

FACT BOOK

INDIGENOUS AUSTRALIA



St Vincent de Paul Society
good works

ABOUT THIS BOOK

This booklet is not all inclusive or an in-depth study of Indigenous Australian communities, but rather an overview. Specific and in-depth knowledge must be gained from traditional knowledge holders within various Aboriginal Nation and Culture groups.

There are a range of classroom activities linked to the Fact Book which have been designed to meet the Australian Curriculum content descriptors in a range of learning areas including Geography, History, Civics and Citizenship and English. The activities also extensively cover the Australian Curriculum General Capabilities and Cross Curriculum Priorities.

The Fact Book is intended to be used as a reference guide for students, to assist them with completing the activities.

Most of the activities will direct the students to read a certain section of the fact book before attempting the task. Some of the activities are stand-alone and do not require the use of the fact book. The **Curriculum Map** details which activities are relevant for each year level, as well as providing a list of additional activities. The information contained in this fact book is current and accurate at the time of publication. It is understood that some of the information contained throughout this fact book may change and need to be updated as new information becomes available.

Aboriginal and Torres Strait Islander readers are advised that the following Factbook contains images of people who have died.

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Created for the teacher and with the classroom experience in mind, these resources have been designed and developed by a registered teacher.

CONTENTS

THE OLDEST CONTINUING CULTURES ON EARTH	4
COLONISATION	5
PROTECTION POLICIES.....	8
THE FIGHT FOR RIGHTS.....	9
DAY OF MOURNING	9
1965 FREEDOM RIDE	10
1967 REFERENDUM	10
LAND RIGHTS.....	13
TENT EMBASSY	14
1975 RACIAL DISCRIMINATION ACT	15
STOLEN GENERATIONS.....	16
BRINGING THEM HOME	16
LOSS OF CULTURE AND IDENTITY	17
LOSS OF PARENTS	18
EDUCATION	18
VIOLENCE.....	19
OTHER EFFECTS.....	19
APOLOGY	20
CURRENT ISSUES.....	21
EXPERT PANEL ON CONSTITUTIONAL RECOGNITION OF ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES	21
CLOSING THE GAP	22
POVERTY	23
HOMELESSNESS.....	24
CULTURE AND SPIRITUALITY.....	25
THE DREAMINGS	25
CUSTOMARY LAW	27
KINSHIP	28
SORRY BUSINESS.....	29
WELLBEING	29
ENVIRONMENTAL MANAGEMENT	32
LAND MANAGEMENT.....	32
WATER.....	34
ABORIGINAL AND TORRES STRAIGHT ISLAND ORGANISATIONS	35
UN DECLARATION ON RIGHTS OF INDIGENOUS PEOPLES	36
THE ST VINCENT DE PAUL SOCIETY	37

THE OLDEST CONTINUING CULTURES ON EARTH

Indigenous Australians have lived in Australia for at least 65,000 years. Before British colonisation of Australia in 1788, there were approximately 700 Indigenous languages spoken and a population of around 750,000 people.¹ Indigenous Australians lived through significant changes in climate and successfully adapted to regularly changing physical environments. They also lived at the same time as many Australian megafauna.

From the beginning, Indigenous Australians had a spiritual connection to the land, water and animals. The groups would divide up the land using geographic boundaries such as rivers, lakes and mountains. They lived a hunter-gatherer lifestyle, moving around seasonally to ensure that they didn't over-hunt or over-harvest a certain area. Men would hunt kangaroos, emus, turtles and other large animals, while women and children would hunt smaller animals and forage for fruit and berries.

Coastal groups would also fish. Not only did Indigenous Australians use animals and plants for food, they also used them to make clothes, tools and weapons. It is estimated that they may have only needed to spend between 4-5 hours a day working, which enabled the development of a significant cultural and spiritual life.²

Indigenous Australians had a total kinship with the natural environment. Their skills and knowledge, particularly in relation to the land, enabled them to use their environment to the maximum.

All knowledge about land, laws, customs and all other aspects of life were passed down by Indigenous Elders to the younger generations through stories, dance, art and songs.



COLONISATION

Many Dutch explorations were undertaken in the 1600s to map Australia (which the Dutch named New Holland), however none of these voyages had reached the east coast.



MELCHISEDECH THEVENOT, HOLLANDIA NOVA DETECTA 1644, CHART

In 1769, Lt James Cook, commanding the HMS Endeavour, sailed to Tahiti. Cook had instructions from the Royal Navy to survey 'New Holland' and "with the Consent of the Natives to take possession of Convenient Situations in the Country in the Name of the King..." On the 29th of April 1770, the Endeavour landed at Botany Bay. Cook continued to survey the remainder of the east coast and formally



EAST COAST OF NEW HOLLAND CHART

took possession of it in August 1770 in the name of King George III.³ During his voyage, Cook declared the land of Australia as 'terra nullius', despite the fact that he was well aware of the population of Indigenous Australians.

"...when Captain Cook first came... he said oh let's put a flag up somewhere, because these people are illiterate, they've got no fences. They didn't understand that we didn't need fences...that we stayed here for six to eight weeks, then moved somewhere else where there was plenty of tucker and bush medicine and we kept moving and then come back in twelve months' time when the food was all refreshed..."

— the late Aunty Beryl Timbery-Beller.⁴

Back in Britain, it was decided that Botany Bay would be the site for a new British penal colony. Captain Arthur Phillip was chosen to lead the First Fleet and to be the first governor of New South Wales. King George III had given Captain Phillip a set of instructions for establishing the colony and so the First Fleet commenced their journey on the 13th of May 1787. Among the instructions given to Captain Phillip were:

"...immediately upon your landing after taking Measures for securing Yourself and the people who accompany you, as much as possible from any attacks or Interruptions of the Natives... proceed to the cultivation of the land."

"You are to endeavour by every possible means to open an Intercourse with the Natives and to conciliate their affections, enjoining all Our Subjects to live in amity and kindness with them."⁵

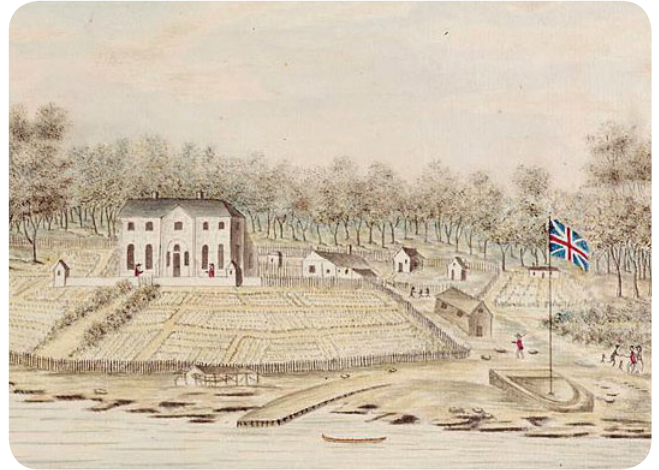
COLONISATION



The First Fleet arrived at Botany Bay on the 18th of January 1788, however they found the location unsuitable for the establishment of a colony. They eventually established their first colony at Sydney Cove on the 26th of January 1788. This was the land of the Eora Nation peoples. Convict ships continued arriving in the following years, with the first free colonists arriving in 1793.⁶ During the 1800s, colonies were established in many other parts of Australia.

The expansion of the colony in the nineteenth century had a significant impact on Indigenous Australian peoples. When the First Fleet and subsequent ships arrived from Britain, the passengers brought with them many deadly diseases such as smallpox and influenza. The Indigenous people, for many thousands of years, had been completely isolated from Europe and Asia and the diseases that spread through those continents. Therefore, they had no resistance to the diseases and in less than a year, over half the Indigenous population living in the Sydney Basin had died from smallpox. There have been some suggestions that the smallpox outbreak was deliberately orchestrated by the British.⁷

There were also conflicts over land, food and water. As the European colonists did not have the same intimate knowledge of the land as Indigenous Australians, their system of resource management was not suitable for the environment.



Consequently, resources were over-exploited and food supplies dwindled, forcing Indigenous Australians off their lands. This also forced the colonists to expand the colony and take over the lands of more Indigenous Nations. In addition, many Indigenous children were kidnapped and used as cheap (or free) labour. Indigenous children were also removed from their families by governments and missionaries. Their motives were to instil 'European values and work habits in children, who would then be employed in service to the colonial settlers.'⁸

"...the greatest advantage of young Aboriginal servants was that they came cheap and were never paid beyond the provision of variable quantities of food and clothing. As a result any European on or near the frontier, quite regardless of their own circumstances, could acquire and maintain a personal servant."⁹

A research project by the University of Newcastle has revealed that there were over 250 separate massacres of Indigenous people between 1788 and 1930.¹⁰ In response to reports of massacres, the British Government established a Select Committee to investigate. The Select Committee presented its report in 1838 and proposed the establishment of a protectorate system.

The attacks against Indigenous Australians become more violent and savage in the late 1830s. In 1838, Major James Nunn, the

COLONISATION



'AUSTRALIAN ABORIGINES SLAUGHTERED BY CONVICTS' (ILLUSTRATION OF THE MYALL CREEK MASSACRE, 1838)

Commandant of the New South Wales Mounted Police, was sent to lead an expedition against the Indigenous Australians who had killed stockmen during a conflict. On the 26th of January 1838, Nunn and his men massacred up to 50 Indigenous Australians camped at Waterloo Creek. They also

encouraged nearby stockmen and colonists to murder any Indigenous Australian person they came across.¹¹ Another violent massacre occurred later that same year at Myall Creek. A group of fully armed convicts, former convicts and one colonist tied up at least 28 Wirrayaraay people, took them away from their campsite and murdered them. Their bodies were then piled up and burned. The British subjects who committed the murders were tried by the Supreme Court. They were found guilty and sentenced to death.¹² These were just two of a large number of massacres that occurred after colonisation.

"Very recently in the presence of two clergymen, a man of education narrated, as a good thing, that he had been one of a party who had pursued the blacks, in consequence of cattle being rushed by them, and that he was sure that they shot upwards of a hundred."—Bishop Polding, Sydney's first bishop, 1845.¹³

"More first Australians were killed than Native Americans on the American frontier and Maoris in New Zealand. The state of Queensland was a slaughterhouse."—John Pilger, journalist and film-maker.¹⁴



QUEENSLAND SQUATTERS "DISPERSING" ABORIGINES.

[Frontispiece.]

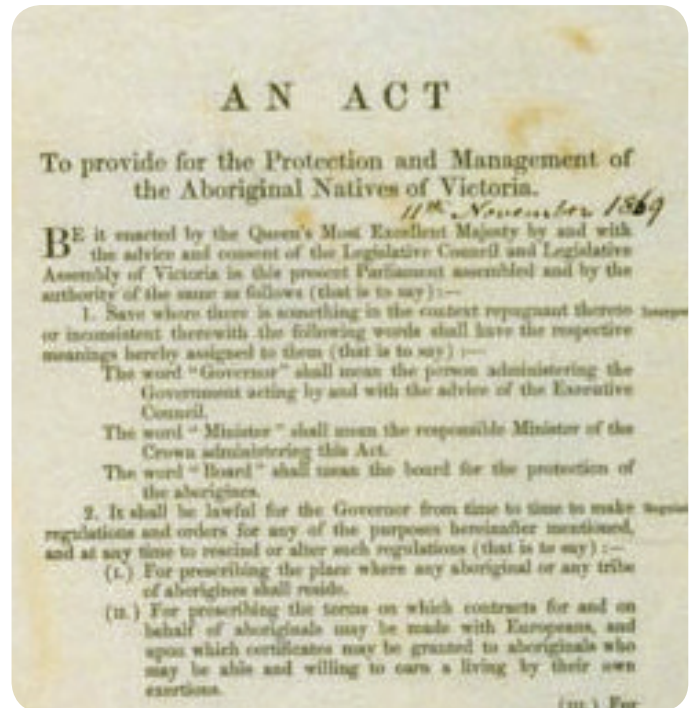
PROTECTION POLICIES

By the middle of the nineteenth century the survival of Indigenous Australians was in question. They had been forced off their traditional lands and thus lost large portions of their food source. This made them heavily dependent on government rations, as finding work was difficult. Malnutrition and disease were having a significant impact on the Indigenous population, and by 1900 the population had shrunk from 750,000 to approximately 93,000.¹⁵

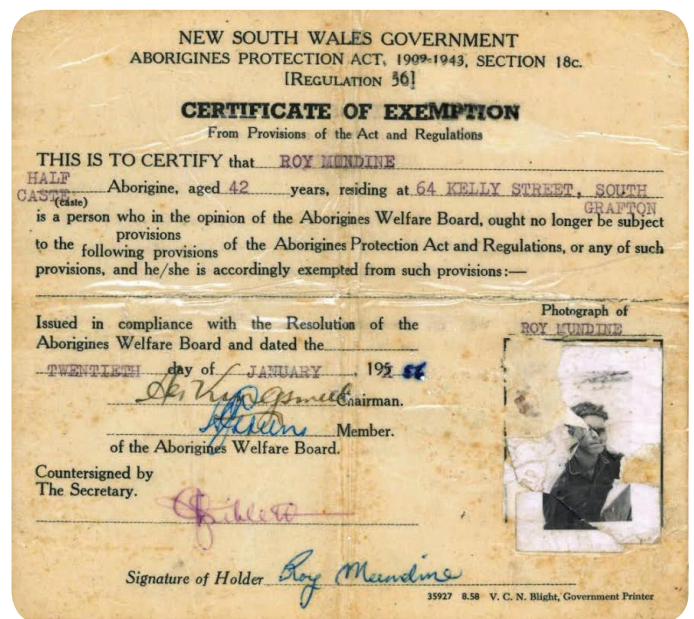
In response, the government decided to reserve land for 'missions' or 'reserves' for the exclusive use of Indigenous people. Responsibility for their welfare was given to a Chief Protector or Protection Board. By 1911, all states except Tasmania had 'protectionist legislation', which gave the Chief Protector or Protection Board the power to control almost every aspect of the lives of Indigenous people. In some States, as well as the Northern Territory, the Chief Protector was made the legal guardian of all Indigenous Australian children and he could assume custody if he believed it was in the child's interest to do so.¹⁶ Under the guise of protection, the state governments were able to control the lives of Indigenous people. Some ways that their lives were controlled were:

- Their movement on and off the reserves was regulated;
- Their right to marry and gain employment was regulated;
- Indigenous children were housed in dormitories and contact with their families strictly limited.

"Unlike white children who came into the state's control, far greater care was taken to ensure that [Aboriginal children] never saw their parents or families again. They were often given new names, and the greater distances involved in rural areas made it easier to prevent parents and children on separate missions from tracing each other."¹⁷



EXAMPLE OF PROTECTION ACT.



EXAMPLE OF PROTECTION ACT POWERS.

THE FIGHT FOR RIGHTS



PROTEST IN SYDNEY. ABORIGINES PROGRESSIVE ASSOCIATION

In 1924, the Australian Aboriginal Progressive Association (AAPA) was founded by Fred Maynard. Their aim was to improve the conditions of Indigenous Australian peoples by campaigning for Indigenous rights in areas of land ownership, citizenship, control of their own lives and the removal of Indigenous children from families. In particular, the AAPA was critical of the NSW Aborigines Protection Board. They held public meetings, wrote letters and petitioned to government officials and opened an office in Sydney. The organisation faced strong resistance from government and law enforcement and were forced to cease their activities by the end of 1927.¹⁸

In 1937, the Aborigines Progressive Association (APA) was founded, with Jack Patten as president. The APA aimed to secure full citizenship rights for Indigenous Australians, as well as gaining Indigenous representation in parliament and the abolition of the NSW Aborigines Protection Board. Along with William Cooper, the APA was responsible for organising the Day of Mourning protest on Australia Day in 1938. On this day, a group of Indigenous men and women gathered at the Australian Hall in Sydney. This marked the first time that Indigenous activist groups from different

states worked together. APA president Jack Patten opened the meeting with this statement:

“On this day the white people are rejoicing, but we, as Aborigines, have no reason to rejoice on Australia’s 150th birthday. Our purpose in meeting today is to bring home to the white people of Australia the frightful conditions in which the native Aborigines of this continent live. This land belonged to our forefathers 150 years ago, but today we are pushed further and further into the background. The Aborigines Progressive Association has been formed to put before the white people the fact that Aborigines throughout Australia are literally being starved to death. We refuse to be pushed into the background.”— Jack Patten.¹⁹



Those involved with the meeting called for all Indigenous Australian matters to be controlled by the Commonwealth rather than the States. They also wanted a separate Ministry of Aboriginal Affairs established in the government and full citizen status for all Indigenous Australians. Along with full citizen status, they demanded civil equality with white Australians, including equality in education, labour laws, workers compensation, pensions, land ownership and wages. The response of Prime Minister Lyons was that, under the Constitution, Commonwealth control was not possible.²⁰

THE FIGHT FOR RIGHTS

1965 FREEDOM RIDES

The civil rights movement in the United States of America was at its peak in the 1960s. In 1964, students at the University of Sydney led a protest against racial segregation in the United States. This led to the formation of the Student Action For Aborigines organisation (SAFA).

Charles Perkins was elected as the president of the organisation. SAFA planned a trip to towns in western New South Wales so the students could see the conditions that Indigenous Australian peoples were living in first hand. Approximately 35 students took part in what came to be known as the Australian Freedom Ride.

Some of the significant events of the Freedom Ride were:

- The students regularly witnessed Indigenous people being refused service in shops;
- A protest against the ban of Indigenous ex-servicemen from the Walgett Returned Services League;
- A protest against laws banning Indigenous Australian children from the Moree and Kempsey swimming pools and the Boraville picture theatre;
- Protests received prominent coverage in the media, which brought the issue of racial discrimination to national and international attention.²¹



FREEDOM RIDES, SYDNEY UNIVERSITY

VOTING RIGHTS

In all Australian colonies except Queensland and Western Australia, Indigenous Australians gained the right to vote at the same time as non-Indigenous Australians. However, when Australia became a nation in 1901, Indigenous Australians were restricted from voting in federal elections in the Commonwealth Franchise Act 1902. Indigenous Australians were still allowed to vote in State elections (except for in Queensland and Western Australia). It wasn't until 1962 that the Menzies Government amended the Commonwealth Electoral Act 1918 to allow all Indigenous Australians to vote in federal elections. Queensland became the last State to grant the right to vote to Indigenous Australians, in 1965.



1967 REFERENDUM

In 1964, the Australian Labor Party, who were the Opposition at the time, introduced legislation to authorise a referendum to repeal part of section 51 and all of section 127 of the Australian Constitution. The legislation was not passed in parliament. In April 1965, just two months after the Freedom Ride, the Menzies Government decided to attempt to repeal Section 127 of the Australian Constitution. A bill was introduced and made its way through parliament. For a typical referendum, members of parliament would prepare 'yes' and 'no' arguments to be put to the voters. However, in this case, only a 'yes' argument was developed due to unanimous parliamentary support for the changes. The question was put to the Australian people as a referendum on the 27th of May 1967.

THE FIGHT FOR RIGHTS



FAITH BANDLER AT SYDNEY TOWN HALL WHERE PEOPLE WERE VOTING ON THE REFERENDUM

The sections of the Constitution that the referendum sought to change were:

- 51. The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to:
...**(xxvi)** The people of any race, other than the aboriginal people in any State, for whom it is necessary to make special laws.

- 127. In reckoning the numbers of the people of the Commonwealth, or of a State or other part of the Commonwealth, aboriginal natives should not be counted.

Before the referendum, each State had different laws regarding Indigenous Australians. For example, in 1963, Indigenous Australians in New South Wales could vote in state elections, marry freely, control their own children, own property and move freely and receive award wages. Meanwhile, Indigenous Australians in Queensland at this time had none of these rights.²²

The referendum saw the highest YES vote ever recorded in a Federal referendum, with 90.77% voting for change.²³ The result meant that the Federal government obtained the power to legislate on Indigenous affairs. In addition, a federal Office for Aboriginal Affairs was established.

THE ARGUMENTS

CONSTITUTION ALTERATION (ABORIGINALS) 1967
Argument in favour of the proposed law

The Case for YES

The purposes of these proposed amendments to the Commonwealth Constitution are to remove any ground for the belief that, as at present worded, the Constitution discriminates in some ways against people of the Aboriginal race, and, at the same time, to make it possible for the Commonwealth Parliament to make special laws for the people of the Aboriginal race, wherever they may live, if the Commonwealth Parliament considers this desirable or necessary.

To achieve this purpose, we propose that **two provisions of the Constitution be altered which make explicit reference to people of the Aboriginal race.**

The first proposed alteration is to remove the words "other than the Aboriginal race in any State" from paragraph (xxvi.) of Section 51. Section 51 (xxvi.) reads:

"The Parliament shall, subject to this Constitution, have power to make laws for the peace, order and good government of the Commonwealth with respect to:

(xxvi) The people of any race, other than the Aboriginal race in any State, for whom it is deemed necessary to make special laws."

The proposed alteration of this section will do two things. **First, it will remove words from our Constitution that many people think are discriminatory against the Aboriginal people.**

Second, it will make it possible for the Commonwealth Parliament to make special laws for the people of the Aboriginal race, wherever they may live, if the Parliament considers it necessary.

This cannot be done at present because, as the Constitution stands, the Commonwealth Parliament has no power, except in the Territories, to make laws with respect to people of the Aboriginal race as such.

This would not mean that the States would automatically lose their existing powers. What is intended is that the National Parliament could make laws, if it thought fit, relating to Aboriginals—as it can about a lot of other matters on which the States also have power to legislate. The Commonwealth's object will be to co-operate with the States to ensure that together we act in the best interest of the Aboriginal people of Australia.

The second proposed alteration is the **repeal** of Section 127 of the Constitution. That section reads:

"In reckoning the numbers of the people of the Commonwealth, or of a State or other part of the Commonwealth, Aboriginal natives shall not be

Why was this provision included in the Constitution in 1900? Well, there were serious practical difficulties in counting the Aboriginals in those days. They were dispersed, and nomadic. Communications in inland Australia were poor, and frequently non-existent. Today the situation is very different and counting is practicable.

Our personal sense of justice, our commonsense, and our international reputation in a world in which racial issues are being highlighted every day, require that we get rid of this out-moded provision.

Its modern absurdity is made clear when we point out that for some years now Aboriginals have been entitled to enrol for, and vote at, Federal Elections. Yet Section 127 prevents them from being reckoned as "people" for the purpose of calculating our population, even for electoral purposes!

The simple truth is that Section 127 is completely out of harmony with our national attitudes and modern thinking. It has no place in our Constitution in this age.

All political parties represented in the Commonwealth Parliament support these proposals. The legislation proposing these Constitutional amendments was, in fact, adopted unanimously in both the House of Representatives and the Senate. We have yet to learn of any opposition being voiced to them from any quarter.

Just as every available Member of the Commonwealth Parliament voted for the proposals outlined above, we believe that the Australian electorate as a whole will give strong support and endorsement to them.

We urge you to vote YES to both our proposals as to Aboriginals by **writing the word YES** in the square on the ballot-paper, thus:

YES

This case has been authorised by the majority of those Members of both Houses of the Parliament who voted for the proposed law and was prepared by the Prime Minister, the Rt. Hon. Harold Holt, Leader of the Federal Parliamentary Liberal Party; by the Deputy Prime Minister, the Rt. Hon. John McEwen, Leader of the Australian Country Party; and by the Leader of the Opposition, Mr. Gough Whitlam, Leader of the Australian Labor Party.

THE FIGHT FOR RIGHTS

OFFICIAL RESULTS FOR THE 1967 REFERENDUM

STATE	NUMBER OF VOTERS ENROLLED	NUMBERS OF VOTES CAST	FOR		AGAINST		INFORMAL VOTES
			NUMBER OF VOTES	% OF VOTES	NUMBER OF VOTES	% OF VOTES	
New South Wales	2,315,828	2,166,507	1,949,036	91.46	182,010	8.54	35,461
Victoria	1,734,476	1,630,594	1,525,026	94.68	85,611	5.32	19,957
Queensland	904,808	848,728	748,612	89.21	90,587	10.79	9,529
South Australia	590,275	560,844	473,440	86.26	75,383	13.74	12,021
Western Australia	437,609	405,666	319,823	80.95	75,282	19.05	10,561
Tasmania	199,589	189,245	167,176	90.21	18,134	9.79	3,935
Total for Commonwealth	6,182,585	5,801,584	5,183,113	90.77	527,007	9.23	91,464

TENT EMBASSY

On the 26th of January 1972, four Indigenous Australian men sat beneath a beach umbrella on the lawns in front of Parliament House in Canberra and called it the 'Aboriginal Embassy'. They were protesting the government's views on Indigenous land rights, and in particular the announcement by Prime Minister McMahon that rejected granting ownership of traditional land to Indigenous Australian peoples.

"...the Prime Minister's statement yesterday effectively makes us aliens in our own land, so like the other aliens we need an embassy."

— Gary Foley, Activist.²⁹

The Embassy produced a list of demands for the Australian Government, including:

- Complete rights to the Northern Territory as a state within Australia and the installation of a primarily Aboriginal State Parliament. These rights would include all mining rights to the land;
- Ownership and mining rights of all other Aboriginal reserve lands in Australia;
- The preservation of all sacred sites in Australia;
- Ownership of areas in major cities, including the mining rights;
- Compensation for lands that were not able to be returned starting with \$6 Billion and including a percentage of the gross national income every year.⁸⁰

Support for the Embassy grew around Australia and by April 1972 it consisted of eight tents. It became a centre for protestors and activists, with members participating in protest marches, lobbying government representatives and speaking at community forums. In July, protestors clashed with police when officers tried to remove people and tents from the lawns. Many protestors were arrested and the tents were torn down, however they were re-erected the following week. The tents were erected and removed several times. From 1972 to 1992, the Embassy was

established at different locations around Canberra, continuing to focus on land rights, while also raising issues of funding, political representation, self-determination and Aboriginal sovereignty.

In 1992, the Embassy was permanently established on the original site outside Old Parliament House. The Embassy continues to raise awareness for Indigenous issues today, particularly focusing on self-determination and Aboriginal sovereignty.³¹



PROTESTORS AT THE ABORIGINAL TENT EMBASSY



PROTESTORS AT THE ABORIGINAL TENT EMBASSY 1972

LAND RIGHTS

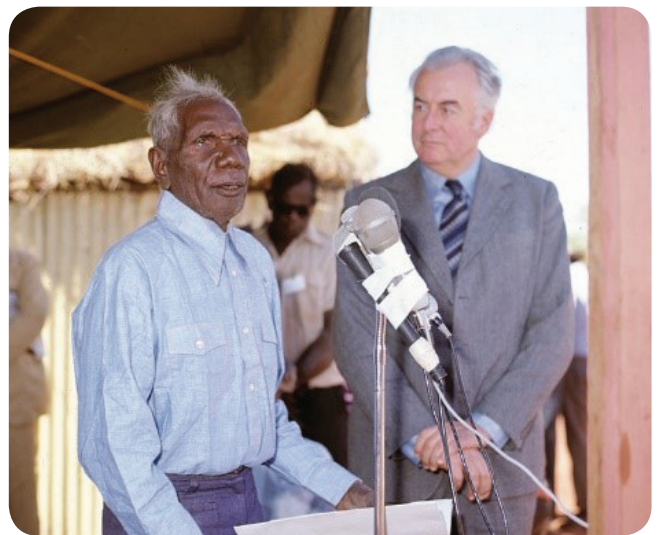
While the government was attempting to change the constitution, there were significant developments in the battle for Indigenous land rights. In 1966, members of the Gurindji community were working at Wave Hill Station, 600 kilometres south of Darwin, for the international meat-packing company Vestey Brothers. The Indigenous workers faced poor conditions and Vestey Brothers refused to pay them wages equal to those of non-Indigenous workers.²⁴ As a result, Vincent Lingiari led his people to strike for better working conditions and pay.

While the strike was initially about working conditions and wages, it became more about land rights, with Lingiari insisting the land they were working on was the land of the Gurindji people and demanding it be returned. They petitioned the Governor-General in 1967, asking for 1,300 square kilometres of land to be run cooperatively as a mining and cattle lease.²⁵ In 1972, the Whitlam Government made public funds available for the purchase of properties, and Lord Vestey surrendered some of his lands to the Gurindji people. The strike was an important event that led to the passing of the Aboriginal Land Rights (Northern Territory) Act 1976. This Act has led to almost 50% of Northern Territory land being returned to its traditional owners.²⁶ From the 1970s, the Australian Government purchased privately owned land to benefit Indigenous communities. They also made some Crown land available for land rights claims.

One of the most significant events in the Indigenous land rights campaign began in May 1982, when a group of Meriam people from Murray (Mer) Island in the Torres Strait, led by Eddie Koiki Mabo, lodged a case with the High Court of Australia for ownership of the island. The evidence presented by the Meriam people proved that they had occupied clearly defined territories on the island for hundreds of years. On the 3rd of June 1992, six out of the seven High Court judges ruled that the Meriam people held traditional ownership

over the island. By making this ruling, the Court held that native title existed for all Indigenous peoples, making the concept of 'terra nullius' a fiction.²⁷

In the aftermath of the landmark decision by the High Court, the Australian Government passed the Native Title Act 1993, which set up the National Native Title Tribunal and gave jurisdiction to the Federal Court to manage applications for recognition of Native Title. As at 31 December 2014, over 27% of the country had been successfully determined, with 249 Native Title determinations and thousands of negotiated agreements (including 949 Indigenous Land Use Agreements) to facilitate future development.²⁸



VINCENT LINGIARI SPEAKING AT WAVE HILL STATION HANDOVER



EDDIE MABO AND JACK WAILU ON MER ISLAND

RACIAL DISCRIMINATION ACT 1975

In 1975, the Whitlam Government passed the Racial Discrimination Act (Cwlth) which incorporated the 1965 United Nations International Convention on the Elimination of all Forms of Racial Discrimination. The Act states that: 'it is unlawful for a person to do any act involving a distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of any human right or fundamental freedom in their political, economic, social or cultural or any other field of public life'.³²

APPENDIX 2
Racial Discrimination Act 1975
(Relevant Sections)

9. (1) It is unlawful for a person to do any act involving a distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of any human right or fundamental freedom in the political, economic, social, cultural or any other field of public life.

(2) The reference in sub-section (1) to a human right or fundamental freedom in the political, economic, social, cultural or any other field of public life includes a reference to any right of a kind referred to in Article 5 of the Convention.

(3) Sub-section (1) does not apply in respect of the employment, or an application for the employment, of a person on a ship or aircraft (not being an Australian ship or aircraft) if that person was engaged, or applied, for that employment outside Australia.

(4) The succeeding provisions of this Part do not limit the generality of sub-section (1).

10. (1) If, by reason of, or of a provision of, a law of Australia or of a State or Territory, persons of a particular race, colour or national or ethnic origin do not enjoy a right that is enjoyed by persons of another race, colour or national or ethnic origin, or enjoy a right to a more limited extent than persons of another race, colour or national or ethnic origin, then, notwithstanding anything in that law, persons of the first-mentioned race, colour or national or ethnic origin shall, by force of this section, enjoy that right to the same extent as persons of that other race, colour or national or ethnic origin.


(2) A reference in sub-section (1) to a right includes a reference to a right of a kind referred to in Article 5 of the Convention.

(3) Where a law contains a provision that—

(a) authorises property owned by an Aboriginal or a Torres Strait Islander to be managed by another person without the consent of the Aboriginal or Torres Strait Islander; or

(b) prevents or restricts an Aboriginal or a Torres Strait Islander from terminating the management by another person of property owned by the Aboriginal or Torres Strait Islander,

not being a provision that applies to persons generally without regard to their race, colour or national or ethnic origin, that provision shall be deemed to be a provision in relation to which sub-section (1) applies and a reference in that sub-section to a right includes a reference to a right of a person to manage property owned by him.


AUSTRALIA

RACIAL DISCRIMINATION ACT 1975
Reprinted as at 31 October 1995

TABLE OF PROVISIONS

Section	
	PART I—PRELIMINARY
1.	Short title
2.	Commencement
3.	Interpretation
4.	Extension to external Territories
5.	Additional operation of Act
6.	Act binds the Crown
6A.	Operation of State and Territory laws
7.	Ratification of Convention
	PART II—PROHIBITION OF RACIAL DISCRIMINATION
8.	Exceptions
9.	Racial discrimination to be unlawful
10.	Rights to equality before the law
11.	Access to places and facilities
12.	Land, housing and other accommodation
13.	Provision of goods and services
14.	Right to join trade unions
15.	Employment
16.	Advertisements
17.	Unlawful to incite doing of unlawful acts
18.	Acts done for 2 or more reasons
18A.	Vicarious liability



Reason for doing an act

If:

(a) an act is done for 2 or more reasons and

(b) one of the reasons is the race, colour or national or ethnic origin of a person (whether or not that person is the person doing the act),

then, for the purposes of this Part, the act is done because of the person's race, colour or national or ethnic origin.

18C Offensive behaviour because of race, colour or national or ethnic origin

(1) It is unlawful for a person to do an act that is reasonably likely to offend, insult, humiliate or intimidate a member of a group of people if:

(a) the act is done because of the race, colour or national or ethnic origin of the person, or

(b) the act is done because of the race, colour or national or ethnic origin of a member of the group of people.



STOLEN GENERATIONS

BRINGING THEM HOME

In 1995, the Keating Government launched an inquiry into the policy of forced child removal from Indigenous families. The report, titled *Bringing Them Home*, was delivered to Parliament on the 26th of May 1997. The report estimated that between 1910 and 1970, between 10% and 33% of all Indigenous children were forcibly removed from their families, as a result of various government policies. These children became known as the Stolen Generations.³³ In Queensland and Western Australia, the Chief Protector of Aborigines used his powers to remove Indigenous children from their families and place them onto large, highly regulated government settlements and missions. Children were often removed around the age of four and many were put to work at the age of fourteen.

When removing Indigenous children from their families, it was not necessary to have proof of neglect; all that was necessary was that they were Indigenous. When the *Bringing Them Home* Report was released in 1997, most witnesses stated that they were not neglected or abused by their parents, with some experiencing neglect and abuse from the families they were placed with after they were removed.

The Government hoped that removing Indigenous children from their families and sending them away would allow them, over time, to ‘merge’ with the non-Indigenous population. This view was expressed in 1937 at the first Commonwealth-State Native Welfare Conference:

“This Conference believes that the destiny of the natives of aboriginal origin (sic), but not of the full blood, lies in their ultimate absorption by the people of the Commonwealth, and it therefore recommends that all efforts be directed to that end...The policy of the Commonwealth is to do everything possible to convert the half-caste into a white citizen.”—Professor John Burton Cleland.³⁴

This was part of the policy of assimilation. These policies presumed that Indigenous Australians could enjoy the same standard of living as white Australians if they adopted European customs and beliefs and were absorbed into white society:

“The policy of assimilation means in the view of all Australian governments that all Aborigines and part-Aborigines are expected eventually to attain the same manner of living as other Australians and to live as members of a single Australian community enjoying the same rights and privileges, accepting the same responsibilities, observing the same customs and influenced by the same beliefs, hopes and loyalties as other Australians.”—Paul Hasluck, Minister for Territories.³⁵

However, all assimilation did was undermine Indigenous identity and culture, and it was used to justify the removal of Indigenous children.

“Assimilation relied on the well-established and widely-accepted view that we were inferior to white Australians, that our way of life, our culture and our languages were substandard... Embedded within the policy of assimilation was a clear expectation of the cultural extinction of Indigenous peoples.” — Indigenous academic, Professor Michael Dodson.³⁶



SISTER MARIA & GIRLS AT WORK IN LAUNDRY, NEW NORCIA, WESTERN AUSTRALIA 1954

STOLEN GENERATIONS

During this time, many Indigenous people were forced off the reserves, as governments would often claim them for housing and mining purposes. When they were forced off reserves, Indigenous Australians found it difficult to obtain work in towns and cities. In addition, they were often refused access to community venues and services. As a result, rather than being assimilated, Indigenous people were often forced to live in poverty on the fringes of town.³⁷ During the 1950s and 1960s, the number of Indigenous children being removed from their families rose. Not only were they removed for alleged neglect, they were removed to attend school in distant places, to receive medical treatment and to be adopted out at birth. By the early 1960s it was clear that Indigenous people were not being assimilated. The Whitlam Labor Government came to power in 1972. One of the key ideals of the new government was self-determination for Indigenous Australians. As a result, Indigenous groups were given increased funding and legal services began representing Indigenous children and families in removal applications, which led to an immediate decline in the number of children being removed.

“Most of us girls were thinking white in the head but were feeling black inside. We weren’t black or white. We were a very lonely, lost and sad displaced group of people. We were taught to think and act like a white person, but we didn’t know how to think and act like an Aboriginal. We didn’t know anything about our culture. We were completely brainwashed to think only like a white person. When they went to mix in white society, they found they were not accepted [because] they were Aboriginal. When they went and mixed with Aborigines, some found they couldn’t identify with them either, because they had too much white ways in them. So that they were neither black nor white. They were simply a lost generation of children. I know. I was one of them.”
Confidential submission 617, New South Wales³³

“We jumped on our mothers’ backs, crying, trying not to be left behind. But the policemen pulled us off and threw us back in the car. They pushed the mothers away and drove off, while our mothers were chasing the car, running and crying after us. We were screaming in the back of that car. When we got to Broome they put me and my cousin in the Broome lock-up. We were only ten years old. We were in the lock-up for two days waiting for the boat to Perth.”—Confidential evidence 821, Western Australia³⁹



THE GOVERNOR SIR CHARLES & LADY GAIRDNER WITH ABBOT GOMEZ INSPECTING THE CHILDREN OF ST JOSEPH'S ORPHANAGE, NEW NORCIA, WA

LOSS OF CULTURE AND IDENTITY

The vast majority of Indigenous children who were removed from their families lost not only their family, but also their community and culture

After their removal, they were not permitted to use their languages and were actively encouraged to leave all aspects of their 'Aboriginality' behind. The governments' aims were to assimilate the children into white society as they hoped to wipe out the customary law and culture of Indigenous Australians. As a result, many children experienced disapproval and belittling of their Aboriginality or were told that they were not Aboriginal. In addition, many children were told

STOLEN GENERATIONS

either that their families had rejected them or that their families were dead. Parents were often unable to have any contact with their removed children. Some families even exiled themselves from their community to try and hide their identity and thus keep their children from being removed.⁴⁰

Children who were removed were much less likely to have a strong sense of their Indigenous cultural identity or to know about their cultural traditions. Consequently, this negatively impacted their experience of Aboriginality and their participation in the Aboriginal community as adults. This didn't just negatively impact the children who were removed, but also the family and community they were removed from. In the aftermath of the Stolen Generations policies, many Indigenous people who were removed have been unable to reunite with their families and communities. For Indigenous children their 'families' were constituted by their entire community. When children were removed they were often separated from their siblings as well. They would be placed in different homes or, if they were placed together, their kinship would be kept hidden from them.⁴¹

LOSS OF PARENTS

When Indigenous children were removed from their families, they often lost all contact with their primary carers. This was particularly damaging for those who were removed in infancy as attachment to a primary carer is essential for an infant's emotional, intellectual and social development and happiness. Young children who experience disruptions in parenting are often less secure and more vulnerable to psychological and emotional issues later in life. Some removed children fortunately found love, care and comfort in foster homes and adoptive families, but for the majority it was a negative experience.⁴⁸

"It has been argued that early loss of a mother or prolonged separation from her before age 11 is conducive to subsequent depression, choice of an

inappropriate partner, and difficulties in parenting the next generation. Anti-social activity, violence, depression...have also been suggested as likely results of the severe disruption of affectional bonds"—Australian Association of Infant Mental Health submission 699.⁴⁹

"We had been brought up on the surrogate mother of the institution and that whole lifestyle, which did not prepare us at all for any type of family life or life whereby in the future we would be surviving or fending for ourselves; and then the survival skills that we needed in order to survive in the mainstream community, because those survival skills are certainly not skills that you learn in a major institution..."—Confidential evidence 265, Victoria.⁵⁰

EDUCATION

Witnesses to the Bringing Them Home Inquiry stated that they received little or no education after being removed from their families. In addition, those who were removed were much less likely to have undertaken a post-secondary education when compared with those who weren't removed.



SCHOOL, MORNINGTON ISLAND, 1950

"I didn't have much schooling... Now, thinking about it, we were told from the outset that we had to go to the mission because we had to go to school, but then when we got in there we weren't forced to go to school or anything."—Gertie Sambo.⁵¹

STOLEN GENERATIONS

“I don’t know who decided to educate the Aboriginal people but the standard was low in those mission areas. I started school at the age of eight at grade one, no pre-school. I attended school for six years, the sixth year we attended grade 4, then after that we left school, probably 14 years old.”

— Confidential submission 129, Queensland.⁵²

VIOLENCE

Almost one in every five (19%) witnesses to the Bringing Them Home inquiry who spent time in an institution reported having been physically assaulted there.

“Not only were they separated from their families and relatives, but they were regimented and locked up like caged animals, locked in their dormitory after supper for the night. They were given severe punishments, including solitary confinements for minor misdeeds.”⁵³

“Dormitory life was like living in hell. It was not a life. The only things that sort of come out of it was how to work, how to be clean, you know and hygiene. That sort of thing. But we got a lot of bashings.”

— Confidential evidence 109, Queensland.⁵⁴

OTHER EFFECTS

An extensive study undertaken in Melbourne during the 1980s showed significant differences between Indigenous children who were removed from their families and those who weren’t.

Children who were removed were (later in life):

- Much less likely to have stable living conditions;
- Three times more likely to say they had no-one to call on in a crisis;
- Less likely to be in a stable, confiding relationship with a partner;
- Twice as likely to report having been arrested by police and having been convicted of an offence;
- Three times as likely to report having been in jail; and

- Twice as likely to report current use of illicit substances. (Dr Jane McKendrick, Victorian Aboriginal Mental Health Network, submission 310).⁵⁵

In 1972, a review was completed on the effects of ‘long stay’ care on all children (not just Indigenous children, but any child who was in some form of foster care for an extended period of time).

The review found that:

- In almost every aspect – health, physique, educational progress and a wide range of social conditions – these children as a group were at a disadvantage compared with the general child population;
- A very high level of emotional disorder was present, especially ‘conduct disorders’;
- The children in institutional care were more likely to suffer severe reading disabilities and delayed development of other language skills;
- Children made fewer new friends on leaving care;
- The effects of forcible removal and institutionalisation appear to be life-long.⁵⁶

Children who were removed were never provided any counselling. The trauma of the experience has led to high levels of depression among the victims, with many experiencing post-traumatic stress disorder. Evidence shows that trauma inflicted does not only impact on the children removed, but is also passed on to their own children. This is because parents ‘convey anxiety and distress’ to their children.⁵⁷

“It never goes away. Just ‘cause we’re not walking around on crutches or with bandages or plasters on our legs and arms, doesn’t mean we’re not hurting... I suspect I’ll carry these sorts of wounds ‘til the day I die...”— Confidential evidence 580, Queensland.⁵⁸

“Our life pattern was created by the government policies and are forever with me, as though an invisible anchor around my neck. The moments that should be shared and rejoiced by a family unit, for

STOLEN GENERATIONS

[my brother] and mum and I are forever lost.

The stolen years that are worth more than any treasure are irrecoverable.” – Confidential submission 338, Victoria.⁵⁹

“There’s still a lot of unresolved issues within me. One of the biggest ones is that I cannot really love anyone no more. I’m sick of being hurt.

Every time I used to get close to anyone they were just taken away from me. The other fact is, if I did meet someone, I don’t want to have children, cos I’m frightened the welfare system would come back and take my children.” – Confidential evidence 528, New South Wales.⁶⁰

APOLOGY

“It should, I think, be apparent to all well-meaning people that true reconciliation between the Australian nation and its indigenous peoples is not achievable in the absence of acknowledgment by the nation of the wrongfulness of the past dispossession, oppression and degradation of the Aboriginal peoples. That is not to say that individual Australians who had no part in what was done in the past should feel or acknowledge personal guilt. It is simply to assert our identity as a nation and the basic fact that national shame, as well as national pride, can and should exist in relation to past acts and omissions, at least when done or made in the name of the community or with the authority of government...” – Governor General Sir William Patrick Deane, August 1996.⁶¹

A National Apology to the Stolen Generations was one of the recommendations made in the Bringing Them Home Report. Recommendations 5a and 5b suggested “that all Australian Parliaments officially acknowledge the responsibility of their predecessors for past laws, policies and practices of forcible removal and officially apologise to Indigenous individuals, families and communities.”⁶²

It was recommended that State and Territory police forces also make formal apologies.

After winning the federal election in 2007, Prime Minister Kevin Rudd consulted with Indigenous Australians with regards to an appropriate way to deliver the apology. On the 13th of February 2008, Prime Minister Rudd made a formal apology on behalf of the Australian Parliament to Australian Aboriginal and Torres Strait Islander peoples and in particular to the Stolen Generations.



KEVIN RUDD EMBRACES MEMBERS OF AUSTRALIA’S STOLEN GENERATION, 2008

CURRENT ISSUES

THE EXPERT PANEL ON CONSTITUTIONAL RECOGNITION OF ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES

In the National Apology, the Australian Government recognised Indigenous Australians as ‘the oldest continuing cultures in human history’. However, the Australian Constitution still does not recognise Australia’s Indigenous peoples. A number of Constitutional Conventions were held during the 1890s to draft the first Australian Constitution. Indigenous Australians were excluded from these conventions and thus had no say in the formation of the Constitution. The Constitution ignores the presence of Aboriginal and Torres Strait Islander peoples in Australia prior to European colonisation.

In addition, two sections of the Australian Constitution still permit racial discrimination. Section 25 allows the States to disqualify all people of a certain race from voting at elections, while Section 51 allows the Australian Government to make special laws for people of any race. The Expert Panel on Constitutional Recognition of Aboriginal and Torres Strait Islander peoples has recommended that a referendum be held to repeal these two sections of the Constitution.

The Expert Panel also recommended adding three sections to the Constitution:

- Section 51A – to preserve the Australian Government’s ability to pass laws for the benefit of Indigenous Australians;
- Section 116A – to ban racial discrimination by government;
- Section 127A – recognising that Aboriginal and Torres Strait Islander languages were this country’s first languages.⁶³

Recognition of Aboriginal and Torres Strait Islander peoples in the Constitution has the potential to:

- address a history of exclusion of Aboriginal and Torres Strait Islander peoples in the life of the nation;

- improve the sense of self-worth and social and emotional well-being of Aboriginal and Torres Strait Islander peoples both as individuals, communities and as part of the national identity;
- implement the principles of non-discrimination in to our Constitution;
- change the context in which debates about the challenges faced by Aboriginal and Torres Strait Islander communities take place; and
- build positive relationships based on trust and mutual respect between Aboriginal and Torres Strait Islander peoples and the broader Australian community.

These benefits will make significant progress towards overcoming Indigenous disadvantage and move Australia closer to Reconciliation.⁶⁴



CURRENT ISSUES

CLOSING THE GAP

In 2005, Aboriginal and Torres Strait Islander Social Justice Commissioner Tom Calma urged Australian governments to commit to achieving equality for Indigenous people in health and life expectancy within 25 years.⁶⁵ As a result, in 2007 the Council of Australian Governments (COAG) pledged to close the gaps between Indigenous and non-Indigenous Australians, and in 2008 they approved the National Indigenous Reform Agreement, which set six targets. The six COAG Closing the Gap targets are:

- Target 1 - to close the gap in life expectancy within a generation;
- Target 2 - to halve the gap in mortality rates for Indigenous children under five within a decade;
- Target 3 - to ensure all Indigenous four-year olds in remote communities have access to early childhood education within five years;
- Target 4 - to halve the gap in reading, writing and numeracy achievements for Indigenous children within a decade;
- Target 5 - to halve the gap for Indigenous students in year 12 equivalent attainment by 2020; and
- Target 6 - to halve the gap in employment outcomes between Indigenous and non-Indigenous Australians within a decade.⁶⁶

Every year, the Prime Minister releases a Closing the Gap report. In 2018, the report noted that:

- Target 1 is not on track. Indigenous mortality rates have declined by 14% since 1998 but the gap has not closed.
- Target 2 is on track. Between 1998 and 2016, the Indigenous child mortality rate has declined by 35%, and there has been a narrowing of the gap to non-Indigenous children by 32%.
- Target 3 is on track. In 2016, around 14,700 Indigenous children (91%) were enrolled in early childhood programs.

- Target 4 is not on track. In 2017, the proportion of Indigenous students achieving national minimum standards in NAPLAN is on track in only one (Year 9 numeracy) of the eight areas (reading and numeracy for Years 3, 5, 7 and 9). However, the gap between Indigenous and non-Indigenous students has narrowed since 2008.
- Target 5 is on track. Nationally, the proportion of Indigenous 20-24 year-olds who had achieved Year 12 or equivalent increased from 47.4% in 2006 to 65.3% in 2016. The gap between Indigenous and non-Indigenous Australians has narrowed by 12.6 percentage points over the past decade.
- Target 6 is not on track, with Indigenous employment rates falling only slightly over the past decade. In 2016, the Indigenous employment rate was 46.6%, compared with 71.8% for non-Indigenous Australians.⁶⁷



CURRENT ISSUES

POVERTY

To this day, Indigenous Australians remain the most disadvantaged and marginalised group in Australia. Indigenous people rank highest on the majority of indicators related to poverty and disadvantage.⁶⁸ However, the poverty experienced by Indigenous Australians can be quite different to that experienced by the rest of the population. That is because Indigenous people can also suffer dispossession from their land (country), which can cause emotional and spiritual poverty.⁶⁹ According to the (now disbanded) Aboriginal and Torres Strait Islander Commission, “Indigenous people are between two and three times worse off than non-Indigenous people in Australia. About 30% of Indigenous households are in income poverty, which indicates that over 120,000 Indigenous people are living below the poverty line.” This is compounded by the fact that a higher proportion of Indigenous people live in remote areas, which means less employment opportunities and less access to essential services.

Unemployment is a significant cause of poverty among Indigenous people. The National Aboriginal and Torres Strait Islander Social Survey (NATSISS) showed that only 46% of Indigenous Australian peoples over 15 years of age were employed with 27.7% working full time and 18.3% working part-time. The unemployment rate for Indigenous Australians is 20.6%, which rises to 27.4% for those living in remote areas.⁷¹ Due to this high unemployment rate, a large number of Indigenous Australians rely on the Newstart Allowance and Youth Allowance for income. These social security payments have been shown to fall below the poverty line.



CURRENT ISSUES

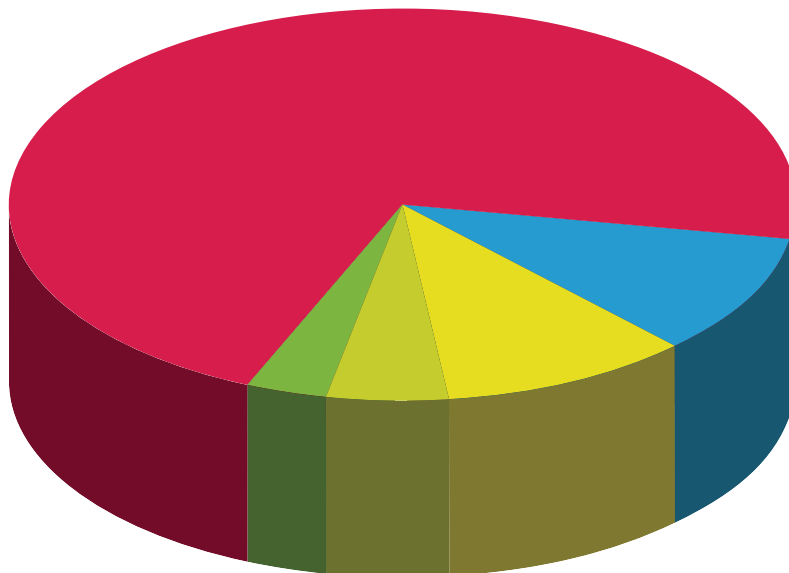
HOMELESSNESS

Indigenous Australians make up 20% of people experiencing homelessness, despite the fact that they only make up 3.3% of Australia's population. They also make up 27% of people sleeping rough and 32% of people living in severely overcrowded dwellings.⁷²

The rates of homelessness among the different states of Australia are quite similar. The number of people experiencing homelessness per 10,000 of the population range from 31.8 in Tasmania, to 50.4 in New South Wales. The clear outlier is the Northern Territory, with 599 people per 10,000 experiencing homelessness. Out of the 13,717 people experiencing homelessness in the Northern Territory, 11,065 are living in severely crowded dwellings.⁷³



INDIGENOUS AUSTRALIANS - TYPE OF HOMELESSNESS



PERSONS LIVING IN 'SEVERELY' CROWDED DWELLINGS

PERSONS LIVING IN IMPROVISED DWELLINGS, TENTS, OR SLEEPING OUT

PERSONS IN SUPPORTED ACCOMMODATION FOR THE HOMELESS

PERSONS STAYING TEMPORARILY WITH OTHER HOUSEHOLDS

PERSONS LIVING IN BOARDING HOUSES

CULTURE AND SPIRITUALITY

“Cultural heritage consists of places and objects which are valued by the community. As well as buildings and landscapes, it includes objects representing traditional ways of life and symbols of events which have touched communities.”⁷⁴

“Spirituality is a term that requires special care in its definition. It is important to recognise the difference between spirituality and religion. Spirituality can be seen as an internal connection to the universe that includes a sense of meaning or purpose in life, a cosmology or way of explaining our personal universe and a personal moral code.” – Shawn Wilson, Queensland University of Technology.⁷⁵

THE DREAMINGS

The Dreamings lay down the patterns of life for Indigenous Australian peoples and are the foundation of their spiritual beliefs. The Dreaming stories vary among the different Indigenous Nations of Australia, but the themes are similar. For example, the story of how the sun was made is different in different communities. Dreaming stories cover many themes, including the creation of sacred places, land, people, animals and plants, law and custom. For Indigenous Australian peoples, the Dreamings are the source of knowledge, from which all laws came into existence.

Dreaming stories of creation are varied, but many follow a similar theme. In the beginning, the world was dark and silent. The Spirit Ancestors were asleep, dormant beneath the surface of the Earth. Then, they broke through the land with great force. These beings usually resembled creatures or plants and were half human.

As they moved across the surface of the Earth, they changed the land, creating mountains, rivers, trees, waterholes and all other geographical features. They also made people themselves, to be their ancestors. Animals and plants were also created at this time, along with the Sun, the Moon and the Stars. Following the creation, the Spirit

Ancestors returned to their dormant state beneath the surface.⁷⁶ One particular Spirit Ancestor that is often cited in Dreaming Stories is the Rainbow Serpent. The Rainbow Serpent is a giant snake that lives within the deepest waterholes in Australia, and it reveals itself in the form of a rainbow as it moves from one place to another.⁷⁷ ‘The journey of the Spirit Ancestors across the land are recorded in Dreaming tracks. A Dreaming track joins a number of sites which trace the path of an Ancestral Being as it moved through the landscape, forming its features, creating its flora and fauna and laying down the Laws.’⁷⁸

The Spirit Ancestors of The Dreamings, such as the rainbow serpent, are eternal. In the Dreaming Stories, some of them were killed or disappeared, while others metamorphosed as geographical features such as waterholes. Despite this, in the belief system of Indigenous Australian peoples, these ancestors are spiritually alive today. The places where these Spirit Ancestors performed a significant action or were metamorphosed into something else are considered sacred and ritual is based around these places.⁷⁹ The spirits of the ancestors are passed on to Indigenous Australian peoples through totems. The Dreamings are not bound by time. They existed before the life of the individual begins, and they continue to exist when the life of the individual ends. It is believed that the spirit-child exists in the Dreamings both before and after life, with the spirit entering the developing child during the fifth month of pregnancy.⁸⁰

“Although... The Dreaming conjures up the notion of a sacred, heroic time of the indefinitely remote past, such a time is also, in a sense, still part of the present. One cannot ‘fix’ The Dreaming in time: it was, and is, everywhere...” – Professor W.E.H. Stanner.⁸¹

CULTURE AND SPIRITUALITY

SONGLINES

Songlines, or dreaming tracks, trace the journeys of ancestral spirits as they created the land, animals and lore. Songlines are an important part of Aboriginal spirituality and provide knowledge, cultural values and wisdom to Indigenous people. Traditional songs are sung in specific sequences, enabling people to navigate the land without getting lost. The songs describe important features in the landscape, serving as a type of map. Each Aboriginal group has their own set of songlines to match with their own Dreaming stories.⁸² Traditional Aboriginal people regard all land as sacred, and the songs must be continually sung to keep the land “alive”.

“Songlines are known as navigational tracks, in that the elders or the trained Indigenous people will sing the landscape and therefore be able to move from location to location through it, and teach each other... At every location, each sacred site within that sung track, they perform rituals. Those rituals are repeated songs, and those songs encode the information.” – Monash University researcher Lynne Kelly.⁸³

‘At every location, each sacred site within that sung track, they perform rituals. Those rituals are repeated songs, and those songs encode the information.’

Kelly says evidence has emerged of a cultural knowledge of landscape changes dating back 7,000 years.

‘The mechanisms are so robust that things like formation of islands around the coast of Australia and sea level rises are accurately recorded in [the] oral tradition,’ she says.

It has been asserted that by singing certain traditional songs in a specific sequence, people were capable of navigating the land, often travelling across vast distances across all types of terrain and weather, without getting lost. This is due to the fact that numerous features in the landscape are contained in the songlines, thus allowing them to be used as oral maps.

Apart from navigation, songlines also serve other important functions. For example, songlines help to define the various Australian Aboriginal groups. As mentioned previously, each Aboriginal group has their own unique set of songlines. These songlines in turn are said to define these various groups, including the land they live on, the laws they live under, and the ceremonies and obligations they have with relation to the land they live on.

It has been said that songlines transcend the borders of individual groups. One consequence of this is that peoples from neighboring language groups become connected to one another. Beliefs regarding the creation ancestors and the laws relating to them are shared, and cultural knowledge between these groups may be exchanged, hence enriching each group.

The continent of Australia contains an extensive system of songlines, some of which are of a few kilometres, whilst others traverse hundreds of kilometres through lands of many different indigenous peoples — peoples who may speak markedly different languages and have different cultural traditions.

Traditional Aboriginal people regard all land as sacred, and the songs must be continually sung to keep the land “alive”.

Gammage (2011) says “A songline or storyline is the path or corridor along which a creator ancestor moved to bring country into being. It is also the way of the ancestor’s totem, the geographical expression of their songs, dances and paintings animating its country, and ecological proof of the unity of things.”

CULTURE AND SPIRITUALITY

CUSTOMARY LAW

Customary laws of Indigenous Australian groups refer to systems, customs and practices developed over time. Different language groups have different concepts of customary law as it is encoded in each group's spiritual tradition, and is handed down from generation to generation, by word of mouth. From early childhood, Indigenous Australians were taught the rights and wrongs according to customary law. Therefore, everyone knew their own group's laws, daily rights and obligations, and punishments for breaking the law. Customary law ensures that each person knows his or her connectedness and responsibilities for other people, for country and for their ongoing relationship with the Spirit Ancestors.

Traditionally, customary law decisions were made by councils of men. They would meet on 'law grounds' which were usually within the boundaries of a group's country. Some law grounds were on the boundaries, to allow people from multiple groups to meet together without crossing other people's lands. The elders of the community would resolve disputes and decide on punishments. The word of the elders was law.⁸⁵ Law grounds were used not only for councils but also to put young Indigenous men and women through initiation.⁸⁶

Customary law is essential when settling disputes between Indigenous Australian communities. Disputes could be settled by negotiation, ritual punishment or formal battles. Settling disputes under customary law was part of the purpose of the great gatherings of Indigenous Australian peoples; other purposes were to trade, to hold feasts, to arrange marriages and to perform ceremonies.⁸⁷

Customary law is often recognised by Australian governments (through legislation) in the following situations:

- Grant of land rights and native title;
- Protection of sacred sites;

- Hunting and fishing rights;
- Indigenous traditional marriages;
- Indigenous child care practices;
- Traditional distribution on death; and
- Indigenous courts.⁸⁸



CULTURE AND SPIRITUALITY

KINSHIP

There are over 500 Indigenous Nations across Australia. Within each nation there are language groups, who share a common language and kinship system. Kinship is vitally important to Indigenous society. An individual's position in the kinship system sets out their relationship to others in the group and to the universe.

It establishes their responsibilities towards other

people, the land and natural resources.

Kinship can also regulate who each person can speak to; for example, in some Aboriginal communities the son-in-law is forbidden to speak to his mother-in-law directly. There are up to three levels of kinship in Indigenous society: Moiety, Totem and Skin Names.

<p>MOIETY</p>	<ul style="list-style-type: none"> • Children inherit either their mother's or father's moiety. • If people share the same moiety, they are considered siblings. They have a responsibility to support each other. • Individuals can only marry someone of the opposite moiety. • In moiety systems, everything is split into two halves, including people and the environment.
<p>TOTEM</p>	<ul style="list-style-type: none"> • Each individual has at least four Totems: one which represents their nation, language and family group, as well as a personal Totem which recognises their strengths and weaknesses. • Totems are split between the moieties. For example, one moiety may be responsible for the protection and conservation of kangaroos, while the other moiety will be permitted to hunt and eat kangaroos. This creates balance. • Totems are not about ownership, they are about responsibility. They link individuals to land, air, water and geographical features.
<p>SKIN NAME</p>	<ul style="list-style-type: none"> • Not all Nations have Skin Names. • A Skin Name indicates a person's blood line, however husbands, wives and their children don't share Skin Names. • Skin Names are determined using a sequential system. In a matrilineal system, if the mother's name is '1', the child's name will be '2'. In turn, their children will then be '3'. • This cycle continues infinitely; there are usually 16-32 sets of names in each cycle. • Different Nations have different Skin Names and there are prefixes or suffixes to indicate gender. All individuals with the same Skin Name are considered siblings and all individuals with the preceding Skin Name are considered their parents.

The information in this diagram was adapted from material produced by Lynette Riley, senior lecturer at the University of Sydney.⁸⁹

"You will never be an only child. Here's all your other brothers and sisters...You've got all these other mothers and fathers to support and teach you. That's the strength of the system...That

extended family take it really seriously and want to be engaged in that life."—Lynette Riley, Senior Lecturer, University of Sydney

CULTURE AND SPIRITUALITY

SORRY BUSINESS

“People who are countrymen share their being with their country... When people die, their country suffers. People identify marks, such as dead trees, scarred trees or scarred hills, for example, as having come into being because of the death of a person...”—Professor Deborah Rose, University of New South Wales.⁹⁰

When an Indigenous Australian person passes away, ceremonies and mourning periods can last months, depending on the spiritual beliefs of the language group and the social status of the deceased person. Mourning can include the recital of symbolic chants, the singing of songs, dance, body paint, and cuts on the bodies of the mourners. The body can be covered in native plants and placed on a raised platform for several months. If these rituals are performed correctly according to customary law, the deceased person will be able to enter the “Land of the Dead” or the “Sky-world”. According to customary law, a dead person’s name should not be said because you could recall and disturb their spirit.

“The whole community gets together and shares that sorrow... It don’t have to be a close family. We say it is close because of our kinship ties and that means it’s family. We all get together till that funeral, till we put that person away.”
– Aunt Margaret Parker, Punjima people.⁹¹

WELLBEING

“Spirituality... is a state of being that includes knowledge, calmness, acceptance and tolerance, balance and focus, inner strength, cleansing and inner peace, feeling whole, an understanding of cultural roots and ‘deep wellbeing’”—Dr Victoria Grieves, ARC Indigenous Fellow, University of Sydney.⁹²

The Australian Bureau of Statistics (ABS) has identified seven areas for the measurement of wellbeing; family and community, education and

training, health, work, economic resources, crime and justice, and culture and leisure.

For Indigenous Australian peoples, spirituality is vital for wellbeing. Their spirituality is an expression of their cultural values and ways of living. In contemporary Australian society, some Indigenous Australian peoples express their spirituality through participation in the Western Christian churches, while many choose a secular lifestyle with a strong belief in Indigenous spirituality. This enduring spirituality of Indigenous Australian peoples has helped them to survive lives of dispossession, poverty and breaches of their human rights. Research undertaken for the New South Wales Department of Environment and Conservation found that, among Indigenous Australian peoples in Redfern (an inner-city suburb of Sydney), spirituality was identified as the main factor influencing their wellbeing.⁹³

“Health, to Aborigines, is not a simple matter of good fortune, a prudent lifestyle or a good diet. It is the outcome of a complex interplay between... his body, his land and his spirit.”⁹⁴

In addition to spirituality, living on country also has a significant impact on the wellbeing of Indigenous Australian peoples. Their relationships to land are both spiritual and practical. Studies have shown that an Indigenous person’s perception of their own health is closely intertwined with the health of their country. One study reported that ‘Aboriginal people in the Murray River region attributed aspects of their own poor physical or mental health to the poor health of the Murray River.’⁹⁵ Indigenous Australian peoples who have been involved in ‘ranger activities’ have stated that these activities have given them an increased sense of self-worth and pride. They felt that their activities were beneficial for individuals, communities and for the country.

“Everything about Aboriginal society is inextricably woven with, and connected to, the

CULTURE AND SPIRITUALITY

land... Removed from our lands, we are literally removed from ourselves.”—Professor Mick Dodson AM, Director of The National Centre for Indigenous Studies.⁹⁶

Dr Mark Wenitong, from the Cape York Health Council, believes that for Indigenous Australian peoples, spending time on country and being immersed in language and culture leads to better health outcomes. He also stated that previous studies have shown that Indigenous Australian peoples living on remote outstations had better cardiovascular health due to their more traditional lifestyles.⁹⁷ Engagement in land management in one remote northern Australian community was associated with lower body mass index, lower systolic blood pressure, higher HDL cholesterol and lower cardiovascular disease risk.⁹⁸

*“The ability to be able to obtain food and other necessities, to have custodianship and support for ecosystems by providing services, regulating some aspects and practising and observing cultural heritage associations ensures a continuation of Indigenous wellbeing”
—Dr Victoria Grieves, ARC Indigenous Fellow, University of Sydney.⁹⁹*

“Country is multi-dimensional – it consists of people, animals, plants, Dreamings; underground, earth, soils, minerals and waters, air...People talk about country in the same way that they would talk about a person: they speak to country, sing to country, visit country, worry about country, feel sorry for country, and long for country.”—Professor Deborah Rose, University of New South Wales.¹⁰⁰

“Our identity as human beings remains tied to our land, to our cultural practices, our systems of authority and social control, our intellectual traditions, our concepts of spirituality, and to our systems of resource ownership and exchange.

Destroy this relationship and you damage – sometimes irrevocably – individual human beings and their health.”—Pat Anderson, former Chair of the National Aboriginal Community Controlled Health Organisation.¹⁰¹

FLAGS

The Aboriginal flag was designed by Harold Thomas, a Luritja man of Central Australia. In 1972, the flag was chosen as the official flag for the Aboriginal Tent Embassy. Harold Thomas says the colours of the flag represent the Aboriginal people of Australia, the red ochre of earth and a spiritual relation to the land and the sun.¹⁰² In 1995, the flag was recognised by the Australian Government as an official ‘Flag of Australia’.

The Torres Strait Islander flag was designed by Bernard Namok from Thursday Island. In 1992, it was recognised by the Aboriginal and Torres Strait Islander Commission (ATSIC) and in 1995 it was recognised by the Australian Government as an official ‘Flag of Australia’. The flag consists of green, black, blue and white, with a Dhari (traditional headdress) in the centre. The colours represent the land, the Indigenous Australian peoples, the sea and peace. The five-pointed star beneath the Dhari represents the five island groups within the Torres Strait and is also a symbol of seafaring people.¹⁰³

CULTURE AND SPIRITUALITY

WELCOME TO COUNTRY AND ACKNOWLEDGEMENT OF COUNTRY

The protocols for welcoming visitors to Country have been part of Indigenous Australian cultures for thousands of years. Before European colonisation, Indigenous Nations had clear boundaries separating their Country from that of the other Nations. If someone from another Nation wanted to enter that Country they would have to seek permission. If permission was granted, the Nation that owned the land would welcome the visitors and offer them safe passage and protection of their spiritual being during the journey.¹⁰⁴ Today, a Welcome to Country occurs at the beginning of formal events and can include things such as singing, dancing, smoking ceremonies or speeches. A Welcome to Country must be performed by Traditional Owners or Indigenous Australian peoples who have been given permission by the Traditional Owners.

An Acknowledgement of Country is generally given at the beginning of a formal event or before a speech or meeting. Unlike a Welcome to Country, an Acknowledgement can be given by anyone, not just Indigenous Australian peoples. An Acknowledgement of Country is an opportunity to show respect for the Traditional Owners of the land and the continuing connection they hold to their Country.¹⁰⁵



ENVIRONMENTAL MANAGEMENT

“Aboriginal people learned from their stories that a society must not be human-centred but rather land centred, otherwise they forget their source and purpose... humans are prone to exploitative behaviour if not constantly reminded they are interconnected with the rest of creation...”¹⁰⁶

LAND MANAGEMENT

Before European colonisation of Australia, Indigenous Australian peoples had created a complex system of land management. They used fire to their advantage, and their land was a patchwork of burnt and re-grown areas. Using fire was useful for a number of reasons. Firstly, it enabled them to plan and predict the growth of plants, which attracted certain animals for hunting.

Their knowledge of animals meant they knew which plants were preferred by which animals. For example, Indigenous Australian peoples knew that kangaroos preferred short grass, while rock wallabies preferred thick growth.¹⁰⁷

“Aborigines have the responsibility to be custodians of land, sea and sky. They must remain accountable to the ecological world, which accepts Indigenous intrusion and use of that ecology only on sound practices of interaction with the spirit of the land, manifested in strict rules of respect and tradition.”

— Jim Everett, Tasmanian Aboriginal Elder and Activist.¹⁰⁸

Indigenous Australian people’s use of fire in land management also allowed them to avoid disastrous accidental bushfires. Uncontrolled fires would have been catastrophic for Indigenous Australian peoples as it could wipe out their food sources. By burning off land in patches, they were able to maintain control over their environment. They had an intimate knowledge of plant species, which meant they knew the correct timing for burnings. This method of management ensured that wildlife and plant

food sources were plentiful throughout the year. Indigenous Australian peoples were also farmers. They grew yams, grains, fruits and berries, while also rearing animals such as possums, emus and dingoes. Early European explorers recounted seeing Indigenous Australian women harvesting yams and onions and cultivating the land. They also noted that there were stores of grain kept in secure vessels.¹⁰⁹ The arrival of Europeans greatly disrupted the land management of Indigenous Australian peoples. Their farming practices of the Europeans were not suited to the environment of Australia and in the long-term caused erosion and salinity.¹¹⁰

“Aboriginal society’s model for sustainability has the longest proven track record on earth.”¹¹¹

It is the responsibility of each group to keep the secret knowledge of the land they have obtained from their ancestors. However, some groups are now sharing their traditional knowledge to help manage the environment and ensure sustainability. Government departments such as the Commonwealth Department of Environment and Water Resources are increasingly relying on Indigenous knowledge to develop land and natural resource management policy and practice.¹¹² Combining Indigenous land management methods with modern technologies and innovative practices can lead to positive results for the environment, particularly in Indigenous Protected Areas. Traditional fire management is being used to encourage native grasses to regenerate, to reduce scrub to prevent bushfires and to promote biodiversity. The knowledge of Indigenous Australian peoples is essential to ensure fire management is effective and safe. Indigenous Land Management Councils and Landcare groups, among others, work with Indigenous Australian peoples and farmers to foster collaboration on land management issues.

ENVIRONMENTAL MANAGEMENT

“Indigenous Australians have a wealth of knowledge accumulated over thousands of years that can fill substantial gaps in non-Indigenous understanding and knowledge of species, ecosystems and sustainable ways of managing country.” – Dr Emilie-Jane Ens, ecologist from Centre for Aboriginal Economic and Policy Research at ANU.¹¹³

Currently, Indigenous Australian peoples manage over 20% of the Australian continent. The Australian Government has substantially increased funding for Indigenous land management, from \$0.5 million in 1992–97 to at least \$91 million in 2010–12.¹¹⁴

When working in collaboration with government departments and other organisations, Indigenous Australian land management involves a wide variety of tasks:

- Protect and maintain cultural sites, stories and songlines;
- Perform cultural or customary activities;
- Create seasonal harvest calendars;
- Hunt for feral animals such as foxes, camels or cats which threaten the delicate ecosystem of the bush;
- Record new plants;
- Protect biodiversity;
- Remove seeds and weeds including invasive pests like African buffel grass;
- Remove rubbish left by tourists at camping spots;
- Help reduce greenhouse gas emissions and earn carbon credits;
- Return threatened species to their native habitat;
- Manage controlled burns and set fire breaks to prevent devastating bush fires and protect outstations and sacred sites;
- Help with sustainable water management;
- Teach about their connection with the land, the seasons and bush foods;

- Take Indigenous Australian children out on country so they can learn from their elders.¹¹⁵

It has been shown that Indigenous Land Management (ILM) has a number of benefits for both Indigenous Australian communities and the wider public. Some benefits include:

- Intergenerational transfer of knowledge that is critical to the maintenance of cultural practices and institutions;
- Reduction of antisocial behaviour of young people, and increased access to housing and employment;
- Cultural tourism and ecotourism;
- Restoration of wetlands and water resource management;
- Enhanced production of some species through fire management, harvesting and cultivation practices.¹¹⁶

Many Indigenous Australian peoples are highly motivated to participate in land management, as it is an expression of identity, family linkages, customary law rights, responsibilities and obligations.

For Indigenous Australian peoples, land management is a two-way interaction between people and country.

“Many of these collaborative projects show how Indigenous Australians’ involvement in ecosystem management is reinforcing their capacity to manage their country on their own terms. This is not only beneficial for environmental conservation but has ramifications for Indigenous well-being and cultural survival.”
– Dr Emilie-Jane Ens.¹¹⁷

ENVIRONMENTAL MANAGEMENT

WATER

Water is an important part of Indigenous land management. Indigenous Australian communities see rivers, wetlands, seas and reefs as inseparable parts of their estates. Water is vital for well-being for Indigenous Australian peoples, not only physically but also spiritually.¹¹⁸

Indigenous Australian peoples have cultural and customary rights and responsibilities relating to water, including:

- Management of significant sites located along river banks, on and in the river beds, and sites and stories associated with the water and natural resources located in the rivers and their tributaries, and the sea;
- Protection of Indigenous cultural heritage and knowledge associated with water and water places;
- Access to cultural activities such as hunting and fishing, and ceremony.¹¹⁹

The sea is seen as an extension of the land and is particularly special for Indigenous Australian peoples in the Torres Strait and those along the coastline of Australia.

“Clean water access is critical for health in all communities. In Indigenous communities’ lack of supply of clean water is linked to high morbidity and mortality rates... Indigenous Nations are staying on their lands and Indigenous communities have growing, young populations. Supporting these Indigenous communities is integral to the support of the socio-economic viability of rural Australia.”¹²⁰



ABORIGINAL & TORRES STRAIT ISLAND ORGANISATIONS

The **Lowitja Institute**, established in 2010, is Australia's national institute for Aboriginal and Torres Strait Islander health research.¹²¹



the
Lowitja
Institute

The **Australian Institute of Aboriginal and Torres Strait Islander Studies** is an Australian Government authority. It is a world-renowned research, collections and publishing organisation that promotes knowledge and understanding of Aboriginal and Torres Strait Islander cultures, traditions, languages and stories, past and present.¹²²



AIATSIS

AUSTRALIAN INSTITUTE OF
ABORIGINAL AND TORRES STRAIT
ISLANDER STUDIES
NATIVE TITLE RESEARCH UNIT

Australians for Native Title and Reconciliation (ANTaR) is an independent non-government organisation that has been working with Aboriginal and Torres Strait Islander organisations and leaders on rights and reconciliation issues since 1997.¹²³



The **National Congress of Australia's First Peoples** is a unifying voice for Aboriginal and Torres Strait Islander Peoples in Australia. Its aim is to defend the rights and protect the unique heritage of the First Peoples of Australia.¹²⁴



NATIONAL CONGRESS
OF AUSTRALIA'S FIRST PEOPLES

Reconciliation Australia was established in 2001 as the national expert body on reconciliation in Australia. Its purpose is to inspire and enable all Australians to contribute to the reconciliation of the nation.¹²⁵



RECONCILIATION
AUSTRALIA

UN DECLARATION ON RIGHTS OF INDIGENOUS PEOPLES

In 2007, the United Nations General Assembly adopted the United Nations Declaration on the Rights of Indigenous Peoples. Australia officially endorsed this declaration in 2009. The Declaration is an important piece of international law as it sets the standards for the survival, dignity and well-being of all Indigenous peoples. It consists of 46 articles across a number of themes, including:

- Rights of self-determination of Indigenous individuals and peoples;
- Rights of Indigenous peoples to protect their culture;
- Rights of Indigenous peoples to their own type of governance and to economic development;
- Health rights;
- Land rights.¹²⁶



THE ST VINCENT DE PAUL SOCIETY

The St Vincent de Paul Society shares a vision of an Australia in which Aboriginal and Torres Strait Islander perspectives, languages, philosophies and cultures penetrate the marrow of our institutions, our organisations, our communities and the lives of all Australians.

In addition to working with Aboriginal and Torres Strait Islander peoples through our wide range of projects for excluded and marginalised Australians, Vinnies is also engaged in projects and advocacy campaigns that are specific to Aboriginal and Torres Strait Islander peoples. Since 2004, the St Vincent de Paul Society has run an annual Immersion Program to the remote Indigenous community of Nganmariyanga (Palumpa), in the far north-west of the Northern Territory. It is an intensive two-week immersion experience that gives St Vincent de Paul volunteers the opportunity to experience what it is like to live in a remote community, and gain a better understanding of what it means to be Indigenous in Australia today.

The St Vincent de Paul Society strongly supports constitutional reform that recognises and empowers Indigenous Australian peoples and ensures they have a greater say in decisions that affect them. While Constitutional recognition will not erase the many injustices Indigenous Australian peoples have endured and continue to experience, it is a matter of deep sadness and shame for us as a nation that we have not yet taken this important step in our national journey of recognising the historical truth and honouring Australia's First Peoples. We believe that, if constitutional reform is to be meaningful, it must reflect the needs and aspirations of Indigenous Australian peoples, and ensure they have a greater say in the policies that affect them. We have expressed our support for the Uluru Statement from the Heart, which calls for the establishment of a 'First Nations Voice' in the Australian Constitution, and a 'Makarrata Commission' to supervise a process of treaty-making and 'truth-telling' between governments and Indigenous Australian peoples.

In June 2016, the St Vincent de Paul Society was proud to support the Redfern Statement, which calls for a complete overhaul of policy strategy, engagement and funding. Vinnies continues to lobby the government on issues of Aboriginal and Torres Strait Islander justice and rights, including:

- Consistently opposing compulsory income management schemes in the Northern Territory and, more recently, condemning proposals to continue and expand the cashless welfare card.
- Opposing the Community Development Program, which is a punitive and discriminatory work-for-the-dole scheme that disproportionately affects Aboriginal and Torres Strait Islander peoples in rural and remote regions.
- Continuing to advocate for a concerted and comprehensive response from all levels of government to reduce the incarceration rates of Aboriginal and Torres Strait Islander children and adults.
- Reiterated support for self-determination for our First Peoples during National Reconciliation Week 2018 and recognised the invaluable contributions of Aboriginal and Torres Strait Islander women during NAIDOC Week 2018, which was themed 'Because of Her, We Can!'.¹²⁷



**“Embrace the whole world in
a network of charity”**

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