

## ***FIVE MINUTES TO MIDNIGHT***

### **H.C. NUGGET COOMBS MEMORIAL LECTURE**

**DARWIN - THURSDAY, 3 OCTOBER 2019**

Ballumb ambol Larrakia yindamarra Ngudu-yirra bang marrang.

We gather this evening on the lands of the Larrakia Nation.

In acknowledging the Larrakia let us honour and remind ourselves of your care and custodianship of country.

I do this in my language – that of the Wiradjuri Nation of South West New South Wales.

Larrakia – a country that extends from Cox Peninsula in the west, to Gunn Point in the north, Adelaide River in the east and down to the Manton Dam area in the south.

Like all First Nations the Larrakia's story is as ancient as it is modern.

Larrakia continue to practice and preserve stories and culture; and continue to care for the land and water around us. Thank you.

I recognise this evening, Richard Fejo, Chair of the Larrakia Nation Aboriginal Corporation.

And I thank you, Bilawara Lee, for your welcome, and for having us on your country.

Welcome to country is a very old and an important ritual: Practiced for thousands of years by First Nations people when they go to other people's countries, seeking permission, showing respect.

When we acknowledge country, remind ourselves of the three handfuls: The handful of truth; the handful of social justice for First Nations people; and the handful of equality and justice for all.

I am grateful to you all for attending the Nugget Coombs Memorial Lecture this evening. This lecture is presented in a partnership between the Australian National University and Charles Darwin University. I am acutely aware that this lecture is a major public event.

I would like to recognise and thank Professor Brian Schmidt AC, the vice Chancellor of ANU for your invitation to present tonight. I am truly touched.

Can I also recognise Professor Simon Maddocks, the Vice Chancellor of Charles Darwin University.

I wish to acknowledge Council members and staff from both universities.

Some of you I know personally.

A very, very, special recognition of Professor the Hon. Gareth Evens AC QC. Gareth, I know this is one of your final official events as Chancellor and you will receive many accolades. Let me add to them.

Tonight it is my intention to speak about four things.

The first being a very consistent theme of mine but also one of the fundamental tenets of the Uluru Statement from the Heart and that is the importance, the art of truth-telling.

I want to secondly focus on some of the policy challenges in my Shadow Portfolio of Indigenous Australians and Families and Social Services.

Thirdly, I want to focus on what I believe to be the defining discussions for the 46th Parliament, and the enshrinement of a First Nations Voice to the Parliament.

And finally, of course, to reflect on the story, values and legacy of Herbert Cole Nugget Coombs and the lessons he leaves us for the way forward for Indigenous and non-Indigenous Australians alike.

However, before that, it is important from an Aboriginal worldview for you to be able to place me, and know a little of my story. In doing so I share a little of the Wiradjuri story.

Wiradjuri territory is shaped like a fan. It sweeps across the catchments of the Lachlan, Macquarie and the Murrumbidgee Rivers. In the language of the Wiradjuri these three rivers are called Galari, Wambuul and Marrambidya. I am of the Marrambidya Wiradjuri.

The Wiradjuri were the first inland nation to experience the brutality of British colonisation and invasion.

The resistance of the mighty Wiradjuri leader Windradyne and his warriors was so strong that martial law was declared in Bathurst in 1823 – two thirds of the Wiradjuri around Bathurst were murdered – around 1,000 people or so – during the four months of martial law. To compound the damage even further, gold was discovered at Bathurst in 1851.

Bruce Pascoe's Dark Emu describes the way of life for the Wiradjuri prior to settlers.

He says that it was possible for one to have driven a horse-led sulky though the land because of the way that the Wiradjuri had tended the land.

The wide-spread introduction of hooved animals post-settlement destroyed the top soil and destroyed the fertility of the land.

The shocking practice of poisoning flour and waterholes was first practiced on my people.

Some of the place names in my country tell the story.

Poison Waterhole Creek – near Narrandera.

Murdering Island between Griffith and Darlington Point.

The essence of Aboriginality is connection to country and where you stand in it. It also reminds us of the injustices perpetrated on the First Peoples in the so-called building of our nation. It is the telling of truth.

Nugget Coombs in my mind was one of Australia's greatest public servants and a truth teller. I do not say this lightly. He served no less than eight Prime Ministers in one way or another: Curtin, Chifley, Menzies, Holt, Gorton, McMahon, Whitlam and Frasier.

I did not know Nugget Coombs personally – so it was important I spoke to people who knew him and worked alongside him in preparing this address.

The man we honour tonight was born at the turn of last century.

My great aunt and uncle Letitia and William Laing who raised me were born around the same time.

They were a brave, non-Aboriginal brother and sister. Neither of whom ever married.

They lived through two world wars and the depression, defining events that shaped our nation and those within it.

It shaped them well.

I know the principles that defined this generation. I am a product of them: pragmatic, frugal, compassionate, respectful, resourceful, humble and appreciative.

Nugget was also born, like me, in a small country town.

He was born in Kalamunda – a derivative of the Noongar words “a home in the forest”. Today it is a semi-rural outer suburb of Perth’s east.

Being born in the country also shapes you, as does the circumstances you were born into.

What I do love about Nugget is he didn’t mind mucking in, in fact assumed great responsibility in the home as a very young person, as I had to.

This too shapes you and is something I can very much relate to from my own experience.

Why do I share these stories? I share them because I think too often we don’t value our own story.

All of our stories make up the rich tapestry of this land.

“Why are you called Nugget?” asked Robin Hughes in a 1992 TV interview.

An 86 year old Herbert Cole Coombs replied:

Well in Western Australia, in the country, Nugget was a kind of generic name for a creature, a person or a dog or a horse you know, which was short in the legs and stocky build...

Nugget Coombs leaves a legacy as an extraordinary public servant - beyond Governor of the Reserve Bank - and an extraordinary advocate for Indigenous Australians, and held dear by us.

Patrick Dodson – who has previously delivered this oration – said of Nugget that he was a man committed to Indigenous self-determination; committed to treaty; and committed to ensuring

Indigenous Australians had a choice: of economic participation as well as maintaining connection with country and culture – not one at the expense of the other.

I also spoke to Warren Snowdon who knew and worked with Nugget. Warren said that when you look at the issue of treaty and self-determination – these are not new issues. People like Nugget and Judith Wright have been championing them since the 70s, some four decades ago.

You can see, as a result of both nature and nurture, his interests, values and attitudes - of fairness, justice, equality - both socially as well as economically - which paved the way for his achievements in the advancement of Indigenous Australians.

His academic record in high school is described as unremarkable. This makes me smile when I reflect on my own school report cards.

In a July 1919 report card, he is said to not have done particularly well in his exams but possessed a good deal of ability.

He did love his cricket and Australian Rules football - and he excelled in it.

After graduating from Perth Modern, Nugget became a pupil-teacher at Busselton, which was struggling economically at the time.

He became particularly conscious of the economic challenges facing families through his students, and he developed an interest in regional development – an important experience for his life to come as a senior economist for the nation.

His classrooms for him became economic microcosms of the community - a sample size of the have and the have-nots; children of different occupations, suburbs and wealth - indicators of the wellbeing of the local community, humanised.

He understood the power of education.

He understood that the distribution of wealth was central to ensuring that individuals were able to guarantee a roof over their head, food on the table, or an education for their children - and ultimately, ensuring the peace and wellbeing of a nation.

This is something I could really relate to when I reflect on my own teaching career in the Western suburbs in the early 1980s – such disadvantage and poverty profoundly shaping my worldview.

He studied at the University of Western Australia and then the London School of Economics.

Coombs was appointed the Director for Rationing, and later Post-War Reconstruction, working directly under Ben Chifley.

In June 1944, he advocated for the end of gender discrimination in the workplace in an address to the Council for Women in War Work.

This precipitated not only economic changes, but seismic social progress too.

Nugget Coombs was appointed Governor of the Commonwealth Bank in January 1949, but less than a year later, Robert Menzies became Prime Minister.

Coombs was a Labor appointee, but was to straddle both sides of politics. And he navigated the partisan divide with success and great political dexterity – a critical point I have learnt and done.

In 1960, he was appointed the first governor of the Reserve Bank by a Menzies Government.

He was unable to ignore the troubling truth: the divide and disparity between Indigenous and non-Indigenous Australians.

It was not until after his retirement as Reserve Bank Governor that he pursued this seriously and with full attention as a policy legacy.

Perhaps it was his growing up in both urban and regional settings; perhaps it was his ability to understand wealth distribution, and how it could be used to address social challenges; perhaps it was his unique ability to bring both sides together and navigate partisanship - but Coombs was appointed Chair of the Council for Aboriginal Affairs in late 1967 by Prime Minister Harold Holt.

Nugget's appointment took place before the backdrop of the 1967 Referendum – a campaign that had been a decade in the making.

It followed the path of the activism and agitation that had come before it: the day of mourning protests in 1938; and Charles Perkins and the freedom rides of the mid-1960s.

And it, in turn, blazed a trail for subsequent progress and change – the parallels and echo of history that we can see in this current discussion about the Uluru Statement and a constitutionally enshrined Voice to Parliament.

Of course, it wasn't always smooth sailing. Within two months of the Council's establishment, Holt disappeared.

Nugget was then said to have clashed with Prime Minister William McMahon, who he felt was never sincerely or genuinely committed on Indigenous affairs - especially on land rights.

It was Prime Minister McMahon's speech on 26 January 1972 – and his refusal to recognise Indigenous land rights – which led to the establishment of the Aboriginal Tent Embassy in front of what is today Old Parliament House.

But perhaps one of the more notable examples of his agitation from within was the Yirrkala land dispute.

In late 1968, the Yirrkala People commenced proceedings in the Supreme Court of the Northern Territory against the Commonwealth and Nabalco Pty Ltd, a bauxite mining company who were granted mining rights by the Commonwealth on traditional lands on the Gove Peninsula.

The Department of the Interior was determined to defend the claim against the Commonwealth in the court.

Coombs however, through the Council for Aboriginal Affairs sought to take heat out of the increasingly politicised court case by urging the Commonwealth to settle the matter out of court.

Coombs had the political aptitude to see the long term political ramifications this would have, not only for Indigenous land rights, but for Indigenous-non-Indigenous relations.

And in April 1971, the court found in favour of the Commonwealth and against the traditional owner plaintiffs.

Meanwhile however, public opinion had turned in favour of the traditional owners. There was now appetite among the mainstream Australian community for some sort of recognition or compensation for traditional land rights.

Labor was elected federally.

And Gough needed Nugget's gravitas and continuity of institutional memory – especially with Labor having been out of office for 32 years.

He was ahead of his time in every way.

He was able to envision a totally different societal order and system - one which valued the needs of an individual with, and not above, a community; one which valued the needs of a community with, and not above, the environment.

Rather, as former Governor General William Deane said he advocated for:

their right to be different... to conduct their society in accordance with their ways of thinking, educate their children in relation to that and to conduct their own ceremonies.

He believed that Indigenous Australians ought to have the opportunities to participate economically without it being at the expense of their connection to culture and country.

This is so relevant still.

These lessons from Nugget Coombs are no more relevant for us than on the question of the Uluru Statement, constitutional recognition of a First Nations Voice to Parliament and Treaty making.

When the Prime Minister appointed the first Aboriginal person to the portfolio of Indigenous Australians, he sent an important message to the Australian community –

A message that he was prepared to act on the Uluru Statement and make history.

We were all overjoyed – Ken Wyatt is a good and thoroughly decent human being.

The Uluru Statement called for three things:

A constitutionally enshrined Voice to Parliament;

Truth telling; and

Agreement making – through a Makarrata Commission.

Agreement making is, of course, code for Treaty.

Labor embraces the Uluru Statement in its entirety.

The central premise of the Uluru Statement is forward looking.

On the 10th of July, when Ken Wyatt spoke at the Press Club, he set out a path for delivering on the Uluru Statement from the Heart and committed the Government to:

Starting a co-design process for a First Nations Voice to Parliament;  
Establishing a Parliamentary working group – so we could move forward in the spirit of bipartisanship; and  
Truth-telling.

Fellow travelers, it is five minutes to midnight on this issue.

However, just hours after Ken delivered his speech, the Prime Minister backgrounded the media – ruling out a constitutionally enshrined Voice to Parliament.

He is now saying – I think – that he would support a referendum to recognise First Australians symbolically, but not enshrine a Voice.

We still don't know how the co-design process will work.

There is still no Parliamentary Working Group.

And we don't yet know what the Government plans to do to take the next step on truth telling.

I, along with my Labor colleagues, continue to offer bipartisanship and collaboration.

But we are running out of time - especially if the Government is to deliver on their commitment of a referendum this term.

And there is a real risk the Uluru Statement will fade into the pages of history.

That it will be remembered as a noble moment, but not a turning-point.

It really is five minutes to midnight.

The next federal election is due in the first half of 2022.

And a referendum would most likely take place by the second half of 2021.

Before holding a referendum, there would need to be time for a successful campaign.

This will take months and would need to start in 2020.

Prior to a campaign, time needs to be allowed for co-design of a voice, consultation and agreement on a question. This can't be unreasonably rushed.

And there must be time to pass an act of parliament to set the referendum question.

It is now the final quarter of 2019 – there are already Christmas decorations in the shops.

Bipartisanship is still on the table – contingent on the broad support of First Nations people.

We will work with the Government, but we will not wait for them.

I say to the Prime Minister very directly: this could be your moment, a great legacy; something to be truly remembered by.

If a proper process of co-design is not started by early next year, Labor will start our consultations with communities across Australia on the way forward.

Because this is what we do – we listen to First Nations people.

That is why we have already stated the principles on which we think a Voice should be based.

It should be democratically elected;

Gender representation should be equal;

Young people should be at the table;

It should be advisory only and non-justiciable – in line with the Uluru Statement

It must be secure and permanent.

Security of the Voice is paramount – that is why the Uluru Statement called for it to be constitutionally enshrined.

Because we have seen before how easily the institutional voice of First Nations people has been taken away, by the Government of the day.

We all know what happened to ATSIC.

And in the spirit of bipartisanship – I want to set out a starting point for the co-design process the Government has promised.

This is not a policy prescription.

Ken Wyatt has said the Voice should be multi-layered. He is correct.

Its basis must be regional – a reflection of the great diversity in First Nations peoples and cultures.

As a starting point, the Voice could be based, for example, broadly on the old ATSIC boundaries.

There would need to be adjustments, of course, to accommodate existing organisations.

The regional functions of a Voice should be significant – helping to shape, co-ordinate and influence service delivery, across all levels of government.

These regional bodies could be like a clearing house – providing accountability, direction and co-ordination for service delivery.

They could be an authoritative point for consultation and help ensure the overall investment of public funds into communities gets results.

They would not be responsible for service delivery.

They could fill a gap that currently exists, give communities insight and influence.

The national Voice to Parliament could be elected from regional bodies.

At the national level, the Voice could provide the Parliament with advice on legislation and programs that impact First Nations Australians.

It would be a point of accountability of government effort.

But it could also deliver annual statements of priorities, and respond to requests from the Parliament for advice and direction.

The Voice could also scrutinise the effectiveness of programs from a First Nations perspective, something that is fundamental to practical self-determination.

And it could work in partnership with other organisations, like the Productivity Commission, universities and departments and peak First Nations organisations.

The Voice must remain grounded and accountable to the regional bodies from which it is drawn.

We need to reinvigorate our national process of truth telling.

As our holders of stories pass on, so too do the stories.

Truth telling is most effective when it is local, because that is where the stories are.

Local governments should play a big part. The surviving Local Reconciliation Groups could be renewed.

This week I was on the Eyre Peninsular in South Australia and was told the story of the Waterloo Bay massacre –

And the unveiling one year ago of a monument that tells the story of up to 200 defenceless Aboriginal people being forced off a cliff at gun point.

There was intense debate in the community about this monument – with some wanting to use the word ‘incident’ rather than ‘massacre’.

In the end, the Elliston Council decided, by a single vote, to tell the truth.

This was not easy. It was painful and difficult.

But important for the whole community.

And I am told that the process has been healing.

Without openly talking about the past, and understanding it, it is almost impossible to understand some of the barriers, the intergenerational trauma and how to move forward.

The recognition of Myall Creek massacre in the Gwyder region of New South Wales is another powerful example of the transformative power of truth.

On the 10th of July 1838, a group of Wirrayaraay people were attacked by convicts and settlers when they were preparing a meal –

They were slaughtered and their bodies burned. One boy survived.

But now, the descendants of those who murdered, and the descendants of those who were killed come together each year.

I attended the first year of the commemoration.

It is an incredibly raw, moving and brave acknowledgement that is pulling together the edges of the great tear that has occurred in that community.

Myall Creek was also the first time in Australia that perpetrators were brought to justice – they were hung.

Of course – this is not only a local responsibility.

State and federal governments need to urgently resource truth telling.

Libraries, museums and cultural institutions must be better able to help communities capture the stories that have shaped our nation.

Critical too is a national resting place, and better support for the repatriation of remains to country.

I have stood in a leaky warehouse in Adelaide, which contains a room with literally thousands of remains waiting to be taken home.

Truth telling is difficult.

But it can build for Australia a stronger, collective national pride: we are all custodians of the oldest continuing culture in the world.

It is for everyone.

The Uluru Statement also called for agreement making – for treaty.

And it requires long-term commitment.

And first, communities and governments need to be Treaty-ready.

This the work Mick Dodson and Ursula Raymond are doing here in the Northern Territory – and overseas experience shows that getting ready can take some time.

Ultimately, there will probably be many treaties. Ken Wyatt is correct about this.

The issues dealt with will be diverse – like First Nations are diverse. And agreements with state and territory governments will primarily be where the rubber hits the road.

And Victoria is already leading the way.

But this isn't only the business of the states.

As Mick Dodson, the NT Treaty Commissioner said earlier this week:

Regarding a treaty, Mr. Wyatt says it's important for states and territories to take the lead in treaties. I trust he's not implying that the Commonwealth can wash its hands on treaty-making nationwide — the Federal Parliament must be involved.

In recent years, Labor has reformed our Caucus processes to strengthen the First Nations voice in our decision making.

We have a First Nations Caucus Committee, Chaired by Malarndirri McCarthy – your own Senator here in the Territory.

And I have both the Shadow portfolios of Families and Social Services and Indigenous Australians.

Warren Snowdon and Patrick Dodson are assistant shadow ministers in the portfolio.

I strive to work by these principles: mutual trust, truly listening, self-determination, investing in need, rewarding excellence, collaboration, and developing evidence-based policy.

I also seek to achieve bipartisanship wherever I can – so long as it is not a race to the bottom.

By working in this way, Labor has developed principled and evidenced positions on the future of the Community Development Program, the Cashless Debit Card and Newstart.

At Garma earlier this year, Labor Leader Anthony Albanese said:

I know there are real concerns about the CDP program. It has been punitive and unfair and has caused much hurt in communities...

That is why Labor promised before the recent election to abolish CDP and establish a new program... [and] that it might have some of the same features as the old CDEP...

We remain committed to our proposal.

More than 12 years after the Howard Government's Northern Territory intervention, it is also clear that broad-based, mandatory income management has not worked.

And on that basis, Labor does not support the Government's plan to roll out the Cashless Debit Card across the Territory.

A plan which could see the Minister quarantine 100 per cent of social security payments with the stroke of a pen.

The Card should be voluntary, except in certain circumstances, like child protection or family violence – it should be a case management approach.

Unless a community genuinely decides they want the Card, after an informed and proper process of consultation.

Consistent with self-determination, if a community does want to try the Card, we respect and support that.

Labor supports an increase to Newstart – and that matters to Aboriginal and Torres Strait Islander people –

It matters too for regional economies, where so many people who must rely on Newstart live.

The work the peak organisations are doing with governments on closing the gap is really critical, and I support this process.

Labor wants to work with the peaks and the Government to make Closing the Gap meaningful and enduring.

And we look forward to being brought into the process.

The Uluru Statement is a tangible and modest ask.

And consistent with this, I have outlined some ideas today that would be a sound starting point for that discussion

Nebulous concepts like 'multi-layered', 'ground-up' and 'varied' simply don't cut it in the community conversations I have been part of.

People want a proposal to grab hold of, to change, and ultimately to campaign for.

They want it to be a permanent Voice.

This is why I have put forward a proposal with a clear regional basis, an electoral process and gender parity.

This is too important to descend into a political scrabble.

I offer my comments tonight in the spirit of encouragement and bipartisanship, because Labor doesn't want the glory – we just want it to happen.

Now is the time.

The Government is clearly in search of a big story, of an agenda: and I say, take this one, it's ready to go.

The Prime Minister has already shown leadership in appointing Ken Wyatt – and it is now Scott Morrison's responsibility for follow-through.

The stars are aligned, in this moment.

There are advocates within conservative politics, Labor is absolutely on-board with the Uluru Statement; business is ready and willing; states are leading; and eminent legal minds like Justice Murray Gleeson have also lent their support.

Let us continue Nugget Coombs' life's work in striving towards justice, equality and fairness through empowering those who yearn for it.

We are standing on the shoulders of giants. Let us get on and do it.