

The Law Society of New South Wales

170 Phillip Street
Sydney NSW 2000
DX 362 Sydney
Phone (02) 9926 0333
Fax (02) 9231 5809
ACN 000 000 699

Our Ref: KC:SWA:RECL:10/02
(Please quote our reference on all correspondence)
Direct Line: 9926 0310

25/10/02



Mr. Peter Hallahan
Secretary
Legal and Constitutional References Committee
Australian Senate
Parliament House
Canberra, ACT 2600

Dear Mr. Hallahan,

Re: INQUIRY INTO PROGRESS TOWARD NATIONAL RECONCILIATION

Thank you for the opportunity to make a submission to the Inquiry Into Progress Towards National Reconciliation.

The Law Society is aware that the certain groups such as the Human Rights and Equal Opportunity Commission, indigenous groups and international bodies such as Oxfam have been critical of the Federal Government for apathy in pursuing the goals of reconciliation. This Law Society is concerned that credible and well respected stakeholders in the reconciliation process have made these comments.

The Law Society understands that criticism has also been levelled by these groups at the Government's approach of "practical reconciliation" with its focus on improving living standards for Aboriginal people. This program alone is not seen by many interested groups as sufficient commitment to the reconciliation process. In its February 2001 "Horizons" newsletter Oxfam notes:

"The Council [for Aboriginal Reconciliation's] core message to the government is that so-called "practical reconciliation" - health, housing and education - is nowhere near sufficient. Practical reconciliation is a euphemism for simply providing those basic services to which every Australian citizen is equally entitled. Instead, the Council asks the government to commit to the more difficult, unfinished business of reconciliation. Constitutional reform. Indigenous rights. An apology. A treaty."

(Oxfam's "Horizons" Newsletter, February 2001)

The Aboriginal and Torres Strait Islander Social Justice Commissioner stated the following on 27 September 2002 replying to the federal Government's response to the Council for Aboriginal Reconciliation's blueprint for reconciliation.

1182313/SWA/SWA/LJI9...1



“We have waited nearly two years for an official response to the Council for Aboriginal Reconciliation's agenda and for a detailed programme of implementation for the reconciliation process. What we have now got is underwhelming and minimal. The government spent more time detailing what it is opposed to rather than what it is committed to.

Even on issues that are compatible with the Government's extremely limited 'practical reconciliation' agenda, we have been provided with nothing more than generalised statements of commitment. After six years of practical reconciliation, where are the targets, benchmarks and performance monitoring frameworks?”

(Aboriginal and Torres Strait Islander Social Justice Commissioner Media Release, 2002)

The Law Society considers the spirit of reconciliation requires the Government to display an energetic commitment to the process. The Law Society encourages the Government to address community concerns or perception that there has been inaction over reconciliation.

Notwithstanding this, we understand that there have been some initiatives by the Government for practical reconciliation have included action in relation to indigenous-specific policies. The indigenous literacy and numeracy strategy, the indigenous employment strategy, the indigenous leadership program and the establishment of the Australian Institute of Aboriginal and Torres Strait Islander Studies have been practical Government initiatives.

There have been other positive developments in initiatives towards reconciliation. The Law Society recognises the important contributions of organisations such as the Council for Aboriginal Reconciliation and the work of the Native Title Tribunal in continuing to make progress towards reconciliation. We are encouraged by the work undertaken thus far. Reconciliation is a multi-stakeholder process and the role played by non-Governmental organisations is central to the process.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'K. Cull', written in a cursive style.

Kim Cull
President