

**Do we need another referendum? Reflections on the fortieth anniversary of the 1967 Referendum.**

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**I acknowledge the traditional owners of the land on which we meet**

The University of Queensland's Diversity Week aims, among other things, to "develop greater understanding about Indigenous Australian history and contemporary culture within the University and the wider community". The 2007 theme of Diversity Week is "We All Count". This theme makes explicit the need to recognise and value the enormous diversity of students, staff, and other members of the university community. This diversity is expressed in different cultures and languages, age and gender differences, as well as diverse sexualities, nationalities, religions, politics, abilities and disabilities. It is also shown in the diversity and complexity of their racial and ethnic identities.

In May 2007, however, one particular aspect of the diversity that makes up UQ needs to be acknowledged. This month is the fortieth anniversary of the 1967 referendum to amend the constitution with regard to Indigenous people. The theme "We All Count" reminds us that for most of the colonial or settler history of this state and nation, Australia's Indigenous people did not count at all. One of the effects of the 1967 referendum was to amend the Constitution to quite literally "count" Aboriginal and Torres Strait Islander people in the census for the first time since federation for such political and administrative purposes as setting up electoral boundaries.

As Maude Tongerie, recalling the SA campaign for a 'Yes' vote in the 1967 referendum, declared:

The pigs were counted, the horses, the emus were counted - but the Aboriginal people were not. We really had to work hard. We had a body of Aboriginal people going out and speaking to the community and pleading to the public. We said, "we are here, we have been here for a long time and for God's sake, somebody look at us, accept that our colour is different. We are human beings and we want self-management" (quoted in Mattingley and Hampton, 1992: 55).

From 1901, Section 51 (xxvi) of the Australian Constitution read:

“The Parliament shall subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect of: ... The people of any race, other than the aboriginal [sic] race in any State, for whom it is deemed necessary to make special laws”.

Section 127 read:

“In reckoning the numbers of the Commonwealth, or of a State or other part of the Commonwealth, aboriginal [sic] natives shall not be counted”.

The 1967 referendum proposed that Section 51 be amended to remove the prohibition on making special laws about Indigenous people, and that Section 127 be repealed.

The main aim of this lecture is to ask some questions about the ongoing impacts of this history of oppression and exclusion of Indigenous people. For example, how was it possible in the late nineteenth century to deliberately deny the new Commonwealth government powers to count or make laws with regard to Aboriginal and Torres Strait Islander people? What was the context of the campaign for the referendum? What do we know about the various understandings of those who fought for the changes and those who voted for them? Even more importantly, if the referendum was held today would it receive a yes vote of 90.77%, much higher than any other referendum (Attwood, 2003: 178)? Would it even pass given that constitutional amendments require not only a majority of voters but also a majority of states?

More generally, did the repeal of the discriminatory legislation controlling the lives of Indigenous people and the granting of formal citizenship and other rights in the 1960s and 70s, result in genuine equality of opportunity? If not, why not?

What needed (or still needs) to be done to bring about real social justice and a society in which Aboriginality is not associated with disadvantage? How does racism continue to limit and distort the lives of many Indigenous people and how can we all work to combat that racism? Have Indigenous people lost ground in the past decade and what are the key policy debates that we should engage with to “close the gap” not just in health but in all areas?

### **Thou shalt not count or be counted**

One of the most obvious and profound contradictions in Australian history since the invasion has been the degree to which Indigenous people were highly visible and much remarked amongst the settlers or, on the other hand, absent, silent and ignored (Langton, 1999; Reynolds, 2000; Hollinsworth, 2006). From the earliest times, settlers argued about the “Aboriginal problem”. Were

Indigenous people to be regarded as full members of the transplanted British society or as a pagan, uncivilised and irredeemable remnant? Did the emerging colony have a legal and moral responsibility to “uplift the natives”? Crucially did Indigenous groups own the lands from which they were dispossessed?

As you will be aware, with some important exceptions such as the 1836 South Australian Letters Patent (ANTARSA website: <<http://antarsa.auspics.org>>), the overwhelming assumption was that Aboriginal culture was so profoundly “primitive” that no recognizable form of government or law or land ownership existed. We now refer to this belief as the doctrine of *terra nullius*, usually understood as “waste and unoccupied” (Hollinsworth, 2006: 68-69). This legal fiction was eventually overturned in the 1992 Native Title or Mabo decision of the High Court.

The close connection between the legalised acquisition of Aboriginal lands and the denigration of Aboriginal people was highlighted in 1882, when historian J. Bonwick explained the assumption of *terra nullius* thus:

The settlement of Australia was formed without any consideration of the claims of the natives, or scarcely a recognition of their existence. They were too weak to present opposition, and too degraded to excite sympathy. The assumption of absolute jurisdiction over the new territory followed the occupation, just as if it had no previous inhabitants (quoted in McGrath, 1995: 363).

The depth and resilience of such supremacist beliefs was amply demonstrated in the hysteria surrounding the Mabo decision. On October 12<sup>th</sup> 1992 CEO of Western Mining, Hugh Morgan confidently restated *terra nullius* as if it were incontrovertible:

... if the inhabitants of a newly discovered country were at such a primitive state of development that no treaty with them was possible, then *terra nullius* ... applied. The Aborigines of 1770 were, as Cook and Banks discovered, sparse in number, had few or no clothes, and built only the most primitive of shelters. The Aborigines had no agriculture nor did they graze animals. Their few utensils, weapons and ornaments were crude. They had no written language, no sense of time or history, no common spoken language, and no political institutions which went beyond the life and boundaries of their many clans. They were unable to mount anything but local and sporadic resistance to British settlement (1992: 4).

There were many similar statements made at the time by prominent politicians, bankers, company directors and media commentators, all premised on the belief that cultural differences were

evidence of inferiority (Attwood, 1996). For example, the Leader of the National Party, Tim Fischer, defended refusal to recognise native title by reminding his audience that Aborigines had failed to invent a wheeled cart (Hollinsworth, 2006: 18). Without a cart, they did not count!

This rigid logic resonates with deeply entrenched social Darwinist thought that by the late nineteenth century was almost universally accepted. It was argued that the extent of Indigenous inferiority made their incorporation into the nation impossible as well as undesirable. By the 1880s it was widely believed that the entire Aboriginal race would rapidly become extinct, a belief not without some foundation given the decline in population from perhaps 700,000 in 1788 to less than 100,000 in 1901 and a low of about 60,000 in the 1930s (Briscoe and Smith, 2002). While some of this anticipation of extinction was tinged with supremacist nationalism, others seem to have lamented the fate of a “dying race” (McGregor, 1997; Reynolds, 1998 and 2005; Paisley, 2000).

Regardless of the emotional content of settler responses to depopulation, the vulnerability and poverty of many Indigenous families combined with social Darwinism to justify the creation of extraordinary state apparatus to control Aboriginal people and thus set the context for their omission from the constitution of the new nation in 1901.

### **Legislating Aboriginal people out of existence: living under the Act**

One of the most elaborate and intrusive system developed in Queensland following the 1897 *Aboriginals Protection and Prevention of the Sale of Opium Act*. It is not possible here to review the details and effects of this legislation and the administration of segregated and oppressive Queensland Act. Key issues would include:

- Penal provisions and incarceration on reserves
- Stolen wages and compulsory labour
- Control of sexuality and reproduction
- Assertion by government of rights to control children regardless of the wishes of parents
- Woefully inadequate housing, schooling, health care and other amenities

It should also be remembered that Queensland was the last state to abandon segregation and protection policies, and the last to remove discriminatory legislation in 1984 (Evans, Saunders and Cronin, 1993; Kidd, 1997 & 2000; Blake, 1998 and 2001; Donovan, 2002; Wilson, 2005).

### **Indigenous struggles for citizen's rights**

The long history of attempts to remove Indigenous people and confine them to reserves except where their labour was required by the settlers cannot be separated from the efforts of Indigenous people to maintain their families and their connection to country. Much of this story remains to be recorded although many autobiographies, novels and oral histories are available. There are also good accounts of the work of the Federal Council for the Advancement of Aborigines and Torres Strait Islanders (FCAATSI) and the state based Advancement Leagues (VAAL, 1985; Markus, 1986; Goodall, 1996; Attwood and Markus, 1999 and 2004; Attwood, 2003; Taffe, 2005).

A central plank of these organisations was pursuit of formal equality or “citizen's rights” for Indigenous people, many of whom were still imprisoned within reserves and missions by the 1950s (Chesterman and Galligan, 1997; Peterson and Sanders, 1998; Chesterman, 2005). Most states had provisions for exemption from the discriminatory legislation but Exemption Certificates were conditional on a person ceasing all contact with non-exempt family members and other Aboriginal people (HREOC, 1997; Haebich, 2000; Hollinsworth, 2006). While many Indigenous people took up exemptions to escape the control of Aboriginal Affairs departments and to gain access to decent schooling, housing and employment, others refused to renounce their identity. The certificates came to be known as “dog tags” and were deeply resented by many.

The fundamental message of the Exemption system remained that so long as Indigenous people chose to assert their Indigenous heritage and identity, they would be denied full and equal participation in Australian society. Indigenous people still didn't count, even those who had served overseas in the war or who were entirely equipped to take care of themselves and their families.

Across the country Indigenous people were campaigning for Equal Wages and the rights to control savings and income. Other campaigns called for the handing over of reserve land to residents, and the abolition of discriminatory legislation including the right to move freely around the country.

One key right denied almost all Indigenous people until the 1960s was the right to vote. In Queensland “Aboriginal natives” were disqualified from enrolling to vote under the 1885 *Elections Act* and subsequent amendments. In 1930 disqualification was extended to Torres Strait Islanders, “half caste” Aboriginal people and anyone living on reserves or under the control of the Protector of Aborigines. In 1934 the *Aboriginals Protection and Prevention of the Sale of Opium Amendment Act* introduced additional disqualifications for those who lived or associated with Aborigines. Even some of those who held Certificates of Exemption could be denied the vote if they were classified as having a “preponderance of Aboriginal blood”.

In 1962 the *Commonwealth Electoral Act* provided that Indigenous peoples should have the right to enrol and vote at federal elections but enrolment was not compulsory. Indigenous Queenslanders did not gain the right to enrol to vote in state elections until December 1965.

In 1966 Director of Native Affairs Pat Killoran banned political electioneering on reserves, declaring that: “ It is not desirable for political canvassers to be allowed unrestricted access to Reserves particularly representatives of some of the more radical political persuasions whose activities engender unrest and would create major administrative problems” (quoted in Kidd, 1997: 243). Voting in state elections was not made compulsory until 1971.

Even then reserve residents remained disqualified from local government electoral rolls where they might challenge non-Indigenous councils (Kidd, 1997: 243). This perpetuation of disenfranchisement at the local level continued until the transition of old reserves into Community and Island Councils under the 1984 *Community Services Act* (Donovan, 2002). In the current context of possible forced amalgamations, the future of Indigenous councils within the local government sector is very uncertain.

### **The 1967 Referendum: making Indigenous people count**

Many people incorrectly assume that the 1967 referendum enabled Indigenous people to vote (Attwood and Markus, 1997). Others describe the referendum as delivering citizenship or access to welfare benefits to Indigenous people (Gardiner-Garden, 2007). These and similar beliefs are incorrect but revealing.

As we have seen the referendum was very specific in its technical amendments to the Constitution. There was no mention of voting as legislation enabling Indigenous people to enrol to vote had already been enacted at federal and state levels. However, as the actions of Killoran indicate, many Indigenous Queenslanders were unaware of their rights or frustrated in seeking to exercise them. In this context, equating the Yes vote in the Referendum with gaining of citizenship and the right to vote is understandable.

As Attwood and Markus (2007) record, some of the most active campaigners for the Referendum misinterpreted the effect of the relevant clauses of the Constitution. The exclusion of Indigenous people from the Commonwealth government's race-law making powers under Section 51(xxvi) was the result of southern states' opposition to greater parliamentary representation for WA and Queensland on the basis of their large indigenous populations and those frontier states' refusal to accept federal intervention into their powers over Aboriginal people under the influence of "southern do-gooders". The lack of a constitutional head of power for the Commonwealth government was not the cause of discriminatory legislation in the various states. Therefore repeal of the specific clauses would not remove this discrimination or require the Commonwealth to overturn state laws.

Indeed, such an outcome was specifically ruled out by Prime Minister Harold Holt who told Parliament that:

... while the Commonwealth is now in a position to make laws and to prevail should a conflict arise with a State, the Commonwealth does not seek to intrude unnecessarily in this field, or into areas of activity currently being dealt with by the States. There is a big variation in circumstances and needs of Aborigines in the States. For this reason, administration has to be on a regional or State basis if it is to be effective (House of Representatives, *Hansard*, volume 56, 1967: 973).

Such reassurance was possibly necessary given the expectations of significant Commonwealth action raised by Indigenous activists and their supporters in calling for the Constitutional amendments (VAAL, 1985; Bandler, 1989; Horner, 2004; Taffe, 2005). For example, ALP

frontbencher Gordon Bryant repeatedly urged the Menzies government to intervene in wages, welfare and the protection of remote communities from mining. Bryant noted that:

... Although it is important for the Aboriginal people of Australia to be counted, there are many in the Aboriginal community ... who want not only to be counted but also to count. And they will not count until the Commonwealth accepts a greater and wider responsibility for these people (quoted in Gardiner-Garden, 2007: 7).

It now seems clear that the Coalition were unenthusiastic about taking up this challenge but felt that international criticism was becoming more strident and that many non-Indigenous Australians were shocked at media revelations of the plight of many Indigenous families (Curthoys, 2002; Chesterman, 2005; Taffe, 2005).

Central to the campaigns by FCAATSI and others were explicit appeals for equality, civil rights and what many would now understand as reconciliation. In the words of one poster carried for several years by Faith Bandler: COUNT US TOGETHER: MAKE US ONE PEOPLE<sup>i</sup>.

In a world increasingly concerned with apartheid, decolonisation, and the civil rights struggles in the USA, these appeals hit home especially in the southern cities. With logistical support from unions, churches and some politicians, the campaign gained momentum. While state Premiers looked to the Yes vote to deliver Commonwealth funding for their programs, many electors who voted for the amendment expected a handover of responsibility.

It was also widely believed that the provision of a head of power for the Commonwealth to legislate for Indigenous people could only be used for the benefit of Indigenous people (Chesterman, 2005; Gardiner-Garden, 2007). This makes sense given that in 1965 the United Nations passed its International Convention on the Elimination of all forms of Racial Discrimination and the following year in South Australia Premier Don Dunstan enacted Australia's first anti-discrimination law (Hollinsworth, 2006: 263). This confidence in the anti-discriminatory position of the Commonwealth explains why the whole clause was not struck out rather than the exception of Aboriginal people.

Regrettably this confidence was misplaced. In 1998 the Howard government won a case in the High Court against Ngarrindjeri applicants (*Kartinyeri v Commonwealth* 195 CLR 337) trying to overturn an Act to exempt the Hindmarsh Island Bridge from the Federal *ATSI Heritage Protection Act* 1984. Only Justice Kirby found that the Section 51 'race power' did not extend to detrimental legislation. The other justices found that harm as well as benefit was constitutionally valid. Theoretically the *Race Discrimination Act* 1975 should have protected the Ngarrindjeri against the

denial of Indigenous rights but the court ruled that the *Hindmarsh Island Bridge Act* only applied to some Aboriginal people, that is, those opposed to the bridge. Consequently the justices found that the legislation was not racially discriminatory (O'Neill et al, 2004: 35-6, 681 & 689; Hollinsworth, 2006: 182-4).

The implications of this judgement are unclear but may prove critical in the next few years as governments move to repeal or limit Indigenous-specific rights in areas including native title, cultural heritage, inalienable title under territory and state land rights laws, and special programs such as Abstudy, Indigenous employment, housing, legal and medical services (see below).

### **Rights or responsibilities?**

Why was the 1967 referendum so misunderstood, seen as a watershed or revolution in Indigenous affairs?

- Partly because of the rhetoric of campaigners
- Partly because Australians in general and their governments were very sensitive to accusations of racism
- Partly because (as is still the case) most non-Indigenous people had little routine contact with Indigenous people and were reliant on the media for information and ways of understanding Indigenous issues
- And partly because of a desire for a quick fix to a complex and intransigent problem.

These myths and misunderstandings continue to influence debates, policies and practices today.

In the 1960s nationally (and until 1984 in Queensland) it was obvious that Indigenous people were deliberately discriminated against. Racism was blatant, overt and systemic. This aspect of Indigenous campaigns focussed on the removal of discriminatory legislation and was understood as extending to Aboriginal and Torres Strait Islander people the rights and opportunities enjoyed by other Australians. It was difficult for others to deny the pressing need for such reforms as reflected in the referendum vote and polling (Chesterman, 2005).

By the late 1960s with growing respect for Indigenous cultures and criticism of the arrogance of assimilation, many Indigenous people and their supporters came to look for more than just formal equality for individual indigenous people. Specific group rights for Indigenous people, as sovereign peoples were also demanded (Iverson et al, 2000; Behrendt, 2003). Most centrally land rights and compensation for dispossession, but also recognition of customary law, community controlled services, separate representative bodies and possibly separate parliamentary seats, in summary self-determination. Support for these Indigenous group rights has always been lukewarm and plagued by misunderstanding of the need for such measures.

The point is that most Australians never fully understood or embraced the need for self-determination to the extent that it requires wholesale transfer of powers and resources to Indigenous people and the provision of rights that are specific to Indigenous people. Of those that did understand the implications, many were determined not to suffer actual losses in order for Indigenous peoples' disadvantages to be properly addressed (Attwood, 1996).

In 1985 during the lead up to promised national land rights legislation, the Hawke Labor government received confidential polling that concluded:

The Australian population can currently be divided roughly into three camps regarding land rights: one quarter implacably opposed and unshiftable in the short term; one quarter firmly supportive; and half in the middle leaning increasingly to opposition and prejudice through fear, ignorance, misinformation and soft racism (Australian National Opinion Polls, 1985: 5).

ANOP concluded that "Black rights generally, and land rights in particular, represent the most divisive and potentially explosive issues that we have ever dealt with - and, we suspect, that this country has faced in the post-war period" (1985: 35).

Continued silence by government means that those with vested interests in opposing land rights will retain the initiative and community attitudes will harden and divide further. The community debate about land rights is currently at an abysmally low level and if a pro-Aboriginal, pro-land rights campaign is not launched now, it is our view that the situation will become quite irretrievable (ANOP, 1985: 8).

Unwilling to risk electoral punishment, Hawke abandoned national land rights and refused to mount that campaign (Hollinsworth, 2006: 158-161).

Successive governments from Whitlam to Fraser to Hawke to Keating to Howard found that the levels of support amongst most people for inalienable land rights, for compensation, for programs to address the centuries of discrimination and their ongoing impacts were much lower than the 90.77% who "Voted Yes for Aborigines" in 1967.

This is not to deny the very significant wins that some Indigenous groups made or the efforts of some politicians and bureaucrats to achieve self-determination. But the work that was needed to educate and persuade Australians of the desperate need for structural changes, for a revolution in Indigenous affairs was never done, even though it was strongly recommended by the 1985 ANOP report (Goot and Rowse, 1991) and subsequent reports for the Council for Aboriginal Reconciliation (Sweeney, 1996; Saulwick and Muller, 2000a & 2000b).

Most Australians felt uncomfortable with programs that appeared to be based on historical injustice. As Prime Minister Howard argued in relation to the Stolen Generations, why should we feel guilty, apologise or make amends for the actions of previous generations?

I sympathise fundamentally with Australians who are insulted when they are told that we have a racist, bigoted past. And Australians are told that quite regularly. Our children are taught that ... Now, of course, we treated Aborigines very, very badly in the past – very,

very badly – but to tell children whose parents were no part of that maltreatment, to tell children who themselves have been no part of it, that we're all part of, a sort of, a racist bigoted history, is something that Australians reject (quoted in Dodson, 2004: 130).

Two responses spring to mind. One is that a 68 year old politician who has been in parliament since 1974 is a member of previous generations, as am I. Furthermore, massive over-representation of Indigenous people in prison and Indigenous children in out-of-home care continue today (HREOC, 1997; Cunneen, 2006; Cunneen et al, 2006). The second and more important is that Australian law routinely assigns responsibilities to previous governments (the Voyager accident), previous Boards of Directors (asbestos, tobacco,) in recognition of moral and legal obligations and the fact that the benefits of actions that have harmed some often flow to others including future generations.

As Sir William Deane explained in 1998:

The realities of what was done in earlier times to the Aboriginal people in this their country cannot be dismissed as of no present relevance. For we still live with their consequences. If their existence as a shameful aspect of our history is ignored or denied, they will remain to haunt us as a source of bitterness and an insurmountable obstacle on the difficult road to true reconciliation. It is essential that our hopes for true reconciliation be kept alive. If they are not, I weep for our country (quoted in Dodson, 2004: 129).

One of the key examples of the need to recognise consequences is the Stolen Wages campaign where the struggle to get recognition of the fortunes that were made by others, the government budgets that supplemented by diverting indigenous wages and by underpaying workers on reserves, and the tax cuts that were given to non-Indigenous people is arguably as critical as obtaining financial compensation for those whose wages were stolen<sup>ii</sup>.

Without sustained and authoritative educational campaigns of our shared histories and their intergenerational impacts, anti-Indigenous sentiments and myths<sup>iii</sup> alleging reverse racism and “special treatment” are easily invoked (Mickler, 1998; Neill, 2002; Dodson, 2004). We hear from many sources:

*Surely after the referendum, after the repeal of discriminatory legislation, after the “billions of dollars” provided to Indigenous programs, it is now up to indigenous people to “fit in”, to pull themselves up by their bootstraps, to do what successive waves of migrants and other battlers have done for themselves and their children.*

This argument has been being made for almost all of the past 40 years. It has reached a crescendo in the past two decades as the pressure from non-Indigenous Australians for meaningful, secure land rights and self-determination has been met and largely exhausted.

In her maiden speech to Parliament in 1996, Pauline Hanson rejected native title and the relevance of past injustices:

I was born here, and so were my parents and children ... but I draw the line when told I must pay and continue paying for something that happened over 200 years ago. Like most Australians, I worked for my land; no one gave it to me (1996: 3802).

She added that:

Along with millions of Australians, I am fed up to the back teeth with the inequalities that are being promoted by the Government and paid for by the taxpayer under the assumption that Aboriginals are the most disadvantaged people in Australia (quoted in Jull, 2000: 208).

Two weeks later, newly elected Prime Minister Howard welcomed attacks such as Hanson's as signalling the end of Keating government inspired 'political correctness', stating:

I welcome the fact that people can now talk about certain things without living in fear of being branded a bigot or as a racist or any of the other expressions that have been too carelessly flung around in this country whenever somebody has disagreed with what somebody has said (*The Age*, 23 September 1996).

In 2000 the Howard government renounced what it described as symbolic or gesture politics in Indigenous affairs in favour of **practical** reconciliation (Rowse, 2006). The policy aim of practical reconciliation is to address disadvantage in the key areas of housing, health, employment and education. It is argued that this can be done most effectively by mainstreaming Indigenous programs and encouraging Indigenous people to leave remote communities (Commonwealth of Australia, 2002).

HREOC Aboriginal and Torres Strait Islander Social Justice Commissioner William Jonas has written that practical reconciliation strips Indigenous disadvantage of its historical context and does not seek to transform the relationship between government and Indigenous peoples. He writes that the government's focus is based on "whether one group, Indigenous people, are prepared to conform to the rest of society. If not, then the offer is closed" (HREOC, 2001: 29).

I would suggest that it is ironic that native title, sovereignty, treaty, self-determination, apology and compensation have been denigrated as **symbolic**. The original campaigns for these rights and

recognitions was on the basis of the **practical** impact, their crucial capacity to break through entrenched colonial power and enable Indigenous people to choose their path forward within Australian society. In Jonas' terms, to change the nature of the relationship between Indigenous peoples and the Australian state through acknowledgement of sovereignty.

We are now confronted with a barrage of denigration of Aboriginal culture and people. Revisionist historians such as Keith Windschuttle seek to deny massacres and attribute Indigenous depopulation to cultural inferiority in terms reminiscent of nineteenth century social Darwinism (Manne, 2003). Former Indigenous affairs Minister John Herron declares there never were Stolen Generations given that less than 10% were taken and it was for their own good (Manne, 2001). Andrew Bolt and other journalists bombard the media with similar denials and distortions aimed at eroding support for any recognition of the unique position of Indigenous people (Lucy and Mickler, 2006). These last two need particular attention, as the 26<sup>th</sup> of May 2007 will be the tenth commemoration of the release of the *Bringing Them Home* report into the removals of Indigenous children (HREOC, 1997).

In other recent examples, Minister Mal Brough accuses communities of protecting paedophilia gangs and condoning family violence (Kelly, 2006). In the Tiwi Islands, Commonwealth money for health, a new High School and 25 new homes is conditional on the Ngiuu community signing a 99 year lease on the previously communally owned town (AAP, 2007). Media coverage based on ministerial press releases describe Indigenous housing programs in urban areas as follows:

Urban Aborigines living in houses effectively given to them by the federal Government will, from next year, no longer have them fixed at taxpayers' expense (Karvelas, 2007).

In April 2007 Minister Tony Abbott in responding to repeated calls from OXFAM and the AMA for adequate funding to address the life expectancy gap of 20 years, argued that:

... these days the problem is rarely inadequate health services. The problem is more that most indigenous people have low records of educational attainment, often quite poor employment records, often poor housing as well. Many live in very remote locations and unfortunately health outcomes tend to be linked to those social circumstances. So improving aboriginal [sic] health is not just a question of further improving health services, as important as that is.

It's also a question of trying to improve employment outcomes, get educational levels up, try to give aboriginal people more freedom to move if they wish into the mainstream economy in major centres and so on. It's a very complex problem and the idea that there is

some kind of simple solution to this, the idea that we can allow our understandable moral outrage to overcome our judgement in this, is wrong. We need to advance but we need to do it carefully and intelligently<sup>iv</sup> (Larkin, 2007).

Indigenous leaders including Noel Pearson, Wesley Aird, and Warren Mundine attack welfare dependency and forcefully demand the destruction of communal tenure in pursuit of private home ownership and individual wealth creation. Pearson (2000a, 2000b and 2001) says that welfare for Aboriginal people is “laced with poison”, the ‘poison is the money-for-nothing principle” and attacks welfare dependency as turning Aboriginal people into “drunken parasites”.

The overall impression for many non-Indigenous Australians is that Indigenous cultures are dysfunctional and inappropriate for contemporary Australia and that individual Indigenous people must take responsibility for their own disadvantages without any reference to historical oppression, or the impact of past policies and practices.

### **A new referendum campaign?**

In 1992 retired Justice Hal Wootten found that a sacred site near Alice Springs should be protected under Commonwealth heritage legislation despite considerable local opposition. He concluded that:

If reconciliation is to have a meaningful content in the immediate future, it will be in a thousand local accommodations in local communities, as non-Aboriginals show their respect for their Aboriginal neighbours and their willingness to sacrifice some of their own preferences to make room for Aboriginals to realise things that are important to them ... Settling for what they consider a second-best solution, would not be a small or easy thing for many in the white community, and there will be those who lack the generosity of spirit to accept the decision in good grace. But there will I believe be a substantial majority who can ... (Wootten, 1992: 125-126).

In 1992 that majority may have existed. It appears the numbers have significantly declined since then as previously outlined. More than ever, a new campaign akin to the lead up to the 1967 referendum is needed to urge fundamental government action for Indigenous self-determination and to provide the missing political will to implement the needed changes to make genuine Indigenous citizenship a reality, not just a constitutional technicality. I hope that you can see a role for the university and for yourself in this campaign.

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<sup>i</sup> The poster can be viewed as part of the impressive display of archival material on the National Museum's website:

<http://www.nma.gov.au/indigenoustrights/default.html?aID=14>

<sup>ii</sup> See the report of the Senate inquiry "Unfinished business: Indigenous stolen wages", 7 December 2006, available at:

[http://www.aph.gov.au/senate/committee/legcon\\_ctte/stolen\\_wages/index.htm](http://www.aph.gov.au/senate/committee/legcon_ctte/stolen_wages/index.htm)

<sup>iii</sup> We need to remember that this orchestrated politics of resentment had other targets as well including refugees, muslims, the welfare system and those that advocated on their behalf.

<sup>iv</sup> In the 2007-8 Budget the Coalition provided \$30 million additional funds for Indigenous health, far short of the \$450 million required, see Oxfam's "Close the Gap" campaign at:

[http://www.oxfam.org.au/close\\_the\\_gap](http://www.oxfam.org.au/close_the_gap)