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The Gulf Between Aboriginal Policies
and
Aboriginal People in Australia

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Abstract

Most Australian Aborigines¹ have made the difficult transition from membership of a pre-civilisation to become citizens of the modern Australian state. More claim and celebrate their heritage than ever before. Unfortunately, some have not made the transition. Many remain trapped, captured by their leaders who want to reconstruct their old culture, settle them on traditional land and subject much of their existence to collective decisions. These people, living in discrete communities suffer the worst lives of any Aboriginal Australians, and their circumstances are deteriorating. The dream of collective self-determination has left the unfortunate, though significant few, in a hopeless plight. Where governments can assist Aborigines, they will have to revisit elements of the policies that have gone before; the measured discipline of the 1940s, the equality delivered in the 1960s and the organisational confidence-building of the 1980s. The challenge for all concerned is to devise an escape for those Aborigines who have been captured by collective self-determination.

Introduction

The tragedies of Aboriginal society in Australia are the result of a nomadic, pre-literate, animistic gerontocracy being exposed to a rationalist, liberal democratic, market society. That elements of Aboriginal society remain intact is remarkable. It is a reflection both of the resilience of the Aboriginal ways and the benign intent of the dominant society towards Aborigines. Since European settlement in 1788, many Aborigines have successfully made the transition to modernity. Those of more recent contact, the last as recent as 1984,² are subject to a different policy climate and different conditions to those of earlier generations. A formidable difference is the prevailing intellectual orthodoxy that suggests that the transition can be undertaken at no or minimal cost to Aboriginal solidarity and Aboriginal culture.

The management of relations between Aborigines and Europeans has been problematic. Policy has swung from protective separation, to regimented assimilation, then to self-determination. There have also been elements of integration running alongside these dominant phases. The schema at *Appendix 1a: Major Developments Affecting Aboriginal Australians*,³ seeks to explain the major legal and political changes to Aborigines from 1788 to the present. In the early periods, there was official respect for Aborigines, coupled with a doubt as to their ability to achieve equality with Europeans. The early collectivisation of Aborigines was to protect them from the excesses of the impact of European settlement; disease, alcohol, and the disturbance to families that came with sexual relations between Aborigines and Europeans. Reality intervened when the two began, often in the most unsavoury of

¹ The noun Aborigine and the adjective Aboriginal are used throughout, though others quoted in the text use indigene and indigenous, or black.

² Western Desert Pintubi people on the Western Australia/ Northern Territory border. Davis, S. 2001. 'From Gerontocracy to Democracy: The Transition of Aboriginal Society in Australia.' *An Address to the Bennelong Society Conference*. 25 October, Sydney, 4. www.bennelong.org.au Accessed 15 May 2003.

³ The material is sourced from *Appendix 2b: Major Legal Developments Affecting Aboriginal Australians*.

circumstances, to produce children, labelled at the time 'half-castes'.⁴ The policy expectation, among anthropologists and those whom would now be known as advocates of human rights, was that full-blood Aborigines would die out.

The period of assimilation was based on equality between the races, but a poor recognition of Aboriginal identity. Aborigines were trained, much as were the lower classes in European society, for positions in domestic service or the trades, thereafter to make their own way. Many used the opportunity (even under forced circumstances) to make good in the wider society. They now form a major part of Australians of Aboriginal descent. In the 1960s and 1970s, the latter part of the period of assimilation, Aborigines won legal equality but in many cases suffered a loss of livelihood and a collapse into the mire of drug-dependence.

Since the 1980s, the new policy has promoted a cultural revival and self-determination. It has strong elements of collective self-determination. The policy idealises Aboriginal culture and seeks to re-establish an Aboriginal society, albeit a synthetic one. It has established a political infrastructure and separate Aboriginal services. It accumulates land and maintains Aborigines on that land in thrall of public servants, Aboriginal political leaders and a collective mind-set. Its proponents misrepresent the intent of earlier policies. They do so as a means of justifying the new orthodoxy of separation. The new orthodoxy is fatally flawed for a host of reasons, not the least of which is that it relies on the consent and resources of the dominant society. Its other great fault is that it has left many Aborigines, now in its third generation, very dependent on welfare. The new policy has delayed the inevitable integration of Aboriginal people into modern society, with devastating consequences for Aborigines.

A post self-determination approach needs to be mapped out. Every public policy for Aborigines should provide an incentive for integration and none for separation. The equality achieved in the assimilation phase and the organisational infrastructure of the self-determination phase can be used to complete the liberation of Aborigines from the insularity of their past. With all due care to consulting with, and understanding the wishes of Aboriginal people, no incentive should be available to promote an opportunity for a different social contract. The same rules for access to state benefits as applies to any citizen should apply to citizens of Aboriginal descent. Rather than have a monopoly on service to Aborigines, Aboriginal-controlled organisations should compete with other service providers to deliver services. Compulsory schooling, means compulsory schooling, the obligation to seek work means, at the extreme, an obligation to relocate. This does not mean that programs to help stabilise the economic base of remote communities should not be available to Aboriginal communities. The same assumptions apply though; that the state is not obliged to maintain forever those communities that do not have, and are unlikely ever to have, an economic base.

If Aborigines choose a path of collective self-sufficiency that is a matter for them, it is their right as citizens to do so. Promoting their customs and religion and language are matters for them. Running a different economy is a matter for them. Running their own organisations is a matter for them. What is not however, exclusively, a matter for them is

⁴ The history of church intervention in Aboriginal affairs often started with a concern for the plight of the 'half-caste'. See Harris, J. 1998. *We Wish We'd Done More: Ninety Years of Christian Missionary Society and Aboriginal Issues in North Australia*. Adelaide: Open Book Publishers, especially chapter 6.

the use of public resources to promote these objectives. This is a matter for the entire society. In 1975 the Commonwealth government spent \$200 million on Aboriginal people, rising each year until this year when it will spend more than \$2500 million,⁵ an amount that demonstrates huge goodwill toward Aboriginal people.

Who is an Aborigine?

The issue of Aboriginal identity only arises, in a policy sense, if an Aborigine suffers discrimination, or if it has some bearing on the enjoyment of an entitlement different to other citizens. In the protection period Aboriginality was obvious, full blood and half-caste were identifiable, and subject to extraordinary and oppressive civil control. In the assimilation period, some less identifiable Aborigines disowned their aboriginality in order to overcome informal barriers to the full rights of citizenship and benefits of participation in the modern economy. In the self-determination period many Australians felt free to disclose their origins for the purposes of solidarity, or in some cases to gain access to benefits, which include preferential access to public housing, educational benefits and land funds, or to gain employment in a resource company, or the public sector, or in the myriad of Aboriginal organisations.

Approximately 410, 000 Australians identify as Aboriginal. While Aboriginal identity is largely a reflection of the long period in which Aborigines had the Australian landmass to themselves, the impact of European settlement and the policies applied to Aborigines has had enormous impact. The physical features, culture, circumstances, location, number, behaviour and beliefs of Aboriginal people have all changed significantly in the past 200 years. The result is that there is a broad spectrum that constitutes Aboriginal society, from those fully integrated in a locational and cultural sense, to those mainly separate and discrete.

The location of Aboriginal settlement as shown in the map at *Appendix 2: The Spatial Distribution of Aborigines*, indicates that most Aborigines live in the major centres of population. Aborigines who live separately and in discrete communities are in the minority. The map at *Appendix 3: Discrete Aboriginal Communities by Remoteness Areas* shows a relatively large number of predominantly Aboriginal communities, almost all of which are located in the most remote regions of Australia. In the 2001 census there were 1216 discrete Aboriginal communities with a total population of 108, 085. Of these, 889 communities contained fewer than 50 persons and 327 more than 50 persons (145 Aboriginal communities reported a usual population of 200 or more).⁶ Indeed, since 1981, the Aboriginal population in remote areas of Australia has grown by 23 per cent.⁷ These data are proudly displayed as proof of the resurgence of Aboriginal society, but they also indicate that the discrete communities are a fragment of Aboriginal society.

⁵ In 2002-3 dollars, this does not account for expenditure available to Aborigines on the same basis as other citizens, or expenditure by state and local government.

http://www.minister.immi.gov.au/atsia/media/media02/r02018_fact2.htm Accessed 15 May 2003.

⁶ Australian Bureau of Census and Statistics, 2001. *Housing and Infrastructure in Aboriginal and Torres Strait Islander Communities, Australia*. 4710.0.

⁷ Taylor, J. 2002. 'Population Futures in the Australian Desert, 2001–2016.' *Discussion Paper*, Centre for Aboriginal Economic Policy Research, The Australian National University, 231/2002, 5.

Much of the growth in the Aboriginal population, from about 80,000 in the 1960s to 150,000 in the mid 1970s to over 400,000 in 2001⁸ came from the growth in self-identified persons. The 1970s was a period of intense political activity among Aboriginal people in the struggle for equality. The welcome acceptance of Aboriginal people as citizens induced more Aborigines to identify as Aboriginal. In subsequent census periods, however, the numbers continued to climb to such an extent that questions were asked about the extent to which self-identified Aborigines belonged to Aboriginal society.

Indeed, the tide of people wishing to be identified as Aboriginal has caused an adverse reaction to such identification. The accusation of 'over-identification' has occurred in disputes over eligibility to vote for Aboriginal and Torres Strait Islander Commission elections (the 'Aboriginal parliament'). A number of legal challenges have been mounted to keep 'late-identifiers' off the roll and out of contention. These challenges are a cruel irony given that the 1962 Commonwealth Electoral Act ensured Aborigines the right to vote regardless of state registration, and the 1967 Referendum ensured that Aborigines would be counted in the Census. One such case produced the following definition of an Aboriginal person.

The less the degree of Aboriginal descent, the more important cultural circumstances become in determining whether a person is "Aboriginal". A person with a small degree of Aboriginal descent who genuinely identifies as an Aboriginal and who has Aboriginal communal recognition as such would ... be described ... as an "Aboriginal person" ... But where a person has only a small degree of Aboriginal descent, either genuine self-identification as Aboriginal alone *or* Aboriginal communal recognition as such by itself may suffice.⁹

The three elements of identification; descent, self-identification and communal recognition assist in the definition of an Aborigine, but as proof of descent sometimes relies on communal recognition it places some power in the hands of those who are inside the system, much like a political party or a club. People of Aboriginal descent may be excluded under such a 'sociological' definition. It may intensify the political nature of the proof, particularly as Aboriginal separatism needs a significant, and preferably, a growing number of followers.

The community and acceptance tests of Aboriginality become all the more important when the extent of inter-marriage between Aborigines and the rest of the community is appreciated. The 1986 Census¹⁰ revealed that 46 per cent of Aboriginal couple families were unions between Aboriginal and non-Aboriginal partners. By 2001, intermixed couples made up 69 per cent of couples with an Aboriginal member. In the state capitals, 87 per cent of couples with an Aboriginal member were intermixed. Outside the state capitals, 60 per cent of all couples with an Aboriginal member were

⁸ Australian Bureau of Statistics, 2002. *Year Book Australia 2002 Population Special Article - Statistics on the Indigenous Peoples of Australia*. <http://www.abs.gov.au> Accessed 25 May 2003.

⁹ Desmond Gibbs V. Lyle Capewell, Australian Electoral Commission And Minister For Aboriginal And Islander Affairs No. Qg 10 Of 1994 Fed No. 25/95 Disputed Election Petition (1995) 128 Alr 577 (1995) 54 Fcr 503. <http://www.austlii.edu.au/au> Accessed 12 May 2003.

¹⁰ Taylor, J. 1997. 'Policy Implications of Indigenous Population Change, 1991–1996.' *People and Place*, 5(4): 1. <http://elecpress.monash.edu.au/pnp/free/pnpv5n4/taylor.htm> Accessed 12 May 2003.

intermixed. Within the Northern Territory (other than Darwin) the great majority of families – 86 per cent – are purely Aboriginal. But these couples amount to just 10 per cent of all mixed couples in Australia. What one may regard as an ‘Aboriginal couple’ are a very small minority of all couples with an Aboriginal member. There are fewer than 50, 000 Aboriginal couples in the whole of Australia living outside of the capital cities, and many of these couples may be part-Aboriginal.¹¹

Moreover, as it appears that Aboriginal women’s fertility (in all communities) may be below replacement level, aside from the momentum for growth built into the youthful Aboriginal age structure, and any further increased self-identification, it is only the contribution made by Aboriginal births to non-Aboriginal women that will sustain Aboriginal population growth.¹² Further, if the same rule applied in the identification of a child’s heritage in a family with one Aboriginal parent as applies in a family with no Aboriginal parent, the so-called growth of Aboriginal society would be far less. In other words, the source of the growth in Aboriginal society is not Aborigines, but is through marriage out of Aboriginal society.

The Policy Climate

Part of this picture of a variegated Aboriginal society are the major legal and political developments affecting Aborigines (discussed in *Appendix 1*). These can be viewed as a contest for the future of Aboriginal people. The advocates of separatism have been particularly keen to paint a history of Aboriginal-European relations wholly vilifying European interests. This view argues that European society set out to destroy Aboriginal society in a deliberate and premeditated way.

Indeed, there was a time when disease, greed, ignorance, prejudice, loss of land, bloodshed and rape helped to destroy Aboriginal society. Unfortunately, the destruction continues, but the present culprits are more benign. They are the rights of citizenship, marriage, new technology, the modern economy, the welfare state, democracy and education. The benefits and responsibilities of the dominant society are the cause of the destruction of the last remnants of a once separate society. The benign nature of the current ‘destroyers’ has not, however, stopped Aboriginal activists and intellectuals from trying to ‘freshen’ as well as reinterpret the impact of the old destroyers. They do so because of their refusal to accept that Aborigines are faced with a difficult choice. The choice is whether they will be integrated into full citizenship of the Australian community. Full integration means that they will not have rights as a group. It means that they cannot call on public resources to satisfy their political ambitions. It means they cannot go beyond equality.

The contest between intellectuals over Aboriginal policy in the last 10 years has been especially bitter, most likely because expectations had been raised under a sympathetic Labor administration between 1983 and 1996, and dampened when a Liberal/National government took over. The political infrastructure of Aboriginal society grew strong in the 1980s and early 1990s and the political climate was such that once given voice, most claims of wrong were eagerly rewarded with policy action

¹¹ Birrell, R and J. Hirst, 2002. ‘Aboriginal Couples at the 2001 Census.’ *People and Place*. 10(3): 27.

¹² Kinfu Y. and J. Taylor, 2002. ‘Estimating the Components of Indigenous Population Change, 1996–2001.’ *Discussion Paper*, Centre for Aboriginal Economic Policy Research, Australian National University, 240/2002, iv.

and funds. The belief in evil intent and the desire to ignore benign intent grew. Between 1991 and 2000 there were – in addition to the establishment of the Aboriginal and Torres Strait Island Commission (ATSIC) in 1989 and the significant change to the common law recognition of native title (Mabo) in 1992 - three major episodes that added weight to the separatist agenda.

These were *The Royal Commission into Aboriginal Deaths in Custody* (1991), *The Human Rights and Equal Opportunity Commission Report, Bringing Them Home* (1997) (and its court sequel *Cubillo*), and *The Hindmarsh Island Royal Commission* (1997) (and its court sequel *Chapman*). These events have stirred reaction, not only in the criticism of each report, but also in debunking the groundswell among orthodox historians of violence amounting to genocide on the part of settlers against Aborigines.

The *Royal Commission into Aboriginal Deaths in Custody* was established in 1987 in response to a growing public concern that Aboriginal deaths in custody were too common and that public explanations were too evasive to discount the possibility that foul play was a factor in many of them. Between 1980 and 1989, ninety-nine Aborigines and Torres Strait Islander's died in the custody of prison, police or juvenile detention institutions. Many members of the Aboriginal community assumed that many of the deaths would have been murder committed by officers of the state.

The Commission produced 110 volumes, totalling over 12,000 pages at a cost almost \$30 million. At the time it was the most expensive inquiry in Commonwealth history.¹³ For all this, the Commission stated, 'The conclusions reached in this report will not accord with the expectations of those who anticipated that findings of foul play would be inevitable ... Commissioners did not find that the deaths were the product of deliberate violence or brutality by police or prison officers.'¹⁴ It also found that while Aboriginal people were in custody overwhelmingly more frequently than the general community, it established that 'Aboriginal people in custody do not die at a greater rate than non-Aboriginal people in custody.'¹⁵ Indeed, the Commission noted that, at least for those Aborigines who had encountered the law, 'the death rate of those Aboriginal people on non-custodial orders is approximately twice that of Aboriginal prisoners,'¹⁶ in other words, the risk of death might actually be greater *outside* custody.

The disturbing aspect of this Commission is that the Commissioner and the Commonwealth government were made aware of the primary conclusion, that Aboriginal people in custody do not die at a greater rate than non-Aboriginal people in custody, just six weeks into the inquiry.¹⁷ The response by the government was not to reveal this fact, but to set the Commissioner another, altogether different task. The initial task was to inquire into the deaths and into 'the conduct of coronial, police and other inquiries.' The new task declared 'you are authorised to take account of social

¹³ Brunton, R. 1993. 'Black Suffering White Guilt: Aboriginal Disadvantage and the Royal Commission into Deaths in Custody.' *Current Issues*, Melbourne: Institute of Public Affairs, 7.

¹⁴ Royal Commission into Aboriginal Deaths in Custody, 1991. *National Report*, Volume 1.2.2 <http://www.austlii.edu.au/au/other/IndigLRes/rciadic/national/vol1/12.html> Accessed 9 May 2003.

¹⁵ Deaths in Custody, Volume 1.3.1.

¹⁶ Deaths in Custody, Volume 3, 60.

¹⁷ As told to me by my Australian Labor Party colleague Senator Bob Collins of the Northern Territory.

and cultural and legal factors which, in your judgment, appear to have a bearing on those deaths.’

The Commission turned from a ‘super’ coronial inquiry into a grand social science exercise into the causes of Aboriginal disadvantage. Much of this exercise was not at all new to the policy community. For example,

Of the ninety-nine, eighty-three were unemployed at the date of last detention; they were uneducated ... only two had completed secondary level; forty-three of them experienced childhood separation from their natural families through intervention by the State authorities, mission or other institutions; forty-three had been charged with an offence at or before aged fifteen and seventy-four at or before aged nineteen; forty-three had been taken into last custody directly for reasons related to alcohol and it can safely be said that overwhelmingly in the remaining cases the reasons for last custody was directly alcohol related.¹⁸

The Commission started on a narrow inquiry for which it was well qualified. When its terms of reference expanded, it embarked on a study for which it was not well qualified. It simply jumped from evidence of deaths to preventive social policy. In so doing, it took up the policy fashion of self-determination in the hope that this would stem the flow of incarceration and deaths in custody. Moreover, it made great claims of the impact of children’s removal from their parents and this regard stimulated a second grand inquiry.

The *National Inquiry into The Separation of Aboriginal and Torres Strait Islander Children from Their Families* was conducted by the Human Rights and Equal Opportunity Commission and produced the report called *Bringing Them Home*. It was commonly referred to as ‘The Stolen Generations’ for reasons that will become clear. It commenced in 1995 with a view to ‘trace the past laws, practices and policies which resulted in the separation of Aboriginal and Torres Strait Islander children from their families by compulsion, duress or undue influence, and the effects of those laws, practices and policies.’¹⁹ It was a most serious topic and there was little doubt that many Aborigines had been removed from their families in earlier generations, in some cases with devastating results. Unfortunately, the report was seriously flawed, it was as a colleague described, ‘one of the most intellectually and morally irresponsible reports to be presented to an Australian government in recent years.’²⁰

A crucial fallacy of the report was that it treated all separations as forced, including those that were voluntary or where there was a clear need for the sake of the welfare of the child to be taken. Such all-encompassing definitions enabled the Inquiry to conclude that, ‘between one in three and one in ten Indigenous children were forcibly removed from their families and communities in the period from approximately 1910

¹⁸ Deaths in Custody, Volume 1.2.17

¹⁹ Human Rights and Equal Opportunities Commission, 1997. ‘Bringing Them Home’, *Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*. <http://www.austlii.edu.au/au/other/IndigLRes/stolen/part1.rtf> Accessed 9 May 2003.

²⁰ Brunton, R. 1998. ‘Betraying the Victims: The Stolen Generations’ Report.’ *IPA Backgrounder*. Melbourne: Institute of Public Affairs, 3.

until 1970.²¹ This, despite evidence that many removals were in the interests of the child and in many instances children were fostered with Aboriginal families, thus undermining the charge of assimilation as the purpose of removals.²² It also failed to give the context of removals, for example, the considerable pressure exerted on unmarried mothers Aboriginal and non-Aboriginal, to give up their children for adoption. Further, the method of the Inquiry was seriously flawed, as it did not test any allegations, it simply accepted all stories as valid.

The most offensive aspect of the Inquiry was its finding that the forcible removal policy constituted 'genocide' and 'a crime against humanity' in the terms of the United Nations Convention on Genocide.²³ In the view of the Commission, even assimilation, that is, an attempt to give people a choice to escape poor circumstances could be genocidal. 'The Commission maintained this view despite the fact that, post WWII, the International Labour Organisation considered that bringing indigenous people into the modern world to be 'desirable and just.' ILO Convention 107 on The Protection and Integration of Indigenous and other Tribal and Semi-Tribal populations suggests that at the end of the period of the so-called stolen generations in Australia, the most 'enlightened' international policy was assimilation.'²⁴

Take as an example this evidence before the Commission,

In a letter to the West Australian Commissioner of Native Affairs in November 1943, Inspector Bisley of Port Hedland wrote, 'I recommend that this child [4 years of age] be removed when she is old enough as she will be probably handed over to some aged blackfellow at an early age'. With respect to the same child, Inspector Neill in Broome wrote to the Commissioner in December 1944, '[t]here may perhaps be an objection to the children being removed from the Hospital without first returning to the Station from which they came as it means breaking faith with the mothers.'²⁵

Judged by contemporary standards this behaviour was appalling, but there was an interest in saving the child from a then widely known practice among tribal Aborigines of giving young females to older men.²⁶ Nevertheless, the child was not reported to be in actual danger and the mother's permission for removal was not sought. Unfortunately, the tendency to replay the past as if later policy had not adjusted to earlier excesses makes the problem of the need to enforce standards of care just as difficult today. The contemporary difficulty is that the state is too reluctant to intervene in Aboriginal families for fear of allegations of racism being levelled. An Aboriginal advocate for Aboriginal children and women recently stated,

²¹ HREOC 1997. Part 2, 10.

²² In a 1994 survey, over 10% of persons aged 25 years and over reported being taken away from their natural family. Of these, 32% were raised by non-Aboriginal or Torres Strait Islander adoptive or foster parents, 31% by missions, and 28% by orphanages or children's homes. *Year Book Australia 2002 Population Special Article - A Profile of Australia's Indigenous People*. Australian Bureau of Statistics. <http://www.abs.gov.au> Accessed 25 May 2003.

²³ HREOC 1997. Part 4.

²⁴ Brunton, 1998, 11.

²⁵ HREOC, 1997, part 1.

²⁶ The practice continues in some parts of the Northern Territory. A NT Supreme Court judge sentenced a 50-year-old man to one day's gaol for having sex with a 15-year-old promised wife. On appeal, the sentence was extended to one month!

‘Departments of community services don’t want to create another stolen generation so we find a lot of Aboriginal children are left in a dangerous situation because some white or black worker doesn’t want to be called racist.’²⁷

The sequel to the Stolen Generations report and its attempt to press a genocidal claim has been severely dented by the Federal Court of Australia. The Aboriginal leadership ran a test case²⁸ on the Stolen Generations, which was comprehensively dismissed. For future cases to succeed there will have to be proof that Commonwealth actions were not in the best interests of the child. The question of judging a concept like ‘best interest’, not by contemporary standards, but in the light of the policy and custom of the day was raised. ‘[T]he events that I am being asked to judge and evaluate commenced in 1942 and finished in 1960. Thus in 1999 I am asked to judge that which took place 39 to 57 years ago ... these are events that occurred in a different Australia, a society with different knowledge, and with different moral values and standards.’²⁹

The judge noted the Bringing Them Home Report did not inquire into separations that were effected with the consent of a child’s family. ‘Nor did they require a consideration of cases where a neglected, destitute, sick or orphaned child might have been removed without the consent of the child’s parents or guardian.’ HREOC and the Federal Government that set the terms of reference left out the crucial matter of the context within which children were removed. The judge in this case did not make that mistake, he remarked that alcoholism and violence became larger social problems for part-aboriginal people after they achieved drinking rights, and that it often had welfare implications for their children.

The *Hindmarsh Island Royal Commission* was established in 1995 by the South Australian government to investigate the truth of Aboriginal claims that a bridge linking an island to the mainland at Goolwa in South Australia would desecrate a region of enormous significance to Ngarrindjeri women. The proponents of ‘women’s business’ claimed that the bridge would undermine the reproductive powers of Ngarrindjeri women and threaten the survival of their people. The whole episode was reported as a challenge by white developers to the sacred, secret and ancient beliefs of Aboriginal women. Other Ngarrindjeri women however, disputed the claim, and were labelled ‘dissident’ for having the temerity to challenge Aboriginal belief.

The episode may well have been an exercise in the exploitation of Aboriginal belief and its potential to escape the normal rules of evidence and scrutiny, by anti-development interests. It was clear from the evidence before the Commission that the Hindmarsh Island claims were of recent origin and were probably borrowed from other Aboriginal cultures. The claims were the result of modern political efforts by Ngarrindjeri women to shape their identity. ‘Such invented claims were almost inevitable because the legislation [Commonwealth heritage legislation was being used to block the bridge] was an open invitation for their uncritical acceptance ... When the claims about middens and burial grounds failed, the Ngarrindjeri were advised on

²⁷ Pamela Greer, quoted in *The Weekend Australian*, 3-4 May 2003, 8.

²⁸ *Cubillo v Commonwealth* [2000] FCA 1084 (11 August 2000) <http://www.austlii.edu.au> Accessed 9 May 2003.

²⁹ O’Loughlin J. in *Cubillo* quoting a fellow judge.

how claims of a different nature could succeed under the legislation. Some beliefs were then imported, adopted and packaged in a suitable manner to stop the bridge.’³⁰

The Royal Commission found that the whole of the women’s business was a fabrication. In particular, the claim that there was spiritual and cultural significance of the Hindmarsh and other islands and waters, which was crucial for the reproduction of the Ngarrindjeri people, was fabricated. It found that the purpose of the fabrication was to obtain a declaration from the Commonwealth Minister for Aboriginal Affairs to prevent the construction of a bridge.³¹

A particularly cruel aspect of the fiasco was the treatment of the ‘dissident’ Ngarrindjeri women by the media and various proponents of the women’s business. As one said, ‘the proponent women were claiming that the aerial view of Hindmarsh Island resembled a woman’s reproductive organs. This appalled me. The idea is ludicrous. How would our ancestors have known what an aerial view of Hindmarsh Island looked like when there were no aeroplanes in that era? My friend Dorothy Wilson was present at a meeting on Hindmarsh Island when the aerial map was being discussed. Men were also in attendance; in fact, it was a man who pointed to the aerial map and said, “Doesn’t that remind you of a woman’s private parts?”’³²

The bridge was eventually built, but an extraordinary sequel to the story occurred when the developers attempted to sue the Commonwealth Government Minister and his advisers who had sought to block the bridge. Their action failed, in part, because the Federal court concluded that the evidence received was significantly different to that which was before the Royal Commission. The court was not satisfied that the restricted women’s knowledge was fabricated or that it was not part of genuine Aboriginal tradition.³³

The judge accepted that a number of women were custodians of knowledge, but did not disprove that one woman was the sole recipient of the particular secret women’s business. He dismissed evidence that she alone had received the information from two elder women, one of who denied handing on any such information. The extensive anthropological evidence of the Ngarrindjeri indicated an absence of any gender distinct beliefs of this nature.³⁴ No other person knew of the particular business until the day that a special investigator for the Commonwealth Minister arrived to seek evidence that would assist the Minister in reaching a decision to ban the bridge (other women had some knowledge of women’s’ business at an earlier time). The Minister was a colleague of mine, I have no doubt he was seeking such an outcome. The court decision reopens the potential for the invention of belief in an oral tradition that cannot be tested.

In the last 3 to 4 years historian Keith Windschuttle has begun to investigate claims, made by a number of historians of the alleged massacres of Aborigines by European

³⁰ Philip Jones, head of Anthropology South Australian Museum, quoted in Kenny, C. 1996. *It Would Be Nice If There Was Some Women’s Business*. Sydney: Duffy and Snellgrove, 172.

³¹ Brunton, R. 1996. ‘The False Culture Syndrome: The Howard Government and the Commonwealth Hindmarsh Inquiry.’ *IPA Backgrounder*, Melbourne: Institute of Public Affairs, 8(2), 2.

³² Dulcie Wilson interview in 1996, ‘Telling the Truth.’ *The IPA Review* 49(1), 38.

³³ *Chapman v Luminis Pty Ltd (No 5)* [2001] FCA 1106 (21 August 2001) paragraph 12.

<http://www.austlii.edu.au> Accessed 9 May 2003.

³⁴ Brunton, 1996, 3.

settlers. These re-appraisals have been published in *Quadrant* magazine, and more recently in the first of a multiple volume work, *The Fabrication of Aboriginal History*, on the conflict between Aborigines and colonists in Tasmania. The orthodoxy, supported by many historians in Australia, is that Aborigines were fighting a guerrilla war of resistance against an invader intent on destroying them, a genocidal invader.

In a forensic analysis of primary sources, which are extraordinarily well preserved and abundant in the case of Tasmania, Windschuttle concluded that much of the new orthodoxy was poorly founded, or seriously mistaken, or outright fabricated. Windschuttle found that the British colonization of Australia was the least violent of all Europe's encounters with the New World. It did not meet any organised resistance. Conflict was sporadic rather than systematic, and the notion of frontier warfare was fictional. The claim that the colonists committed genocide was unsupported by the historical evidence.

In the entire period from 1803 when the colonists arrived, to 1834, when all but one family of Aborigines had been removed to Flinders Island, the British were responsible for killing 118 of the original inhabitants – less than 4 deaths a year. During the so-called 'Black War' from 1824 to 1831, the Aborigines killed 187 whites this compared to seventy-two blacks who died at white hands over the same period.³⁵

An important part of Windschuttle's argument was to observe the uses to which the orthodox version of history had been put. Aborigines who were 'resistance fighters' created an image far more likely to engender sympathy for present claims for compensation, especially in the form of land. Such a use is especially silly in Tasmania where the only descendents are from European sealers who co-habited with Aboriginal women, or from children of Aborigines adopted by European settlers in the earliest days. An example of such silliness occurred in April this year when the Tasmanian government failed to celebrate the 200th anniversary of the establishment of Tasmania at Risdon Cove. The Aboriginal flag now flies at Risdon Cove, where the British landed in April 1803. The seventy-hectare site of the original British settlement was transferred to the descendents of the Tasmanian Aborigines in 1995 in recognition of land rights and as a gesture of reconciliation.

Windschuttle's analysis of the genealogy of the descendents is even more revealing than his analysis of the record of conflict. He noted that the people who constitute the dominant faction of Aboriginal activists in Tasmania are descendents of white sealers (and Aboriginal women), some of whom murdered Aborigines. The people who constitute the lesser faction are descendant from Aboriginal children who integrated with the whites very early. Windschuttle concluded, 'Hence, the current crop of political activists must have just as much Aboriginal blood on their hands as the descendents of the other white colonists could possibly have, five and six generations later. In short, the Tasmanian Aboriginal community today embodies both the invaders and the invaded. Such a dilemma renders the current political movement's

³⁵ Windschuttle, K. 2002. *The Fabrication of Aboriginal History*. Sydney: Macleay Press, 398. The figure of 118 has since been amended to 120.

appeal to historical injustice an absurdity. The descendents of whites who killed Aborigines now want compensation intended for their Aboriginal victims.³⁶

Unsympathetic Policy ‘Destroys’ Aboriginal Culture but Saves Aborigines

These public inquiries and the, until recently, unchallenged view of Aboriginal-settler relations has suited the political purposes of the separatists. It has created an aura of untouchability on the part of Aboriginal culture, it has enhanced an intellectual fashion of reverence for anything indigenous, indeed it has created a cult that holds that primitive culture is not inferior to modern civilisation.³⁷ It has also strengthened the hand of those who argue that the solution to the ills of Aboriginal people lie with the re-creation of a separate Aboriginal society. The problem with this fashion and the political solutions it promotes is that it suffers from two massive contradictions. It does not acknowledge that the benefit of modernism, which almost all Aborigines want, destroys the foundations of the old society, and that many Aborigines living under the separate regime are desperately unhappy. Here are five examples of how modernism destroys Aboriginal culture.

First, within Aboriginal tradition children do not question any information of a ritual or religious nature. They accept it as it is and will in turn teach it to their children exactly as it has been given to them. The teaching process establishes strong and lifelong personal bonds. The introduction of the European school system into Aboriginal communities has therefore obvious and significant incompatibilities³⁸ with traditional Aboriginal acquisition of knowledge. It has been one of the major causes of the breakdown in traditional authority. But can the state deny formal education to Aboriginal children? Of course not, it is their right as citizens, it is their obligation for the benefits of citizenship. It is also the only way they can gain a livelihood.

Second, in pre-literate societies most activities have a strong social emphasis. The society puts a high value on personal relationships. Reciprocal responsibilities within Aboriginal society are a critical feature of the social system. ‘In northeast Arnhem Land, for example, the ... maternal uncle of a boy is the person who performs the operation at the initiation of the boy who in turn has an obligation thereafter to provide food for his maternal uncle. The provision of food on a continuing basis by the nephew ... obliges the uncle to provide one of his daughters as a wife to his nephew.’³⁹ This type of reciprocal obligation is fundamental to the social fabric of Aboriginal society and stands in stark contrast to European society’s strong emphasis on individual responsibilities. While it may help to explain the difficult transition of Aboriginal people it is almost impossible to preserve traditional arrangements in a modern society.

Third, Aboriginal people do not exercise any choice in whether they will follow their religion. There are no written rules or laws. For pre-contact Aboriginal groups in Australia, their religion establishes all the rules and laws that govern behaviour in their society. Where there is a breach of the law, senior Aboriginal people will discuss the appropriate punishments that may be imposed, including death. Knowledge is

³⁶ Windschuttle, 2002. 436.

³⁷ Sandall, R. 2001. *The Culture Cult: Designer Tribalism and Other Essays*. Boulder: Westview, viii.

³⁸ Davis, 2001, 17.

³⁹ Davis, 2001, 17.

synonymous with authority and authority is vested in the elders. This system of gerontocracy, or rule by the old, was highly dependent on a structured system. However, from the earliest encounters with Europeans, Aboriginal authority has been undermined overtly and covertly. Young Aborigines simply do not abide by the old rules, they are not in awe of their elders.

Fourth, the *Aboriginal Land Rights (Northern Territory) Act 1976* and the *Aboriginal Councils and Associations Act* provided a democratic system of election for Aboriginal people. It placed power in the hands of young Aborigines and white bureaucrats beyond the practical control of the traditional system. Although Council members were democratically elected, this process was largely incomprehensible to communities used to the rule of elders. Generally, remote Aboriginal communities appointed young men to the Councils because the elders did not see that the activities of the Land Councils would have any substantial effect on Aboriginal life. The elders believed that, as in Aboriginal law, each man would speak for his own country and that authority could not be devolved to any other person or body.

Similarly, when ATSIC was created in 1989, its democratic elections process was equally meaningless to the vast majority of Aboriginals living in remote communities.⁴⁰ In some cases these 'systems' of election have led to the establishment not of functioning democracies but of forms of Aboriginal oligarchy run by more educated and articulate Aborigines but not extending authority to observance of traditional Aboriginal social structures or Aboriginal law.

Fifth, when Aborigines achieved equal citizenship, including equal wages and rights to welfare, they were thrown out of work and onto unemployment benefits in regions where little work existed. They also lost both the protection of and guidance of missionaries. The small economic foothold in the economy - from market gardens to cattle raising - was soon abandoned. Welfare rights have now extended to the third generation of recipients who have no reason to make a living.

In these many ways, the price of gaining the benefits of modernism has been the destruction of traditional society. But the destruction has been benign. The story does not support the script of invasion and resistance, it does not lead to the policy that Aborigines need to reconstruct their own society by maintaining some of the old ways. Indeed, the policy of self-determination has had some devastating impacts on Aborigines.

Sympathetic Policy 'Saves' Aboriginal Culture but Destroys Aborigines

Sympathetic policy is meant to save Aboriginal culture, it is buttressed by the intellectual climate that encourages the pursuit of a separatist agenda. Land rights have been the essential element of the agenda, they are meant to underpin a revival of Aboriginal society. Australia's investment in land rights has been significant, the return on that investment has been poor.

⁴⁰ However, the level of voting for ATSIC in remote areas is far greater than in urban areas, which is a reflection of the low dependence of urban Aborigines on Aboriginal politics. See Johns, G. 2001. 'The Poverty of Aboriginal Self-Determination', in G. Johns ed. *Waking Up To Dreamtime: The Illusion of Aboriginal Self-Determination*. Singapore: Media Masters, 31.

According to one estimate, Aboriginal land covers 16 per cent to 18 per cent of Australia.⁴¹ The Aboriginal estate consists of many small landholdings in south-eastern Australia and large tracts of land in the north and centre of the continent. Aboriginal landholdings can be expected to increase in the next decade, with 130,000 square kilometres under claim with the *Aboriginal Land Rights (Northern Territory) Act 1976*, and large tracts of land under claim with the *Native Title Act 1993*. The maps at *Appendix 4: Native Title Determinations* and *Appendix 5: Native Title Claimant Applications* show the extent of the successful and the potential land claims. Rights under the ALR Act are more extensive than under the Native Title Act,⁴² particularly with regard to mining royalties.

A further substantial program of land acquisition is the Indigenous Land Fund, established in 1994, to enable those Aborigines who were unlikely to gain access to native title land to purchase land. The funds are also used to manage property. The Fund will eventually be allocated \$1.3 billion, so far it has been used to purchase 160 properties totalling more than 5 million hectares.⁴³

The accumulation of Aboriginal lands has been a mixed blessing. Eligibility to claim Native Title has been recently clarified, so that only those with continuity of native title practices will be eligible to claim. A recent High Court case stated, 'One of the uncontested consequences of the change in sovereignty was that the only native title rights or interests in relation to land or waters which the new sovereign order recognised were those that existed at the time of change in sovereignty. Although *those* rights survived the change in sovereignty, if *new* rights or interests were to arise, those new rights and interests must find their roots in the legal order of the new sovereign power.'⁴⁴ In effect, any break in the continuity of those practices, which constitute native title, will break the claim to native title land.⁴⁵

Native title has caused a great deal of conflict among Aborigines in the competition to lay claim to disputed land. For example, the chairman of the NSW Aboriginal Land Council said of native title, 'It's been a disaster as far as we are concerned. It is creating a lot of division among us. In regard to the acquisition of land, quite frankly, we're better off buying it, or claiming vacant Crown land under our state legislation.'⁴⁶

⁴¹ Pollack, D. 2001. 'Indigenous Land in Australia: A Quantitative Assessment of Indigenous Landholdings in 2000.' *Research Paper*, Centre for Aboriginal Economic Policy Research, Australian National University, 221, 40-41.

⁴² Examples of native title rights are to: hunt and fish on the land or in the waters; take natural resources, including digging and using minerals and quarry materials such as flints, clays, soil, sand, gravel rock; move about on the land or waters, or live on and erect dwellings on the land; conduct ceremonies on the land. Sutton, P. 2001. 'Kinds Of Rights In Country: Recognising Customary Rights As Incidents Of Native Title.' *Native Title Tribunal Occasional Papers Series*, No. 2, 14.

⁴³ Indigenous Land Corporation. www.ils.gov.au Accessed 15 May 2003.

⁴⁴ *Members of the Yorta Yorta Aboriginal Community v Victoria* [2002] HCA 58 <http://www.austlii.edu.au> Accessed 12 May 2003, para 53.

⁴⁵ This does not mean for example that the means of hunting and fishing cannot be updated, only that the practises have continuity.

⁴⁶ Jopson, D. 'Native Title 'A Disaster' for Land Rights in NSW.' *The Sydney Morning Herald*, 14 March 2002.

Although land rights legislation has returned significant areas of land to inalienable title, all of it is communal title, which has proved difficult to commercialise.⁴⁷ Native title is a mismatch of the old collective rights because the claimant groups are far removed from the basic kin structure of Aboriginal society. While individual land rights are also generally far removed from the old collective rights, individual (or family) land rights have the enormous advantage of becoming a bridge to a successful transition to the modern economy.

Many Aborigines have been able to re-establish themselves in their country, but others have not. Communities sometimes find it difficult to accept people who had spent so long away from 'country' back into their social networks on a basis of equality with those who had not been removed. People who had suffered the trauma of removal often encountered the double jeopardy of suspicion, mistrust or even blame upon their return.⁴⁸

The separatists admit the incompatibilities of Aboriginal heritage and success in the modern economy. For example, they admit that kin-based relations often limit individual and household economic incentive and accumulation. They admit that customary laws, practices, and property rights are poorly adapted to the market, and that this creates governance problems and associated political instability when market opportunities, such as major resource developments, occur.⁴⁹ They admit that welfare dependence will not decline, because there are structural and other impediments that will limit the overall growth of the market in the remote regions where Aboriginal people live on Aboriginal land.

This has not stopped them, however, from persisting in an unsustainable economic agenda. For example, 'there is a strong moral, political and economic argument for using a different nomenclature for ... state support. It should be defined as *regional fiscal subvention* ... and targeted to situations where previously unrecognised productive activity has spin-off benefits to industries and regions beyond the Aboriginal estate.'⁵⁰ In other words, in the process of building a 'different' society, any pretence of economic sustainability will be abandoned, and places that have become death traps for Aborigines will continue to be funded.

It has not stopped them from persisting in an anti-democratic political agenda. For example, 'Within the body of 'hard law' represented by international treaty obligations accepted by Australia, there is sufficient basis for requiring governments to deal with Aboriginal peoples in making decisions which affect their territories and their cultures. Those requirements should ... go beyond those standards in order properly to respect the intense cultural relationship that Aboriginal peoples have with their territories ... Furthermore, participation and cultural rights require that proper respect be paid by Governments to Aboriginal peoples' authority structures and their

47 John Elferink MLA 'The Failure Of Collectivism In Northern Territory Property Law.' *Menzies Research Centre Weekly Comment*, 15 May 2003. www.mrcld.org.au Accessed 15 May 2003.

48 Cape York Land Council submission quoted in, HREOC, 1997, part 4, 39.

49 Altman, J. 2001. 'Sustainable Development Options On Aboriginal Land: The Hybrid Economy In The Twenty-First Century.' *Research Papers*. Centre for Aboriginal Economic Policy Research, Australian National University, 226, 3.

50 Altman, 2001, 8.

decision-making processes.’⁵¹ In other words, a retreat from democracy. Sillier still, as the old authority structures have already been destroyed and new leaders have taken over they conveniently use the excuse of ancient culture for their own purposes.

Undoubtedly, the real cost of land rights and policies that have preceded it have been on the health and other prospects for Aborigines living on their own land. Aboriginal culture, much idealised, and much used and abused for political gain, is more a set of circumstances than a way of life. The ‘broken sociopathic ruin of Aboriginal settlement culture’⁵² as one anthropologist described it, is not a guide to life, it is just a description of life. As a medical doctor tending the needs of remote Aborigines dying from all too common renal disease, recently stated,

What’s happening with the senior Aboriginal men and women of the desert is clear. Finally, they are understanding the extent of the passing of their traditional world and the critical problem of where exactly they fit in our wider society – this is what underlies their health collapse.⁵³

The figures presented in *Appendix 6: Hospital Separations for Key Conditions for Aborigines* indicate the stark difference in the health of those Aborigines who live in the city and regional centres and those who live in remote areas. The number of hospital separations for Aborigines is highest in rural and remote regions. For all other people the number of separations is highest in capital cities. Data on mortality rates by region (not shown here) show that for Aborigines health status generally declines with remoteness.⁵⁴ This is not a reflection of lack of resources, it is a reflection of the way people live.

Care involving dialysis was the main reason for the hospitalisation of Aboriginal and Torres Strait Islander people. Other common reasons were injuries and poisoning, respiratory diseases, digestive disorders and mental and behavioural disorders.⁵⁵ Kidney disease is associated with diabetes, high blood pressure, infections, low birthweight and obesity, all of which are conditions found more commonly in the Aboriginal population. There are a number of health risk factors associated with diabetes, including obesity, poor nutrition, lack of physical activity and unspecified genetic factors. Data from national surveys in 1994 and 1995 show that Aboriginal people were more likely than non-Aboriginal people to smoke, consume alcohol at hazardous levels, be exposed to violence, and to be categorised as obese.

Only recently has data become available that allows the comparison of the condition of the two Aboriginal societies, the discrete and the integrating. Disadvantage indicators derived from the 1996 Census of Population and Housing, the National Aboriginal and Torres Strait Islander Survey (NATSIS), and national perinatal data

⁵¹ Nettheim, G. 1998. ‘Discussion Paper 2 - Introduction International Standards.’ *Australian Research Council Collaborative Research Project: Governance Structures For Indigenous Australians On And Off Native Title Lands*. <http://www.austlii.edu.au/au/other/IndigLRes/1998/3/2.html> Accessed 15 May 2003.

⁵² Sandall, 2001, 17.

⁵³ Dr Paul Rivvaland a renal specialist based in the Northern Territory, *The Weekend Australian*, March 29-30 2003, 32.

⁵⁴ Commonwealth Grants Commission 2001. *Health Supporting Material*, Chapter 1, 1.

⁵⁵ Australian Bureau of Statistics, 2001. *The Health and Welfare of Australia's Aboriginal and Torres Strait Islander Peoples*. 4704.0

collected by the National Perinatal Statistics Unit of the Australian Institute of Health and Welfare. These indicators represent levels of education, income, housing, mobility, family structure, employment in low-paying occupations, health and access to community services. (See also the map of these indicators in *Appendix 7: Aboriginal Socioeconomic Disadvantage* and the map of ATSIC regions *Appendix 8: ATSIC Regions*).

Table 1: Ranking of ATSIC Regions: 1996 Census + NATSIS + National Perinatal Data

Least Disadvantaged	Rank	Less Disadvantaged	Rank	More Disadvantaged	Rank	Most Disadvantaged	Rank
Hobart	1	Wagga Wagga	10	Kalgoorlie	19	Kununurra	28
Brisbane	2	Darwin	11	Townsville	20	Warburton	29
Wangaratta	3	Roma	12	Mt. Isa	21	Katherine	30
Queanbeyan	4	Coffs Harbour	13	Ceduna	22	Derby	31
Adelaide	5	Geraldton	14	South Hedland	23	Cooktown	32
Perth	6	Tamworth	15	Bourke	24	Jabiru	33
Sydney	7	Narrogin	16	Torres Strait	25	Tennant Creek	34
Rockhampton	8	Alice Springs	17	Broome	26	Nhulunbuy	35
Ballarat	9	Cairns	18	Port Augusta	27	Aputula	36

Source: Commonwealth Grants Commission, 2001. 'Report on Experimental Indigenous Socioeconomic Disadvantage Indexes.' *Australian Bureau of Statistics Consultant's Report*, 15.

The conclusions to be drawn from the data are obvious. Those Aborigines who live in remote areas (often on land that was not taken by Europeans) are the least well-off Aborigines. Those Aborigines who live in the less remote regions are better off on all measures of well-being. This has little to do with remoteness per se; many non-Aborigines live in remote locations with far better outcomes than Aborigines, and some Aborigines in non-remote areas fare badly. The data indicates that the experiment in separatism tends to retard the personal development and the life chances of those Aborigines unfortunate enough to have been subject to the new orthodoxy.

The measures of Aboriginal health can be interpreted to enhance the argument for further funding health prevention and health services in areas of greatest need. The difficulties of this are immense. For example, the cost of employing a small health team for 12 months – doctor, nurse and an Aboriginal health worker – in Perth is estimated at \$385, 000, whereas in the remote region of Warburton in the central east of West Australia the same team for the same period would cost \$1.2million.⁵⁶ Australia cannot spend its way out of the policy implications of separatism.

The systematic collapse of Aboriginal society shows up in any number of other statistics. School absenteeism by Aborigines is about twice the level of other students. The 1996 Census data indicates that Aboriginal people living in the very remote ATSIC regions of Warburton, Aputula and Tennant Creek are more than 5 times as likely to have never attended school than Aborigines in general.⁵⁷ In an interview

⁵⁶ Office of Aboriginal Health, Health Department of Western Australia, 2001. *Consultant's Report to the Commonwealth Grants Commission 2001*, 298.

⁵⁷ Commonwealth Grants Commission Report, 2001, 195

with a teacher⁵⁸ at remote Aboriginal community of the Cape York Peninsula, it was reported that their violent and drunken families have sexually abused most children. These children learn violent behaviour at a young age and practice it in the class room and have a great deal of power over their parents, in effect they 'parent their parents'. A consequence is that parents lack the authority to compel their children to attend school. No child who stayed on at high school in the community graduated. Only those who boarded at a school in Cairns, a major centre on the east coast had succeeded. The difficulty even in these cases was the child not wanting to return after holiday breaks and again the parents being powerless to stop them.

Conclusion

Australia has invested heavily in a political ideology to solve the problem of Aboriginal society. It has especially invested in political infrastructure, like ATSIC and Land Councils and the more than 3,000 Aboriginal corporations⁵⁹ that have grown in the last thirty years. Regardless, these organisations, this investment, has not been able to stop the major factors shaping Aboriginal identity, the marriage of Aboriginal people to non-Aboriginal people, their apparent acceptance of the modern world, their citizenship and the implied contract it provides to all citizens.

ATSIC has progressively lost its funding base because of its propensity to award funding for political patronage. With the establishment of ATSIC Services, ATSIC Commissioners have now lost the ability to allocate funds. These will be allocated on a needs basis and reported directly to the responsible Minister. More programs are becoming mainstreamed and taken out of the hands of Aboriginal politicians, although delivery is often confined to Aboriginal-controlled service providers.

Aboriginal solidarity, in league with the welfare state, has resulted in a 'destructive dependency'⁶⁰ on the state, it has left Aborigines who live under the new protective regime unable or unwilling to fend for themselves. The state cannot buy solidarity, it cannot deliver identity. Although separatists wish to move beyond dependence, their collectivist aspirations are the very means of their downfall. Successful Aborigines are those who have escaped their circumstances. The vehicle for the escape has often been government assistance, such as schooling, administered by mainstream services. It has often involved migration from their lands and marriage to a non-Aborigine, in short, a willingness to let go of the old ways. Those who wake up too late to this fact suffer the consequences.

⁵⁸ Conducted by the author, 18 May 2003.

⁵⁹ Office of the Registrar of Aboriginal Corporations, *Annual Report, 2001-2002*.
http://www.orac.gov.au/2001_2002/Annual_Report_2001_2002.pdf

⁶⁰ Etherington, S. 2001. 'The Most Threatened People in Australia: The Remote Aboriginal Minority.' In *Waking Up To Dreamtime*, 81.

Appendices (Web-based version only)

[Appendix 1a: Major Developments Affecting Australian Aborigines](#)
[56k PDF]

[Appendix 1b: Major Legal Developments Affecting Australian Aborigines](#) [40k PDF]

[Appendix 2: The Spatial Distribution of Aborigines, 1996](#) [220k PDF]

[Appendix 3: Discrete Aboriginal Communities by Remoteness Areas, 2001](#) [125k PDF]

[Appendix 4: Native Title Determinations, 2002](#) [140k PDF]

[Appendix 5: Native Title Claimant Applications, 2002](#) [180k PDF]

[Appendix 6: Hospital Separations for Key Conditions for Aborigines, NSW, 1996-97](#) [45k PDF]

[Appendix 7: Aboriginal Socioeconomic Disadvantage – Census, NATSIS and Perinatal – 1996](#) [55k PDF]