

Indigenous Australians

The most widely accepted date for first arrival of Indigenous people in Australia is approximately 50,000 years ago. For the whole of the subsequent 50,000 years until European settlement Indigenous people have had unbroken occupation of the land. In that time they developed rich cultural traditions, a system of laws and governance, complex trading arrangements and sophisticated means of living in a country with an unpredictable climate and leached soils. This history and culture is not only of great significance to contemporary Indigenous people; it has also achieved international recognition. Two Indigenous sites, Kakadu and Willandra Lakes, were among the first to be placed on UNESCO's World Heritage List and Aboriginal painting is now world renowned.

The Australian Bureau of Statistics estimates that the number of Indigenous people at the time of the 2006 census was 517,200 people, or 2.5 per cent of the total Australian population, an increase of 58,700 people (13 per cent) on the figures for 2001. The states and territories with the highest proportion of the total Indigenous population were New South Wales (29 per cent), Queensland (28 per cent), Western Australia (15 per cent), and the Northern Territory (13 per cent), with Indigenous people representing almost one third of the total NT population, and less than 4 per cent in the other states and territories. The majority of indigenous people live in capital cities and regional areas (32 per cent and 43 per cent respectively, a total of 75 per cent), with only 25 per cent living in remote areas. The median age of the Indigenous population was 21 years compared to 37 years for the non-Indigenous population, the result of high birth rates and lower life expectancy. Just 3 per cent of the Indigenous population was accounted for by people aged 65 years and over, compared with 13 per cent for the non-Indigenous population, while people aged 15 years or under made up 37 per cent of the Indigenous population, compared with 19 per cent for the non-Indigenous population.

European settlement and subsequent attitudes and policies

The first European ships discovered the mainland of Australia in the early 1600s and colonisation began with the arrival of the First Fleet into Port Jackson on 26 January 1788.

Official policies towards Aboriginal people have changed many times since 1788. The earliest policy was based on the British Government's concern to protect Aboriginal people from white settlers. Protection policies were followed by assimilation policies, driven by the assumption that there was little benefit in integrating any aspect of Aboriginal culture into the new Australian society. The Stolen Generation policies that led to the forcible removal of children of mixed parentage from their families sought to give such children a white upbringing assuming it to be in their and the community's best interest. Assimilation policies were followed by the policy of integration, accepting Indigenous people into Australian society.

A policy shift towards self-management and self-determination led to the establishment of the Aboriginal and Torres Strait Islander Commission (ATSIC) in 1990. ATSIC, the national voice of Indigenous people, was abolished in 2004. From that time there was a policy of 'mainstreaming' that is, the return of all programs to the departments generally responsible for these matters together with a greater attempt to coordinate policies across departments. Two new policies, Shared Responsibility and Regional Policy Agreements, were announced in 2005. None of these policies and the programs associated with them led to any significant improvement in the circumstances of Indigenous people and many of the earlier ones greatly disadvantaged them. Thanks, however, to the *Bringing Them Home* (Stolen Generations) and other royal commission and national inquiry reports and to the work of the Aboriginal and Torres Strait Islander Social Justice Commissioner, the situation of Indigenous people is now better understood.

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In June 2007, the Federal Government announced an “emergency intervention” into the Northern Territory in response to a report on child sexual abuse that had been commissioned by the Northern Territory government. The intervention was welcomed, at least in principle, by many in the community, Aboriginal communities having called for action repeatedly in the years prior to the intervention. Nevertheless, there was much debate about the ethics and practical workability of the various measures and whether they were appropriate to their aims. The lack of consultation involved in the intervention (the relevant legislation was introduced and passed through the House of Representatives in the same day, and the Senate Inquiry lasted just one day); the fact that the legislation specifically overrode the Racial Discrimination Act; the extra powers that it gave to the federal government; compulsory land acquisition, and the abolition of entry permits for Indigenous communities were among the issues that were particularly controversial. The new Labor government that was elected at the end of 2007 pledged to continue many aspects of the Northern Territory Emergency Response (NTER), but to monitor and review its strategies. Among the recommendations of the first Review Board report (handed down in October 2008) to be accepted by the Government was the requirement that ‘Government actions respect Australian human rights obligations and conform with the Racial Discrimination Act 1975 (RDA)’. On the 13th February 2008 the Government issued a long-awaited national apology to Indigenous people for their past mistreatment as a result of official government policy. The Government also pledged to address the wide disparities between Indigenous and non-Indigenous Australians in vital areas such as health, life expectancy, education, and employment and to measure its own performance in this regard by setting concrete targets. On the 2nd July 2009, in an unprecedented event, the states and territories also signed up to accountable targets in these areas. On the 3rd April 2009, the Federal Government gave formal support for the United Nations Declaration on the Rights of Indigenous Peoples.

Sovereignty, native title and self-determination

According to Article 3 of the *Draft Declaration of the Rights of Indigenous Peoples*, “Indigenous people have the right of self-determination. By virtue of that right they freely determine

their political status and freely pursue their economic, social and cultural development.” Self-determination and sovereignty (self-governance and self-sufficiency) are at the heart of Indigenous claims to the land.

In the Gove Land Rights Case in 1971, the Yolngu people sought an injunction against the Nabalco Corporation to stop mining on their traditional land, claiming that they had native title rights over their land. Justice Blackburn ruled that native title did not exist in Australian law, and even if it had existed, Australia was legally *terra nullius* (empty land) before European settlement. In response to this decision, the Aboriginal Tent Embassy was established on the steps of Parliament House in Canberra in 1972. The Embassy continues to promote sovereignty and the recognition of land rights. The Blackburn judgement also prompted an Inquiry by the Whitlam Government and the eventual passage of the Aboriginal Land Rights (Northern Territory) Act 1976 which granted ‘inalienable’ freehold title to traditional lands in the Northern Territory.

In the famous 1992 Mabo Case, the High Court of Australia ruled that the legal concept of *terra nullius* was invalid. Chief Justice Gerrard Brennan stated: “The fiction by which the rights and interests of Indigenous inhabitants in land were treated as non-existent was justified by a policy which has no place in the contemporary law of this country.” The Mabo decision led to the passage of legislation recognising the rights of Indigenous people to possession of their traditional lands (The Native Title Act 1993). Subsequent legislation has, however, limited these rights.

Reconciliation

The aim of reconciliation is to encourage co-operation, harmony, tolerance and respect between Indigenous and non-Indigenous people. Reconciliation seeks to provide a collaborative, lifelong learning space for Indigenous history, culture and society and to support efforts to deal with injustices and disadvantage. The formal reconciliation process began in 1991 with the establishment of the Council for Aboriginal Reconciliation. In 2001, the Council presented the Federal Government with a Roadmap to Reconciliation and a Final Report to Parliament which contained a detailed pathway for reconciliation. Only some of the recommendations were accepted by the Government. The task of promoting reconciliation was then handed to Reconciliation Australia, a non-government body.

The current situation of Indigenous people

Indigenous communities in Australia have experienced a significant cultural revival in recent decades. This is reflected in artistic achievements, in institutional arrangements such as Land Councils and in many other ways. Indigenous Australians have also shown remarkable resilience in the face of severe problems including poor health, early death, unemployment and poverty. The following recent ABS statistics and statistics from the Productivity Commission's *Overcoming Indigenous Disadvantage: Key Indicators* report (2009) illustrate some of these disadvantages:

Health

- Life expectancy at birth for Indigenous Australians is estimated to be 67 years for males and 73 years for females, compared with 79 years for males and 83 years for females of the non-Indigenous population, a difference of 12 years for males and 10 years for females;
- Indigenous people are hospitalised at 14 times the rate of non-Indigenous people for care involving dialysis, and at 3 times the rate for endocrine, nutritional and metabolic diseases (including diabetes);
- Indigenous people are hospitalised at six times the rate of non-Indigenous people for potentially preventable chronic conditions.
- Indigenous people are up to 46 times as likely as non-Indigenous people to be hospitalised for injury and poisoning and other external causes
- The mortality rate for Indigenous infants and children aged 1-14 years is around three times that for non-Indigenous infants and children.
- Hospitalisation rates for diseases linked to poor sanitation, drinking water quality, food safety, disease control and housing are consistently higher for the Indigenous population than for the non-Indigenous population.

Education

- Although educational attainment among Indigenous people has been improving, 22 per cent of Indigenous Australians aged 18-22 have left school at Year 9 or below, compared with only 4 per cent of non-Indigenous people in the same age group. In remote areas,

50 per cent of the Indigenous population aged 18 years and over has not completed year 10. Similarly, only 23 per cent of Indigenous people have completed Year 12, compared with 49 per cent of the non-Indigenous population;

- Non-Indigenous people are twice as likely as Indigenous people to have a non-school qualification (53 per cent compared with 26 per cent); they are four times as likely to have a Bachelor Degree or above (21 per cent compared with 5 per cent) and twice as likely to have a Diploma or Advanced Diploma (9 per cent compared with 4 per cent).

Employment, incomes and housing

- 16 per cent of the Indigenous population are unemployed, compared with 5 per cent of the non-Indigenous population;
- 21 per cent of Indigenous people aged 15-24 years are unemployed.
- Indigenous people are five times more likely to live in overcrowded housing than non-Indigenous people.
- Indigenous households' median gross weekly equivalised incomes are 65 per cent of those of non-Indigenous households.

Violence and crime

- Indigenous adults are 13 times as likely to be imprisoned as non-Indigenous adults and Indigenous juveniles are 28 times as likely to be detained as non-Indigenous juveniles.
- The Indigenous rate of hospitalisations as a result of spouse or partner violence is 34 times the rate for non-Indigenous people.
- The Indigenous homicide death rate is seven times the non-Indigenous homicide death rate.
- Indigenous children are more than six times as likely as non-Indigenous children to suffer substantiated abuse or neglect.

Indigenous attitudes

While there is not full agreement among them, some significant views recently expressed by Indigenous leaders include:

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- The need for initiative to come from Indigenous people themselves (with outside help) and the consequent importance of Indigenous leadership;
- Growing concern about welfare dependency and the need to move to capacity building (developing capabilities to support and manage their own their own affairs);
- The urgency of dealing with substance abuse (drug and alcohol abuse) because of its links to violence, dysfunctional communities and crime;
- The need for recognition of Aboriginal rights including native title and heritage protection for Indigenous culture;
- The need for recognition of the diversity of Indigenous traditions and circumstances;
- The need to focus on success not only on failure;
- The need for recognition that Aboriginal peoples have the right to make their own decisions about their lives (self-determination as a fundamental right for all people);
- The need for a national bill of rights, a preamble to the Constitution recognising Indigenous people as the First People, and a formal treaty;
- The need for real commitment to reconciliation promoting a new national self-image;
- The need for adequate and more effective funding for education and health.

Useful sources

Arthur, B., and Morphy, F. (Eds.). 2005. *Macquarie Atlas of Aboriginal Australia*, The Macquarie Library Pty Ltd, Macquarie University, New South Wales. This 21 chapter atlas has a broad coverage of Indigenous matters including society, culture, economics, the environment, land ownership and use, health, current issues and the visual and performing arts. Each chapter is illustrated with many maps.

Australian Bureau of Statistics, *National Aboriginal and Torres Strait Islander Health Survey*, 2004-05, <http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/4715.02004-05?OpenDocument>.

This report provides a comprehensive overview of the health and welfare of Australia's Indigenous population, drawing on extensive surveys and ABS censuses. See also ABS, *The Health and Welfare of Australia's Aboriginal and Torres Strait Islander People*, 2008, http://www.ausstats.abs.gov.au/ausstats/subscriber.nsf/0/5IB575E133A75C6DCA2574390014EDFE/sFile/47040_2008.pdf

Behrendt, L. 2003. *Achieving Social Justice: Indigenous Rights and Australia's Future*, Federation Press, Annandale, New South Wales. This book, written by prominent Indigenous scholar and writer Larissa Behrendt, discusses social justice for Indigenous people, proposing long-term institutional change to pave the way for reconciliation, greater rights protection and self-determination.

Human Rights and Equal Opportunity Commission http://www.hreoc.gov.au/social_justice/index.html
This site describes the role of the Aboriginal and Torres Strait Islander Social Justice Commissioner. It also includes fact sheets and common misconceptions related to Indigenous peoples.

Pearson N. "Underlying principles for a new policy for the restoration of Indigenous social order", www.capeyorkpartnerships.com. The views of prominent indigenous leader, Noel Pearson, can be found in this and other papers on this site.

Reconciliation Australia, <http://www.reconciliation.org.au/>
This web site describes the work of Reconciliation Australia.

SCRGSP (Steering Committee for the Review of Government Service Provision), Productivity Commission, Canberra, *Overcoming Indigenous Disadvantage: Key Indicators 2009*, http://www.pc.gov.au/__data/assets/pdf_file/0003/90129/key-indicators-2009.pdf

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