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Watershed moments in Indigenous Australia's struggle to be heard

ABC Radio National / By Anna Kelsey-Sugg and Annabelle Quince for Rear Vision

Posted 4 Jul 2018, updated 4 Jul 2018

Indigenous Australians fight for rights and recognition to this day *(Getty: Darrian Traynor)*

The story of the relationship between Indigenous and non-Indigenous Australians is contested and complex.

From the arrival of the First Fleet to the trauma of the Stolen Generations, the fight

for land rights and the Uluru Statement from the Heart, it has often been one of marginalisation and struggle .

Here, we trace how the story has evolved, with a focus on how Indigenous communities have been shaped by shifting government policies.

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

11 ships change everything

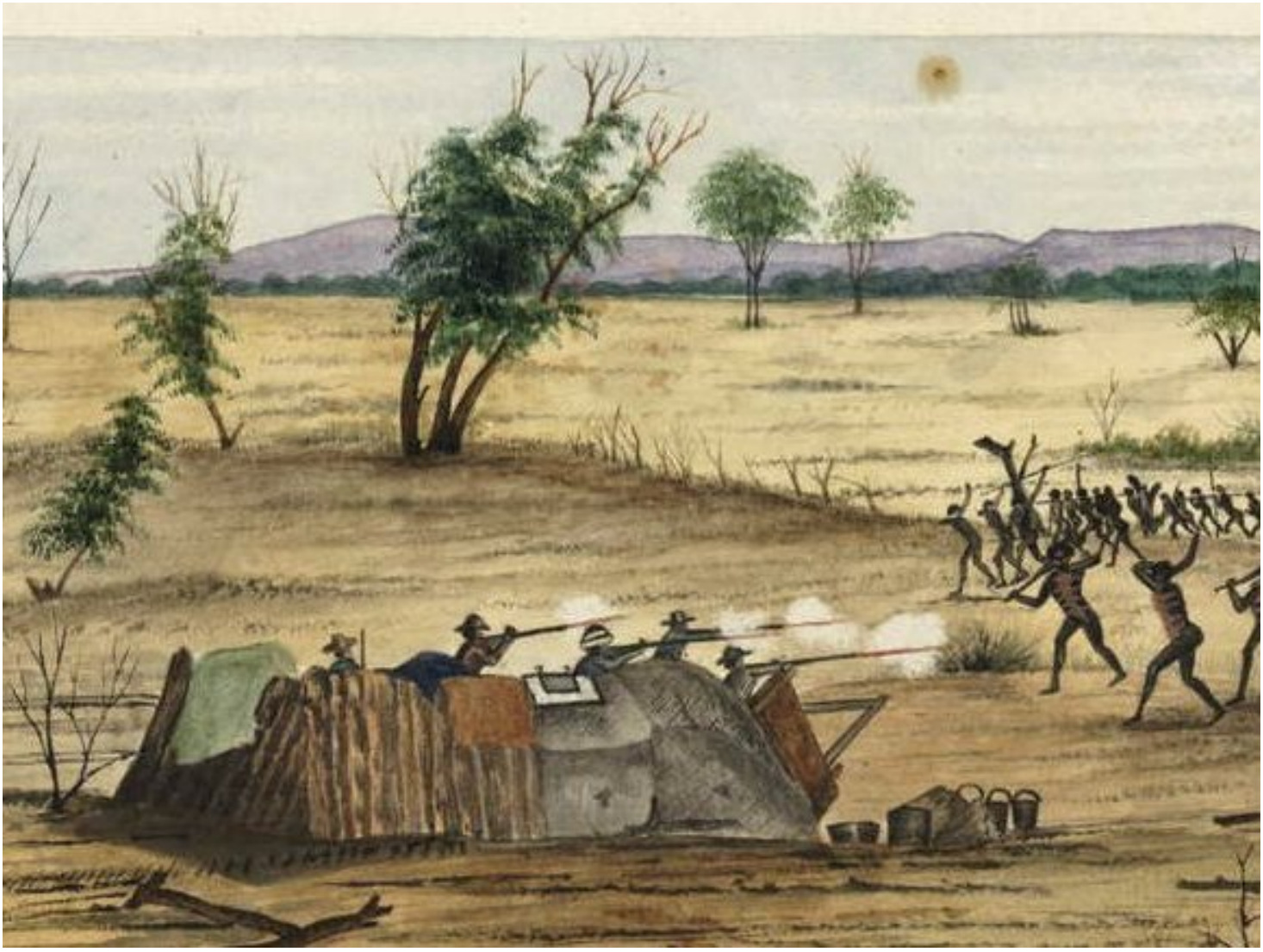
The land, way of life and rich culture of Australia's first people was forever changed by the arrival of the First Fleet in 1788.

The European ships also marked the beginning of a dramatic decline in the Indigenous Australian population.

"It was an invasion," says Pat Anderson AO, who has spent her life advocating for the rights and welfare of Indigenous people and is chair of Australia's national Indigenous health body, the Lowitja Institute.

"Our understanding and our experience of that coming is bloody, it's murderous, it's unforgivable."

While there is some evidence of deep and lasting relationships between settlers and Indigenous communities, it was the exception rather than the rule.



Armed fighting between Europeans and Aboriginal people is depicted in this painting by William Oswald Hodgkinson. *(Supplied: National Library Of Australia)*

Ms Anderson says there were massacres, poisonings and "the spread of blankets with smallpox".

"Definitely it was a full-scale attack on those people who for 65,000 years had lived on this beautiful continent," she says.

Prior to first contact, the Aboriginal population was estimated to have been between 750,000 and 1.5 million. By 1901, that number was more like 100,000.

Disease played a major part in the population decline, says Indigenous affairs expert Tim Rowse, but "there was also a lot of killing".

'Detribalisation' and reserves

There was a common assumption among white people in the 1900s that the Indigenous population wouldn't exist in the foreseeable future.

At the turn of the century, Professor Rowse says, white people thought that once uncolonised tribes were contacted they would fall into a pattern called 'detribalisation'.

"[This] would be so rapidly destructive of them physically and culturally that in a few generations after contact they also would no longer be present as a distinct people," he says.

Historian Henry Reynolds says this view was heavily influenced by the popularity of Social Darwinism.

"Anyone who was up-to-date, anyone who was modern, accepted the truth of evolution, and it was assumed evolution applied to human races like [it did] to species in the natural world," he says.

"Primitive human races were dying out, and nature had dictated that and there wasn't much that could be done about it.

"So in a sense they felt that the Aborigines had no long-term future."

Some believed the only way to stop the decline in the Indigenous population was to protect them from the white community.

Aboriginal people were taken into reserves where they were taught "civilisation" and Christianity. *(Mavis Walley)*

This, Professor Rowse says, was used as an argument for the removal of Aboriginal people into reserves, where they were taught "civilisation" as well as Christianity.

But state-run reserves were often poorly funded and resourced, with low quality of schooling and little prospect of employment.

History professor Bain Attwood says it left Indigenous people feeling disenfranchised.

"The skills that they need in order to survive, let alone flourish in the wider world, they don't acquire those skills," he says.

Segregation and silencing

In 1901 six self-governing colonies federated to become the Commonwealth of Australia.

Indigenous Australians weren't counted towards the national population figure.

By the early 1900s there was an increasing number of reserves all around Australia, especially in southern states such as New South Wales.

Many white townsfolk became very anxious about the population of Aboriginal residents on reserves.

Social and political sciences professor Heidi Norman says governments began to employ policies of segregation "to push Aboriginal people further out of town".

"A key strategy to implement segregation was the threat of the removal of children [which] posed such a threat over the lives of Aboriginal people," she says.

"By the 20th century what we start to see is a silencing, a marginalisation, an invisibility of Aboriginal people in the spaces of towns and cities."

The 'half-caste problem' and the policy of assimilation

By the 1920s it became clear that the Aboriginal population was no longer facing extinction. Instead, it was growing.

"Institutional interventions, the institutional management of the Indigenous population, although it was very heavy-handed, did have a biologically protective effect," Professor Rowse says.

Around the country, white and Indigenous people began to grow new, large families of people of mixed race.

But not everyone was pleased about this.

"There was a lot of talk about the 'half-caste menace' and in particular the concern about intermixture, of trying to stop the breeding of these mixed-descent people," Professor Reynolds explains.

The mixed-race people were considered by many white people to be a threat to civil society.

"And that's why they started taking light-coloured children away. So they could be absorbed," Professor Reynolds says.

"They did not want a self-conscious Aboriginal minority developing. And this is certainly true of the 1920s and 1930s."

The law allowed a government-appointed 'Chief Protector' to undertake the care, custody or control of an 'Aboriginal or half-caste' if in his opinion it was necessary or desirable.

Between 1910 and 1970, many Indigenous children were forcibly removed from their families. They would become known as the Stolen Generations.

The policies of child removal left a legacy of trauma and loss that continues to affect Indigenous communities, families and individuals.

While there are people who dispute the facts of the Stolen Generations, in 1997 the Bringing Them Home report acknowledged the thousands of Aboriginal and Torres Strait Islander people affected by forcible removal.

A labour force working for free

Despite segregation, parts of the Australian agricultural industry depended on an Indigenous labour force.

"Aboriginal men in particular were very important parts of the wool industry, in shearing, certainly in the cattle industry, and in land-clearing and fencing," Professor Rowse says.

Marcia Langton, a prominent Indigenous academic, says historians call the system "indentured labour", but "much of it was actually slavery".

Professor Reynolds agrees.

"Absolutely, yes. This was certainly true right across Western Australia and the Northern Territory. Wages were rarely given to the [Indigenous] workers."

Throughout the early-to-mid 20th century, urban and rural Indigenous communities were engaged in acts of resistance and striking for transparency around wages.

Political climate heats up

In 1927 Wiradjuri man Jimmy Clements, known as "King Billy", walked from the Brungle Mission to Canberra for the opening of Parliament House in 1927.

He was one of only two Indigenous people present at the opening, and was not invited. At the time, he said it was a protest to demonstrate his "sovereign rights to

the Federal Territory".

It was the first recorded instance of Aboriginal protest at Parliament, but it would not be the last.

In 1938, while NSW was celebrating its sesquicentenary in 1938, "hundreds of Aborigines meeting in a hall on what is now George Street [were] passing resolutions about how badly they were treated, asking for land rights, asking to not be starved and to have some rights"," Professor Langton says.

In the post WWII period, international ideas and treaties also begin to influence events in Australia.

"The impact of what was happening in the Americas, in particular, the Black Power movement and the Civil Rights movement, had an enormous impact on Aboriginal people," says Paul Coe, Indigenous activist and an initiator of the Aboriginal Legal Service.

At the 1950-51 Aboriginal Worker's Strike in Darwin, Aboriginal man Fred Waters was banned from his country.

Wiradjuri elder Jimmy Clements in 1927, in the first recorded instance of Aboriginal protest at Parliament. *(Supplied: National Archives Of Australia)*

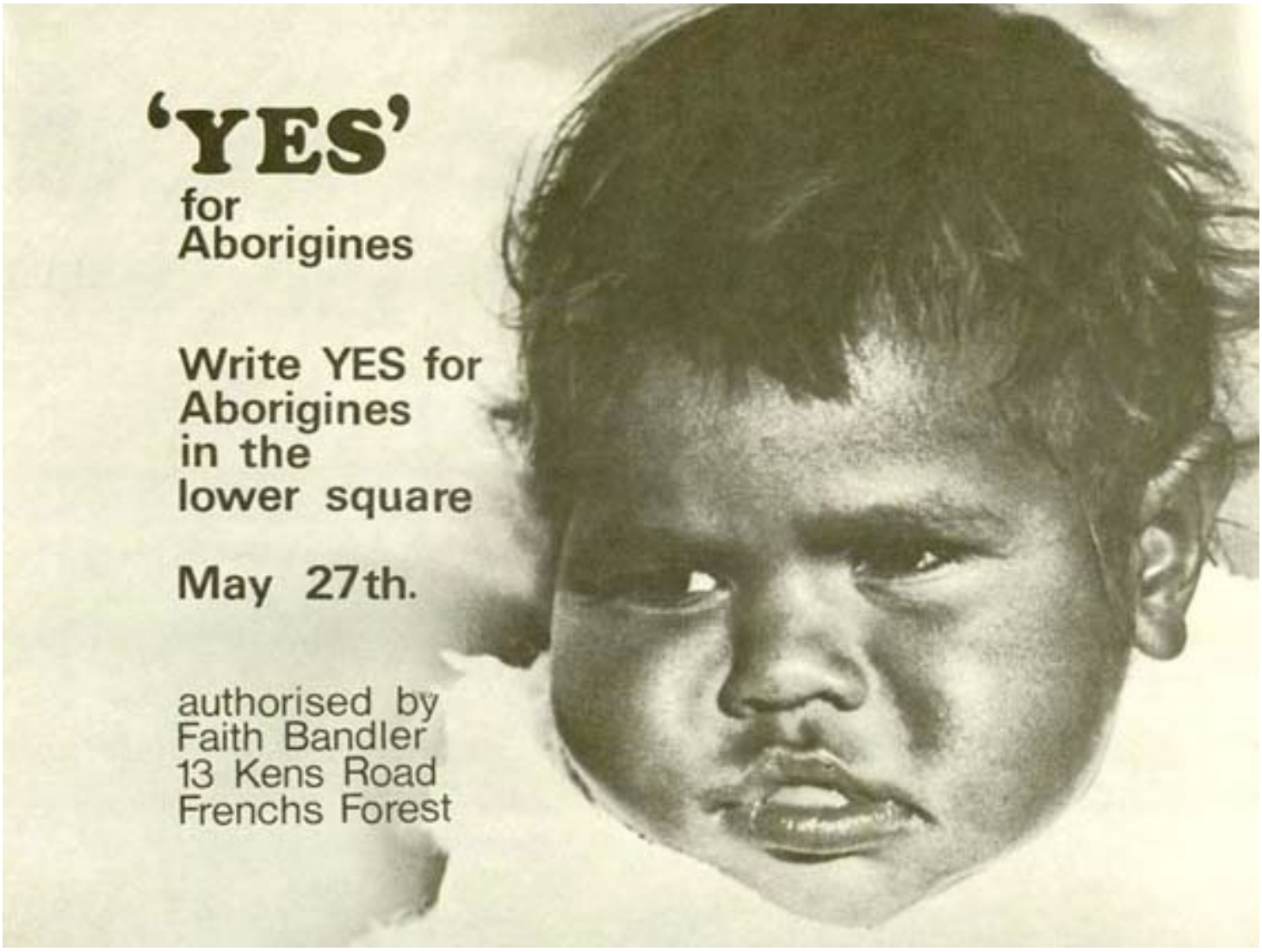
Unionists took up the cause, which led to the establishment of the Council for Aboriginal Rights and, later, the Federal Council for the Advancement of Aborigines and Torres Strait Islanders (FCAATSI), which lobbied for changes to the constitution, under which Indigenous Australians were not recognised as citizens.

The recently formed United Nations, which counted Australia in its numbers, also put the pressure on to remove discriminatory constitutional legislation.

A landmark referendum and the birth of the Tent Embassy

A referendum on May 27, 1967 marked a significant step for Indigenous rights.

Alongside the FCAATSI, activists such as Faith Bandler had lobbied hard for support for the referendum and to encourage yes votes from areas all over Australia.



The 1967 referendum granted Indigenous people certain citizenship rights, including being reckoned in the census. *(Federal Council For The Advancement Of Aborigines And Torres Strait Islanders)*

They argued that unless the Australian government had the power to make special laws for Aboriginal and Torres Strait Islander peoples, the states would continue to allocate inadequate resources for education, housing and health in Indigenous communities.

"It was vitally important to have that referendum to force the Commonwealth government to be responsible for the Aboriginal people, because only the Commonwealth had the necessary resources," Bandler said at the time.

Australians overwhelmingly voted to amend the constitution. Indigenous people were granted certain citizenship rights, including being reckoned in the census.

The landmark decision also made it possible for the Commonwealth to make laws

regarding Indigenous Australians.

That presented a space for Indigenous people to fight for rights specific to them, not just the same rights as other Australian citizens.

Right wrongs: The '67 referendum

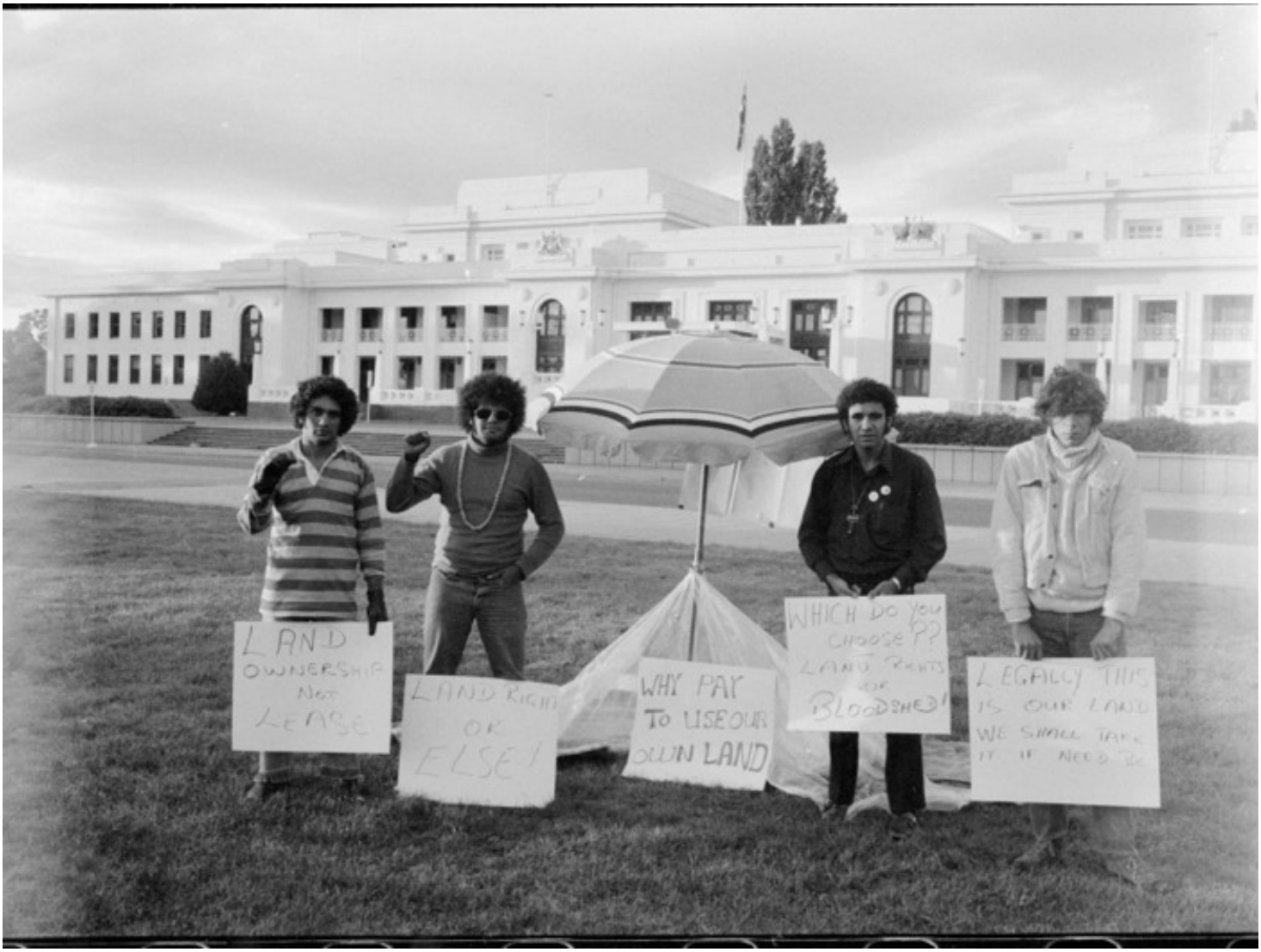
In 1972, when prime minister Billy McMahon "refused to acknowledge the communities of the Northern Territory entitled to have land rights", four men — Billy Craigie, Michael Anderson, Bertie Williams and Tony Coorey — decided to go to Canberra and protest. The Tent Embassy was born.

"They... went down and raised a beach umbrella. Within a matter of days that area was just swarming with Aboriginal people. It was like a magnet," Mr Coe says.

"We wanted to have the stake in what goes on in this country, and we wanted to have a say."

Professor Jennifer Clark, head of the school of humanities at the University of Adelaide, says the impact was "enormous and monumental".

"'You have these young men who are disaffected...who spontaneously go to the lawns of Parliament House, put up an umbrella, sit there and say, 'We feel like aliens in our own land and this is an Aboriginal embassy'," she says.



LtoR: Billy Craigie, Bert Williams, Michael Anderson and Tony Coorey started the Tent Embassy *(The Tribune / SEARCH Foundation)*

When police were called in to remove protesters and violence erupted, it was seen in news reports around the globe.

"The age of television broadcast the brutality and so that made people sit up and pay attention," Professor Langton says.

The Tent Embassy remained, however, and in February 1972 then-opposition leader Gough Whitlam accepted an invitation to visit the embassy.

"This giant, lanky, long-legged man goes to the Tent Embassy and sits down and is engaged in what appears to very genuine dialogue, and he leaves the tent embassy saying that he will legislate land rights," Professor Norman says.

One of the first acts of the Whitlam Government in 1973 was to establish The Aboriginal Land Rights Commission, known as the Woodward Royal Commission.

It was charged with inquiring into appropriate ways to recognise Aboriginal land rights in the Northern Territory of Australia.

It eventually led to the Aboriginal Land Right (Northern Territory) Act of 1976, which was passed by the Fraser Liberal Government.

"The bill was probably the most the most progressive land rights act ever passed either at the national level or at state parliament," Mr Coe says.

"[It] gave the Aboriginal communities of the Northern Territory complete say over the future of their own country, and that meant having control over things like minerals, having a say as to what happens to the water."

Aboriginal rights activist Vincent Lingiari with Gough Whitlam, who visited the Tent Embassy before becoming PM *(Http://Keithlyons.files.wordpress.com)*

The Hawke Government came to power in 1983 promising National Land Rights, but by 1985 it had backed away from that promise.

Fred Chaney, a former Liberal Aboriginal affairs minister, said it was "a promise too hard to deliver".

"It was too hard politically, administratively. Here in Western Australia there was a really deeply racist campaign, run by the mining industry, supported by ... the Liberal Party," he says.

"As Minister for Aboriginal Affairs in the federal government in 1978-80, I was strongly opposed by my own party at the state level for our support for land rights. It was a matter of deep and bitter political division.

"In the end it just wasn't going to happen, and it didn't happen."

'90s 'golden age'

Enshrining national land rights, a prospect that had created deep political divisions in Australia, would prove more difficult.

"It was a case of them going back to the courts," Professor Reynolds says, "and that is exactly what happened".

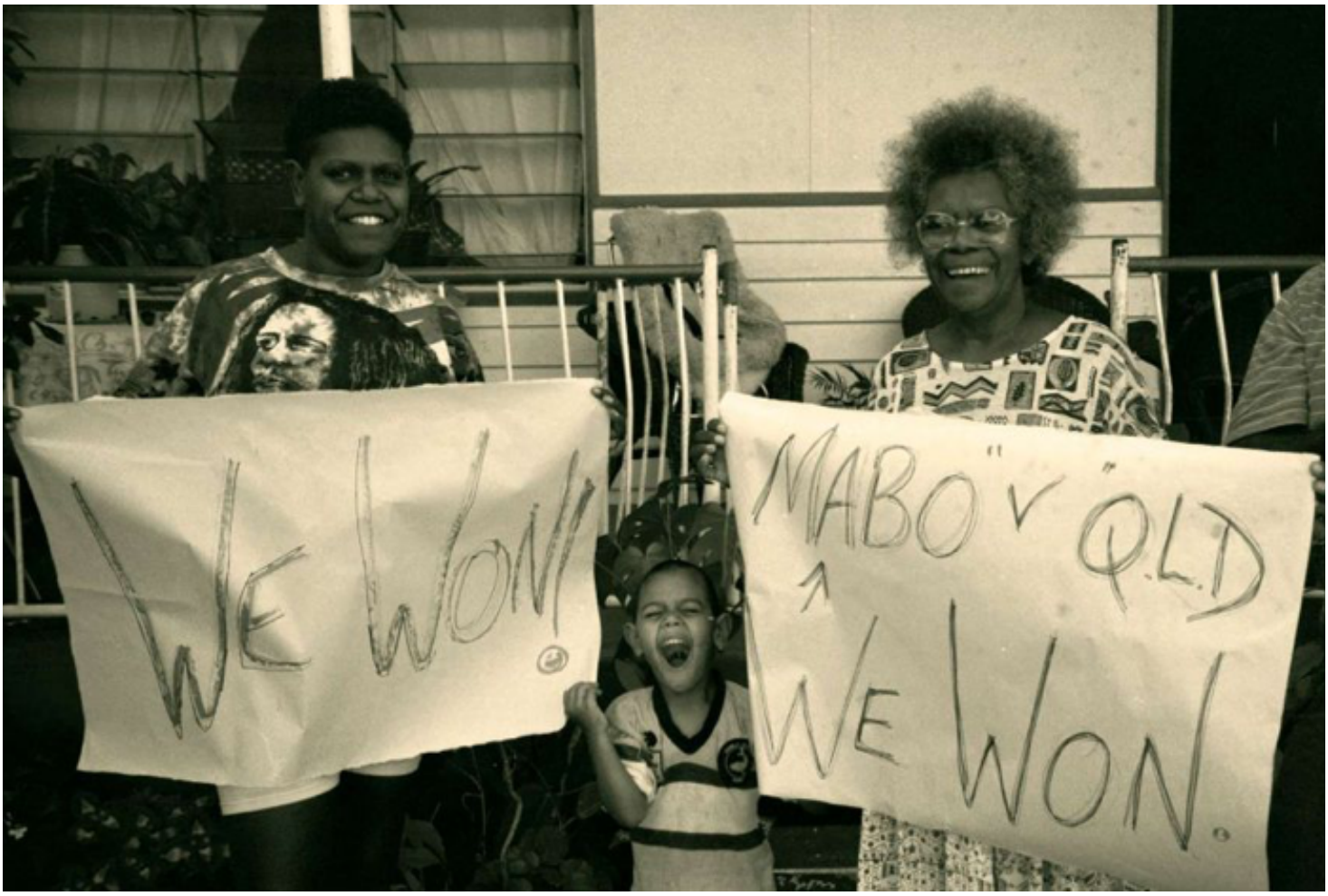
Eddi Mabo took his fight against the legal doctrine of "terra nullius" to the High

Court — and won.

His wife Bonita said the landmark 1992 decision made her family "as proud as punch".

"We got to that side of Sydney, pulled up on the side of the road and we got a call from [my daughter] to say 'Dad won the decision, won the case'," she told the ABC at the time.

"We just jumped out and hugged each other."



Celuia Mabo and Bonita Mabo, with grandson Bryan, celebrate the 1992 ruling *(Supplied: Trevor Graham)*

The case led to the Native Title Act 1993, which gave land rights to Indigenous groups who could demonstrate their continuing connection to country.

But for many Indigenous people, especially those in the southern states, these rights were of little or no use.

"The majority of people are never going to be able to demonstrate that they've got native title rights, largely because a lot of the land in this country has had, what we call under the Native Title Act, 'extinguishing acts' committed over it," says Jakelin Troy, director of Aboriginal and Torres Strait Islander Research at the University of

Sydney.

"There are a whole lot of kinds of title given to other people or entities that extinguish native title."

The 1990s are also notable as the decade in which the Aboriginal and Torres Strait Islander Commission, or ATSIC, was formed.

"It was an organisation that had an elected arm of Aboriginal and Torres Strait Islander people who represented all of the communities across Australia," Professor Troy says.

> "It was unique in the world, it was like our own self-government."

Coupled with prime minister Paul Keating, "who was very pro-Indigenous rights", it was "kind of a golden age" for Aboriginal affairs, says Professor Troy.

However, in 2004 the Liberal Government abolished the organisation, with prime minister John Howard saying it was an experiment that had failed.

"In my view there has been nothing post-ATSIC that has been as effective in terms of Aboriginal affairs, as ATSIC was," says Fred Chaney, a former Liberal Aboriginal Affairs minister.

Hopes made and dashed

On February 13, 2008, prime minister Kevin Rudd delivered a historic national apology to the Stolen Generations — the estimated one in three children of Aboriginal and Torres Strait Islander peoples were forcibly removed from their families.

"We apologise for the laws and policies of successive parliaments and governments that have inflicted profound grief, suffering and loss on these our fellow Australians," Mr Rudd said.

"For the pain, suffering and hurt of these stolen generations, their descendants and for their families left behind, we say sorry.

"To the mothers and the fathers, the brothers and the sisters, for the breaking up of families and communities, we say sorry."

Gwenda Stanely comforts her Aunty Rita Shillingworth during the apology *(Lisa Maree Williams: Getty Images)*

The apology produced significant momentum for Indigenous rights, but Ms Anderson says since then progress has been slow.

She describes the past decade as "very bleak in Aboriginal and Torres Strait Islander affairs".

> "We haven't had a voice, we're invisible in this country of ours, decisions are made completely outside of any discussion or contact with us, and this has to change," she says.

"It has to be in the constitution ...so governments of the day [can] not just get rid of it on a whim or a fancy."

In another nod to the pain of the past, a push to change the date of Australia Day from January 26, when the First Fleet landed at Port Jackson in Sydney, began to

gain momentum.

From 2012, a national campaign calling for Indigenous people to be recognised in the constitution gained significant media attention, but some believed the necessary referendum would set back the campaign for a treaty with Indigenous Australia.

For many Indigenous Australians, the First Nations Constitutional Convention in Uluru in May 0f 2017 provided hope of steps towards change.

Dancers perform at the opening ceremony of the summit at Uluru. *(ABC News: Stephanie Zillman)*

Law Professor Megan Davis says it was a historic moment.

"Indigenous Australia came together for the first time, with a historic consensus position to say to the Australia people: 'We're here at Uluru, we're an aggrieved party, we are telling you you have done something wrong, we want you to meet with us to talk about what that wrong is and how it can be addressed'."

The convention resulted in the Uluru Statement of the Heart, proposing a constitutionally enshrined voice to the parliament, a Makarrata Commission (a dispute resolution process) and truth-telling.

But the Government rejected the Statement, with Prime Minister Malcolm Turnbill saying the proposal was "contrary to the principles of equality of citizenship" and was too radical a change to succeed at referendum.

The rejection sparked anger and disappointment from within the Indigenous community.

Darkinjung Aboriginal Land Council chief executive Sean Gordon described the rejection as an "act of political bastardry".

But former co-chair of Mr Turnbull's Indigenous Advisory Council, Chris Sarra, urged Indigenous leaders to "stay at the table" and not "have tantrums" while working towards constitutional recognition.

Cape York lawyer Noel Pearson has said that, one year on from the Statement, there is still a "window" to develop a constitutionally-enshrined voice representing Indigenous Australians.

The fight for change among Australia's first nations people, that began with the arrival of the First Fleet, continues.

Posted 4 Jul 2018, updated 4 Jul 2018

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