

## Mind our language

*Why indigenous languages should be spoken in our parliaments*

BY NOEL PEARSON

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The electorate of Stuart, in the Northern Territory, includes the ancient homeland of the Warlpiri. The Warlpiri's ownership of this region, and their language, predates the creation of this electorate, in 1974, by hundreds and probably thousands of years.

The majority of the people who live in this electorate speak Warlpiri as their first language. Many of them would struggle to understand the proceedings of the Northern Territory parliament when it is conducted in English.

The Warlpiri have voted for one of their people, Country Liberal MP Bess Nungarrayi Price, to represent them in this parliament. Warlpiri is her first language, and it is the language in which she relates to her people as a member of parliament and as a member of her community.

Late last year, Price sought permission from the speaker, independent MP Kezia Purick, to speak her traditional language in the parliament. Purick refused her, stating that "the language of the [Legislative] Assembly is English" and that the "official language of Australia is English".

On 20 February I published a piece in the *Australian*, explaining that both of those assertions are not supported by any written law. English is commonly assumed to be Australia's official language, but that is incorrect. The Constitution prescribes no official language. The standing orders of the Northern Territory parliament do not prescribe English as the official language in the way Purick claimed.

Think about it: Warlpiri is a language that is native to the territory of this parliament, descended from and related to the languages that arrived in Australia at least 50,000 years ago. English is not native to this territory. Neither are any of the other languages that form our multicultural heritage. There is

something fundamentally undemocratic about the exclusion of a native language of native electors from such a parliament. That we don't understand this as a democratic problem speaks to how much we automatically and thoughtlessly exclude people like the Warlpiri from our notions of democracy.

The Bess Price story came to light soon after Prime Minister Malcolm Turnbull presented his 'Closing the Gap' report to the federal parliament in February. He began with a preface in another of Australia's great ancient languages, Ngunnawal, the language of the land upon which Parliament House sits in Canberra. The prime minister demonstrated the just position on whether indigenous languages should be spoken in Australia's parliaments. It is only right that Australians speak Australian languages. There is something basically wrong if a language predating the existence of that territory and its parliament has no place in its deliberations.

In the *Australian*, I argued that if the standing orders of a parliament prohibit the use of Australian languages, then they should be changed to specifically permit it. The parliament should make translators available in the case of prepared speeches, and the MP speaking in a traditional language should be required to provide an English translation of what they have said.

I also explained that, as a member of the Expert Panel on Constitutional Recognition of Indigenous Australians, in 2012 I advocated that a provision be inserted into the Constitution recognising English as the national language of Australia, and recognising the traditional Aboriginal and Torres Strait Islander languages as Australian languages.

The reaction from the readers of my *Australian* piece was as if a great red sludge had erupted from an unfortunate antipodean orifice, spewing vile cowardice and obscurantism on a subject that should have merited proper debate and difference.

Jason was one of the few who saw the merit in formal recognition of indigenous languages. "Good article Noel," he said. "This conservative agrees. Too many languages the world over have been lost."

Allan, however, was unpersuaded by Jason's observation. "And the point of keeping them going is?????"

Most of these respondents wrote with appalling spelling and grammar. They clearly required remedial instruction, with particular emphasis on comprehension, in the language they were so anxious to defend. I could have readily recommended an appropriate program.

"Should we still be speaking Elizabethan English then?" Jason continued, pointing out that, as a person of Norwegian descent, he's worried about having

to speak Old Norse. The point that Bess Price and I, and many other indigenous people, do in fact speak indigenous languages as part of our contemporary life seemed lost on Jason. Equally lost was the point that Australian children routinely study, perform and speak Elizabethan English when dealing with Shakespeare's classics. We learn the ancient culture of England, but the ancient culture of our own land is denied to most Australians. We miss out on learning indigenous languages and stories, which carry all the imagination and drama of Shakespeare's epics.

One commenter challenged me to submit my next article in my native language. Tony interjected that the article would be a "blank page". "There is no written indigenous language," Robert E proclaimed. Robert is obviously ignorant of the numerous translations of the Holy Bible in Australian languages, and the thousands of indigenous readers and writers of native languages across the country. "I think dictionaries & grammar books have been published for some of the languages," said Bruce, a lone voice of caution.

Garry said it's "about time Aboriginals joined us an equal Australians", because he is "fed up subsidising their indolence".

John calmly asked us to "JOIN THE REST OF THE WORLD AND ENTER MAINSTREAM AUSTRALIA and STOP THE VICTIM CARPING".

David tackled the tough issues. "What would happen if an air traffic controller began speaking to an incoming aircrew in a native language?"

Robert E came back to state the obvious. "Remind me which language the constitution is written in? While your at it how about all laws and statutes? ... Seems to me the official language is English."

I wish English were the official language, indeed I proposed a constitutional amendment to declare that it should be, if only so that Australians might learn the difference between "your" and "you're". Nick shared Rob's sentiments and grammatical problems. "I think, your losing it now, Noel!"

Niels said that indigenous non-English speakers in remote communities "are doomed to remain unemployable and forever on the government teat. At best, the pinnacle of their potential is to be oddities and curiosities for passing tourists."

Rodney agreed that English should be the only common language:

[I]f the indigenous were to get this through, the next thing we would be hearing of would be the Muslims wanting their languages in parliament, and if you don't think that wouldnt happen go to

many western nations and see how the Muslims have used the UN charters of rights as their claim for equality, currently -Muslims own many councils- in Britten, so guess what they will demand here, and they will be run like any Muslim country govts.

The Anglophile who can't spell "Britain".

In the midst of this, however, were some glimmers of hope. "Recognition of indigenous languages as official languages would enrich the cultural identity of all Australians," said Henrik. "Celebration of indigenous languages may be a uniting force in expressing the diversity and unity of past and future Australia."

"An excellent article expressing balance, respect and recognition of the richness of Australia's indigenous languages heritage," said Andrew.

But Steve spoke more truth than he intended. "I will now go back to my toast and coffee and forget about the Invisible People."

That is the problem. We remain the Invisible People. We remain the Forgotten People, left out of the original settlement and still denied a rightful place in our own country. The people that Robert Menzies and so many other leaders forgot to include in their vision for Australia until Gough Whitlam spoke about the need to locate "their rightful place in the nation".

Some Australians, including some conservatives, see the merit in recognising the indigenous heritage of Australia. All Australians should read *The Forgotten Peoples: Liberal and conservative approaches to recognising indigenous peoples* by Damien Freeman and Shireen Morris. Their book shows that not all right-wing thinkers are racist or uncaring. Many can and do want change. Many want the indigenous heritage to be the heritage of all Australians.

Australians consistently tell us that there is no space for us, our heritage or our people in Australia's national life. But this is our country, too.

When the British ships brought the people, laws, culture and traditions of the United Kingdom to the continent of Australia, they carried with them the legal myth that our land was "terra nullius": belonging to nobody. Through Eurocentric eyes, the colonisers noted the black indigenes who inhabited the land. But to colonisers the people were "savages", without law or social organisation, and no better than beasts or apes. We were not viewed as rightful landowners or sovereign peoples. The logic of terra nullius was politically convenient. It meant that ownership and sovereignty were up for grabs.

Such attitudes had a pervading impact on the way this country was colonised and the terms on which the Australian nation was founded. The view that the land belonged to no one – or, more accurately, to no one worthy of equal

respect or equal treatment under the law – largely set the tone for future interactions. It set the tone for the way the founding fathers treated indigenous people in the Constitution. As Patrick Dodson has observed, Australia’s Constitution was drafted “in the spirit of terra nullius”.

I find it helpful to muse upon what things might have been like had this not been the case. It serves as a useful reminder of what indigenous constitutional recognition seeks to achieve. Had the colonisers not presumed that Australia was terra nullius, had indigenous peoples not been assumed to be “savages”, had we been viewed and treated as the sovereign owners of the land on which our people had lived for thousands of years – how might things have been different?

Firstly, we would have had a place at the table in the decade of constitutional negotiations that took place prior to 1901.

There would have been a challenging exercise in cultural exchange. Language would have been the most obvious barrier, but one that the parties would have found ways to overcome – just as they have in other colonised countries. Linguists would have been engaged. Translators would have emerged on all sides. Intercultural dialogue would have formally ensued.

When it came to negotiating the key clauses to deal with indigenous affairs in the new nation, the dialogue would likely have led to a vastly different constitutional outcome. If indigenous representatives could have made a strong case for their fair inclusion in the new nation, it is likely they would have negotiated some form of representation. Representation was key. The colonies ensured that they were guaranteed equal representation in the Senate, despite the variations in their respective populations. Had indigenous peoples been involved in such discussions, they would have negotiated a guaranteed voice in their own affairs. After all, the indigenous population at the time was comparable to that of Western Australia or Tasmania.

What form would indigenous representation in the constitutional compact take? Perhaps indigenous people would have argued for reserved parliamentary seats, like the Maori in New Zealand. Alternatively, the indigenous representatives might have argued for a representative body through which to deal with the new Commonwealth and state parliaments.

Those constitutional negotiations, conducted in First Nations languages and in English, would have set the tone and terms for the birth of the new nation. With the fair input of indigenous peoples, that new nation would not only have been a union of the colonies. It would have been a union with the First Nations, too.

It sounds like mere fantasy, but similar events unfolded in the 1800s in New Zealand. In 2013 Tony Abbott, then the Opposition leader, observed that “we only have to look across the Tasman to see how it all could have been done so much better. Thanks to the Treaty of Waitangi in New Zealand two peoples became one nation.”

Australia today would be very different if indigenous peoples had been party to the Constitution. Apart from the existence of an indigenous representative voice, I think it is likely that the Constitution would have been translated into indigenous languages – just as the Treaty of Waitangi was written in both Maori and English. It is likely that the Constitution would have declared Australia’s First Nation languages as official Australian languages alongside English. It is likely that our national anthem today would be multilingual. It is likely that indigenous languages would be taught in schools. Our football teams, white players and black, would perform war dances with a passion that would rival the New Zealand All Blacks’ haka. And they may even have been cheered.