

In 2007 when Labour won the Federal election and as part of the election promise in 2008, Kevin Rudd gave his sorry speech which is remembered on the 26th of May. While the former Prime Minister John Howard also agreed to table some form of historical acknowledgement, he refused to apologise for the hurt caused by previous governments. I remember that apology like it was yesterday, but the thing that I remember most were the members of the coalition that turned their backs or walked out of Parliament during the apology in disgust because a new Prime Minister would apologise for the pain and suffering caused by previous governments treatment of First Nations people.

I had to ask myself the question why are these people our representatives? How did they get there? How can they ever make the changes necessary to resolve our indigenous issues? Many of them come from privilege, finished their university education and perpetuated their fathers and grandfather’s opinions. These are the people that hold the power, but we have put them in there.

Yesterday I was fortunate enough to meet with Apryl Day and some indigenous lawyers and advocates to yarn about reconciliation week. For those of you who don’t know who Apryl day is, she is the daughter of Tanya Day who died in police custody after being arrested for being drunk on a train. The police said we locked her up for her own welfare. They didn't take her home, instead left her in a cell where she fell over 5 times cracking her skull on the wall which ultimately killed her. I ask where is the duty of care when you’re Aboriginal?

The clear message from yesterday’s yarn is that many of the issues from the last twenty, thirty 40 years or more, remain unchanged. If there’s too many black fellas in prison, we’ll build another one next door. Children are still being taken. Police investigating police in relation to Aboriginal deaths in custody has got us nowhere. Coroners don’t want to refer matters to the DDP to prosecute their own, police or private security officers. Witnesses are not compelled to give evidence. We need voices in law reform to lead a change in these areas.
So while I commend you all for supporting the Uluru statement, we can do more. We need to be asking the question what should be done for reconciliation and how can we achieve this as a faculty, as educators and individuals.

For the advocates for social justice, keep writing about and supporting the legal change that’s necessary to raise the age of children being able to be locked up from 14, this is a national disgrace. Let’s avoid the intergenerational trauma that this causes.

We need more Aboriginal voices here in the faculty to change the stories told to our students. We need more aboriginal educators in the law faculty because we need more indigenous voices, more importantly we need leaders. The law faculty offers over $500,000 in scholarships; however the criteria more often than not is for a WAM to be 75% or higher, in others “high academic achievers” -same thing. We currently have no scholarship for indigenous students wanting to undertake these areas that do not have that criteria currently. This indirectly discriminates against aboriginal students, and students with family or caring responsibilities. This perpetuates the student norm here and if you doubt what I’m saying watch back last week’s law prizegiving.

When I started my degree, we had one indigenous law lecturer and as of today we have none. Well why is this? How do we get indigenous students to want to choose to complete a masters or PhD when they can’t meet the criteria? The door is closed, we’re going backwards.

For the passionate educators we need to embed indigenous history and perspectives into the curriculum and learning because this is our history. For those that feel uncomfortable or incompetent, to speak about or talk about these issues and this content, get competent. Get different and better cultural training to equip you with the knowledge to discuss these issues that traverse all law subjects. You are teaching the next generation of lawyers, business men and women, politicians and most importantly mothers and fathers.

There’s two main parts that still need to be worked out in relation to the voice to parliament. First how the voice is represented, internally and the governance systems related to the representation need to be determined. While that needs professional assistance, this needs to be a first nations led process.

The second part is the actual text for what a potential provision could look like in the Constitution. This is where we need the best constitutional lawyers to come up with a workable and acceptable model (for First Nations and the general public) that is also non-justiciable in order to avoid creating a third chamber of Parliament. The discussion on what that looks like has stalled, and I would urge you as a faculty to lead on this area. Have discussions come up with fresh models that other law faculties, ex judges and leaders can talk about, reignite the discussion and lead rather than follow.

So this reconciliation week let’s think about how we can assist the ideas behind the Uluru statement, let’s educate ourselves now, let’s influence our voices within the law faculty by bringing indigenous voices into the faculty through content and staff. Let’s look at each of our areas of expertise and think how some action rather than words can effect reconciliation in our own way to create the change that’s needed.