



**SUPREME COURT
OF QUEENSLAND**

Brisbane Boys' College Indigenous Fund luncheon
Citigate Hotel, Brisbane
Thursday, 4 December 2008
"Recognizing and confronting disadvantage"

The Hon Paul de Jersey AC
Chief Justice of Queensland

I begin by expressing thanks to CEDA for generously hosting this luncheon, and to you, ladies and gentlemen, for your attendance.

I am obviously very pleased to be associated with the BBC Indigenous Fund, and gratified that you should be showing this interest in what is a refreshing and encouraging initiative. I have had the privilege of meeting and speaking with a number of the young men who are being sponsored at the school at the moment. Their enthusiastic commitment is palpable. One senses they absolutely relish an opportunity for advancement of which they and their families could never have conceived.

Now I recognize that CEDA, the Committee for Economic Development of Australia, is premised on a broad national vision. It is obvious enough that enhancing the economic prosperity of our indigenous Australians, indeed creating some economic prosperity for them, would be a very great benefit to the national economy.

Interestingly in August this year Access Economics produced a report on the economic impact of indigenous disadvantage. It was commissioned by Reconciliation Australia. It assumed "a hypothetical Australia where indigenous Australians face the same opportunities and experiences as all Australians". It did not address what it termed "the complex policy and program mechanics of how to achieve a real reduction in the disadvantages faced by indigenous Australians". But on that massive and courageous assumption, the report's conclusion was that by "raising the life expectancy of indigenous Australians and increasing the proportion of the indigenous population in the workforce



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who are able to take on higher skilled and better paid jobs to levels commensurate with those of all Australians, real GDP could be 1% higher than otherwise in 2029 – equivalent to around \$10 billion today". Furthermore, because "the increase in GDP (would be) larger than the forecast increase in the total population, national living standards for all Australians would increase".

But as the report fundamentally acknowledged, "the economic benefits will only be realized if the health and educational attainment of indigenous Australians improves". The report records that "the Australian Government's current approach includes interim objectives to halve the literacy and numeracy achievement gap within a decade, halve the gap in employment outcomes within a decade, and provide indigenous children with access to quality pre-school programmes within five years".

Now the forest giant grows from the tiny seed, so none of this can be achieved except through patient and determined attention to the individual person. Hence this scheme, where youths with potential are given the opportunity to realize it, and that is happening. I discern a real feeling of frustration in the Australian people that so little apparent advancement has been achieved within indigenous communities notwithstanding the injection, over the years, of simply huge amounts of money. That is why ventures like this are of appeal. The money is wisely spent and the beneficial consequences are observable.

In May and June this year, the Court of Appeal, on which I sat, heard appeals by the Attorney-General against sentences imposed on nine youths and men who committed acts of rape on a 10 year old girl at Aurukun, the remote Aboriginal community in Western Cape York. The case attracted national and international attention. I mention it today because we received graphic evidence of the dreadful dysfunctionality of that particular community. The evidence was, and I quote from the judgment, that

"As in other indigenous communities, colonisation and subsequent practices of dispossession, forced relocation, discrimination and



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disempowerment have manifested in multiple and significant social problems, ...Aurukun faces...problems including substance abuse, domestic violence, poverty, overcrowding, gambling, limited employment opportunities, limited education opportunities, limited organized recreational activities, and within some families, a disconnection from culture and traditional beliefs. The 1996 Index of Relative Socioeconomic Disadvantage indicated that Aurukun was the most disadvantaged statistical local area in Queensland..."

Now fortunately Aurukun is not necessarily typical of all Cape communities. I have myself visited Kowanyama and Bamaga, if briefly, and I sensed a more upbeat mood in those centres. But that said, these communities are generally not sources of real encouragement for the development of vibrant young minds and bodies. This present initiative confronts the enormous challenge of recognizing that reality and doing something about it.

When I talk about the citizenry's sense of frustration that little seems to have been returned from a substantial investment over many years, I am conscious of some important recent developments. But what may be of concern is a view that it will help simply to throw money at these problems. If that has been done, it has ignored the complexity of the issues, and the high significance of cross-cultural considerations.

What particularly impresses me about this initiative is its focus on the individual person: carefully select someone who will probably run with the opportunity, nurture him studiously (and sportingly), and be confident he will go on to be a champion for his community – a genuine role model.

But from a personal point of view, what in the end cemented my support for this project was the dismal reality that vibrant young indigenous lives are being sacrificed.

We are parents and, some of us, grandparents. I suppose that in most of our cases opportunity has been almost guaranteed. It is worse than depressing to realize that



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indigenous children, our fellow Australians, innocents, are being condemned to a lifetime, often a sadly short lifetime, of what is little more than shabby irrelevance.

I have seen the lights in their eyes. Please let us do our utmost to keep those lights burning, on the basis they become beacons for their communities. It is often said the mark of a civilized society is the way it treats its disadvantaged members. As we all benefit from society, we are all obliged to improve it.

And there, ladies and gentlemen, we ultimately depend, if this is to succeed – and I am confident it will, on your altruistic generosity. Thank you for listening to me, and for your wonderful support of this truly excellent venture.