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I acknowledge that this is Kurna land and the Kurna People are the first nation of this land and that they continue to assert their control by the exercise of their customs and traditions.

Speech to Letters Patent Day celebrations at Warraparinga.

**A MOMENT OF REFLECTION IN 175 YEARS OF SETTLEMENT: THE IMPACT OF THE CREATION OF THE PROVINCE OF SOUTH AUSTRALIA UPON THE RIGHTS OF INDIGENOUS PEOPLE.**

Today should be a day of celebration.

It is 175 years since King William IV created the province of South Australia.

But, unfortunately we cannot celebrate, we can only reflect.

For in that 175 years every time the State has advanced its interests it has done so to the detriment of the interests of indigenous people.

Every time it has made a land grant it has diminished the rights of Indigenous People to their land.

It was not suppose to be like that.

The crown officers of the province were given specific directions.

The land was to be acquired by fair means from the Aboriginal inhabitants.

The land was to be acquired by a 'bargain or treaty' prior to any grant being made to the new arrivals.

These instructions dovetailed with the provisions in the Letters Patent.

It said:

Provided Always that nothing in those our Letters Patent contained shall affect or be construed to affect the rights of any Aboriginal Natives of the said Province to the actual occupation or enjoyment in their own Persons or in the Persons of their Descendants of any Lands therein now actually occupied or enjoyed by such Natives.

The Letters Patent and the other founding documents were consistent with each other.

They recognised that Aboriginal rights to land existed, that they should not be taken without consent, that an agreement was required before they could be acquired, and that Aboriginal rights were to be respected.

It proposed that the settlement of South Australia be on 'just' terms.

But the history of the actions of government has not played out in that way.

Aboriginal People were dispossessed of their ancestral lands, if they resisted they were forcibly removed, they were herded into reservations and detained there, their graves were robbed and their artefacts stolen, they were imprisoned, they were sometimes killed, and their children were stolen.

No just settlement ensued.

As we attempt to emerge from this appalling past the wrongs need to be righted and the original promises of a just settlement revisited.

They need to be revisited recognising that the law has been broken, the original instructions have not been followed, that land has been taken without consent, that Indigenous People have been treated appallingly, without justice, and that they have suffered great loss.

There needs to be a commitment to put the wrongs right to every extent possible.

It may also mean that those who have passed without knowing or seeing justice may rest a little easier.

But it cannot occur without honesty and a deep introspection about who we are and how we want to be.

Where we are at today does not sit easy with me and I suspect it does not sit easy with you.

One of our greatest challenges now will be to work out individually and collectively how to respond to these issues.

This can be doubly challenging for us as we live in a very limited democracy with only two political parties to choose from; where the primary focus by each of them is to protect the construction of singular Crown sovereignty.

It can mean that the legislature, the structural limb of our government that is charged with responding to our issues, cannot or will not respond.

In such a complex environment, where Aboriginal interests are secondary to State interests, we need to make some aspects of the matter as simple as we can.

We need to recognise plainly that some things have occurred that are simply wrong; morally and/or legally, and that responsibility needs to be taken for these wrongs.

To this end we can hope to better understand our communities, inform our discussion and make better decisions, so that response to wrongs are not re-inscriptions of colonial processes.

To quote Associate Professor Daryle Rigney, a Ngarrindjeri man:

An examination of our past will provide us with a basis to structure a society inclusive of all people and a foundation to our country which is principled and honest; it will be a painful process but will result in great healing to indigenous and non-indigenous people in its end. It is time for Australia to act as a mature and responsible nation and to reach in and examine its own heart.

The State Government has a crucial role of leadership.

We must look for leaders with the capacity to work through complex issues, who are engaged with the community, who do not resort to simple politics, expedience or insincere commitments.

On 28 December 2006, at the site of Hindmarsh's proclamation of 1836, the South Australian then Minister for Aboriginal Affairs and Reconciliation, Jay Weatherill, declared that 'the failure to meet the promise contained in the documents establishing this settlement [has] been the cause of much loss and suffering for Aboriginal people'.

The Minister went on to say that he 'believes we [the State of South Australia] must recommit ourselves to the promise made to Aboriginal South Australians at this place 170 years ago'.

The adoption of any other position that is less than a recommitment to past promises maintains the relationship between colonised and coloniser, where popular majority political and economic calculations take precedence over Aboriginal rights.

I would like, as I imagine you would, to be able in future years to celebrate this day.

When you think about the issues that confront us, and you think about those in the context of the issues that confront the world today; climate change, diminishing natural resources, the economic crisis, terrorism, you realise that this issue is eminently solvable; it is geographically isolated, its history is known and knowable, people have been thinking hard about it, and the Indigenous leaders in South Australia have expressed a commitment to sit down and talk about it with government.

The thing that is missing is the will of the State Government of South Australia to work through this issue.

If the political will existed, I believe this matter could be resolved.

We must make it known that this matter is important to us all.

If the whole of society can explore these matters openly and confront them honestly, I think that we can better understand each other and find the resolve necessary to work through a new relationship between Aboriginal and non-Aboriginal People in South Australia.

No doubt this is difficult because it requires us to re-think the questions that need to be asked, most of which will challenge learned “truths” and from which many have received benefits.

My belief rests upon a view that we have now achieved a maturity where we can reflect upon and respond to the injustices visited upon Aboriginal People.

We are ready for the new perspective and a new relationship.

It is in the coming to terms with the past that we can forge a just future together, a future based on a new relationship.

There is no denying that this aspiration is overtly political in its nature.

But I think our own collective sense of justice demands the same outcome.

There is no doubt that the rights and responsibilities of Aboriginal People in Australia exercised with respect to their ancestral land constituted ownership of the land.

There is also no doubt that the British were aware of those proprietary interests, that is, they knew that the land was owned by Aboriginal People, and that the land owned by Aboriginal People was absorbed into a new land tenure arrangement without their consent.

If the impact of the past on present power relationships and arrangements continues to be denied, its implications and effect remain abusive to the relationship between Aboriginal and non-Aboriginal People in South Australia.

The status quo is maintained at considerable cost in that the level of respect and understanding required to build a new relationship cannot be achieved, and rather destructive and fractured forces will continue to shape our society.

I have heard Aboriginal leaders like Tom Trevorrow say that the 'State needs to come to terms with its past, and it needs to come to terms with Aboriginal People'.

I think that is right.