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## INDIGENOUS AUSTRALIAN WELFARE POLICY

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*This paper addresses the vexed issues of the high level of Aboriginal welfare dependence. It is an edited extract from a lecture titled 'Core cultural values — we ignore them at our peril', delivered at the University of Tasmania on 11<sup>th</sup> October 2000.*

In 1974 the Whitlam government won a dicey election. It campaigned on the simple, but evocative, slogan — a fair go. Senate obstruction was ostensibly the justification for the election. The slogan's resonance with Australian core cultural values had much to do with that electoral success.

Australians fondly imagine, correctly by the way, that it is part of the national tradition to give others a fair go, to be just and caring, and a raft of related sentiments.

I don't know who is advising indigenous Australians on tactics. But telling non-indigenous Australians that they are the heirs and successors of, and, apparently, not much different from, their allegedly mass murdering, racist, repressive ancestors of our not-so-far back colonial past adopts the subtlety of sabre slashing.

To add, for good measure, that non-indigenous Australians are objectionable interlopers on this continent, when those non-indigenous Australians think of it as their national home, is dressing the open wound with heaps of salt. Tactics like these are sure-fire measures for successfully wooing repudiation.

These sorts of tactics are just so wrongly informed. There is so much good will and commitment in the community towards the rights of Aboriginals that it makes it extremely puzzling that more subtle, positive tactics are not seized upon to build on that good will.

Qualitative research on behalf of the council for Aboriginal reconciliation reported that 'there is little overt prejudice directed towards Aboriginals or to other minority groups in Australia on the basis of race alone.' Although there is often a lack of understanding of the lives, beliefs and attitudes of minority groups within the Australian community, and at times a feeling that separateness is undesirable, there is tolerance of the idea of difference'. And 'it is agreed universally that the position of Aboriginals in Australia is a tragedy'.<sup>1</sup>

The self-pitying notion of victimhood, of always blaming others rather than attempting to do something themselves, has condemned too many Aboriginals to unthinking, complicit destruction of their societies. Take the noxious impact of alcohol on Aboriginal society. The conventional wisdom there seems to be that you drink because it's someone else's fault. Because someone else is responsible you can't see how you could do anything about it so you just keep drinking. It's natural and inevitable. And then there are all the awful consequences inflicted on others as a result of this passive breakdown. It's the rationalisation of the quitter, the self-deception of the moral coward.

An emerging group of younger Aboriginal leaders have other and more constructive ideas than this. I shall be quoting them later.

I should also mention that I find much with which I agree in the determinist school of philosophy and psychology. It helps explain why some among us become social casualties. But it doesn't help those casualties get back onto their feet. Self-pity is not a remedial course for the socially disabled. You've got to fight back. And it's remarkable just how many people will seek to help you if they note you're authentically struggling to throw off the shackles of that sort of disadvantage.

But now there is a public reaction against the use of victimhood as some sort of heavy waddy for punishing the guilty mass, as it seems to be put. So, opinion polls reveal solid majorities against a range of indigenous Australians' welfare objectives. There will have to be a change from these clumsy tactics, or valuable ground will be lost, perhaps for a long time, and that would be a great tragedy.

For instance, a common community view is that spending on Aboriginal welfare is 'too generous'. Government spending on indigenous-specific welfare programmes this year is \$2.3 billion. Health expenditure per capita on indigenous Australians needs is around eight per cent higher than for non-indigenous Australians. In the words of the government, 'more in real terms than any other government before it'.<sup>2</sup>

Government supplied statistics report a good return on expenditure. Over a broad range of areas there have been improvements in indicators such as: education, health, legal services, deaths in custody and related areas.<sup>3</sup>

Yet the broad statistics must mask some serious sectoral deficiencies. The House of Representatives standing committee on family and community affairs reported this year that:

despite improvements in certain areas, the health and well-being of indigenous Australians has failed to keep pace with the overall improvements in the health and well-being of non-indigenous Australians, so that the level of disadvantage faced by indigenous Australians has continued to grow over time.<sup>4</sup>

The report of an independent review of indigenous education in the Northern Territory last year reported, in respect of indigenous education performance found unequivocal evidence of deteriorating outcomes from an already unacceptably low base, linked to a range of issues, led primarily by poor attendance which has become an educational crisis. [And] the stark reality is that many indigenous students are leaving the school system with the English literacy and numeracy ability of a six to seven-year-old mainstream child.<sup>5</sup>

Both reports, as have others covering these and related fields, identified systemic failures, including poor co-ordination between different levels of government, defective logistics in supplying equipment for integrated operations, fudging by state governments on spending obligations, and a need for more Commonwealth financial support.

Australians are not going to resist a well presented, humanitarian case for more expenditure on indigenous people's welfare, framed in reasonable and persuasive terms and based on demonstrated grounds of justification. Because of the appalling, long term deprivation they have experienced, Aboriginals' welfare needs are much greater than those appropriate for the rest of the nation generally. And accordingly, there should be a greater per capita expenditure on their needs.

But Aboriginals will have to take initiatives also and sustain effective

community engagement in welfare policies themselves. First, because there are many things wrong with Aboriginal community life which have been caused by a breakdown of traditional relationships and in particular of the family. Alcohol, glue sniffing, and drugs are poisoning and destroying many indigenous lives, causing awful violence against women, girls and children.

A determinist examination of causes points the finger of responsibility at the shock wave of a new, vastly different, European culture, settling here and coming into cultural conflict — in many instances through cultural misunderstandings — with that of Aboriginal people.

Parenthetically, I note that the European founding experience here was similar to that of other new countries of the world. In particular that of North America. The European role here notched up some black marks, but I'm fairly convinced from what I've read, it is no worse than in other cases, and probably somewhat better.

In any case we can't turn the pages of history back and start again. But we can and should seek to repair any residual damage it caused. Some of that repair work, where it is directly related to life style, has to be remedied by the people directly concerned.

Falling school attendance as disclosed by the Northern Territory report cited, the issue of community violence induced by alcohol and so on, demonstrated in the Queensland report mentioned next, have to be attended to, on the ground, by the people concerned and, in the end, only by them. And properly addressed there are good prospects for success, if a recent newspaper account is a reliable guide.<sup>6</sup>

The Aboriginal and Torres Strait Islander women's task force on violence

report of this year despairingly stated that:

violence is now overt; murder, bashings and rapes, including sexual violence against children, have reached epidemic proportions... youth suicides over the past decade have increased to an alarming level... by any measure, we must admit that something has gone desperately wrong and that urgent intervention is now required.<sup>7</sup>

In case there is a non-indigenous self-righteous smirk hovering somewhere or other, stifle it. Non-indigenous men committed 42 per cent of the rapes as against 41 per cent committed by indigenous men. Seventeen per cent were pack rapes.<sup>8</sup>

The cause of this frightful situation — the breakdown of traditional Aboriginal social structures under the pernicious effects of alcohol and so on.

Noel Pearson, the Aboriginal leader from Cape York, goes further. He blames passive welfarism. These are the policies thus far adopted by governments (plural). Welfareism, he says —

- kills initiative and breeds dependency
- undermines self-esteem
- promotes a sense of helplessness and hopelessness
- promotes wrong and destructive values in recipients.<sup>9</sup>

Pearson proposes that the issues of 'diversity, equality, individualism — and the related issues of reward, incentive, achievement, distinction — are serious issues that need to be confronted by [Aboriginal] people'. There has been, he says, 'a strong discourse on rights, and a very weak discourse on responsibility'.

I don't know if you recognise it, but this is an extraordinarily radical, powerful approach to Aboriginal welfare policy. It un sentimentally ditches the hitherto prevailing notion of 'victim' oriented welfare in favour of self improvement policies.

His prescription is to have Aboriginal communities take responsibility for their own destiny. To mobilise resources to engage in real economic activity. That is welcome and he is trying to do that right now in Cape York.

In principle he is right. Whether or not in practice he is able to prove that his practical measures work will be established with experience. But if his efforts run into strife then we should forebear and ensure he gets more help to start in new directions, provided it is all quite sensible.

What has been done for so long is now being acknowledged by Aboriginal intellectual leaders like him as a poisonous remedy. A new, sensible direction has to be supported. Otherwise we condemn another generation of Aboriginals to further social and cultural decay.

That way the Aboriginals' great fears of being bred out of existence through assimilation policies will be irrelevant. The elimination of an Aboriginal identity will certainly come insidiously, but more speedily, from the total degradation of their culture, a process which is underway now. Benign, passive welfare programmes issuing from well meaning white advisers are adding to the lethality of this process.

But to move to another point raised in Pearson's paper. We should be under no illusion. Many of the remote Aboriginal communities are in places devoid of economic resources, with little prospect of developing markets of any significance for things they might produce. And one presumes they want to achieve more than what a simple local exchange economy could offer, with all its limitations in those sorts of remote places.

One brainwave thrown about by some, as some sort of remedy for this

huge disadvantage, is the notion of Aboriginal nations. It is sometimes put as a call for a treaty which, inter alia, will provide for Aboriginal nations. It scares the pants off most non-indigenous people when they hear it.

What does it mean? That's somewhat unclear, but the blurred focus on the concept assuredly heightens non-Aboriginal fears.

One Aboriginal leader is credited with asserting it means secession from Australia. He denies the Australian state has the power to govern Aboriginals and has called for independent political and legal systems within a separate Aboriginal economic and cultural system.<sup>10</sup>

The Northern Territory Aboriginal constitutional convention (1993) reputedly says:

under the treaty governments should be an independent and higher source of authority than the federal constitution.<sup>11</sup>

Another Aboriginal source states the Aboriginal nation will exercise total jurisdiction over its communities to the exclusion of all others.<sup>12</sup>

If there is one thing that causes non-indigenous Australians to jump as though the proverbial bungler has gone off under them, it's telling them their nation is going to be dismembered.

This is what caused their angst about the poorly focussed description of multiculturalism by ethnic politicians; at least until recently. When the message of all of the negativity that their self-important bombast was causing in the broader community reached them, it seems, they quietly stepped away from that one.

So, should Aboriginal leaders step away from this one? I certainly believe so. They will never get the rest of the Australian people to support a separate nation being carved out of Australia, one in which most present day Australians

would be foreigners. They will lose influence hand over fist if they persist with the idea.

The thinking behind the Aboriginal nation(s), is that the government of their nation(s) would take over all royalties, lease payments and taxation revenues generated from within the boundaries of their nation(s). This, the proponents of this proposal claim, would provide them with a gross revenue of six billion a year.<sup>13</sup>

Whatever the grandiose visions might be that inspire these people, I don't think it fanciful to suspect it would end up a Nauruan situation. There the indigenous people have become totally uninterested in work, they import others to labour for them, fritter away their super phosphate royalty income, eat excessively, drink too much beer, do no exercise. As a result they suffer serious health problems, like diabetes, from early in a not excessively long, and I suspect, rather uninteresting life.

Pearson quotes, highly relevantly to what I have said, from an Amerindian's account of life in the Grassy Narrows Indian community, Ontario, Canada. There, too, benign welfare programmes have proved themselves to be socially and culturally toxic.

What struck me about Grassy Narrows was the numbness in the human spirit. There was an indifference, a listlessness, a total passivity that I could neither understand nor seem to do anything about. I had never seen such hopelessness anywhere in the third world.<sup>14</sup>

While on the topic of throwing the lead out of our saddlebags, there are several other rallying standards which those supporting the cause of Aboriginal rights should quietly lay down. They provoke negative responses from the community because they are unfair on

others and assault deeply held core cultural values.

The Cubillo-Gunner (stolen children) case has demonstrated, to me, that the *Bringing them Home* report of Sir Ronald Wilson<sup>15</sup> is a seriously flawed document. It is, seemingly, very much based on 'faulty memory syndrome'.<sup>16</sup>

Recollections of alleged official forced removals of Aboriginal children from their parents, from a long time ago, appear to have been accepted as untested fact in the report; if so, this is an extraordinary display of legal gullibility for a former High Court judge. Court evidence demolished the mis-recalled claims just as it did in the similar Williams case in NSW.

It may well be that some of the assertions recorded by Wilson's committee would stand up in court, but how many? Which ones? Each reported case would require a fresh, full and very expensive investigation to establish that. The report is not substantial enough to meet that task. I expect the cost of the Cubillo-Gunner case to be of the order of one million dollars, most of which, if not all, would have been paid by the Commonwealth.

Important missing personal files will make the task of successful litigation more difficult. Then there are the following statements contained in the Cubillo-Gunner judgment. They are in respect of part-Aboriginal children removed from their parents in a two-year period reviewed by the presiding judge. These statements don't give much reassurance for prospective litigants: '...a number which ... would appear to be very low if there was, as the applicants alleged, a general policy of removal and detention'. And '...these figures ... do not support suggestions of widespread, indiscriminate removals of part

Aboriginal children'. Also 'no matter how distasteful it may be, the fact remains that there were then (as indeed, there are now) children, both black and white, who were and are in need of care'.<sup>17</sup>

The Wilson report could well result in those expensive court processes being replicated many times over. I suspect, in most cases, with negative results for the claimants. The report's seeming lack of investigative rigour leaves it a useless tool for Aboriginal advancement. But establishing this could well be an extremely costly undertaking.

Contrary to complaints attributed to him in some of the media, following the Cubillo-Gunner decision, Wilson was given access to Commonwealth government archival material and, furthermore, individual government departments were instructed to make factual material available to him on relevant matters.

The report contains some ten pages of historical description of Northern Territory policy from Commonwealth records, that is, about the same level of detail as provided by the states. The report cost the Commonwealth 2.05 million dollars. Frankly, the Australian people, and in particular our Aboriginal citizens, deserved a better result from these outlays and that effort. The bureaucracy was unable to carry out historical research for the inquiry, and that is understandable and reasonable.<sup>18</sup> That's the role of the Commission's secretariat, also paid for by government.

In the meantime, a number of very decent people, identified as such in the judgment of Justice O'Loughlin,<sup>19</sup> have had their reputations traduced, by implication, in what must be a most painful and certainly grossly inexcusable fashion by this report. These are, or were in the case of those now deceased, Australian

citizens who carried out acts of mercy. In many cases they rescued part Aboriginal children from abandonment, or worse, because of the 'shame job'<sup>20</sup> which applied to mixed-race infants.

And, what's more, a host of ordinary Australians, who believed their country stood for something more fundamentally decent than the awful accusations levelled against it, effectively, in that report had their national self-respect crushed. They felt morally diminished by what transpires to be a very thin investigation indeed. Wilson's report will bear testimony to the record of his public career, more as a sad headstone than as a proud monument of public acclaim.

Henry Reynolds' scholarly reputation, invoked so freely to bolster the burden of guilt accusation against the nation by certain sources, is also rather tattered now. Historian Keith Windschuttle has carved up that reputation in a three-part series of writings in the *Quadrant* magazine (October, November and December issues, 2000), and more particularly in his lengthy three-part paper on the topic at a September *Quadrant* seminar in Sydney.<sup>21</sup>

In these he has convincingly demonstrated that a number of Reynolds's claims about massacres don't have any primary-sourced, credible evidence to support them, or are exaggerated in their conclusions. Windschuttle acknowledges that, of course, there were some massacres, as at Myall Creek, but the circumstances are somewhat different from what Reynolds had stated.

Reynolds had his supporters. Like Robert Manne, who did so by stringing together a series of self-important irrelevancies in a newspaper article.<sup>22</sup>

Historian, Bain Attwood, in a rather strange way, made a defence of Reynolds too. He nonetheless, sought to preserve his own scholarly hide by stressing he

never had and never would endorse, in any way in which he could be held to the endorsement, Reynold's conclusion that there were 20,000 massacre deaths of Aboriginals in our earlier history. Curiously, he added 'that very little historical interpretation is verifiable in fact'. This seems to confirm Henry Ford's declaration to a Chicago court, 'history is bunk'.

Henry Reynolds, defended himself with an attack on a number of strawmen which he had stuffed and set up. He won that engagement as one would expect. But his attack completely ignored Windschuttle's incisive and devastating scholarly criticisms.<sup>23</sup>

Finally, the whole notion of compelling the Prime Minister to apologise over previous adverse experiences of Aboriginals in Australia's earlier history is going nowhere. It does not attract majority public support. It even evinces hostility in some quarters. And I am certain the Prime Minister's opinion polling keeps him up to date on this.

Incidentally, Justice O'Loughlin refers, on numerous occasions in his Cubillo and Gunner judgment, to the inappropriateness of applying contemporary values in making judgements of past policies when different values commonly prevailed. His observations are just plain common sense.<sup>24</sup> I believe that is mainstream public thinking too.

## References

- <sup>1</sup> Qualitative research into the issues relating to a document of reconciliation, prepared for the Council for Aboriginal Reconciliation, by Irving Saulwick and associates, February, 2000, p. 17
- <sup>2</sup> Bancroft Oration, *The Future of Indigenous Health Care — The Union of Body and Soul*, Senator J. Herron, Minister for Aboriginal and Torres Strait Islander (TSI) Affairs, 1999, p.12
- <sup>3</sup> Details supplied from Office of Minister for Aboriginal and TSI Affairs, 22 September, 2000
- <sup>4</sup> *Health Is Life — Report on the Inquiry into Indigenous Health*, House of Representatives Standing Committee on Family and Community Affairs, May 2000
- <sup>5</sup> *Learning Lessons*, report for Northern Territory Department of Education 1999, pp. 1, 17
- <sup>6</sup> 'On the right track', *Sydney Morning Herald*, 26 November 2000
- <sup>7</sup> Report to the Queensland Government, p. xiii

The reasons for that are simple. I am fearful that a rather large public back lash is already underway on this issue. That if it is not responded to respectfully, a lot of valuable achievement will be lost to the Aboriginals. That would be a tragedy.

When I was active in political life and had a challenging issue of important principle to handle, I would ask myself a series of questions. They are roughly as follows:

As far as I am concerned this is an important matter of principle. This is how I see it. But do the bulk of the public see it that way? If they didn't, as was often my conclusion, I would then ask myself, how do I pick up the essential thread and principles of this issue and present them in ways to which most of the public can relate?

It is remarkable how well that exercise could work, not faultlessly, but the shortcoming would have been mine. In asking these questions I always tried to be alive to the nature of core cultural values. One assails them, in public life, at one's peril.

I'm not implying we walk away from the just cause of Aboriginal people. What I am declaring is that we promote that cause in ways which will allow it to advance. Ways that engage positively, through persuasion, the mainstream of non-indigenous Australians. A teaspoon of honey is always more palatable than a tablespoon of vinegar.

- <sup>8</sup> *ibid.*, pp. xiv-xv
- <sup>9</sup> 'Our right to take responsibility' — discussion paper by N. Pearson, p. 51, May 1999. He returns to some of the points of this paper in his 'The light on the hill' paper, Chifley Memorial Lecture, Bathurst, August 2000.
- <sup>10</sup> Quoted in K. Windschuttle, 'The break-up of Australia,' *Quadrant*, September 2000, p. 13
- <sup>11</sup> Quoted in *ibid.*
- <sup>12</sup> Quoted in *ibid.*
- <sup>13</sup> Quoted in *ibid.*
- <sup>14</sup> N. Pearson, 'Our right to Take Responsibility,' quoting Anastasia Shkilnyk, 1999, p. 15
- <sup>15</sup> D. R. Meagher Q. C., 'Truth and sentimentality, after the Cubillo and Gunner judgement on "Stolen" Part-Aboriginal Children'. See paper from *Quadrant* Seminar of 8 and 9 September 2000.
- <sup>16</sup> D. R. Meagher Q. C., 'Truth and sentimentality, after the Cubillo and Gunner judgement on "Stolen" Part-Aboriginal Children', *Quadrant* Seminar of 8 and 9 September 2000. See also Cubillo and Gunner v Commonwealth of Australia judgement par 125 et al
- <sup>17</sup> Cubillo and Gunner v Commonwealth of Australia, 'Judgment,' *op. cit.* pars 224, 225, 109 and 5
- <sup>18</sup> Personal communication from Secretary's office, Prime Minister and Cabinet, on 14 September, 2000
- <sup>19</sup> See Cubillo and Gunner v Commonwealth of Australia, 'Judgment', *inter alia*, pp 28 and 40
- <sup>20</sup> M. Houldsworth, 'Black and white but still blood brothers,' Quoted in *Sydney Morning Herald*, 25 September 2000. Houldsworth is a former Commonwealth Official in the Northern Territory, whose work included care for the well being of Aboriginal people. See also 'Research into issues related to a document of reconciliation', report no. 2, Indigenous Qualitative Research prepared for the Council for Aboriginal Reconciliation by Irving Saulwick and associates, viz 'It is not uncommon to hear remarks among Aboriginals about differences between 'full-bloods' and 'half castes' - their words ... . And certain full bloods in the Northern Territory saying the government should listen to them as they were 'full bloods', (p. 7). See also Cubillo-Gunner v Commonwealth of Australia', Judgment, 11 August 2000, Federal Court of Australia online, pars 3, 8, 20.
- <sup>21</sup> K. Windschuttle, 'The myths of frontier massacres in Australian history', *Quadrant* seminar, September, 2000
- <sup>22</sup> R. Manne, 'When historical truths come in dreams', *Sydney Morning Herald*, 18 September, 2000
- <sup>23</sup> B. Attwood, 'Attack on Reynolds scholarship lacks bite', (Attwood is a historian at Monash University.) See also *Australian*, 20, September 2000 H. Reynolds, 'The perils of political reinterpretation', *Sydney Morning Herald*, 25 September 2000.
- <sup>24</sup> Cubillo-Gunner judgment, pars 48, 84, 85, 98, 100, 109 and *passim*.