

The Invasion of Northern Territory Aboriginal Communities and its Implications for Tasmania

By Heather Sculthorpe

ya pulingina milaythina mana-mapali-tu
Mumirimina laykara milathina mulaka tara
raytji mulaka Mumirimina
Mumirimina-mapali krakapaka laykara
krakapaka milathina nika-ta
waranta takara milaythina nara takara
waranta putiya nayri
nara taymi krakapaka waranta-tu manta waranta tunapri narai[i]
Greetings to all of you here on our land
It was here that the Mumirima people hunted kangaroo all over their lands
It was here that the white men hunted the Mumirimina
Many Mumirimina died as they ran
Died here on their lands
We walk where they once walked
And their absence saddens us
But they will never be dead for us as long as we remember them.

I am pleased to be delivering this third Betty Pybus memorial lecture not only because the event commemorates the life and work of Mrs Pybus but also to pay tribute to the contributions to my life's work of her daughter Cassandra Pybus and to the inaugural speaker in 2003, Lyndal Ryan. Both those eminent historians have added very significantly to the body of knowledge about the lives and deaths of many pakana in lutruwita.ii[ii] When Lyndal Ryan wrote her doctoral thesis about Tasmanian Aborigines in Tasmania in the nineteenth century, few other historians had bothered with the subject believing that the attempted genocide had worked. Brian Plomley also did us a service by undertaking the tedious job of transcribing the diaries of George Augustus Robinson but continued until his death to believe in the extermination myth. To put it mildly, we never really got on.

Lyndal's work helped us reconnect with our past and returned knowledge hidden from us for a couple of generations. Plomley refused to even concede that we had any connection with the original pakana. Others had at least recognised some connection by calling us half casts, quarter castes, octoroons and so on. More recently, others wishing to make a name for themselves have reverted to this type of analysis of us as a new hybrid group – more accurately I suppose, that's how they are writing up the Cape Barren population, all without the knowledge and agreement of the people concerned I have no doubt.

That's how Lyndal Ryan stood out when she visited us in the early 1970s. She had come to write a book about us, but she wanted to make sure we knew what she was doing and to get our co-operation. She is entirely alone in having handed over to us the fees the book earns from library use.

Cassandra Pybus' contribution has been more recent. She has written about our history in a very accessible way and in my case in a way very close to home. Her family took up land at Oyster Cove – putalina – where my family members were brought, in some cases to die and in other cases to prosper and

put down enduring links in the region. When white people were queuing up to be part of the funds distribution roadshow that was the Tasmanian ATSIC Regional Council in the 1990s, Cassandra Pybus was able and willing to bring her local knowledge as well as her academic knowledge to bear in trying to educate a federal court judge about the nature of Aboriginal heritage in Tasmania. We lost the case for reasons we still don't fully understand, but Cassandra is owed a debt for the hours and effort she put in at that time. It is partly to repay that debt to Cassandra that I am giving this lecture.

As far as I am aware, Betty Pybus did not have any particular interest in Aboriginal affairs.ⁱⁱⁱ[iii] But in an era when women were meant to pop back into the boxes from which they had emerged to help out during world war 2, Betty Pybus took on issues dear to her heart and which she knew she could do something about. The feminist issues she adopted and fought for like women's health services and freely available abortions are still not guaranteed today, but they are mostly certainly more secure than they were when she first took up the fight. She was an activist, and as we can see today, every era needs activists. I reckon she'd be a signed up member of Women for Wik if she were still with us.

What I will do in my talk today is give some brief background about the demographics of the NT Aboriginal communities and of the report into sexual abuse of Aboriginal children, outline the nature of the Commonwealth incursions, have a look at some reactions to it, explain my view of it as a gross abuse of human rights symptomatic of the global militarism we have witnessed in recent years and then draw some lessons for the future especially as they relate to Aborigines in Tasmania. On the way through I'll talk about all sorts of things that interest me, and that I hope will interest you too.

Aboriginal communities in the Northern Territory

I don't claim to be an expert in Northern Territory Aboriginal affairs, but the fundamentals have become increasingly well known as a result of the work of Olga Havnen and others who have combined under the Coalition of Aboriginal Organisations of the Northern Territory and the National Aboriginal Alliance to fight back against the recent invasion.

The basic facts are that the NT has about 10% of the country's Aboriginal population and of the 193,000 people in the NT, around 60,000 are Aborigines or Islanders. There are many more Aborigines in New South Wales and Queensland and Western Australia also has a larger Aboriginal population. But the most relevant figure is that Aborigines make up a whopping thirty percent of the population of the Northern Territory. And unlike every other jurisdiction in Australia, most of the people live outside the towns and major population centres. Over 10,000 people have an Aboriginal language as their main language in the NT.

Population growth in the communities is far outstripping growth in the towns with a 40% population increase in the last twenty years. There is a high number of short term residents in the communities and the turnover in the voting population between elections is forty percent.

The 2006 Census shows that overcrowding increased in Northern Territory communities between 2002 and 2006. A massive sixty percent of Aboriginal adults lived in overcrowded conditions in the Northern Territory in 2006. The Centre for Aboriginal Economic Policy Research at the Australian National University estimates that at least \$1b is required to overcome the Aboriginal housing backlog in the Northern Territory alone.

Governments cannot claim they did not know of the housing problems in the Northern Territory. In the NT Parliament in February 2006 when commemorating forty years since the Australian Conciliation and Arbitration Commission awarded equal wages to Aborigines working in the pastoral industry, the NT Minister for Housing, Mr McAdam, referred to Aboriginal housing as a “crisis”. The Commonwealth and Northern Territory Governments had signed an ‘Overarching Agreement on Indigenous Affairs’ which provided for Bi-Lateral Agreements to be reached on various topics. One agreement reached was the Indigenous Housing and Infrastructure Agreement 2005 – 2008 under which Commonwealth and Territory funds and programs for housing were pooled in order to reduce administration costs and improve housing outcomes. Progress under that Agreement had been slow. With almost \$1b and 4,000 new houses backlog, but with funds for only 120 new houses, the estimate was thirty three years to meet the demand, at which time they would still be thirty three years behind the demand.^{iv}[iv] It’s not that the politicians don’t know the consequences of their inactions. Minister Elliott McAdam’s parliamentary speech shows a proper understanding of the relationship between overcrowded housing and the ill effects on health, education, and all other social indicators. These include skin sores and other infections in childhood resulting in kidney disease, rheumatic heart disease, deafness, blindness and delayed intellectual functioning in later life – that is, if the kids get old enough to be of school age and then manage to survive beyond early middle age. The infections that are so easily fixed by antibiotics are either not fixed in the first place because of the absence of health services, or are fixed but reinfection occurs immediately because of overcrowded housing.

Minister McAdam concluded that making up for inadequate housing should be considered part of the national debt still owed to Aborigines. He was grateful for the extra \$5M to be given each year for 4 years by the Commonwealth to improve corporate governance for Aboriginal housing organisations. Despite the trading of insults between Commonwealth and NT governments and whatever the actual facts behind the dispute, I am quite sure no-one knew when the extra money was promised what these so-called improvements in Aboriginal corporate governance would involve in practice. With a housing situation of such dire proportions, it is little wonder that Aboriginal community councils in the NT have been enticed to enter into leases of their lands to governments in return for money for housing and infrastructure upgrades. Hence we saw Minister Brough announce on 7 August an agreement in Tennant Creek under which the NT government was given a ninety-nine year lease of town camps in return for payment of \$10M from the NT Government and \$20M from the Commonwealth. Brough saw this as an opportunity to hoe the boots into the Tangetyere Council in Alice Springs who had not rushed into such an agreement but were continuing to negotiate terms.

The Little Children are Sacred report^v[v]

Let’s look now at the findings of ‘The Little Children Are Sacred’ Report, co-authored by long-time Aboriginal health advocate Pat Anderson and eminent barrister, Rex Wild QC. This is the report on which Howard and Brough relied to justify their military incursions into the Northern Territory. The report made 97 recommendations. It is unfortunate in this case that the first recommendation was that governments must take the lead. That can

never be right in Aboriginal affairs – governments should be there to resource and facilitate Aboriginal initiatives, not take the lead.

It needs to be emphasized also that the first recommendation said there had to be genuine consultation and a collaborative partnership between governments and Aboriginal communities in finding solutions to the issue of “urgent national significance.” Nowhere was it even remotely suggested that the Commonwealth should take unilateral action and send in the army, police and a whole rabble of outsiders.

The report went on to make the recommendations for holistic and wholesale reforms that all such reports have been making since the 1970s. They related to the need for a whole-of-government approach to child abuse, more attention to preventing abuse and neglect, better information sharing between agencies, better investment in recruitment and training of Aboriginal interpreters, more and better preventive health services, family support services, education, community education and awareness, reducing alcohol related harm, community justice groups, employment training schemes, increasing the housing supply, education campaigns about pornography and gambling and cross cultural training.

Strategic and long term planning was the basis of the recommendations, not knee jerk hysteria.

What of the claims then that reform could not wait, that little children cowering in corners demanded the immediate attention of the army and police?

Tucked away on pages 57 to 79 of the 300 plus page report we find the authors dispelling as myths many of the misconceptions which John Howard, Malcolm Brough and some sections of the media have put around about the nature of child sexual abuse in the NT.

In relation to the child sexual abuse revealed during the course of the enquiry, the report says –

1. Many of the offenders who were identified as having assaulted more than one victim were not Aborigines and Aboriginal males were far from the only offenders identified
2. It is not true that Aboriginal law is the reason for high levels of sexual abuse as other enquiries have also found, including the Western Australian inquiry of Sue Gordon
3. The enquiry could not find any case in the NT where Aboriginal law was put forward and accepted as a defence for an offence of violence against a woman or a child. The same was true of the Gordon inquiry in Western Australia. In addition the Law Council of Australia said when opposing yet another draconian amendment to Commonwealth law that there is no evidence of Australian courts having permitted manipulation of cultural background or customary law.^{vi}[vi]
4. Aboriginal culture is not the reason for under-reporting of child sexual abuse
5. Aboriginal men do have an important role to play in preventing child sexual abuse but the paedophile image of them created in the media has put considerable stress on their fathering role.

You wouldn't know it from reading the politicians press releases and the media stories, but the enquiry did not uncover many instances of child sexual abuse.

Although special taskforces had been established across the country earlier

this year to root out organised pedophile rings said to be operating in Aboriginal communities, the NT enquiry did not find any. The one claim they did hear of a person with many child victims was a white person working in the communities. They did find that sexual promiscuity was widespread amongst teenagers and that teenage girls were selling themselves for drugs and goods in the mining camps, sometimes pimped by taxi drivers and sometimes with the connivance or active intervention of their families. Several of the cases they wrote about in their report had been revealed in the press previously.

If anyone doubts that the report was not the real reason for the drastic and immediate intervention in the affairs of Aboriginal communities, all they have to do is read the report which is available on the internet.

Other Aboriginal Child Abuse Enquiries

The NT recommendations were superficially at least indistinguishable from those of similar enquiries into Aboriginal child protection in Queensland, New South Wales, South Australia and Western Australia.vii[vii] In particular the Aboriginal Child Sexual Assault Taskforce established in New South Wales in 2004 made very similar findings.

The similarity of the NT findings with those of other enquiries does not diminish the significance of the recommendations. It shows answers have been put to government repeatedly from all around the country for many years. As the National Indigenous Times puts it, Malcolm Brough is much more interested in his boys-own-annual adventure in the NT than doing the serious work of overcoming the many disadvantages experienced by Aboriginal communities.

The major inquiry into child protection in Western Australia, the 'Gordon Report' was prompted by a public outcry following the supposed suicide of a teenage girl said to have connections with the Swan Valley Nyoongar Community. The Western Australian Government responded with the establishment of many new programs, structures, legislative reforms and the injection of new funding. The same occurred in South Australia after the Layton Report and in Queensland following the various child protection enquiries of the Crime and Misconduct Commission. Last year the New South Wales government conducted a similar review with another raft of recommendations for improvements to their systems.

The Northern Territory's own child protection reform agenda, 'Caring for our Children', included new legislation and reform of policy and administrative processes as well as a trebling of expenditure on child protection services. The reforms arose from research showing severe under-reporting of child abuse and neglect in Aboriginal communities and highlighting the lack of effective child protection systems.viii[viii]

All the enquiries recommended increased attention to early intervention and prevention strategies and programs. They all also involved government commitment to increased expenditure on child protection with Queensland promising \$117 million over three years for out-of-home-care in the community sector alone. The Northern Territory committed \$50 million over five years for the reform of its child protection system.

The Commonwealth Invasion

Now to the Commonwealth government's reaction to The Little Children Are Sacred report.

The main things the federal government did in the wake of the report was

firstly ignore its recommendations, put restrictions on the sale of alcohol, take over management of half of the benefits of the people in their “prescribed communities”, get rid of the system of permits to enter Aboriginal land, and instal their own people to run the communities.

The announcement came without warning – or so it seems – through a joint press statement by Prime Minister Howard and Minister Brough on 26 July 2007.ix[ix]

After much pressure, the legislative package was sent for a one day Senate Committee hearing. The legislation passed the Senate on 17 August 2007 with the government declaring it one of the most debated pieces of legislation in parliamentary history. Five hundred pages of legislation debated in one day would not seem excessive.

Minister Brough announced on 7th August 2007 that the Howard government would dedicate this financial year additional money of \$587M. There would also be 700 new public service positions to implement the “emergency measures.”

Brough did not say that over half of the new public service positions would be Centrelink officers whose job it is to take half of the benefits owed to families and turn it into vouchers to be spent where and how he decides it should be spent. Nor did he say how few positions would be child protection officers – none.

We are told the government’s “emergency measures” will last for five years while longer term approaches are developed. The “emergency measures” are to apply only to “prescribed areas” and not to the major areas of Darwin and Alice Springs inhabited by white people. Of the ninety nine areas which have been prescribed, nearly one half are communities living on lands returned under the Aboriginal Land Rights Act. Thirty six are town camps and the remaining sixteen are Aboriginal community living areas also known as town camps.

It is no wonder then that the conclusion is inescapable that the “emergency measures” are a direct attack on Aboriginal land rights and Aboriginal self determination.

On 18 September Malcolm Brough announced an extra \$100M to ensure follow up of the children’s health checks over the following two years. This was amidst reports that the roving doctors were missing many of the dental and ear problems identified in all previous studies. Finally the government had responded to the widespread criticism of their lack of proper planning and their unethical approach which had started identification and treatment of medical conditions but without any plan or intention of ensuring the full course of treatment that would fix the medical problem.

On 1 October Brough announced a \$14M agreement with the Yarrabah community in Queensland, home to around 4,000 people and said to be the largest Aboriginal community in Australia (Wadeye and Maningrida have also been given that tile this week). The blatant social engineering involved in the Yarrabah arrangement is staggering. In return for the housing money the people have to agree to mainstream public housing tenancy arrangements, pay market rents, uphold tenancy conditions and look after their houses – so look out people like those we saw talking to Brough in the NT who told him to get stuffed when he demanded they pick up the papers around their house.

Housing upgrades are available for people who agree to have their income managed to ensure payment of rent and general management of their incomes

and to send their children to school. The pinnacle can be reached by those who qualify to be part of the new private housing arrangements on the forty new housing development sites that the Commonwealth will fund after the Queensland government legislates changes to land tenure to allow private home ownership on what is now community land.

The Minister had offered a similar deal to the eighteen Aboriginal Housing Associations that make up the Tangentyere Council in Alice Springs. They did not accept the deal on the conditions offered.

In light of the dismal housing figures and appalling health statistics, it is no wonder that extra Commonwealth money has been welcomed in the NT, if not the method by which it is arriving. The extra funding announcements are now nudging \$800M on housing alone. On top of that we have seen:

- \$18.5m for 66 additional Federal Police
- \$100m for doctors, nurses and other health professionals
- \$78.2m to create “real jobs” in Australian Government service delivery
- \$30m to convert CDEP jobs to “real jobs”.

The devil is in the detail of course. The imposed ‘Business Service Managers’ who will take over the work of community organisations are included here. And as we have seen throughout all of rural Australia, the doctor shortage cannot be fixed with money alone if the doctors just won’t leave the cities and towns.

It’s not clear whether the figure for doctors includes the costs of those “volunteer” doctors who responded to the call for compulsory checks on all Aboriginal children in the NT; we know they were paid handsomely for their services after they were recruited although the money is probably hidden in general AMA funds. It now appears the extra primary health services are to be offered through something called ‘Remote Area Health Corps’, a very military sounding operation and a far cry from Aboriginal community controlled health services almost universally now accepted as the most effective way to deliver primary health services in the Aboriginal community. It also seems highly likely that the extra money found for housing in the NT and other northern areas in Western Australia and Queensland through the Government’s new Australian Remote Indigenous Accommodation Program has been taken from Aboriginal housing in south eastern urban areas in particular. As Jon Altman, the National Indigenous Times and Crikey.com have shown, it is not been beneath Minister Brough to raid the coffers of the NT Aboriginal Benefit Account, into which mining royalty equivalents are paid for the benefit of NT Aborigines, to help fund music festivals in his own electorate. This is the sort of breach of “good governance” that would result in defunding in the case of Aboriginal organisations

Reactions to the Commonwealth Intervention

Some reactions to the Commonwealth intervention were swift. In a press release on 25 July, Michael Mansell referred to the Northern Territory “emergency” as an invasion, highlighted that the *Little Children Are Sacred* report called for governments to work closely with local communities in finding solutions to social problems and law and order issues and regarded it as an election ploy in light of the other misrepresentations made by this government to gain electoral popularity. The manufactured reports about weapons of mass destruction in Iraq and the children overboard the *Tampa* deceptions demonstrated the lengths to which this government was prepared

to go in its quest to win votes.

Other commentators have also taken up alternative explanations for the drastic actions taken by Howard and Brough. It has been called an attempt to extinguish Aboriginal culture; a land grab; an act of ethnocide; an essential step in opening up the country to uranium mining. John Howard and Malcolm Brough, of course, have sold it as being necessary to save little Aboriginal kiddies from the sexual predators in their midst.

Several commentators have drawn analogies between the military intervention in the NT and in Iraq. In the aftermath of the killings in the New York Twin Towers in particular, these invasions have been thinly veiled attempts at cultural as well as political hegemony – not to mention control of natural resources like oil and uranium.

This era has seen an amazing onslaught on civil liberties, human rights and the fundamental freedoms meant to be taken for granted in the so-called free world of “western democracies”. As ex Race Discrimination Commissioner, Irene Moss, has shown recently,^{x[x]} a culture of cover up and silence has developed making it almost impossible to get accurate information about the business of government, other than what they want us to know. Ms Moss reports that all enquiries about the effectiveness of the Howard government’s intervention in Northern Territory communities have to go through Minister Brough’s press secretary and even staff of his department don’t know what’s going on. Nevertheless, reports from communities and from intrepid journalists are giving us some of the information we need.

There are two spin-offs from the invasion which give some hope for the future. Firstly, by sending in the police and the military, the Australian government implicitly recognised the status of Aboriginal Australia as an entity separate from white Australia. A nation cannot invade itself. That is no doubt a reason for the Howard government’s determination to call the invasion a “response to a national emergency”, an “intervention”, an “arrangement” – anything but an invasion. The second beneficial spin-off is that at long last the Australian government is starting to recognise what it’s been told for years – that the level of spending on basic services in Aboriginal communities has been deplorably inadequate. I don’t believe for one minute that this is a real and lasting recognition of the inadequacies of the past – but a major injection of funds is sure to be welcomed.

This is not to say that the invasion was for the best after all. It was not and never will be.

Role of the Australian military

Let’s consider for a moment the use of the military in the Northern Territory. We’ve seen the Howard government use the army in Northern Territory Aboriginal communities not so long ago. When they wanted to expose the inadequacies of the Aboriginal and Torres Strait Islander Commission, the then Minister sent in the Army to build new houses and to show the Aboriginal bureaucracy how it should be done. We didn’t hear much about the outcomes of their work but we can have a pretty good guess given that the Army has been sent in again just a few years later to do the job all over again. We have seen the use of the military and police for “peace keeping” purposes throughout our region in recent years. It is said that this new use of the Australian military in places like Somalia, East Timor and the Solomon Islands demonstrates a breaking down of pre-existing boundaries and heralds a new era of military civilian co-operation. The downside is the ease with

which the Australian government now resorts to this tactic and accepts military intervention as a panacea for what is in fact a failure of diplomacy, foreign aid or social policy.xi[xi] When the army goes into areas without the request or the consent of the people of those areas, it looks like an invasion and it is an invasion.

The growing role of the military in Aboriginal affairs also shows in the background of the handful of Aborigines appointed by the Howard government as its advisory group in the aftermath of the abolition of ATSIC. Both the Chairperson, Sue Gordon, and Wesley Aird from Queensland worked in the army at various times in their careers. They are also atypical of Aborigines generally by the number of honorary doctorates they have between them. The fact that they use this title of Dr must be quite misleading to probably 95% of the Australian population who don't know anything about honorary degrees. Several of them have also accepted merit awards from the Australian Government.xii[xii] Sue Gordon has all three of these characteristics – army background, honorary doctorate and merit award.

Human rights violations

In a televised debate on the “emergency measures”, Sue Gordon parroted the government line that the federal legislation was both necessary and lawful because it constituted a “special measure” for the benefit of Aborigines. If so, it would not fall foul of the Commonwealth's own *Racial Discrimination Act* 1975. Just to be quite sure about that, the Northern Territory Emergency Response Act 2007 goes on to declare that the *Racial Discrimination Act* does not apply. To this the Human Rights & Equal Opportunity Commission said,

‘Special measures’ must be necessary and for the sole purpose of securing adequate advancement of a certain group or individuals requiring protection so as to ensure they enjoy their human rights equally with others.

HREOC is concerned that the legislation goes on to provide that it is exempt from the operation of the RDA. If the measures proposed cannot meet the test for a ‘special measure’, then rather than remove the protection of the RDA, the measures should not be enacted.xiii[xiii]

HREOC's attempt to minimise the damage by proposing a structure for monitoring and public reporting of the outcomes of the “emergency measures” xiv[xiv] was supported by the Senate Committee but was not endorsed by the Senate. Since the government is so keen to spruik its certainties of success, why do they run from independent scrutiny of their endeavours?

HREOC listed what they politely termed “potential” contraventions of human rights law, specifically –

- the right to equality before the law and the equal protection of the law (article 26 International Covenant on Civil and Political Rights)
- the right to self determination (article 1 International Covenant on Civil and Political Rights and now also the United Nations Declaration on the Rights of Indigenous Peoples)
- the right not to be arbitrarily deprived of property (article 17 Universal Declaration of Human Rights)
- the right to social security (article 5(e)(iv) International Convention on

the Elimination of all Forms of Racial Discrimination)

Breaches of the newly adopted United Nations Declaration on the Rights of Indigenous Peoples are far too numerous to list here. Over twenty years in the making, the Declaration was adopted by the General Assembly of the United Nations this September. One hundred and sixty four countries in the General Assembly and only four countries dissented – United States of America, Canada, New Zealand and Australia.

It's said that Australia dissented because it disagreed with the indigenous right to self determination articulated in article 3– but listen to just a few other indigenous rights that they have shown themselves opposed to recently –

- the right to maintain and strengthen distinct political, legal, economic, social and cultural institutions (article 5)
- the collective right to live in freedom, peace and security as distinct peoples not subject to any act of genocide or any other act of violence, including forcibly removing children of the group to another group (article 6)
- the right not to be subjected to forced assimilation or destruction of culture (article 8)
- the right to practise and revitalize their cultural traditions and customs (article 11)
- the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning (article 14).

The list goes on. Is it not self evident that the Commonwealth government has breached all these rights, and continues to breach them in its NT incursion?

Assimilation and Genocide

Having endured the Howard government for eleven years, it often gets difficult for me to maintain a sense of where they seem to be heading. I know the bureaucratic demands for accountability just keep growing. I know the demands for 'evidence based practice' become more strident especially as government policy becomes less and less based on any evidence. I used to think nothing could be worse than the Fraser years when we feared the winding back of the emerging Aboriginal community controlled services set up under the Whitlam government. We had a political coming of age with the Hawke government when the pragmatic Clyde Holding made it clear that the promise of national land rights was being sacrificed to the electoral needs of Brian Burke in Western Australia under attack from Hugh Morgan and the mining companies. We just survived the savage attacks of Pauline Hanson. With her demise I suppose it should have come as no surprise to find that her openly racist diatribes were expressing the philosophy and aspirations of John Winston Howard and his government. As the New Zealand Maori Party Member of Parliament Hone Harawira put it recently, John Howard is a racist bastard.

Furthermore his mission to extinguish Aboriginal culture and force Aborigines into the western market economy has become increasingly apparent. It is more than an assimilation policy – it is cultural genocide. We might consider whether or not there is any difference between cultural genocide and the international crime of genocide. Certainly the Human Rights and Equal Opportunity Commission in its *Bringing Them Home* enquiry under Sir Ronald Wilson saw the forcible removal of Aboriginal children

throughout Australia from the 1930s to the 1960s as attempted genocide. Ann Curthoys speaks of the gulf in understanding between the legal and historical understandings of genocide and relates genocide to the colonial context, not just the context of Europe after the second world war.xv[xv] In the United States it finally became something less than treason to speak about American Indian and Black American histories as well as the Jewish Holocaust as part of the same genocide debate. Not so in Australia even now.xvi[xvi]

To turn briefly to the W that shall not be named, the wanky, witless, wicked Windshuttle. This puny figure of Australian historiography is another who made something of a name for himself off our backs. His fabrications about the nature of our contact with the british settlers got him a seat on Howard's ABC Board, and for all I know, a consultancy for the newly compulsory Australian history curriculum in Australian schools.

His relevance to my topic today is his nonsensical argument that it isn't the English invaders and their successors to the bounty of our lands that caused the demise of our tribal people. So we must ask ourselves why it is that we don't wander around the quadrangle of downtown Hobart, or even the outskirts of the town, and see the traditional Tasmanians coming in for a visit. Well, it's because the English wiped them out and with them went much of our family and community history.

It does not matter much to me whether that was the intention of the English, or resulted from the actions of some renegade army officers, pastoralists and bushrangers, or arose from the diseases they brought with them and the destruction of our traditional food sources.xvii[xvii] If they hadn't come to stay, this wholesale destruction would not have happened. Pretty simple, and pretty hard to forgive.

As Michael Mansell has said,

The truth has to come out before we can move on. Children in Tasmania learn about Jesus being nailed to the cross; they learn about the Jewish holocaust; and they learn a lot about the Australian soldiers killed in two world wars. But how many people in Tasmania could name one site where Aborigines were massacred?xviii[xviii]

Perhaps some people now know that Risdon Cove was one such site.xix[xix] But there are locations all around the state still known to so few, including Aborigines. We have been dispossessed of much of our history, as well as much of our culture.

Now more than two hundred years later it looks set to happen all over again in the Northern Territory.

As a white CEO at Maningrida said on Four Corners on 5 November 2007, "The Prime Minister has the view that if you squeeze a blackfella hard enough a white fella will pop out ready to buy a house". Of course, the newly appointed ex-policeman from New South Wales who had arrived to take over running local community services didn't get the irony or the joke.

It is quite amazing what one comes across on the internet. Did you know that the Italian Fascists as well as the German Nazis had Jewish extermination camps in their country? How is it that one country becomes condemned in the public mind for their barbarous acts of attempted genocide but another

country does not?

Can it be something to do with the public perceptions so skilfully created of fun loving, disorganised and jovial Italians as against the rigid and well-disciplined Germans?

What better example can we imagine than the larrikin Australians whose antipodean drawl could not possibly be associated in the public imagination with the well-organised genocidal attempts of the Nazis? In the early years of the invasion of this country, they had not developed that slow-spoken drawl but spoke an amalgam of dialects which were probably hard to understand between themselves let alone to the people they found already living here. So how can modern Tasmanians and Australians be cursed with the attempted genocide of the early English? It's much more than the need for their descendants to say sorry, or even to offer a fulsome apology for the wrongs of the past

Michael Mansell has written about this renewed attempt at genocide, saying:xx[xx]

...the prospects of any one of the fundamentals of Aboriginal society – territory; political representation and organisation; law and religion; social and cultural organisation, or an economy - surviving an invasion depends on their relationship to other factors within that society. If connection to an area of land, or language or religion merely defines the ethnicity of the group then being invaded does not mean the elements that distinguish the group from others is necessarily threatened. This flexibility describes the survival of Gypsies in Europe as an example, and the Jews another.

It is different where those inter-relationships are more rigid, like a deck of cards - take one and the whole deck collapses. Aboriginal communities are inextricably linked to a particular geographical area, where language and cultural beliefs are unique to that community. As the invader takes over the lands and replaces the old institutions and language with its own, much of "Aboriginal ways" will be subsumed within the civic and political life of the invader, and is more likely to disappear. New values are adopted as a survival tool....

Gradual erosion of Aboriginal values and cultural knowledge threatens the long-term identity of the indigenous groups. The political preaching of "oneness" by schools, media and politicians must undermine indigenous identity. The once sharp line that distinguished Aboriginal identity from whites is blurred by the widespread use of the politically correct phrase "we are all Australians". As the original provisions of the Australian constitution showed, white Australia did not seek black citizens although the 1967 referendum proved it was

prepared to accept them. Adoption of the dominant white culture and language, participating in the civic and political life of the new nation, all place stresses on indigenous identity. The ability of government to impose funding conditions on life support monies can also be used as a tool of assimilation.

Like Mansell, Altman and others, I think it obvious that the attempts to assimilate Aborigines through trying to force Northern Territory communities into the mainstream market economy and turn their back on their cultural obligations through these emergency measures is bound to fail.

Tasmanian Consequences

Now I turn to the implications of the Northern Territory situation to Aborigines in Tasmania.

Government Control through Shared Responsibility Agreements

Tasmania has not been spared the attempts at social engineering now so evident in remoter parts of the country. In Tasmania there have been ten shared responsibility agreements signed in recent years. None of them have quite the same elements of social engineering shown in the more recent arrangements with Yarrabah, Kalumbaru in Western Australia and of course the NT communities. But they do show the same elements of policy making on the run and knee jerk reactions which are the very antithesis of how the governments expects Aboriginal organisations to operate.

We have seen social engineering at its height with the blatant government attempt to create a new Aboriginal community at Circular Head in the Tasmanian northwest. This process started when Tony Fletcher, then a member of the Tasmanian Legislative Council, tried to summon up some dissent from the Tasmanian Aboriginal Centre's campaign for land rights legislation in the early 1990s. Whilst there are a few genuine Aboriginal families in the area, Fletcher had to create a more compliant bunch and hence the Circular Head Aboriginal Corporation was formed and registered. These people had been living happily and known as white people in Smithton for generations. Now they had a chance to appear in the newspapers as important opponents to well-known figures like Michael Mansell, to give evidence to parliamentary committees, and even to appear – much to the embarrassment of the rest of us – in a very strange “smoking ceremony” televised on the Today Show.

Under new leadership, made necessary when the former spokesperson absconded from the State, but still with the apparent mandate of opposing Aboriginal rights to land, CHAG has finally cracked it for the big time and is now funded by the government's co-ordinating body, the Indigenous Co-ordination Centre, part of Brough's department as far as I can make out.

In 2005 they entered into two shared responsibility agreements. One was to buy a bus from which they could raise an income through hiring it out to other groups when not required for their own programs around the vast metropolis of Smithton, a rural area with a population of 3,500. The other was to write the history of the Aboriginality of the area through talking to their elders. Now the strangest thing about this was that the ICC had to agree to keep this history secret because of the “sensitive nature of the material” and was required for their own “internal awareness building”. The only sensitivity was that it is a pure concoction, but we won't be able to establish that as long as it

remains under its present cone of silence.

Appropriation of Aboriginal identity and culture

We saw a similar spectacle in the early 1990s when the Huon Valley Council funded Robyn Friend to write an Aboriginal oral history of the district. The book was published under the title, *We Who Are Not Here* – and indeed they were not. As is likely to happen with the Smithton document, if we ever get to see it, the white people wanting to reinvent themselves mix up their stories with those people in the district who are Aboriginal and then refuse to have their comments attributed. Hence is born yet another Aboriginal community vying for Aboriginal affairs funds to make up for the effects of all that social inequality they've been suffering since 1803.

There are many other examples of public figures finding or creating a long lost Aboriginal ancestor for some purpose known only to themselves. Ray Martin is the most notorious of these but we see the syndrome in our own State with academics like Shayne Breen and Henry Reynolds now claiming Aboriginal ancestry – whether or not it is to enhance their standing as experts in Aboriginal matters, or to give legitimacy to their long involvement in Aboriginal research I do not know. We see many examples of academics popping up in mainland institutions declaring themselves to be Tasmanian Aborigines and travelling all around the world on scholarships of one kind or another as a result. We hear that half of the Broadmeadows Koorie Court clientele now claims to be Tasmanian Aborigines in the belief that the new sentencing circles will provide them with more lenient penalties and cheaper access to legal aid.

In the grand scheme of things, this kind of social engineering is something of a minor diversion but it might help explain a few things about the nature of the assimilation process if only I could get my head around it. It's about white people assimilating themselves into Aboriginal society and trying to turn themselves into Aborigines so that we're all the same in the end – maybe it's the United States 'melting pot' gone haywire. An attempt to understand this phenomenon will have to wait for another day.

Assimilation policies in practice

The blatantly assimilationist policies of earlier years have gone much further underground. In the southern States at least we no longer hear talk of fairer skinned Aboriginal children being removed from their families in order to "breed out the colour" and civilize those who could be saved. In Tasmania it was only those who lived in culturally distinct ways from those around them who were subject to the forcible removal policies. Although the white neighbours might also be extremely poor financially, the records of police, courts and education authorities make it clear that it was the failure to comply with dominant values that brought Aboriginal families to the attention of those with power to punish.

The situation has not changed all that much today. In the 1930s, 40s and 50s Aborigines were punished in the Flinders Island Court for sleeping in the open, for not sending their children to white schools, and for urinating in public places. Enough of these simple offences saw people serving terms of imprisonment to which they became accustomed before the advent of Aboriginal Legal Services in the 1970s.

The stated determination of governments now to ensure Aboriginal school retention rates are equivalent to white student rates brings the threat of parents being prosecuted for not sending their children to school – however

inappropriate those schools may be. Precious little attention is given to the long term outcomes for Aborigines who grow up securely placed in their Aboriginal family and culture for now but without the dubious benefit of knowing all about the kings and queens of England and the growth of the British Empire. I am quite sure that the racial superiority inherent in the words of the current Australian national anthem are even more insidious than the old 'God Save The Queen' that so many of us sang without meaning. Education as a major tool of assimilation needs much more attention than it has received so far.

The second current major tool of assimilation in Tasmania is the child protection system. The child removal outcomes under current child protection policies in Tasmania show some of the worst outcomes in the country. And it's been getting worse rather than better.

Lessons to be Learnt

I will reflect now on the lessons to be learnt from this threat which is the Northern Territory invasion. I think they are at least four-fold.

1 Actively protest against attacks on Aboriginal rights

Firstly, we must be ever-vigilant to resist attacks on Aboriginal rights wherever they occur and to be as visible and vocal as we can about that resistance. Armchair and academic protest is one thing and the role of academics in raising public consciousness of issues is important – although I wish they could find better ways to get their messages into the public domain, much like Cassandra Pybus has often managed to do with her histories which read like short stories.

I was saddened that Aboriginal protest in the early days of the invasion were not more vociferous. To say that 'shell-shock' was to blame is over-generous as there were plenty of national spokespeople at the time who were offering to help the so-called emergency rescue effort. In Tasmania we took to the streets of Launceston with our campaign T-shirts on 13 July and men, women and children shouted abusive slogans about John Howard for hours before he appeared for a fund-raising lunch and was ushered quickly away from us and into the building. To see the Prime Minister running away from a screaming mob of blackfellas is pretty powerful for those who are part of it I can tell you – and these occasions are long-remembered by the children and young people who are fortunate enough to be brought along by their parents.

2. Stay connected nationally

Secondly, we need to stay part of the national Aboriginal movement, however little life there seems to be in it from time to time. Tasmania can be a tiny beacon of hope for those more bowed down by fear and oppression than we are and we can be fortified in our determinations by being living witness to the results of attempts at genocide and assimilation. All around the country Aborigines are hearing about our street protests. At every national meeting we go to there are Aborigines inspired by our determination to stand up to those who seek to silence us by mockery and derision; it's not usually the vocal leaders but it is the ordinary people who are looking for effective and active leadership as inspiration for what they're feeling.

3. Stay in charge of our own affairs and destiny

Thirdly, it is a timely reminder of what Kevin Gilbert told us years ago in the title of his publication, 'Because the White Man'll Never Do It'. International

human rights standards require it of course, but the ease with which the Australian military and police marched into NT communities and stayed there should inspire us to heighten our consciousness and determination for Aborigines to stay in charge of our own destiny. In Tasmania this is a constant battle – although I don't suppose we've got that on our own. We have the ridiculous situation of the Tasmanian Heritage Council backed by Tasmanian legislation still telling us what we can't do on those few tiny remnants of our land returned to us. We have public servants telling us how many pages of reports we need to give them to satisfy their reporting requirements and telling us who does and does not represent the needs of the Tasmanian Aboriginal community. We even have so-called sympathetic groups speaking for us with their acknowledgements of inappropriate people purporting to represent Stolen Generations Aborigines, as Debra Hocking has done with her national role in the Stolen Generations Alliance.

4. Be vigilant for assimilation and genocide in all their forms

Fourthly, having gratefully received the new breath of life we've had since the 1970s, the NT incursion is a timely reminder that the next attempt at total genocide is just around the corner, or indeed is upon us already. We have to be ever-vigilant about the various forms that genocide, ethnocide, or assimilation can take. At present, the widespread demands for mainstream education and the high rates of removal of Aboriginal children from their families and community for so-called child protection reasons are the main threats. The undermining of the Aboriginal community by self appointed experts such as the publicity seeking Richard Flanagan or the jaded academic Henry Reynolds are extra threats – both have reverted to pre-1970s anthropological talk suggesting our community isn't really Aboriginal but something else, some kind of hybrid, different and lesser than the “real Aborigines”.

Tasmania has the highest rate in Australia of Aboriginal children removed from their family because of child protection reasons being placed outside the Aboriginal community. The number of children removed is also far above that of white people, even though it is one of the lowest rates for Aborigines. It is essential to the future of the Aboriginal community as an entity that care and responsibility for children be returned to Aborigines. It is also essential that Aborigines be alert to the perils to the Aboriginal collective of the demands for individual advancement in the white education and economic systems.

Conclusion

The outcome of these lessons needs to be a renewed determination to achieve the practical realisation of Aboriginal sovereignty. The Australian legal system has nudged much closer to the theoretical acceptance of this outcome since Blackburn J reaffirmed the doctrine of terra nullius and failed to find the common law doctrine of native title in the Gove Lands Rights Case in 1971. It took about another twenty years until the High Court of Australia rejected the legal fiction of terra nullius and found native title existed in its Mabo decision. It's true that they reaffirmed the absence of Aboriginal sovereignty yet again in the Yorta Yorta decision in 2002, but the United Nations Declaration on the Rights of Indigenous Peoples having been twenty years in the making gives me hope that I might yet live to see the High Court rethink it's position on Aboriginal sovereignty. Even slower progress has been made in the political sphere. Now we see the escalation of the abolition of what was passing for Aboriginal self determination with both major political parties

currying favour with the white electorate by undermining even Aboriginal involvement in self governance arrangements of their own organisations. The first white contact with Aborigines in some parts of the NT is within the living memory of some people^{xxi} The Tasmanian woman, Miss Olive Pink, worked with the Walpiri north west of Alice Springs in the 1930s and for some this was their first contact with white people. The Coniston massacre occurred near Barrow Creek in that general vicinity in 1928. These are events that occurred within the lifetime of our parents or in our actual lifetimes for some. They are not ancient histories. Yet already those who speak an Aboriginal language as a first language in the NT are very much in the minority. Not one Tasmanian Aborigine speaks their original language fluently. Assimilation, ethnocide, attempted genocide – call it what you will. The danger signs are all around us and if we don't continue to fight back we in Tasmania will lose the right to consider ourselves part of the Aboriginal community of this country.

Non Aborigines need to be part of this struggle also. A grand niece of the mounted policeman who led the killings of between 30 to 100 people at Coniston attended the 75th anniversary of that event in a gesture of 'lest we forget' and apology that should have set an example for the rest of the country^{xxii} Whilst more distant events such as the deaths of Australian soldiers at Gallipoli continue to make front page news throughout the country, this event did not.

Keeping up to date with developments, lobbying politicians, and joining public protests are obvious and easy ways of helping. The monitoring of the NT invasion by the alliance known as Women for Wik is documented on their web site and they are seeking expressions of support to send to the politicians. The current crisis - whereby Aborigines are yet again at the centre of a political storm not of our own making - must end. I hope you will all be part of the solution.

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v[v] Available at www.nt.gov.au/dcm/inquiryasaac

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- ix[ix] The date was the Prime Minister's 68th birthday. A big announcement to mark the special day perhaps?
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- xv[xv] Ann Curthoys and John Docker, 'Genocide and Colonialism' In conversation with Lorenzo Veracini, *Australian Humanities Review*, September 2002.
- xvi[xvi] Some principal publications are Colin Tatz, (ed) *Genocide Perspectives I: Essays in Comparative Genocide*, Macquarie University, Sydney, 1997 and Ann Curthoys and John Docker, (eds) 'Genocide?: Australian Aboriginal History in International Perspective', *Aboriginal History* 25, 2001
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- xviii[xviii] Michael Mansell, 200 Years of Invasion, *pakana News* No 54 at p20
- xix[xix] I refer in particular to the Tasmanian Aboriginal Centre ceremony in 2004 marking 200 years of the invasion and Risdon Cove massacre described in the newsletter, *pakana News* No. 54 at p.20
- xx[xx] Michael Mansell, 'The Political Vulnerability of the Unrepresented' in Altman and Hickson, above.
- xxi[xxi] For an account of the experiences of her family members from that time and place, see Marion Scrymgour MLA, 'Whose national emergency? Caboolture and Kirribili? or Milikapiti and Mutitjulu? Charles Perkins Oration, October 2007

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