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SPEECH BY PREMIER DON DUNSTAN, CALWELL MEMORIAL LECTURE, MONASH UNIVERSITY,
24th JULY, 1978.

In years to come Arthur Calwell will be remembered primarily as a passionate opponent of war and conscription, and as the architect, following World War Two, of the massive European migration to Australia which changed the character of our society. It was his greatest achievement.

But those of us who knew Arthur Calwell also remember him as a passionate fighter for the poor. Calwell's brand of socialism was moulded by his experiences during the depression and reinforced by his understanding of the people he represented.

Calwell was a populist in the old Labor tradition. I remember that he used to like to boast in Parliament that he had "the privilege and honour to represent the poorest constituency in the Country".

If Arthur Calwell had ever become Prime Minister, as he very nearly did in 1961, many of the great social reforms that changed Australia's society for the better under a Labor Government more than a decade later, would have been bought about.

But Calwell will also be remembered as the champion of the White Australia policy and for his remarks about Asians and other would-be 'coloured' migrants whom he feared would weaken Australian society.

It's no secret that within the Labor Party my opposition to the White Australia policy led to a bitter breach with Calwell, who had been my friend. It must, of course, be judged in the context of his time. Indeed, the only real difference between Calwell and many of his contemporaries was that he was more forthright in his attitudes than those who felt the same but preferred not to raise the issue.

Yet Calwell's views on race were confused. His attitude towards Aborigines was not the same as his attitude towards Asian migrants. Many times in the House of Representatives, Calwell attacked what he called "the flagrant and disgraceful manner in which the Parliament and people of Australia treated Aborigines". In the early 1950's he fought for the abolition of the exemption certificate, which discriminated Aborigines from White Australians.

Tonight I want to talk about the rights and wishes of tribal Aborigines and the challenges they pose for the Australian Labor Party, and for this country. Until 1965 the official policy of Governments in Australia towards Aborigines was that of assimilation. To most Australians, Aborigines remained rural

pests..... cultureless, stone-age primitives who lacked motivation and a sense of responsibility. To the few who were concerned about the plight of the Aborigine the solution was simple; they should be educated to share our motives, aspirations, mode of life and be indistinguishable from other Australians, except for the colour of their skin.

The "European problem" regarding Aborigines stemmed from white Australians difficulty or inability to understand the Aborigines' philosophy and their more subtle relationship with the land.

For over 50,000 years of their known existence in Australia Aborigines had come to identify with their environment to such an extent that they considered themselves a part of the land, physically and spiritually.

But this was alien to the settlers and their descendants. For Europeans, land ownership involved an obligation to lay down 'roots' in the form of permanent settlement and commercial exploitation.

Without villages and agriculture, Aborigines were perceived to have no clearly recognisable claim to a particular area of land.

What Europeans failed to realise was that the most effective adaptation to the harsh outback environment was the Aborigines' hunting and gathering lifestyle, which combined the use of fire with wide ranging mobility.

It's also somewhat ironic that Europeans who could understand the Christian belief in receiving the body and blood of Christ in communion, belittled the Aborigine who said a rock was his ancestor and life-force.

So, frontiers were pushed back and European settlers fenced and grazed sites which had personal and sacred meaning to individual Aborigines,

As many of you will be aware, my Government has always been concerned with Aboriginal problems, determined to make up as far as possible for decades of injustice, intolerance and neglect. When we first came to office we set out to implement a policy of equality, equal opportunity and self-determination for our Aboriginal people.

South Australia's Prohibition of Discrimination Act was pioneering legislation and a model for other States. We've also had considerable success in education. Our programme of providing pre-school education began in 1971 and now every aboriginal school in South Australia has a pre-school designed to meet the special needs of Aboriginal children.

Naturally, I'm proud that South Australia also led this country in the granting of land rights to Aborigines with the setting up of the Aboriginal Lands Trust, an Aboriginal body which is also a model for the other States.

In addition to numerous unoccupied reserves which have been transferred, the

Lands Trust has received freehold title to some of the larger occupied reserves in Southern areas. These have been leased back on a long term basis to the Aboriginal Councils, who assume full control over the management of the reserves as soon as they are able and willing to do so.

The South Australian Aboriginal Lands Trust enjoys considerable goodwill from many Aboriginal communities.

But last year, when I visited and spoke with the tribal people of the North West, the Pitjantjatjara, I was told that trusteeship was alien to their culture.

They told me that the people down in Adelaide who were members of the Aboriginal Lands Trust were not considered to be tribal elders under Pitjantjatjara law and therefore could not claim to represent them or exercise legitimate authority.

As I was told that the land the Pitjantjatjara lived and hunted upon was theirs and that they wanted a special freehold so that their land could never be sold. During my tour of the 160,000 sq. kilometres that comprise the tribal lands of the North West of South Australia, I found overwhelming support for a new kind of landowning entity.

I can announce tonight that the South Australian Government, during this Parliamentary term, will introduce Legislation conferring inalienable land rights to the Pitjantjatjara people of the North West.

This Legislation will include provisions creating a new land-owning entity called the "Pitjantjatjara Peoples" and membership of that entity will be the right of all those Aborigines who have rights, duties and obligations, by Aboriginal tradition, to those lands.

Following recommendations from our Land Rights Working Party, whose report I will release shortly, the Pitjantjatjara people will have full powers of management over their lands. As I tried to explain earlier, the attachment tribal people have for their lands relates not just to the surface of their land, but for the whole of the substance and essence of the land itself.

What was clearly desired by the Pitjantjatjara people I spoke with was that there should be no mining whatsoever without their consent.

The Pitjantjatjara believe that if they are given title to their land but are not given a final say in what could be extensive mining developments, then the Legislation would not be worth introducing. To deny Aborigines the right to prevent mining on their land would be to deny them real land rights.

Our Lands Rights Working party has recommended that the Government should introduce Legislation which will guarantee the rights of the Pitjantjatjara

people over mining development on their land, and that all mining royalties should go to the Pitjantjatjara.

Our Legislation will enable the owners of the land, the Pitjantjatjara to issue permits prescribing who may or may not enter tribal areas.

They will also be given the power to formulate regulations controlling the possession and consumption of liquor on their lands.

This is a special difficulty about which we've given a great deal of consideration. For many years the devastating effect that alcohol has had on Aboriginal communities fostered a generally held opinion amongst Europeans that Aborigines should be protected from the evils of the bottle.

This view, of course, was enshrined in laws which, whatever their intention, were discriminatory. Most of these laws have been repealed, and our decision to transfer North West tribal lands to private ownership removes the Pitjantjatjara from the provisions of the Community Welfare Act, which restricts the possession and consumption of liquor on Aboriginal reserves.

It may seem ironic but it's now the Pitjantjatjara themselves who are insisting that alcohol is destroying their culture. We will, therefore, give them the power to decide for themselves, and to take action in their own way.

I imagine that certain political figures who are intent on protecting the interests of groups other than the Aborigines, will say that giving back the Aborigines what is theirs, is some form of Apartheid.

This cry undoubtedly will come from those Australians who may themselves be accused of flirting with police state notions and who have a closer affinity with the South African view of race relations. But what we, and the Aboriginal people are proposing bears no resemblance to apartheid, a system which enforces the separation of races in mixed communities and compulsorily transports people of one race to areas they call 'homelands'. Instead, we are rejecting assimilation and the destruction of a culture in favour of diversity in a multi-cultural society.

Another area where we must go further is the law,

The special problem faced by tribal Aborigines in their contact with our legal system was highlighted in the report of the Commission of Enquiry into poverty. That report concluded that if the immediate consequences of the interaction between Aborigines and European law was confusion, the long term effect has been the erosion of traditional culture and tribal authority.

But there has been little attention given in Australia to assessing the relationship between the Euro-Australian system of justice, and the

Aboriginal system, particularly with a view to assessing the extent to which one or other should play a major or lesser part.

Yet clearly there are problems - quite apart from the issue of double jeopardy when tribal Aborigines are punished twice, sometimes severely, for the same offence.

European law may prescribe punishment for activity which is quite acceptable under tribal law. On the other hand our law and practises may not punish where customary Aboriginal tradition recognises that punishment should occur. This is the case with sacriligious offences such as the showing of sacred objects to the uninitiated or speaking about the dead. (Although - here our law may only intrude to punish the punishers - if the sentence is deemed too severe.)

The end result of this confusion is the undermining of Aboriginal culture and the authority of elders.

The task before us is to determine whether our law is applicable to Aboriginal tribal communities, and whether our legal system takes sufficient account of the methods of justice and punishment under tribal law.

The complicated problem of determining boundaries in these matters was highlighted in South Australia in 1976 when a Supreme Court Judge, Mr. Justice Wells, accepted a plea of mitigation on a charge of manslaughter on the grounds that there had been provocation involving tribal secrets.

I've also heard of Magistrates in the Northern Territory who have taken into account the inevitability of tribal punishment and have declined to jail or fine offenders on the understanding that the convicted person will be returned to his tribe where he will be dealt with.

It's a difficult area, but I believe that some recognition of tribal law is necessary in order to promote the maintenance and development of Aboriginal culture. Such an approach may also assist with overcoming some of the difficulties that are experienced in the administration of justice in outback areas.

A week ago the South Australian Government established a Committee to enquire into and report on the recognition of Aboriginal tribal law in our State. Without wishing to pre-empt that Committee in any way I can say that we are looking at crimes like minor assault, petty theft and petrol sniffing. We believe that such cases may be dealt with more effectively by tribal law rather than by procedures involving the police, court, lawyers and prison.

In his policy speech shortly before the 1972 election, Gough Whitlam said Australians were all diminished while the Aborigines were denied their rightful place in this nation.

He told Australians that more than any foreign aid programme, more than any international obligation, more than any part we may play in any treaty, agreement or alliance Australia's treatment of her Aboriginal people will be the thing upon which the rest of the world will judge Australia and Australians - not just now, but in the greater perspective of history.

Yet despite the great advances that were made by the Whitlam Government racism is still entrenched in Australian culture, particularly in country areas.

Only last year we witnessed in Western Australia what must be one of the most shameful displays of organised racism in recent Australian history.

I'm referring to the events of polling day in the West Australian state seat of Kimberly, when lawyers and others were used by the Liberal Party not only to frustrate illiterate Aboriginal voters but to deny them their fundamental rights.

A systematic effort was made to intimidate aborigines, many of whom had journeyed miles to their polling places. Written instructions were given to Liberal Party lawyers to use any tactic or argument to have Aboriginal votes declared invalid.

All Australians should be ashamed of what happened that day, as we must continue to be ashamed for what is happening in Queensland.

The Federal Government's answer is to cut back its expenditure in the Aboriginal Affairs area and to fail to assume fully the responsibilities that were vested in the Commonwealth after the 1967 Referendum.

So once again it's up to the Australian Labor Party to take up the challenge. We cannot rest on our laurels. What we've done is to give back to Aborigines only some of what was taken from them - their land, their rights, their culture, and most of all their dignity.

The argument for land rights is beyond argument. Present and future Labor Governments, Commonwealth and State, cannot shirk that responsibility. Until tribal Aborigines achieve self-determination and equality of opportunity we cannot claim to be laying the foundations for an Australian society that our party and men like Arthur Calwell fought for; one where material wealth is not the only measure of success and accident of birth the only way to advancement.