

have actually signed on to the change, Senator Smith. It is worth my pointing out that in my view, and with the greatest respect, inherent contradiction in your contribution.

The problem the proponents of change have more broadly is that there are a range of other far more grievous constraints on freedom of speech that never get a mention. Our defamation laws, which have extreme constraints, in effect, on freedom of speech in this country, never ever get a mention by those representatives of the Liberal Party and the IPA in this place, because of course they are used by politicians and big corporations in order to stifle freedom of speech. So they are very convenient, and it is conveniently ignored that our defamation laws are a massive constraint on freedom of speech in this country. I refer you also to section 42 of the Border Force Act, which is a massive constraint on freedom of speech for those people who work in the immigration detention centres in our country. If people are truly going to self-style as freedom of speech warriors in this place, or in public debate—I am not suggesting that you are, Senator Smith, but I am suggesting that others in this place have done that—then I want to hear from them objections to section 42 of the Border Force Act. I want to hear from them objections to the significant constraints on the freedom of speech created by our defamation laws. But, do you know what? I am not going to hold my breath, because I do not think those comments are coming because what is driving this debate around 18C is that people want Australians to be able to offend and insult other Australians based on race—based on race; that is the key. Section 18C is in the Racial Discrimination Act. If you want to remove the words 'offend' and 'insult' from the Racial Discrimination Act, logic follows that you want Australians to be able to offend and insult based on race. What reasonable person would want to offend another Australian based on their race? I do not think there is a reasonable justification for offending and insulting fellow Australians based on their race.

I spoke about section 18D of the Racial Discrimination Act earlier today, but it is worth pointing out that, like defamation laws, like section 42 of the Border Force Act, section 18D never gets a mention in this argument by proponents of change. It is forgotten by proponents of change as often as most Australians, including me, forget the second verse of *Advance Australia Fair*. Section 18D seriously provides massive freedom of speech protections that effectively protect anything said or done in good faith in this country. It is a significant and broad protection.

I also want to point out in the very limited time left to me in this debate that there are many more ominous rights to the threats of ordinary Australians in section 18C. I am going to call people out here, and they are the right wing culture warriors in Australia—I am not referring to Senator Smith, but there are others in this place, including Senator Patterson and Senator Duniam, who is the new Senate for Tasmania—who will take every opportunity to crib their way through our statute books to make Australia a less safe place for people they do not agree with. I have seen this through my life. I say to Senator Paterson and his IPA—he is an agent of the IPA in his place, make no mistake about it—and to Senator Duniam and others that I will not lie down before them and let them crib their way any further than they are able to do. I will defend section 18C to my last breath in this place.

I want to point out to the chamber that threats like the growth in inequality in this place—the gap between the haves and the have-nots in Australia—is a significant challenge to the rights of Australians. Global warming and sea-level rise are significant challenges to the rights of Australians. The ever-expanding surveillance that is done in the national security—which all of those proponents of changes to section 18 C line up to support—is a significant challenge to the rights of everyday Australians. But we do not hear a peep from these people about those things. We simply hear that we need to change 18C so that people can be offensive and insulting on the basis of race in this country. Well, not on my watch!

FIRST SPEECH

The PRESIDENT: Pursuant to order I now call **Senator Dodson** to make his first speech. I ask honourable senators to extend the usual courtesies to him.

Senator DODSON (Western Australia) (17:01): Ngaji mingan, Mr President? How are you, Mr President?

The PRESIDENT: Gala mabu ngangan. I am good. Gala walju! Go ahead.

Senator DODSON: Yawurugun Janu buru Rubibi. I am from Broome. Ngayu nilawal Djagun. My name is Djagun. Ngayu Banaga wamba. I am a Banaga man. I acknowledge with respect the traditional owners of this country, the Ngambri and Ngunuwal people, their elders and their emerging leaders and I thank everyone who has made me welcome here.

I now come to this place, elected by the people of Western Australia. I am honoured to serve our great state and thank the people of Western Australia for their confidence and trust in me. I will carry out my responsibilities and commitments to all Western Australians with dedication and vigour. I come to this upper house, the Senate, very mindful of the traditional role of this place to represent the views of the states. I know that at times our views in

the Senate may challenge those of the House. I pledge myself to negotiating any differences with respect and courtesy.

I am committed to working closely with our Labor team, led by our leader Bill Shorten, and all of my Senate colleagues to make a difference for the future of our country. I am particularly honoured to serve in the 45th Parliament with my Aboriginal sisters, my fellow Labor colleagues, Senator Malarndirri McCarthy in the Senate, and Linda Burney in the House of Representatives. I also acknowledge my Aboriginal and Torres Strait brothers and sisters in both houses of the Australian parliament, and those who have led us here, such as Queensland Liberal Senator Neville Bonner, Senator Aden Ridgeway, and Senator Nova Peris.

The Senate and the House are now becoming more representative and inclusive of all the peoples of Australia. It is a positive step along our road to have Aboriginal people participating directly in the process of making Australian law. This was not the case at the time when our founding document, the Australian Constitution, was drafted. The only two express references in the Constitution were section 127 and section 51(xxvi), and both related to our exclusion—a situation that lingered in the constitutional landscape of this nation until the 1967 referendum.

The presence of the First Australians, who occupied this continent for millennia, in this great land was disregarded. Something that Bill Stanner in his Boyer lectures referred to as:

...a cult of forgetfulness practised on a national scale.

Clearly, there is work to be done to address this, with constitutional recognition of the First Australians being an important step in this process. I look forward to the report of the Referendum Council and working with the 45th Parliament on this very important task.

I am a proud member of the Yawuru people of Broome. In the Yawuru language from around Broome there are three key concepts from the Bugarrigarra which shape our ways of knowing and understanding. These concepts will inform my work here, as they have formed my being. They are: *Mabu ngarrung*, a strong community where people matter and are valued; *Mabu buru*, a strong place, a good country where use of resources is balanced and sacredness is embedded in the landscape; *Mabu liyan*, a healthy spirit, a good state of being for individuals, families and community. Its essence arises from our encounter with the land and people.

These concepts are not newly minted. They come from the time before time began. We call this the Bugarrigarra—from when the earth was soft and yet to be moulded and given its form by the creative spirits. The Bugarrigarra encompasses the time well before Western philosophy, religion and laws existed or travelled to our lands in ships.

In 2006, after 12 years of litigation, the federal court recognised the native title rights of the Yawuru, and therein acknowledged the existence of our laws and customs under Bugarrigarra in Australian law. The Yawuru now hold some 530,000 hectares of land in and around Broome. Much of the Yawuru land is held under exclusive native title. Other parts are non-exclusive title. However, native title rights are vulnerable to the principle of extinguishment, which has the effect of returning native title rights to our lands and waters to terra nullius or Crown land.

When the Federal Court handed down its determination in 2006, the Western Australian state government appealed the decision. But two years later the full bench of the Federal Court upheld the original decision. During and following the appeal, formal negotiations were undertaken between the Yawuru people, the state government of Western Australia and the shire of Broome. In February 2010, these good faith negotiations led to a native title agreement signed by all the parties and registered with the Native Title Tribunal in August 2010.

The ILUA—the Indigenous land use agreement—settled some key matters of land tenure and governance for the state and for the Yawuru people. The agreement provides a basis for building economic opportunity in our shared, cosmopolitan world subject, of course, to market factors and opportunities. The agreement-making process and the agreement itself help both communities to face up to the unfinished business of our place, of our country and of our status within the confines of the act. They do not settle, however, fundamental matters of colonisation and dispossession. It is not a panacea, applicable in every case, but shows that local and regional agreement-making is achievable and can be mutually beneficial.

It has refreshed our spirit, our liyan. It enabled us to move on from the many mistakes, poor policies, ignorance and outright racism that have bedevilled us in the past. We now come to the table in our own right: respected as legitimate stakeholders, whose rights can no longer be bypassed, ignored or simply extinguished without compensation. It is one model of agreement making I can commend, while recognising such a model cannot be adopted in all parts of our diverse country. Its limitations are that it does not deal with the claims of sovereignty that many Aboriginal people argue has never been ceded or surrendered. The basis for settlement remains contested since the discredited legal fiction of terra nullius was exposed in the High Court Mabo decision.

As a senator from Western Australia, I will work with my parliamentary colleagues in this place and elsewhere in shaping the social and economic future of our state and the nation as a whole. I am especially focused on the needs of those who live in the regional and remote parts across this great land of ours, particularly in Western Australia. I firmly believe that to be successful in this endeavour we must ensure at all times the full and active engagement of all of our people. I will be working in this place to: make sure that fewer Aboriginal and Torres Strait Islander Australians are locked up in our prisons; help develop northern Australia, in partnership with regional communities, industries and Aboriginal people; build consensus on changing our constitutional framework, recognising the need for meaningful discussions with Aboriginal and Torres Strait Islander peoples on a treaty or treaties; and ensure Aboriginal and Torres Strait Islander Australians and their organisations are key decision makers and empowered partners in programs to transform the current levels of injustice and bureaucratic domination.

In joining my fellow senators, I acknowledge and welcome those of my colleagues who are also new senators. We have become good schoolmates in Senate school. Some, though, have been elected on platforms which I will undoubtedly find challenging. I will not be averse to argument and debate on these issues. This place is, after all, the sanctuary of free speech. The debates will, however, need to be informed by the fundamental principles of respect for the diversity and richness of our various cultures in Australia, and the recognition of our shared humanity. We know, as a fact, that some Australian legislation in the past was founded on outmoded patterns of thought and belief. Our laws have, at times, been based on ingrained paternalism and racial superiority, denying our shared humanity. Such mindsets justified repeated acts of greed that grabbed the lands of our people without negotiation, settlement or compensation—and at times at great human cost, with many lives being taken or cut short. Those laws built bureaucratic systems and processes that controlled the lives of our people; stifling life choices; creating the sorrow, pain and anguish of children ripped from the arms of their mothers.

My family, along with most Aboriginal families, carry this pain in our recent history. I was born before the constitutional changes of 1967. I was hiding in the long grass in the Northern Territory town of Katherine and watched my age-mates being taken by welfare and police. In Katherine I also watched in fear as white people were bussed in to the town hall meeting, where they vented their hatred and anger against Aboriginal stockworkers for walking off Wave Hill Station and for demanding justice and equal wages. The Australian law at that time was unarguably founded on a social outlook that was highly ethnocentric, even racist. Many of the laws were genocidal in intent, application and consequence. The same moral compass justified the American laws that mandated racial segregation in the US before the civil rights movement. Such views and laws led to the horrors of Soweto and Robben Island and even the hate crimes of Nazi Germany. These systems of laws and regulation shared the same legal, intellectual and moral parentage. These laws and regulations cannot be permitted to emerge once more in our precious democracy.

Our Australian democracy evolves and grows as our nation matures. In times past, people of a different race, a different colour, a different religion, a different sexuality were subjected to exclusion, oppression or discrimination under the laws made in this place. Such laws cannot and must not return to this place. I want to work with all of you in building an Australian nation that is characterised, as it is said in Yawuru, as *Mabu ngarrungu*—a strong community; *Mabu buru*—a strong place, a good country in which all Australians of all backgrounds, religions and ethnicities have a life influenced by *Mabu liyan*—a healthy spirit with the good feelings and sense of worth that comes from mutual respect and balance.

All of us, regardless of race, culture or gender, share a strong identity as Australians wanting to build a common, tolerant and prosperous future together. If we work to find what we have in common rather than what divides us, I believe that we can be better people; we can build a better Australia; we can build a better place for the next generation together.

I would like to express my deepest thanks to my family—and some of them are here today—my friends and the many supporters who have assisted me on my journey to this place. In coming here I have been warmed by the welcome from the Parliament House staff, as well as the security team and the Comcar drivers. I especially wish to recognise all the Aboriginal and Torres Strait Islander leaders, men and women, who have gone before, and those who continue every day in the struggle for justice and equality. I acknowledge respectfully the women who have taken on leadership roles for our people—women such as Faith Bandler, Bonita Mabo, Mum Shirl, Lowitja O'Donohue and many others across our lands.

In closing: I was privileged last month to be at the 50th Anniversary of the Gurindji walk off by the stockmen and their families from Wave Hill Station near Katherine in the Northern Territory. The Gurindji, led by Vincent Lingiari, walked off in protest at poor working conditions and living conditions on the station, but at the core of the strike was a fight for land justice, for equality, for recognition of a people's right to their law, to freedom, to

justice and a fair go. Their stance was proudly supported by the union workers of Darwin and by many non-Aboriginal Australians from across Australia.

When Gough Whitlam handed the title to the Wave Hill pastoral lease back to the Gurindji in 1975, he poured dirt from the country into the hands of Vincent. At the time, Prime Minister Whitlam said:

I want to acknowledge that we Australians still have much to do to redress the injustice and oppression that have for so long been the lot of black Australians.

I want to promise you that the act of restitution which we perform today will not stand alone – your fight was not for yourselves alone and we are determined that Aboriginal Australians everywhere will be helped by it.

All Australians everywhere have been lifted by this powerful moment of moral truth and justice; a moment that made Australia a better place, the kind of country we want to be.

Vincent's reply to the Prime Minister was in Gurindji, translated as:

Let us live happily as mates, let us not make it hard for each other.

It was a testament to his strength, his resilience and his generosity of spirit. After a century of theft, of violence, of dehumanising exploitation, of structural and institutionalised racism, of a stolen generation policy, genocidal in its intent and its impact, this leader was ready to move forward to build a better place. Vincent held a vision for his people's freedom—a vision based on fair treatment, getting country back and getting people back on country. His vision was for equal wages, for a self-sufficient, independent, economically secure and culturally grounded community free from oppression and degradation. This vision was never fully realised, but it remains a worthy vision for us all.

In this Senate, I want to work with my fellow senators to help to build a better country, a better place, a strong, just and inclusive Australia. I look forward to our work together.

Galiya.

FIRST SPEECH

The PRESIDENT (17:25): Order! Before I call Senator Duniam to make his first speech, I ask that honourable senators observe the same courtesies extended to Senator Dodson during his speech, and not interrupt the senator.

Senator DUNIAM (Tasmania) (17:25): Mr President, I start by congratulating you on your re-election. I have to say it is terribly gratifying to have a Tasmanian in charge!

I am sure that so many who have gone before me have found it is an incredibly difficult task to put satisfactorily into words the great honour and privilege it is to be elected to represent one's fellow Australians in this place.

We have had a long election campaign and then a long wait for the results, under the new Senate counting rules. I have to be honest and say that it sometimes felt, as I imagine it did for most Australians, like this day would never come. But that long campaign—the endless hours on the road, knocking on doors and getting to know Tasmanians right across the state—gave me the opportunity to reflect on just why I am doing this and what this amazing and humbling honour actually means to me.

I come from a spectacular state. I come from a state of which there is much to be proud. As the sixth generation of Duniams living on the remarkable island of Tasmania I have a deep affection for that place and a strong commitment to doing what I can to ensure that its future is strong for the generations that follow us.

The Tasmanian people, much like the place itself, are a resilient people. Our state, like many other parts of this country, has been dealt its fair share of bitter blows. But, every time our community is dealt one of those blows, true of the Australian fighting spirit the Tasmanian community picks itself up and works hard to get back on track. In my short life, I have seen it many times—where communities pitch in together to help out those in need, where no-one is left behind.

And we have faced particular challenges in Tasmania, be it the tragedy that unfolded at Port Arthur in 1996; the 2013 bushfires which devastated the small community of Dunalley; the sudden and destructive floods we saw across Tasmania during this year's election campaign; or, indeed, in my childhood home on the north-west coast of Tasmania where, one after another, major employers slowly left town. First the Tioxide pigment factory closed. Then the APPM paper mills were downsized and eventually closed. Each of these closures was bad in itself, taking hundreds of jobs out of our small community, but the direct consequences for so many other medium and small businesses which rely on big factories saw thousands of jobs go.

But, every time, the people of my home state always come together, looking at ways to help those in need and ways to redefine themselves so they can take the next set of challenges head-on. It is this resilience, this fighting