

**2024**

# LOWITJA O'DONOGHUE ORATION



Guest Orator  
**Professor Tom Calma AO**

## Address by Professor Tom Calma AO

Good evening friends of the Dunstan Foundation, honoured guests and dignitaries.

While it is a real honour and privilege to be presenting the 17th Lowitja O'Donoghue Oration this year it is also massively sad as we reflect on the passing of a great First Australian leader and honoured and respected Great Australian.

It is good to be on the lands of the Kurna peoples who are the traditional custodians of the Adelaide Plains and I pay respects to Kurna Elders past and present, and their youth, as we should do with all youth.

We must listen to and hear our youth and guide them by being good role models for them, as they will be our future leaders and the custodians of our stories, languages, histories and cultures. I emphasise youth, and

particularly Aboriginal and Torres Strait Islander youth, because in the 2021 ABS census, 33.2 percent of Aboriginal and Torres Strait Islander peoples were under 15 years of age so they are our future.

I also recognise the cultural heritage, beliefs and relationship with the land, waters and seas of the Kurna and all Aboriginal and Torres Strait Islander peoples with us today, be it in person or virtually. Peoples who have lived, loved, raised their families and cared for this country and waters for millennia before the arrival of the British that saw the subsequent dispossession of lands, cultures, languages and identities across the nation.

I am Kungarakan on my mother's side and Iwaidja on my father's side ... our country is just outside of Darwin.

Today I'm going to tell you about my relationship with Aunty Lowitja and reflect on some of the big issues Aboriginal and Torres Strait Islander people face today and what needs to happen post the referendum. I will do this by 'Looking Back to Look Forward — lessons from the past to influence actions for the future'.

I'm going to take you through some history, from 250 years ago to earlier this year, as it has all been the lived and living experiences of Aboriginal and Torres Strait Islander people. I am going back so far because, since colonisation, the traumas, the trans-generational traumas that Aboriginal and Torres Strait Islander people experienced and still experience, particularly the Stolen Generations, do have a very devastating impact on health, but also on education, employment, and participation in society.

## **Lessons from my mentor**

Firstly, let me take you back about 45 years ago when I first met Aunty. I was a student of the Aboriginal Task Force at SAIT, the South Australian Institute of Technology, now, at least for a short while, The University of South Australia, and I was residing in the Bonython Hall about 50 metres from where we are tonight. Aunty visited the ATF and spoke about the challenges of working in the public service and about the NAC, the National Aboriginal Conference.

I really got to know Aunty Lowitja when I joined the Board of Aboriginal Hostels Ltd in 1982, the year after she was appointed Chair of AHL, succeeding Charlie Perkins. There is always reference to Aunty Lowitja's time as Chair of ATSIC with little reference to her eight years chairing AHL and taking it from a fledging organisation to a highly functional Commonwealth company that was governed and managed by two Aboriginal people, Aunty Lowitja as chair and Neville Perkins, the first Indigenous General Manager of AHL. I served on the AHL board for 10 years and was fortunate to also serve under the chairmanship of Bernie Valadian and the first female General Manager Edna Barolits, who incidentally is my Mother's younger sister. Both were Aboriginal people from Darwin.

So Hostels led the way in Aboriginal participation in leadership roles from the very beginning.

What did I learn from my mentor, Aunty Lowitja?

It may seem elementary nowadays but this was my first national board and at the time Darwin had a population of just under 51,000 people and opportunities for Aboriginal or Torres Strait Islander people on boards across Australia were very limited, we were just not represented at all. I have modelled my life work and business practices on the values and qualities I learnt from Aunty Lowitja.

I will elaborate as the speech progresses but these important principles are:

1. Treating people on their merits and understanding their frame of reference
2. Practice Integrity and Ethical Behaviour.
3. Be an Active Listener and understand Empathy.
4. Practice Accountability and Responsibility.
5. Work with governments and get them to work with you, and
6. Most important, read your board papers, question and challenge what is presented but always do it in a respectful way.

Just last week in delivering the Occasional address to Law and Business graduates at The University of Sydney I stated that “In conclusion, as you step into your professional life, carry with you the values of integrity, innovation, lifelong learning, collaboration, philanthropy, and look after your mental health and social and emotional wellbeing.

Our dear friend and former CEO of Lowitja Institute, Dr Janine Mohamed, said about Aunty: “In the face of adversity, she embodied the qualities we all aspire to possess — brilliance, tenacity, dedication, courage, honesty, and unwavering integrity”.

I went on to have many interactions with Aunty Lowitja over the years and I must admit that at times we did not agree on issues but what is important is that we could present a view and discuss it and either agree or, on the rare occasions, agree to disagree and we would move on.

But always her advice was so important. Important interactions were when I was the Aboriginal and Torres Strait Islander Social Justice Commissioner from 2004-2010. I sought her counsel when:

- I wrote about the shutting down of ATSIC and the 2006 chapter on ‘Addressing the fundamental flaw of the new arrangements for Indigenous affairs — the absence of principled engagement with Indigenous peoples’ and ‘The importance of regional Indigenous participatory mechanisms in the new arrangements’.
- The formative years of the Close the Gap campaign where Aunty shared her thoughts on targeting governments to take on their responsibilities and not to fall into the ATSIC trap of taking on some program activity for Government but being blamed for failures of other Indigenous programs that ATSIC had no responsibility for, such as health and education. And we have to be very conscious of not allowing that to happen in the current day because it’s not too hard for governments and oppositions to blame us for failures when there is a whole range of other impactors that cause these failures.

- The consultation process I led with the Stolen Generation's representative bodies in the lead-up to Prime Minister Rudd's National Apology in 2008.
- During the deliberative national workshop in Glenelg in 2008, where we got together 100 people from across the nation and worked through what a new national representative body would look like.
- The formation of the National Congress of Australia's First Peoples in 2009 and 2010. I must admit there was some real heated discussions between Aunty and I on this one....

Aunty Lowitja always commanded people's attention and her sage advice helped shape the ensuing advocacy strategies we adopted in all of these measures. You can see her fingerprints on a lot of what was happening.

The crescendo of our relationship was in 2017 when the late Yunipingu, Aunty Lowitja and I were immortalised as a trio on the Australia Post Legend Stamp series.

## **Lessons from the past**

This evening I will explore the notion of 'Looking Back to Look Forward — lessons from the past to influence actions of the future'.

I have chosen this topic as we do not need to undertake more consultations or create new wheels, as most of the solutions have been identified and what is lacking is the will of governments and political parties to have the intestinal fortitude to work with and empower Aboriginal and Torres Strait Islander peoples to work in partnership with governments to address the issues.

There is positive movement in some quarters but it is potentially fragile. While there are many examples I could draw on tonight, time will only allow me to mention a few.

My focus this evening will be on elements of the National Agreement on Closing the Gap, namely justice and incarceration issues. This is not to say that other issues are not important but crime and justice predominate

elections and there are at least five coming up in the next 12 months and so the whole rhetoric about 'getting tough on crime' and all the problems that are associated with offending youth will no doubt predominate.

(Northern Territory Election – 24 August 2024, ACT Election – 19 October 2024, Queensland Election – 26 October 2024, Western Australian Election – 8 March 2025 and federal election in early 2025.)

According to media reports, the Coalition has signalled intentions to reassess and potentially scale back certain Indigenous programs if they win the next federal election.

While specific details on all programs have not been fully outlined, the Coalition's stance during the Voice referendum and subsequent discussions indicate a preference for a different approach to Indigenous affairs compared to the current Government — a big call, given that a significant number of Aboriginal and Torres Strait Islander programs and services are a construct of their own making and their failure to address many of the social and cultural determinant contributors to Indigenous disadvantage.

In stating this I acknowledge that then Minister for Indigenous Australians, the Hon Ken Wyatt MP, commenced some reforms that were retained, enhanced and progressed by the Albanese Government, so it wasn't all bad, but they were few and far between.

It is in fact the threats of program and representative body wind-backs that was the strongest driver for Constitutional entrenchment of the Voice to Parliament.

Embedding the Voice in the Constitution aimed to provide stability and prevent future governments from easily dismantling or altering the body. This was intended to give confidence that our advisory body would be a permanent fixture in the political landscape and not be subjected to the machinations of the government of the day.

While what I have just mentioned is about the Voice body, it would be the expectation that program-tinkering or abolition would not occur alien to discussions with the representative body, so they are very closely linked

and that's a potential problem, that we don't have a national advisory body to work with the government on these programs.

## **Justice reform**

Let's explore justice and incarceration issues and what is happening to address these challenges. The key to success in Indigenous affairs is that programs and initiatives need to run their course, be evaluated and reformed as appropriate before they are shut down, if indeed they need to be. We do not need political opportunism to dictate policy reform.

I am an ACT Patron of The Justice Reform Initiative, a national advocacy organisation established in September 2020 with a goal to reduce Australia's harmful and costly reliance on incarceration.

Our aim is to reduce incarceration in Australia by 50 percent by 2030 and build a community in which disadvantage is no longer met with a default criminal justice system response.

We have 120 eminent Australians as our patrons, including two former Governors-General, former Members of Parliament from all sides of politics, academics, respected Aboriginal and Torres Strait Islander leaders, senior former judges, including High Court judges, former Corrections and Police Commissioners, and many other community leaders who have added their voices to the movement to end the cycle of incarceration in Australia.

We have also a growing number of 180 supporter organisations who are walking with us.

The Justice Reform Initiative is working with parliamentarians from all sides of politics, policy makers, people with experience of the justice system, and people of goodwill across the country to embrace evidence based justice policy in order to reduce crime, reduce recidivism, and build safe communities.

We seek to shift the public conversation and public policy away from building more prisons as the primary response of the criminal justice system and move instead to provide proven alternative evidence-based approaches that break the cycle of incarceration.

We are funded through the Paul Ramsay Foundation, which is both good and not so good because government is not kicking in, and a key fundamental is to keep people from offending and that's what approaches like Justice Reinvestment are all about.

As Social Justice Commissioner in 2009 I introduced governments to Justice Reinvestment, as an address to Indigenous incarceration and offending.

One significant Justice Reinvestment project that has been very successful commenced in Bourke, New South Wales, in 2013 but systemic change had not been addressed until very recently. In 2016 Senator George Brandis as Federal Attorney General briefed the Australian Law Reform Commission (ALRC) to undertake a desktop review of all reports addressing Indigenous offending and incarceration. He didn't want to go into further consultations, he just said have a look at those reports and pull out what is needed to make things different.

The resulting Pathways to Justice report was presented to the Attorney General in December 2017, but it was not Senator Brandis as he had taken up a diplomatic role in the UK. What's important is that it sat dormant under two Coalition AGs until a change of government and new Attorney General Mark Dreyfus dusted it off, took up the recommendations on Justice Reinvestment that was a major focus of the report and we now have up to 30 communities across the nation developing programs to trial Justice Reinvestment, and \$80+ million has been allocated for implementation with ongoing funding of \$20 million per year from 2026–27. The Attorney General's website lists all the communities where a JR program is in development and I'd urge you to check that out.

Justice Reinvestment is a long-term, community-led approach that aims to prevent crime, address the drivers of contact with the justice system, and improve justice outcomes for First Nations peoples in a particular place or community.

Justice Reinvestment often begins with communities, including offender target groups, the police and corrections staff, the three tiers of



government, service providers, business groups, NGOs and education and health providers coming together to identify the best ways to prevent and reduce contact with the criminal justice system, and using the strengths of the community, cultural knowledge, lived experience and data to design initiatives and measure progress over time.

What's also very critical is they are led by the Aboriginal and Torres Strait Islander people within any said community.

The government then responds to those ideas and proposals put forward by the JR community. This is an important change that shifts decision-making power and responsibility to the community level.

Justice Reinvestment will look different in every community, but may include community-led programs with a justice or broader focus that aim to address drivers of contact with the justice system. Activities and programs might include youth diversion programs, cultural mentoring programs, school-retention programs, getting a driver's licence, which might sound a small task but is critical for Aboriginal offending, or mental health support. While the program is directed to Aboriginal and Torres Strait Islander peoples, it works for all youth.

Justice Reinvestment is what I learnt about in the United States, and how they have been able to really turn around their communities, where they have in fact shut down jails because they are no longer needed and the community is reportedly safer.

A telling statistic is that the latest figures from the Australian Productivity Commission show that the cost of incarcerating a child in Australia for one year in youth detention is a staggering \$992,000 per child per annum.

Wouldn't a million dollars per child be better invested in diversion and support programs to address social and cultural determinants so our youth do not offend in the first place and have a productive and hope-filled future?

I was a member of the ALRC Review Team and I encourage all of our population who are concerned that nothing is happening or nothing is

possible to address crime to have a read of this report, it's a really readable report....

I mention the Pathways to Justice Report also as an example of how advancement of Indigenous affairs can be retarded or not advanced by the government of the day when there is no mechanism for the collective voices of Aboriginal and Torres Strait Islander people to be formulated or where a formal mechanism to execute the collective voices does not exist.

## **Saving thousands of lives**

An initiative that has had exceptional outcomes and has enjoyed bipartisan support for a decade and a half is the Tackling Indigenous Smoking and Vaping program that now attracts significant government interest and investment.

TIS, as it is called, is a population health approach that targets Aboriginal and Torres Strait Islander people who do not use a community controlled health service or any service at all, to encourage them to kick the habit and be directed to appropriate support mechanisms.

As National Coordinator since 2010 I oversee, with the Commonwealth Department of Health and Aged Care, 37 teams across Australia and a growing budget currently at about \$60 million per annum.

Since 2005 it is estimated by Australian National University researchers that 50,000-plus Aboriginal and Torres Strait Islander people have given up or not taken up smoking and approximately 23,000 lives have been saved.

It is known and recognised as the most successful health intervention in both Indigenous and non-Indigenous affairs in Australia. Smoking rates have dropped from 50+ percent to around 37 percent nationally although the prevalence is much higher in regional, remote and very remote areas.

The success of the TIS program, and this is one of the lessons, is directly related to the engagement of local community members who guide the TIS team members on how best to design messaging and initiatives and engage with the community for the most efficient and effective programs for maximum impact. We are taking on tackling vaping this year and I

applaud the South Australian Government and the Commonwealth Government for their vaping policy reforms.

## **Tackling disinformation**

Let me now unpack the elephant in the room – the Voice Referendum. Yes, the referendum was lost and No, reconciliation is not dead.

The lost Referendum is also not a mandate for Conservatives to wind back or dismantle programs and services to Aboriginal and Torres Strait Islander peoples.

60.06 percent of Australians voted No in the Referendum, so this means that only 11 percent or 1.92 million voters need to vote Yes and a referendum would be over the line, and 1.92 million voters out of the 15.7 million voters nationally does not define a mandate.

The lead-up to the referendum was disappointingly filled with misinformation and disinformation that reinforced members of the population's unconscious biases.

For those who may not be aware of unconscious bias, they are the social stereotypes about certain groups of people that individuals form outside their own conscious awareness. These attitudes and beliefs are informed by media, social media and word of mouth without the individual consciously investigating a situation or event from a reliable unbiased source. We all need to reflect on why we have a position on an issue and self-check on a regular basis our own biases. We all have them.

Three biases that many people have about Aboriginal and Torres Strait Islander people, that were exploited during the referendum campaign and are substantially unfounded, are:

- That Aboriginal people are all alcoholics or are high consumers of alcohol. Factually not true. We on a per population head consume less alcohol than the general population and less of us on a per capita basis consume alcohol, but the media will present some unfortunate Aboriginal person who might be drunk in street or we might even interact with them on the

street....and that's what informs our bias but remember that's a small cohort of people.

· That Aboriginal and Torres Strait Islander Peoples are given free homes and vehicles. Again, factually not true, but if it is true let me know where! There is no evidence from any source that Aboriginal and Torres Strait Islander people are given free homes or vehicles yet members of the media allow such reporting to go unchallenged and they continually promote it, particularly on conservative media where we have to be very aware that they talk opinion rather than fact.

· The third bias is the \$33 billion spent on Aboriginal and Torres Strait Islander people each year that infers that it is disproportionate to expenditure on non-Indigenous Australians. The facts are that the \$33 billion represents about six percent of the \$522.7 billion spent on non-Indigenous Australians in the 2015-16 budget (the latest reported figure). Yes that is a big figure that gets many in the community asserting the money is being wasted so why should "they" get more? Is this your attitude too? It is therefore important to check the facts to unpack what the \$33 billion comprises.

According to the Australian Parliament House official website, in 2015-16, the Australian Government directly spent \$14.7 billion on Indigenous people, of which 77 percent (\$11.3 billion) was through mainstream programs such as Medicare, social security payments, child care benefits and support for university places accessed by Indigenous people. State and territory government spending makes up the balance of the \$33 billion.

The vast majority of the \$33 billion is simply the Indigenous share of "mainstream expenditure" — that is, expenditure provided for all Australians, including spending on schools, hospitals, welfare, defence and public order and safety. Only \$6 billion or so was spent on "services and programs provided to the Aboriginal and Torres Strait Islander community specifically".

In other words, Indigenous-specific expenditure to close the gaps accounted for only 1.1 percent of total direct expenditure on all Australians for 3.8 percent of the population with roughly 45 percent from the Commonwealth and 55 percent from states and territories.

Two other pieces of disinformation promoted by some Indigenous politicians and others was that Aboriginal and Torres Strait Islander people did not support the referendum and the classic, “if you don’t know – vote no”.

How embarrassing that politicians, Indigenous and non-Indigenous would treat fellow Australians so belittlingly! If you don’t know – “find out”. It is evident from polling analysis that between 70-90 percent of Indigenous people across the nation supported the referendum. Another one down the shoot.

I welcome the Government’s recent announcement that it will establish a Joint Parliamentary Select Committee inquiry into the influence and impacts of social media on Australian society and that it will likely include the important role of Australian journalism, news and public interest media, in countering misinformation and disinformation on digital platforms. Too many of them don’t do it, they just feed it and that creates so much misinformation in the community.

I said earlier that we only need to demonstrate to 11 percent of the voting population that Aboriginal and Torres Strait Islander Peoples are worth investing in, and that we don’t get over-invested in. And it’s also important to recognise we are the longest surviving continuous cultures and population groups on the globe.

I believe Australians, when given accurate information, will respond accordingly and here is why. We are in National Reconciliation week and the theme “Now More Than Ever” is a clarion call to all Australians that the fight for Aboriginal and Torres Strait Islander rights, recognition and justice must continue.

The majority of people surveyed by Reconciliation Australia’s 2022 Reconciliation Barometer indicated that:

- Almost all Australians – Aboriginal and Torres Strait Islander people and general community members – believe the relationship between each other is important.
- Nearly all Australians want Aboriginal and Torres Strait Islander Peoples to have a say in their own affairs – with a significant increase in support for a treaty.
- Mutual trust between First Nations people and other Australians is strong, and
- A majority believe it is important to undertake formal truth-telling processes in relation to Australia’s shared history.

These findings broadly correspond with ANU’s post-referendum survey of No voters that found that:

- Australians are not against the idea of constitutional recognition in general.
- If the referendum was just about recognition those who would have vote yes outnumbered those who would vote no by a margin of almost five-to-one.
- The survey indicated support by around eight in ten Australians for reconciliation, for the importance of Aboriginal and Torres Strait Islanders having a voice or say in matters that affect them, for truth-telling processes, and for celebrating pride in First Nations cultures.

Now remember these are the No voters who filled in this survey.

The data suggests that Australians think that Aboriginal and Torres Strait Islander Australians continue to suffer levels of disadvantage that is both caused by past government policies and that justifies extra government assistance.

This is a paradox but it does demonstrate that if honest campaigns are conducted or misinformation and disinformation is factually challenged and not countered by a reporter’s opinion, then outcomes may be different.

## Making progress

State and territory governments are progressing Voice arrangements, truth telling initiatives and, to a lesser extent, treaty mechanisms.

The most prominent example of institutional truth-telling at the moment in Australia, is the Yoorrook Justice Commission, launched in 2022 in Victoria.

By the time of delivery of its final report in June 2025, Yoorrook aims to have:

- Established an official record of the impact of colonisation on First Peoples in Victoria.
- To have developed a shared understanding among all Victorians of the impact of colonisation, as well as the diversity, strength and resilience of First Peoples' cultures, and
- To make recommendations for healing, system reform and practical changes to laws, policy and education, as well as to matters to be included in future treaties.

They have so far heard evidence on child protection systems, criminal justice systems, and on issues related to land, sky and waters, among other areas.

Yoorrook's seventh round of hearings began this week focusing on the systemic injustice experienced by First Peoples in Victoria in relation to health, education, housing and economic life.

Last week, as part of a recommendation from Yoorrook — and also as an outstanding recommendation from the Bringing them Home Report — Victoria Police formally and unreservedly apologised to Stolen Generations' survivors and their families for the role they played in the forcible removal of Aboriginal children from their families, culture and country. Other jurisdictions have either apologised or are considering a form of apology.

Reconciliation Australia's Community Truth-telling Pathways program supports action and change through truth-telling activities. It is raising

awareness and understanding of truth-telling in the Australian population through information and advocacy.

The program is framed by four core pillars:

**Community led:** That Truth-telling is Aboriginal and Torres Strait Islander centred and is responsive to the needs and aspirations of the First Nations people of that place. Community-led Truth-telling also implies a collective and inclusive process in which the emotional and logistical labour of it is shared.

**Place-based Truth-telling** speaks to the centrality of Country in the process. Place-based Truth-telling can significantly advance grassroots reconciliation by improving local relationships and by triggering local action for change.

**Strengths-focused Truth-telling** looks to generate respect and understanding of Aboriginal and Torres Strait Islander cultures and knowledge.

**Action-oriented Truth-telling** inspires participants to act to ensure injustices cannot continue or be repeated. Once established the program will engage with key stakeholders in this space to develop the kind of Truth-telling practice that will advance these key pillars.

RA also has the very successful Narragunnawali program that supports schools and early learning services to foster knowledge and pride in Aboriginal and Torres Strait Islander histories, cultures and contributions. Our aim is for 75 percent of all Australian schools and early learning services to start a RAP (Reconciliation Action Plan) by 2027 and already there are 429 schools and 1,780 early learning services with a RAP and 150,000+ individuals are engaged with our online platform. So without doubt the next cadre of voters will be much more informed and understanding than their parents and grandparents.

I close tonight espousing one of Aunty Lowitja's key interests being the advancement of young Indigenous leaders. She always recognised the importance of nurturing the next generation of leaders who can carry



forward the torch of advocacy and continue the work towards equality and justice and I am testimony to her aspiration.

Creating pathways for young people to enter leadership positions is crucial for the sustainability of the movement for Indigenous rights and self-determination.

Our young leaders are well-positioned to navigate the complexities of modern Australia while maintaining the cultural integrity and historical consciousness that is crucial to Indigenous identity.

I urge the Dunstan Foundation to consider inviting a young or young-ish leader to deliver a future Oration so we can hear what they have to offer from a community, national and international perspective. Our youth are our future.

Thank you and Vale Aunty Lowitja.