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Tim Muirhead is a consultant and trainer in Aboriginal/non-Aboriginal relations and Community Development. He works in close collaboration with a number of Aboriginal colleagues in WA. He is the son of James Muirhead, the initial Royal Commissioner. Here he offers some personal reflections on the Royal Commission, and what followed.

HEARTBREAK AND HOPE: A son's reflections, 20 years on.

"Don't let it break your heart". It was a strange, sweet comment coming from this man who had been a soldier, lawyer or judge all his adult life. At the time I probably took mild umbrage: Dad had always worried that my soft heartedness was no match for the realities of the world. But, in the years since, I've had cause to wonder whether it came from his own, deeper experience.

It came in the midst of delighted congratulations on my appointment as a Coordinator for Australians for Reconciliation in WA. This position, as it turned out, launched me into a 15 year (and counting) obsession with a simple question: "How do we build a better relationship between Aboriginal and non-Aboriginal Australians". The journey of answering that question is one of the privileges of my life. And, of course, it broke my heart.

How could it not? Doris Lessing, raised in the Rhodesia that preceded Zimbabwe wrote "To be in love with a country is a tricky business. You get your heart broken even more surely than by being in love with a person." You do. As you confront the history of injustice and carelessness, and the intergenerational trauma that resulted; as you watch the tears roll down the face of a gentle woman who lost her children to government policies; as you watch in horror as your leader and your culture come to see Sorry as a political word ; as ongoing discrimination leads to a man being cooked to death on his way to an unnecessary court appearance, your heart breaks.

But don't feel bad. It has been my experience and my observation that the heart breaks open like a seed. If we nourish it, it produces - miraculously and beautifully - new life, new hope, new strength. If we ignore it or leave it dry, it withers and dies.

And I've often wondered in the 20 years since: Did the Royal Commission break Dad's heart? Is that one of the reasons he resigned half way through? Did he not realise, through the deep humility that was the mark of the man, that it was that very broken heart – let's call it an open heart - that was his strength and his qualification for the role; that it was that very open heart that drew the trust of so many Indigenous people, and inspired so many other Australians as they listened to their radios or read their newspapers?

The conscious reason he gave for his resignation was health, and he was massively relieved when the man he so admired, Elliot Johnston, agreed to take over the lead role. But I've wondered: when he said 'don't let it break your heart', was he simply passing on a warning from his own deep, un-named experience? It seems possible.

Heartbreaking questions

So it's good to ask, 20 years on, what has been achieved from this heart-break?

Raw numbers give a mixed report card, but Indigenous incarceration rates are scandalously high, and avoidable deaths continue, each of them unacceptable. We must constantly ask: are we diligent enough?

The death of Mr Ward of Warburton (near the SA/WA border) was a travesty. That a widely respected leader could cook to death in the back of a custodial van as he was transported, unnecessarily, hundreds of kilometers to appear for a traffic offence beggars belief and must raise the spectre of racism. The Coroner's report is distressing – not just for its summary of what led to this death, but for what it reveals about the lack of basic justice, diligence and respect being played out within custodial authorities in relation to Aboriginal people. Having stated that Mr. Ward “suffered a terrible death while in custody which was wholly unnecessary and avoidable”, the report adds: “A question which is raised by the case is how a society, which would like to think of itself as being civilised, could allow a human being to be transported in such circumstances”. It's a good question; a heartbreaking question.

6 years ago I was working to develop an 'Aboriginal Justice Plan' for WA's Goldfields region (where Mr Ward died). I asked a local Aboriginal worker “So what are some of the keys to ensuring Aboriginal people don't get drawn into the justice system?”. He looked me in the eye: “I could take that question more seriously if we'd implemented more than a handful of recommendations from your dad's Royal Commission. Why not start with acting on what we know, instead of having endless reports and plans?” It's a good question; a heart-breaking question, and of course deeply challenging for me: Was I earning money pretending to re-invent wheels?

I suspect that one reason why we have not implemented many of the Commission's recommendations is that over the last 20 years there has been a political trend away from the guarantee of rights for all people. Demonisation has become a political tool. We have lost sight of the fact that human rights should apply to all humans and that, in the face of community alienation, governments have an even greater responsibility to safeguard those rights when socially sanctioned consequences, like incarceration, are imposed.

This said, it is important to remember that safety within the justice system is only the tip of the iceberg.

A Turning Point

Early on, the Royal Commission found, through simple maths, that one of the key reasons why so many Indigenous people were dying in custody was that so many were in custody. As a result Dad did what, in my view, was the single most important act of his working life – he met with Bob Hawke and insisted that the Royal Commission would be meaningless if it did not explore the 'underlying issues' that were leading to such high rates of incarceration, (and, of course, other disadvantages such as illness, mortality, substance abuse, and so on).

Thus the Terms of Reference were broadened, which enabled Commissioner Pat Dodson and his team to investigate and report on these issues. I believe this marked a turning point for our nation. The late Dr Kumunara Barton of the Maralinga Tjarutja people (western SA) once summed up, beautifully, the reconciliation task for us as a nation: “*It's time for us to take the bandage off, see how deep the wound is, and heal the wound*”. Commissioner Dodson's report put before the nation, or at least those who were interested, a clear picture of this wound and its consequences. It explained why the victories, in the 60's and 70's, of equal rights and 'self-determination' failed to lead to equal opportunities for Aboriginal people, and it opened the door for a deeper dialogue about how to recover from the aftermath of 200 years of dispossession.

Pat Dodson wrote: “*I can only conclude that the majority of Aboriginal people in this State (WA) remain not only in a destabilised and powerless position compared to the dominant non-Aboriginal population, but also in a position where their powerlessness remains remarkably unrecognised. This lack of recognition occurs at human, socio-cultural, economic and structural levels. In a sense, it can be argued that the 'scene has been set' for what we are witnessing today.*”

This tragic state of affairs will continue into the future unless there is change on both the part of non-Aboriginal and Aboriginal societies”.

This should have broken our hearts wide open, and inspired us to action. For a while, it seemed that it did. Native Title, The Council for Aboriginal Reconciliation, Paul Keating’s Redfern Speech, the *Bringing Them Home* report. Exciting times.

John Howard, of course, cruelly stalled all that at a political level and, with the shining exception of the National Apology, it has mainly been ‘business as usual’ since his departure.

Where hope lies.

But government and politics are only one part of this picture. When I look at the progress of governments and populist politicians, I feel despair. But I see and feel hope, repeatedly, in the actions of individuals, of local organisations and businesses and of communities. A Martu woman (WA’s Western Desert region) finally succeeds in having the ‘interagency’ meetings at the local community, rather than in meeting rooms. A local Police Sergeant insists on his officers learning about, and building relationship with, the local community. A mining company sets ambitious Aboriginal employment targets, and achieves them. A group of Nyoongar elders (South West WA) work together to heal their young men, and non-Aboriginal men ask to help and heal in the process. A local health region sets up Aboriginal Advisory Groups, and acts on their advice. Non-Aboriginal people are given good, first hand information about Aboriginal perspectives on history, social structure and culture, and change their attitudes, overnight. Thousands of organisations develop Reconciliation Action Plans – some of them ambitious.

20 years on I have concluded that this is where hope lies: with you and me and us, not them. We need to let our hearts break open and commit to our part – small or large – in the healing, the respect and the growth that will allow us, finally, to settle together on this land we now share.

Tim Muirhead
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For an excellent analysis of the intergenerational impacts of colonisation, and why political successes of the 60s and 70s failed to produce positive outcomes, read the book: *‘Why Warriors Lie Down and Die’* by Richard Trudgen.

Also: “1905 Act Thinking – Time to shift paradigms” Tim Muirhead:. (2004) at <http://www.peoplehelp.com.au/csd/documents/1905%20Act%20Thinking.pdf>

To read the Coroner’s report on Mr Ward’s death:
http://www.nit.com.au/downloads/files/Download_213.pdf

Apology to the Stolen Generations of Australia:
<http://www.youtube.com/watch?v=SUVnAp4IXfl&feature=related> (The Apology, and Rudd’s speech, is shown in 3 parts).

For Reconciliation, and how to be involved (including Reconciliation Action Plans):
<http://www.reconciliation.org.au/>