



**SENATOR ANDREW BRAGG
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Address to the Sydney Institute: Buraadja, the Liberal Case for National Reconciliation

Firstly, I thank the Sydney Institute for having me. I very much appreciate the invitation and I thank you Gerard and Anne for the work you have done in building up the Institute.

It is one of the great Australian policy clearing houses.

The Institute is one of the few spaces where we can debate the matters of great national importance. That makes the Institute a space to be cherished.

The title of this book is “tomorrow” in the Dhurga language of the Yuin people - Buraadja is about the type of country we want to be tomorrow.

The question is, why write a book on the history of liberalism and Indigenous affairs?

The answer is that the issues facing Indigenous people are serious and often intractable and there is a question mark over the nation whilst ever we live with “the gap”.

I believe “the gap” is the modern consequence of the “Great Australian Silence” coined to describe the nation’s blind spot on Indigenous matters by anthropologist Bill Stanner in 1968.

As I said in my First Speech to the Senate, it is the nation’s unfinished business.

Put simply, Australia is a great country but it has not generally been a great country for Indigenous people.

What I wanted to do tonight was set out the key liberal arguments for delivering on the Uluru Statement from the Heart.

Before I do that, I must acknowledge the support of my colleagues for this project. It’s important that people know the Liberal Party is still the big tent. I have been encouraged even by people who don’t agree with this agenda to write.

The book has a generous foreword from the Prime Minister who said:

“... for over two centuries we have perpetuated and suffered from an ingrained way of thinking, and that is the belief we know better than our Indigenous peoples. We don't. We also thought we understood the problems facing Indigenous Australians better than they did. We don't.”

Prime Minister Morrison is developing a strong record on Indigenous affairs which builds upon Harold Holt's and Malcolm Fraser's significant record.

Innovation and leadership on Indigenous affairs has been a thread of Australian liberalism. It has always been there. Indeed, Billy Wentworth was effectively arguing for a voice to parliament in the 1960s.

His contemporaries like former Liberal Party director Tony Eggleton told me Wentworth influenced Harold Holt.

Harold Holt delivered the historic 1967 referendum to arm the national government with power to legislate for Indigenous people and to be included in the census.

Sadly too many of us remember him for his death, not for this achievement which his predecessor (and probably his successor) was not prepared to provide.

Had he not disappeared, I believe our collective memory would place the referendum at the top of the Holt recollection pile. Scant detail exists on Holt, he never wrote his memoirs and there is just one biography written by the brilliant Professor Tom Frame.

Malcolm Fraser delivered land rights laws which have led to the bulk of the Northern Territory now being under the control of the original owners.

The Fraser era was not an era of economic reform but it was impeccable on liberal values: a fair deal for Indigenous people and a strong humanitarian approach on Vietnam and South Africa.

The thread bloomed during this period. I interviewed all three Fraser Ministers for Aboriginal affairs - Ian Viner, Peter Baume and Fred Chaney. They all say that Fraser was instrumental in delivering land rights in the face of enormous opposition from the pastoral and mining sector and the Northern Territory Government.

Yet the nation remembers Gough Whitlam pouring the red dirt into the hands of Vincent Lingiari. We don't give Fraser enough credit for forcing through the first Land Rights system in Australia.

The renowned Indigenous leader Charles Perkins described Malcolm Fraser as the best leader on Indigenous affairs in his lifetime. He said Fraser was “A1”.

Our Prime Minister Scott Morrison has presided over the radical overhaul of the closing the gap targets in collaboration with the Coalition of the Peaks. I am sure this will be a historically significant contribution.

The PM has ensured this critical reform agenda designed to boost education, health and economic participation is now “co-designed” with the appropriate input from the community itself.

He kept his commitment and funded the Voice co-design process which is underway through Ken Wyatt’s department. We are pursuing a Voice and we maintain our commitment to constitutional recognition.

He has also changed the anthem. Australia’s greatest sporting champion Cathy Freeman said:

“What a way to start the year!!! A phone call from our Prime Minister to say that we are “One and Free”! Thank you!!!”

The process of writing this book has also brought out comments from other leaders.

Indigenous Australians Minister Ken Wyatt said: “It is a contribution and a call to action for us all. And this is what we need to help not only progress on reconciliation but the debate around recognition..”

So far the process of putting the book out has made Tony Abbott’s point about Liberals writing more books - this is important because we do have good things to say and it aids policy development.

The four key reasons for us to lead this historic reform agenda are (1) we have a historical record which has been required to deliver big reforms in the space, (2) the illiberal special laws require a special system (3) this is a patriotic agenda, and (4) we should build on our contribution in Canberra.

The reconciliation reform agenda comprises what I call hard and soft components. The hard parts include the debate on constitutional reform and the Uluru Statement.

The softer elements comprise a better reflection of the nation’s Indigenous heritage - especially in the purpose built national capital.

1. The historical record

We Liberals have delivered key reforms.

It started with Menzies. He set up the predecessor body of the Australian Institute for Aboriginal and Torres Strait Islander Studies (AIATSIS) which has protected and preserved Indigenous language and culture. Indeed it has done this for Buraadja - a word from the Dhurga language.

Menzies also passed voting rights reform through his Minister Paul Hasluck in 1962. He stopped short of being prepared to deliver what the Aboriginal lobby in the 1960s wanted, which was a federal power to legislate for Indigenous people as existed for all other "races".

The constitutional amendment bills that Menzies passed included only changes to the constitution to provide that Indigenous people would be counted in the census.

Harold Holt decided that he would go all the way.

Holt junked Menzies' plan and proposed a new policy: that the national government would seek a new power in the constitution to legislate for Indigenous people.

Holt's referendum was won with 90 percent support. Amongst other things, the referendum brought one Neville Bonner into the orbit of the Liberal Party.

Bonner would join the One Mile Branch of the Queensland Division of the Liberal Party after being castigated on polling day by the local member Bill Hayden for not helping Labor.

This year, on 15 August 2021, we mark the occasion of Bonner's 50th anniversary of his appointment to the Australian Senate. He is a great historical figure.

Holt's ambition for Indigenous affairs was cut short by his untimely death. The cudgels were then picked up a decade later by Malcolm Fraser.

Fraser delivered the 1976 Land Rights (Northern Territory) Act. Fraser's Act led to the return of traditional lands and forced the hands of state governments to do the same.

This process started with the Tonkin government in South Australia. Fraser's laws led to the return of Uluru to the traditional owners.

Fraser's Ministers say the delivery of the land rights agenda was singularly thanks to Fraser. He could have walked away from it after the dismissal but chose to see it through.

Equally there is no question of the commitment of Gough Whitlam on land rights, he commissioned the Woodward Royal Commission and would have passed his own version of land rights laws if he had remained in office.

The next really significant reform was Native Title which was delivered by the High Court and later confirmed in statute by the Keating government. The Native Title Act was amended by the Howard government but left largely intact.

As I catalogue in the book, this allows the Liberal Party to claim two of the three structural changes: the power to legislate and the creation of the Land Rights regime.

Labor has also made important contributions but the mythology of Labor and Indigenous policy is overblown. Hawke cried about his failed treaty. Rudd at least delivered the apology and the initial framework for closing the gap.

The next historic contribution could be the commitment on constitutional recognition and the obligation to consult Indigenous people. It is there for the taking.

2. Illiberal special laws demand a special system

We have 18 different laws on the books. Native title, land rights, heritage protection and Aboriginal corporations to name a few.

Indigenous people are the only racial group with a slew of laws made for them.

This means we must have a special system to manage the laws. We should provide community input into these special laws whether they are made under the races power or under the territories power or for any other purpose.

Direct input would significantly improve the understanding mere legislators have over the special laws we make for Indigenous people.

A voice would serve both practical and symbolic purposes. The practical provides agency, the symbolic delivers the recognition long promised by my party to which I shall return in a moment.

Denying the people a say over these special laws is illiberal and wrong. I don't understand why anyone would want to stop this sort of non-binding advice.

There are worse things we could do than conduct more community engagement.

But, as you know, there are mixed views in my party on this matter.

Some liberals and conservatives have called this a "third chamber". Others have said "race has no place".

I, along with Julian Leeser, are two of the most enthusiastic supporters of a special system and there is a growing group inside the Coalition parties in favour of the Voice.

There is no secret that I wrote the book *Buraadja* to build out that liberal case which I was most keen to see the colleagues adopt.

I felt that without a book like *Buraadja*, the main arguments circulating about the voice were both fraudulent: the “third chamber” and “race has no place”.

As one of the most enthusiastic supporters, I do not believe we can seriously entertain the idea that the Australian people will support a complex constitutional amendment.

As I set out in the book, there are worthy drafting amendments from Anne Twomey, Noel Pearson, Megan Davis and co which are legally sound but would likely be too detailed from a campaigner’s perspective.

Anne Twomey has created two drafts of the constitutional amendments.

One in 2015 that would establish a new body in the Constitution and one in 2020 that would impose a constitutional obligation on the Commonwealth to ensure Indigenous voices are heard in Indigenous affairs.

The second drafting amendment in 2020 places a simple and clean obligation on the Commonwealth to consult Indigenous people on laws which are made for them. This is a good idea, a fair idea and something we can sell.

It could be consistent with the principles set out in my first speech which were that an amendment must:

1. Capture broad support of the Indigenous community
2. Focus on community level improvements
3. Maintain the supremacy of Parliament
4. Maintain the value of equality
5. Strengthen national unity

In my first speech, I also quoted Murray Gleeson’s paper which made the case for why the proposal is safe from a legal and constitutional point of view.

I am not a lawyer and I don’t claim to make the case about what will or will not work from a legal perspective.

Rather, I have listened to the former Chief Justice and I’ve been thinking about what will work not only from the lawyers’ perspective, but also from the campaigners' perspective.

I say this as someone with some experience of selling controversial changes to the Australian people. In 2017, I was engaged as the leader of the Liberals and Nationals for Yes campaign on same sex marriage.

We won 71/76 Coalition seats in that effort which focused on fairness and families. The simplicity of the position that you're going to give something to a minority without taking anything from any other Australian is a proven method.

Putting an obligation on the Commonwealth to consult doesn't give a special deal to a minority, it provides a duty to consult which should have been there at the outset.

After all, I am interested in the outcome which would see a voice set up in legislation because the constitution required it - exactly what Uluru calls for.

When he launched my book in Canberra, Ken Wyatt acknowledged that the attitude of the Australian people to this issue is changing.

The people are becoming more supportive. I notice it in my own generation of new Parliamentarians.

It is very encouraging, but we also need to think about what the people will ultimately support.

I believe that the Australian people will support the Parliament establishing a voice and that they will support an amendment to the Constitution that obliges the Commonwealth to ensure that Indigenous peoples are heard.

I do not believe that the Australian people will support an amendment to the Constitution, however, that is highly complex and explicitly creates a new entity in the Constitution.

Uluru calls for the establishment of a First Nations Voice and for this to be enshrined in the Constitution.

A voice established in legislation as part of a package that includes a constitutional amendment that obliges the Commonwealth to hear Indigenous peoples is a liberal way of delivering what Uluru calls for.

3. This is a patriotic agenda

This is about completing the constitution.

That is exactly what Tony Abbott said at Garma in 2013 when he said the constitution was "incomplete".

It doesn't reflect the full inheritance Australians deserve.

It's a continuation of what John Howard said when in 2007 he committed his government to seeking a change to the constitution to reflect the ancient Indigenous heritage.

The people who drafted the Uluru Statement did so asking to be included in the Australian Constitution. They didn't ask for a separate state, they didn't ask for division.

Some people have said why do the Indigenous people want to be in the "old white man's constitution".

The answer is I assume because there is support for and belief in modern Australia.

This is despite all the failures, Australia remains a great country to which most people want to be connected.

The party of patriots should therefore drive this agenda because it is a patriotic agenda.

After all, don't we want to show the world the unique Indigenous heritage of Australia?

4. We should build upon our contribution in Canberra

Reconciliation is more than the constitution and agency on the ground. It is also about the nation's symbols.

Every long serving Liberal PM has left something significant in Canberra. Menzies drove the development of Canberra. He created Lake Burley Griffin.

He created the magnificent National Library of Australia. Holt announced the building of the National Gallery of Australia.

Malcolm Fraser drove the development of New Parliament House.

Howard drove the National Portrait Gallery, National Museum and the modest Reconciliation Place.

Our government should press ahead and establish a National Resting Place inside the Parliamentary Triangle.

It is inconceivable that the Triangle doesn't contain a significant building reflecting the culture and history of Indigenous people.

In the recent budget we have committed almost \$5m to a study into the project. I believe we should commit to funding this project in this calendar year.

The Resting Place would adorn our national capital like the Museum of African Americans enriches Washington DC. It is the missing institution in Canberra.

The Resting Place could be established alongside a Declaration of Recognition. It could be the repository of the document that binds Australia together; that the Pearson formula would be etched into its walls.

The soft elements are important because it allows us to tangibly live out Noel Pearson's formula for modern Australia: ancient Indigenous heritage, British institutions and a multicultural gift.

As Charles Perkins said, the "past lives in us".

We cannot change the past but we need to make sure that the restlessness in Australia is concluded by delivering a national reconciliation worthy of a great nation.

Until we do this we are denying our children their full and proper inheritance. As Deakin said when arguing for our Federation "We are trustees for posterity, for the unborn millions, unknown and unnumbered, whose aspirations we may help to fulfil and whose destinies we may assist to determine." (Alfred Deakin at the Adelaide Federation Convention 1897)

Past, present and future.

For all of us.

Thank you

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