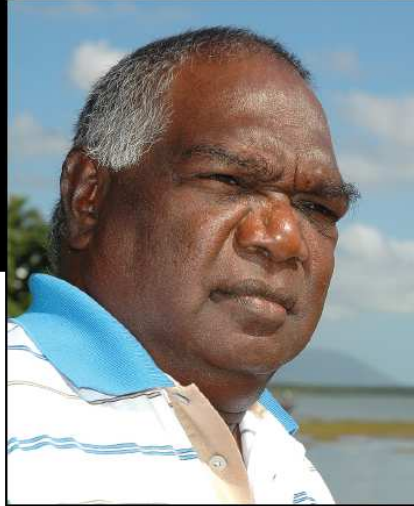


SERIOUS BUSINESS



Speech by

Galarrwuy Yunupingu

**The Melbourne Law School
The University of Melbourne
26 October, 2007**

- **The Referendum must be about more than just the Preamble**

To ensure that the spirit of the recognition of Indigenous people in the Preamble cannot be undermined, changes must be made to the Constitution itself.

- **We must ensure that we bring all Australians along in the debate about the Referendum**

These changes – this Settlement – affects every Australian, and so every Australian must have the chance to be heard on this matter.

- **We need balance in this Settlement**

This point concerns the practical aspects of this Settlement. There can be no settlement if Indigenous people remain the most disadvantaged citizens in the nation.

SERIOUS BUSINESS

Galarrwuy Yunupingu

Speech at the University of Melbourne Law School

26 October 2007

Opening Remarks

Ladies and gentlemen, thank you for having me here tonight. I would like to pay my respects to the traditional owners of this land, the Wurundjeri people and the Kulin nations who, like me, inherited their homeland from their ancestors in the sacred past and who are bound to it by a sacred duty. I thank you for allowing me to speak on your land.

I would also like to thank Vice Chancellor Professor Glyn Davis for his kind introduction.

A new settlement?

Ladies and gentlemen, recently the Prime Minister of Australia announced that if re-elected he will call a referendum to amend the Constitution to recognise the Indigenous people of Australia in the preamble.

He said that he wanted to see a new settlement of the relationship between Indigenous Australia and the Australian nation.

I was particularly pleased when the Leader of the Opposition, Mr Kevin Rudd, announced that he and his party would support the referendum.

In fact I waited anxiously to hear this news. I was delighted when I was told that Mr Rudd was with Mr Howard on this issue and that both leaders would support the idea of a new settlement.

I was delighted because for the first time in Australian political history we have agreement between both parties that there must be a resolution of the place and rights of the Indigenous people of Australia.

This is why I have named this speech **Serious Business**.

This business is the most serious business that we face as a people and as a nation.

After many long years we are now facing the moment when we must decide how this country will recognise the First Australians.

Captain Cook

When Captain Cook landed on the Australian continent he had with him an order from King George the Third.

That Order was that he obtain the CONSENT of the local people to his arrival and any settlement.

The Order said:

You are also with the Consent of the Natives to take Possession of Convenient Situations in the Country in the Name of the King of Great Britain:

Captain Cook and Captain Phillip after him ignored that order.

And of course it was not too long before he was in open conflict with the local Aboriginal people.

The Eora people who owned Port Jackson and Sydney did not recognise the Crown's claims to ownership just as so many Aboriginal people today still do not recognise those claims.

Cook's actions were on behalf of the King and he left a legacy that the nation is still trying to tackle today.

Indigenous people have our own law and society.

For my people it is ROM WAṬANGU.

Rom Waṭangu is the law of the land and the seas, and of life itself. My people are and will always be the owner and the maker of the land and sea.

Rom Waṭangu is the most powerful and real thing in Yolngu life. We do not pledge allegiance to the Crown.

Captain Phillip and those that followed him failed to understand this. They failed to establish a proper order or balance and this has been tearing away at the heart of the nation ever since.

Howard

Ladies and gentlemen, 220 years later we return to where we started.

A Prime Minister has said that he will now do what was not done before.

He will recognise the special place of Aboriginal people in the Australian nation.

He will sit down and talk with us, consult with us, listen to us, and learn from us in the process of formulating questions for the whole of Australia to vote on.

As I said earlier, doing this properly and honestly is the most serious business that we have faced as a nation.

And it is not just a matter of a Preamble. Mr Howard has talked about a New Settlement and the Commonwealth government's actions in the Northern Territory show that it's search for this new settlement is more than just symbolic.

Mr Howard is trying, on behalf of the nation, and on behalf of the Queen, to get it right.

On behalf of the Gumatj people I must thank the Australian people for this.

As Mr Howard acknowledged, it is the Australian people that have maintained a sense of injustice about the place of Indigenous people in Australia, and the Australian people have finally got through to Mr Howard.

The hundreds of thousands who walked across the Sydney Harbour Bridge and who signed the Sorry Books, and the good people who have worked away in Aboriginal communities doing good things and volunteering their time, their money and their voice to our cause.

The efforts of these people will find a special place in the history of this nation.

So, I am very grateful as a Gumatj person to everyone who has made their voice heard in the struggle for Indigenous rights.

Because it is a struggle.

Let me just pause and talk a little bit about my people and our struggle.

My people had a good relationship with foreigners for more than two hundred years before the British came to Australia. The Macassans came to the Yolngu coastline each year with the trade

winds, or monsoon winds. In my own land, the land of the Gumatj, they came to Gunyangara and camped. They caught and cooked trepang, which they then traded with the Chinese. They negotiated agreements with the Yolngu about their visits and we had very close friendships, and some Yolngu people married Macassans. Some Yolngu went to Macassar and back, and some Yolngu people are buried in Macassar. Some Macassans stayed and lived with us for a time. Children from both cultures were born during that very long history. The Macassans joined with us in our ceremonial life and we shared food, songs, and technology. Macassan words, songs and cultural traditions are still part of the Yolngu culture.

But when the whites came in the nineteenth century, our world changed. By 1885 Arnhem Land had been divided into two pastoral leases. From 1885 to 1893, whites terrorists employed by the pastoral lease companies shot Yolngu and killed them with poisoned horsemeat.

In about 1910, at Gän gan, inland from Blue Mud Bay and the homeland of the famous Yolngu artist Gawarrin Gurmana, white men killed almost an entire clan. Then they rode on horseback to Biranybirany, where they nearly wiped out the Yarrwidi clan, the saltwater people of my Gumatj people. Then they rode to Caledon Bay and Trial Bay. At Gurkawuy, they nearly wiped out the Marrakulu clan, which included the family of the famous artist Old Man Wanambi.

One of the men killed during the expedition of 1910 was an old man of the Djapu clan from the area of Caledon Bay. It was that man's son, Wonggu, who later became a leading figure in Yolngu resistance to European invasion.

My father told me many stories about these massacres. My father was there when my people left the mainland for the islands off the coast so that they too would not be killed.

These stories are very real to every person in Arnhem Land. They are living memories. My father very courageously brought our families back to the mainland and reasserted our ownership of our land and continued in the practice of our culture.

Then in the 1960's a mining company came to the Gove Peninsula. Representatives from the government came and simply told us that we were to move out of the way because a mine was to start on our sacred lands.

That moment was the start of land rights because it brought together the senior people of the area and they started to fight for recognition. They painted their position on bark in a statement that is now known as the Bark Petition.

That was in 1963. I was involved in the following years as this struggle continued.

But today, although we have land rights, the mine remains on my land without an agreement with my people. It is a daily reminder that I am not in full control of my land.

So my whole adult life has been a struggle for my rights.

In 1988, with the late Arrernte leader Wenten Rubuntja, I led the Aboriginal people of the Northern Territory to make another bark petition, which is called the Barunga Statement. I presented it to the then Prime Minister Bob Hawke who understood our reasoning. He wanted a treaty with us, but he was opposed in Canberra by both sides of politics.

At one point a few years ago I was so frustrated that I wanted to go and bring home the Barunga Statement from where it hung in Parliament.

It was prepared after great consultation with the traditional owners of the Northern Territory. It calls for Aboriginal self-management, a national system of land rights, compensation for loss of lands, respect for Aboriginal identity, an end to discrimination, and the granting of full civil, economic, social and cultural rights.

The Barunga Statement is a foundational document and starting point for this current debate. I am pleased that it still hangs in Parliament.

But I had come to feel that its words had been so ignored that the best thing to do would be to get it out of the Parliament and take it home and bury it in a bark coffin.

My cousin, Wali Wunungmurra, who is the last living signatory to the original Bark Petition told me recently that he wished to go and get that Petition and take it home also.

These are the frustrations that men like Wali and I live with.

But without doubt we now have a new opportunity. We now face the start of a process that has the potential to set this generation apart as a generation of unifiers and peacemakers.

Ladies and gentlemen, it will not be easy.

It will be a great challenge.

Let me say again that this is **serious business**.

And allow me to make the following 3 points to illustrate how serious this business really is.

Number One - The referendum must be about more than just the Preamble.

We must make changes to the Constitution to make sure that our place in the Preamble is not undermined.

Mr Howard has said that the Constitution must be amended to recognise the special place of Indigenous people in Australia and that means we must deal with the section known as the “race power”.

This is Section 51(26) and it currently allows the government to make laws based on race that can disadvantage Indigenous people. This clause needs to be removed and replaced with a clause that protects and strengthens Indigenous rights.

This includes most importantly our property rights, both to land and sea.

These rights must be recognised and protected.

To date Indigenous people fight a continuous battle to hang on to what rights we have to our land. A line must be drawn that prevents any further taking of our land or sea country without our consent and agreement.

Indigenous people owned the land and the sea before anyone else. This must be recognised once and for all.

Ladies and gentlemen, I want to emphasise this point. If there is to be a settlement at all, the Constitution must not just recognise us – it must recognise what is ours and what has been taken from us.

We seek this recognition within the nation, not outside it. This is a discussion we must have as Australians.

Point Number Two - We must ensure that we bring all of Australia along with this process.

These changes - this Settlement - affects every Australian. Every Australian must have a chance to have their voice heard.

We need balance in this Settlement.

To obtain balance we must ensure that every Australian has an opportunity to involve himself or herself in this discussion.

When we are done, every citizen can proudly stand and acknowledge what they have achieved in their country.

They can say: "This is our country. It is a country that we are all proud of. We now rejoice and celebrate with our Indigenous brothers and sisters together as one."

We live in a multicultural nation that is made up of many different cultures and languages. This needs to be recognised so that we can deeply and honestly express who we are as a nation.

There will be opposition from Aboriginal people who are so distressed by their personal circumstances that they are incapable of agreeing about anything that involves government. These people too must be heard. Let us put our agreed position, achieved in good faith with all Australians, to a referendum of Aboriginal voters. This will require them to think about their future:

yes or no? Do they want dignity or do they want conflict for all our future generations?

Point Number Three - This point concerns the practical aspects of this Settlement. There can be no settlement if Indigenous people remain the most disadvantaged citizens in the nation.

Words can set the scene but real commitments are required to tackle poverty and disadvantage. Fixing these problems will take time, energy and money. The immediate problems of the Indigenous world cannot be put to one side as we start to talk about symbols and words. This is why I support the Emergency Intervention in the Northern Territory. There are problems with its implementation that must be fixed, and I am personally committed to putting my shoulder to the wheel and getting the intervention working. And so must we all, for the sake of the children.

Our words must inspire us to greater efforts on behalf of the children and the old people and the everyday people who struggle out there in our communities.

Ladies and gentlemen, I ask that you come with me in this great challenge. In this most **serious business**.

It will not be an easy task and I know from experience that many times we will want to stand up and walk away from the table. But we must persist. We must never give up on this task as it is the most important task.

We must find the balance between all the people of this nation.

We need to go into this Hand in Hand and Heart to Heart with our fellow Australians.

And because our loss is great we will need face to face dealings and eye to eye talk.

Reconciliation does not come about because we agree to sit down and talk. Reconciliation only comes about when we have talked and reached an understanding. It is at the end of that process, when we shake hands and go off into our day-to-day lives, that is when we are reconciled; reconciliation does not come just from turning up to a meeting place.

Reconciliation comes about because of honesty, truth and making good what wrong has been done.

There has been much wrong done to my people, including to the Stolen Generations. These wrongs must be made right.

We have the opportunity now so I encourage you all to work towards this great prize that is reconciliation.

Lets get it right once and for all.

Let us complete this nation.

THANK YOU.