

Dismantling Systemic Racism: First Nations Perspectives

Australia's National Anti-Racism Framework

Kep Enderby Memorial Lecture, 1 November 2024

Check against delivery

I will start by acknowledging that we are all joining from unceded, Aboriginal land. I pay respect to our elders, those here with us and those in the Dreaming and I thank them for their continued custodianship of country, culture and community.

My name is Marni Tuala, I am a Moorung Moobar Gudjinburra woman of the Bundjalung nation. I am a mother of five, a Registered Midwife and the CEO of First Nations Co.

It is a privilege to be here today to present the Kep Enderby Memorial Lecture for 2024. I would like to extend my gratitude for your invitation and for your presence as we engage in this crucial conversation.

Kep Enderby was a pivotal figure in Australian politics and law reform, best known for his passionate advocacy for social justice and equality. His involvement in the introduction of the Racial Discrimination Act of 1975 marked a significant milestone in Australia's legislative history. As Attorney-General, Enderby recognised the urgent need to address systemic racism and protect the rights of marginalised communities.

Under his leadership, the Racial Discrimination Act emerged as a crucial piece of legislation aimed at prohibiting discrimination based on race, colour, descent, national or ethnic origin. Enderby understood that legal frameworks alone could not eradicate racism; they needed to be complemented by societal change, public awareness and human action.

His commitment to these principles aimed to foster a more inclusive environment where the rights of all Australians, particularly First Nations peoples, were acknowledged and respected. His legacy is one of courage and compassion, demonstrating that effective change requires both legal and cultural shifts.

Today, the Racial Discrimination Act continues to serve as a foundation for ongoing efforts to combat racism in Australia, a testament to Kep Enderby's vision and determination. His work remains a vital part of the nation's journey toward justice and equality.

However, as we quickly approach the 50-year anniversary of the enactment of the Racial Discrimination Act, First Nations people continue to experience pervasive acts of racism across all levels of our society. We, as a society continue to **tip toe** around the word itself and on a large scale, refuse to accept the existence, the prevalence, the severity and the impact of racism in Australia.

Racism, in all its forms has real and lasting effects on the lives of people who experience it, and this is compounded by a society that fails to acknowledge the existence of such an impact or provide robust mechanisms to protect those affected.

As Commissioner Sivaraman has previously stated, there is a unique distinction between the racism faced by First Nations people and that of other marginalised groups.

Racism against First Nations people attempts to deny sovereignty, identity, belonging and connection. It is present in the reluctance for national truth-telling, it is present in the resounding 'NO' vote of the referendum, it is present in our poorer health outcomes, higher incarceration rates and ever-rising rates of suicide – these statistics are not the outcomes of choice, they are the outcomes of a system designed by and for the dominant culture which continues to marginalise and oppress First Nations people.

However, these statistics are not the sum of our people, they are not the truth of our story, of our connection to country, community and each other, they are not a reflection of our people – they are an indictment on a country that fails to recognise our rights as First Nations people, that fails to commit to dismantling the systems that continue to oppress and cause harm.

The Australian Human Rights Commission has embarked on a momentous journey to establish the first ever, National Anti-Racism Framework. A Framework that aims to highlight the pervasive nature of racism in our systems and importantly, to identify solutions to dismantle these systems, informed by those with a lived experience.

First Nations Co was engaged by the Commission to undertake consultations with First Nations people across the country to ensure the centrality of First Nations knowledge and experience to the development of the Framework.

Today I will speak about the way in which we undertook these consultations, what we heard and share some of the perspectives of the First Nations communities involved. I would like to acknowledge the communities that welcomed us and shared their stories and experiences. It was an honour to share in your country and your story and it is a privilege to bring your voices to this platform.

First Nations people are intrinsically relational. Our ability to protect and preserve more than 65,000 years of intangible knowledge speaks to the sophistication of our systems and our ways of doing. Our connection to country, to story and to each other forms an invisible tether that traverses land, sky and sea. From saltwater to freshwater, from red sand to lush tropics, rocky shores to sandy beaches and island homes, we travelled this vast country to hear the voices of the oldest living culture on earth.

We were welcomed into community, offered cups of tea and shared stories, laughter and tears. We found old connections and built new ones, that is the way of our people. We heard about racism in its varied forms and the impacts across generations. Through our report, we aim to elevate the voices of our communities, share their perspectives and first-hand experiences of racism and provide recommendations based on community-led solutions.

The report will serve as a foundational document for the development of a National Anti-Racism Framework, focusing on the most prolific forms of racism experienced by First Nations peoples across Australia.

Drawing from extensive consultations with over 496 contributors from diverse populations including those with, metropolitan, rural, and remote backgrounds, the report provides critical insights and personal narratives that illuminate the multifaceted nature of racism within various societal contexts as it applies to First Nations people. These voices not only highlight the urgent need for action, but also serve as a clarion call for systemic solutions to eradicate racism.

The First Nations consultations conducted for the National Anti-Racism Framework have unveiled a complex and pervasive landscape of challenges faced by First Nations communities. Through comprehensive analysis, we have highlighted the depth of systemic racism and provided critical insights into the recurring themes, specific issues, and profound impacts on First Nations peoples across various sectors and regions.

The consultations conducted by First Nations Co., on behalf of the Australian Human Rights Commission, were designed to engage deeply with First Nations communities across Australia. The primary aim was to gather community perspectives and experiences regarding racism and discrimination. The engagement was crucial to ensure development of a framework that is not only effective but also culturally safe and reflective of the lived experiences of First Nations peoples.

The consultations took place over a 4 month period and the project scope specified that consultations be held in 3 locations in each State or Territory. Locations were selected based on a variety of data sets including, population of First Nations people and the percentage of 'no' votes recorded in the referendum.

The consultations were comprehensive and involved multiple stages, including community consultations, one-on-one interviews, group submissions, focus groups and an online survey. These methods ensured a wide range of voices were heard, from elders, community members, young people, grassroots activists, service providers and sector representatives. The process was designed to be respectful and inclusive, recognising the importance of cultural protocols and the need for a safe space where participants could share their stories without fear of retribution or misunderstanding.

The insights gathered from these consultations are intended to inform the development of a robust and culturally safe National Anti-Racism Framework. The framework aims to create systemic change, promoting equity and justice for First Nations peoples across all sectors of society. The collaborative effort between First Nations Co and the Australian Human Rights Commission underscores the commitment to a process that is both inclusive and transformative, ensuring that the voices of First Nations peoples are at the forefront of the fight against racism.

Throughout the consultations, consistent themes emerged across communities and sectors alike. Conversations traversed experiences of interpersonal racism however, the most prolific form of racism discussed was that of a systemic nature.

Systemic racism is a form of racism that is pervasively and deeply embedded in systems, laws, written or unwritten policies, and entrenched practices and beliefs that produce, condone, and perpetuate widespread unfair treatment and oppression.

Throughout consultations, participants stated that systemic racism continues to be widely evidenced through legislative frameworks and government practices that repeatedly harm and disadvantage First Nations peoples.

There is a strong call from communities around the country to build upon the foundation laid by Enderby – to strengthen our legislative framework to truly embed accountability against racism.

Communities want to see accountability at all levels, a system that cannot be manipulated to drive the agenda of government, a legislative framework that cannot be sidelined at the will of government to enact acts of racism, as was demonstrated in the Northern Territory intervention.

There were countless examples given on how the current system has failed and continues to fail First Nations people. In a federated country, we need a national solution. It can no longer be left up to individual effort to enact change.

The ongoing failure of successive, State, Territory and Commonwealth governments to engage in shared decision making with First Nations communities and Aboriginal Community Controlled Organisations is a major contributing factor to ongoing systemic racism, inequities and failure to improve outcomes nationally. Anti-Racism strategies need to be supported by commitments to strengthen relevant State and Commonwealth legislation that would ensure the greater right to self-determination of First Nations people.

We heard countless examples of how systemic racism across sectors such as health, education and justice, impacts on the lives of First Nations people daily. From inadequate health care, over-policing and incarceration, child removal and deaths in custody – the toll systemic racism is taking on our communities is palpable. At times, these real-life examples of systems causing harm and, in

some instances, death are overwhelming. It can feel 'too big' and 'too hard' to fathom the human toll and to contemplate the solutions.

As the yarns continued, it became ever clear that the solutions we seek, the solutions we need, reside within our communities. Among the failures of successive governments to proactively address racism and dismantle the systems that perpetuate disadvantage, there have been glimmers of hope and examples of staunch, informed and strategic leadership.

The National Agreement on Closing the Gap provides clear, measurable targets and priority areas for reform to guide government to work together to overcome the inequities experienced by First Nations people. The leadership of the Coalition of Peaks has been instrumental in driving this National Framework.

The development of a robust anti-racism legislation and National Anti-Racism Framework, that centralises the voices of First Nations people will provide further leverage to streamline and accelerate progress under the National Agreement. It will strengthen the accountability that anti-racism and improving outcomes for First Nations people is everybody's responsibility but the 'how' needs to be determined and led by First Nations people.

Elders spoke of the urgent need to cease the politicisation of Aboriginal Human Rights. They spoke of the urgent need to dismantle the systems that continue to enable such politicisation and oppression. We have seen just yesterday, the continuation of this politicisation, how easily our rights for truth telling and equity are pushed to the side. In a press conference held yesterday, the newly appointed Premier reiterated his election pledge to repeal the Path to Treaty Act further, in an unprecedented act, he instructed the 'shutting down' of the Queensland Truth Telling and Healing Inquiry. This speaks volumes to how progress towards racial justice and healing is not the priority for all. It demonstrates the pervasive and deeply embedded nature of racism, the lack of commitment to acknowledging the history of our country and the continued impacts this has on First Nations people.

An Arrente Elder spoke to the Monarchy as the key causative factor of the systemic failures in Australia. He spoke to the Westminster systems that were modelled and replicated and that are woven into the fabric of this country - the systems that influence decision-making at all levels, the systems that continue to grossly hoard and abuse power. He spoke deeply and passionately about the

need to remove the race powers within the Constitution to prevent abuse of the power held within these systems which continue to cause harm.

He spoke to Colonisation, not as a historical event, but as a continuation of practices that attempt to erode the cultural systems and ways of doing that have enabled our people to thrive for more than 65,000 years. He spoke of the cultural shift from prioritising collective wellbeing to individualistic prosperity as a direct result of this continuation. Where First Nations concepts of belonging and connection have been forced into Western Frameworks of ownership such as with Native Title. Systems that continue to separate, divide and undermine our collectivism. It is the dismantling of these systems that is required if we are to design and implement effective anti-racism strategies in Australia.

Mob across the country spoke openly about the referendum, about the lead up and the fall out. Many referred to a new era, a new time in the story of racial justice and human rights for First Nations People...an era known as 'post-Voice'.

Sitting in circle in these yarns, often led by Elders in each community, the discussions did not focus on the choice of each participant. Whether or not a person around that circle voted yes or no, personal choice for mob in the vote was not deemed as right or wrong, it was accepted among mob as self-determined choice.

The conversations centred around the politicisation of our story, our identity and our belonging – our rights as First Nations people. That once again, the majority got to decide our future, what was right for us, a public statement that they knew best.

It became the talk of the town – quite literally. There was nowhere off-limits, staff rooms, supermarkets, hairdressers, schools – no opinion too harsh, no comment considered racist. The Voice opened the flood gates of bigotry, racism, intolerance, privilege, entitlement, white fragility and hate.

There was no reprieve for us, no safe space no matter what your 'choice'. It was mass scale, it was media-fuelled, and it was violent. There was no protection, no accountability for the hate-mongers and the blatant acts of racism in the lead up...or the fall out.

Participants spoke with quivering voices and tears in their eyes of the first day in this 'post-voice' era. Once again, regardless of choice, of individual thinking, we became 'them'. The waste of tax-payers' dollars, the cause of the divide, the ones always wanting 'more', the whingers, the disruptors, the ones who can't 'just get over it'. The stares were more obvious, the isolation, lonelier and the gap, ever widening.

As mob reflected on the days, weeks and months 'post-voice', some stated it was too soon to talk about their experience, the pain too raw and the words to describe their emotion, still not found. Others stated that they needed to talk, to share the load and know that they were not alone, that they did not dream up what was said to be the most public and politicised act of racial violence this generation has ever seen.

Through the conversations filled with deep emotions, our people's resilience and connection to culture shone brightly. Our ability to find humour and laughter in times of great adversity, our ability to show care and support for mob speaks to our strength and the wisdom of our old people, our intrinsic ways and the very reason we are the oldest living culture on earth.

A Noongar Elder, surrounded by generations of mob, sat on country and spoke about the strength of our culture and the solutions that reside in our communities. She spoke of a lifetime of dispossession and displacement, of inequity and injustice, of overt and violent racism, of broken promises and a profound lack of trust for government and their systems. This Elder so openly shared her story, she has been sharing her story for longer than I have been alive. When gently asked why she shares her pain so freely, her response was 'because who else will?' 'Who else will tell the truth of our story?'

This was a poignant reminder of the importance of truth-telling in the fight for racial justice. Truth-telling is a crucial component in the journey toward dismantling systems and achieving racial justice in Australia. At its core, truth-telling involves acknowledging the historical and ongoing injustices faced by First Nations people.

Truth-telling promotes recognition of these past injustices. Many Australians remain unaware of the full extent of the impact of colonisation on our communities. By confronting uncomfortable truths, society can begin to dismantle the myths that perpetuate racial inequality.

Truth-telling is essential for accountability. It creates a platform for First Nations voices to be heard, allowing communities to share their experiences, perspectives and solutions. By bringing these narratives into public discourse, truth-telling challenges the status quo and demands systemic reform.

Truth-telling lays the groundwork for commitment and progress. It involves not just acknowledging the past but building a common understanding and a commitment to a future where equity becomes the status quo.

The National Anti-Racism Framework aims to provide a strategic approach to eliminating systemic racism in Australia. A human-rights based approach to achieving equity and racial justice for all marginalised peoples. We cannot achieve racial justice in Australia without racial justice for First Nations people.

We acknowledge the unique experience of the racism faced by First Nations people as it differs from the racism experienced by other marginalised groups in its attempt to deny sovereignty and self-determination. We acknowledge the diverse and complex identities that exist in the intersectionality of our communities.

Whilst we must remain regardful of difference, to ensure anti-racism strategies meet the needs of First Nations communities, we must also find strength in the commonality of our experience with racism. It is within this commonality that we can commit, as marginalised peoples, to enact change together.

To all First Nations people and those of other ethnic groups - As marginalised people, let us not marginalise each other; as racially vilified people, let us not racially vilify each other; as oppressed communities, let us not oppress each other. Let's use this commonality as strength. Let's unite in our fight for racial justice and human rights, be led by First Nations voices and experiences, be led by the strength of the world's oldest living culture.

Whilst we embark on this next chapter of the fight for racial justice in Australia, it is important we acknowledge and honour those that have come before us. The staunch Elders and activists that have paved the way, we truly stand on the shoulders of giants, and we are eternally grateful for your strength, your leadership and your courage.

I will finish today with the words of one of these Elders – an Elder who unapologetically shared her voice and her perspective with the world, an Elder who shared her hope for the future, for the country and the people she so

fiercely loved, Oodgeroo Noonuccal, Aunty Kath Walker. These words written in the 1960's, carry the hope of a generation determined to forge a better future – these words are a call to action. How many more generations must be failed by these systems?

Look up, my people,
The dawn is breaking
The world is waking
To a bright new day

When none defame us
No restriction tame us
Nor colour shame us
Nor sneer dismay.
Now brood no more
On the years behind you
The hope assigned you
Shall the past replace
When a juster justice
Grown wise and stronger
Points the bone no longer
At a darker race.

So long we waited
Bound and frustrated
Till hate be hated
And caste deposed
Now light shall guide us

No goal denied us
And all doors open
That long were closed.

See plain the promise
Dark freedom-lover!
Night's nearly over
And though long the climb
New rights will greet us
New mateship meet us
And joy complete us
In our new Dream Time.

To our fathers' fathers
The pain, the sorrow;
To our children's children
the glad tomorrow.

Thank you.