

Published version is Jull P & Rutherford J, 2000: 'Australia', *The Indigenous World*, 1999-2000, International Work Group for Indigenous Affairs, Copenhagen, pp 153-168.

**Draft** for IWGIA, Copenhagen

23-3-2000

## Australia

### Report for *The Indigenous World*, 1999-2000,

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#### **Unfinished Nationhood**

When an unhappy Aboriginal teenager hanged himself in February 2000 in jail in Darwin, the Northern Territory (NT) capital, he focused issues of constitutional legitimacy, disputed history, incomplete nationhood, contested identity, and social and racial injustice for a continent and its peoples. Why were children being jailed for trivial offenses, in this case stealing cheap Texta pens? Why were NT laws locking up so many Aborigines whose real crime was being poor and dispossessed? Why were governments, federal and NT, so casual about the plight of peoples who had established the oldest continuing cultures on earth? Why were a few white enclaves made up largely of short-term workers or curiosity seekers dictating archaic notions of the White Man's justice and culture and reminding Australians of past official racism? It seemed that the brutal 18<sup>th</sup> and early 19<sup>th</sup> century British jailing and mistreatment of English and Irish poor, hardships and injustice which are the creation story of white Australia, were being re-enacted by those white survivors against new victims.

A furious debate erupted across the country between two sharply contrasting and conflicting countries. One is a modern, open, inclusive society which wants to heal its history and the wounds of indigenous peoples through genuine reconciliation as a precondition for life as a unified nation in a busy, multi-racial world. The other associates its own comfort with a hazy past in which 'blacks knew their place' and women, intellectuals, people with foreign accents, and new-fangled technology were not forever challenging the adequacy of old prejudices and limited education. This latter Australia has no future but feeds fringe groups and eccentric little political parties lashing out at foreigners, minorities, and worldliness in general while major parties mute their ideals while hoping to harvest or not lose such voters.

Australia has been disputing its identity and symbols for years. Australia recently was in advance of most European-peopled countries in positive permanent relations with Asian countries and had largely overcome memories of the White Australia policy. But Howard has been accused of encouraging populist suspicion of such foreigners, putting Australian long-term interests at risk. Even the admirable aid of Australians and their armed forces in East Timor during massacres and terror spread by Indonesia followed much Howard government dithering and obfuscation.

Surveys show clear public support for having an Australian head of state to replace British Queens or future Kings. The latter are unelected members of one Protestant family on the other side of the world. In a November 1999 referendum Prime Minister John Howard and other monarchists defeated a change by splitting the

republican vote between those favouring a head to be chosen by Parliament and one directly elected by the public. On the same day the Prime Minister's personally drafted statement of Australian values to be placed at the beginning of the Constitution was defeated. (See *The Indigenous World, 1998-99*.) Despite a public gesture of negotiating the final version with one sole Aborigine newly elected to the Senate, Howard did little to support it and voters rejected it.<sup>1</sup>

And so, while on January 1, 2001 a country celebrates its century as one – prosperous and egalitarian under a federal Constitution – with the 2000 Olympics a housewarming party, there is deep division, confusion, anger, and remorse. The press and community leaders are politely but insistently calling for moral and political leadership on national issues, usually concluding such commentaries by saying such leadership cannot come from Howard. One of the Prime Minister's favoured projects for national celebration is itself a focus and cause of division: statehood for the Northern Territory (NT).<sup>2</sup>

### **The Northern Territory**

The Northern Territory is the heart of the continent, one large slice of a huge region where Aboriginal and Torres Strait Islander peoples still live in or near their traditional territories of sparsely settled desert and semi-desert land with a green coastal fringe sustained by seasonal monsoon rains. Even when a brutal grazing frontier moved across their lands, many indigenous peoples found a *modus vivendi* to maintain much of their culture.<sup>3</sup> The map shows entirely arbitrary boundaries carving up this heart of Australia without regard to ecological, topographical, or indigenous social and cultural boundaries. Up the middle 'the White Man' ran a telegraph line to connect the continent with the world, i.e., London, and a road came later. This thin red line on many maps is the Stuart Highway. For decades the NT government has wanted a railway built from Alice Springs to Darwin in the belief that this will make the region, or at least its non-Aboriginal inhabitants, wealthy.

The Northern Territory has its conventional history written.<sup>4</sup> As in many shallow-rooted colonies there are some who make a fetish of local antiquities, as if the verandah of a hundred-year-old home somehow filled the space we must not see – the enormous landscapes and countless rock art galleries measuring time and managed with seasonal burning, story, and clear law 'since time immemorial'. Such *unconventional* history is more interesting and useful. The discontinuity of personnel in the White Man's north, marginal contact of a few white population centres with Aboriginal realities, extensive land use of Aborigines and scant locations of white

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<sup>1</sup> The final indigenous section said that the Australian people were 'honouring Aborigines and Torres Strait Islanders, the nation's first people, for their deep kinship with their lands and for their ancient and continuing cultures which enrich the life of our country'. Howard then added a clause to the proposal forbidding judges to use the words when interpreting law, thereby taking away with one hand what he had 'given' with another in the eyes of indigenous leaders who, in any case, had wanted stronger language including the word 'custodianship'.

<sup>2</sup> 'The trouble with northern territories', by P Jull, *Arena Magazine*, April-May 2000.

<sup>3</sup> 'Capitalism, culture and land rights', by N Peterson, *Social Analysis*, 18, December 1985, 85-101.

<sup>4</sup> *Far Country: A Short History of the Northern Territory*, 3<sup>rd</sup> ed., by A Powell, Melbourne University Press, 1996.

work and residence all mean that Aboriginal cultures and patterns of social and political relations with whites, not to mention the story and imperatives of the lands and seas themselves, provide the true history. The classic novel *Capricornia* by Xavier Herbert (1938) provides a semi-documentary of tragic 20<sup>th</sup> century collisions of indigenous and non-indigenous histories in the Darwin area. A new book by anthropologist David Lawrence brilliantly documents and unravels the great issue of recent decades, the Kakadu national park and its uranium mines east of Darwin, a battle still raging although earlier stages shaped national Australian indigenous policy like the Alta case in Scandinavia.<sup>5</sup>

Aboriginal occupation of Northern Australia is proven to 50,000 years. On New Year's Eve as the year 2000 dawned on TV, we saw Inuit celebrating in the snow and ice of Iqaluit, the new capital of the new Nunavut. Inuit gracefully handed the show over to NT Aborigines ready with a ceremony at Uluru, the huge red rock monolith in the heart of Australia known to generations of Australians as Ayer's Rock – the newest and oldest cultures on earth, said the TV presenter. But while Inuit of Northern Canada, Greenland, and Alaska have fought with considerable success to establish political structures and control of their lands and seas, in Australia the NT government and its friends have prevented indigenous reforms and many urgent indigenous initiatives on the ground that this is separatism, *apartheid*, or reverse racism. While large cities of south-east Australia celebrate their cosmopolitan character, a sharp distinction is made nationally towards Aborigines and Torres Strait Islanders. Political leaders from national and state capitals have too often deferred to NT 'experience' in handling indigenous matters. That experience is more appropriate to General Stroessner's old Paraguay than to a 'first world' country.

### **'Talking English'**

Three 'hot' NT issues illustrate the problems. One is the abandoning of indigenous language teaching in schools. The NT government believes that if children are denied all but English, they will be assimilated to the economy and White Man's world more effectively. Other 'first world' countries learned several decades ago that such indigenous education policies were disastrous, but NT ministers apparently care little.

'Mandatory sentencing' has been the big recent controversy. This involves locking up anyone who is convicted of even very minor offences, such as the boy who hanged himself. Non-Aborigines who go to the NT do so as tourists or for jobs, and return south or go on travelling in Asia or Europe when their wallets or snapshot albums are full. The NT laws are aimed at locking up blacks, in effect. The support for such 'law and order' policies is strong across the north, west, and centre of Australia among non-indigenous people. In the 19<sup>th</sup> and early 20th century Aborigines were enslaved and abused, or simply shot – men, women, and children. A man who has given his name to one of the central streets of Alice Springs, NT, Constable Willshire, wrote lyrically of one such massacre at dawn:

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<sup>5</sup>*Kakadu: The Making of a National Park*, Melbourne University Press, Melbourne. For Alta case in English see 'The Alta-Kautokeino Conflict: Saami Reindeer Herding and Ethnopolitics', by OT Brantenberg, *Native Power: The Quest for Autonomy and Nationhood of Indigenous Peoples*, ed. J Brøsted et al., Universitetsforlaget, Oslo, 23-48.

They scattered in all directions... It's no use mincing matters – the Martini-Henry carbines at this critical moment were talking English in the silent majesty of those great eternal rocks. The mountain was swathed in a regal robe of fiery grandeur, and its ominous roar was close upon us. The weird, awful beauty of the scene held us spellbound for a few seconds.<sup>6</sup>

*Talking English*, indeed! Genocide, ethnocide, old language abolition, new language learning, or locking up the local inhabitants – there is a certain continuity and consistency of theme in Australia's northern policies. The new premier says:

I think Australians should stand proud on their human rights record and I think Australians should stand proud on the way we deal with indigenous issues and their complexity... . I don't believe we should have our head bowed to anyone whether it's the UN or anyone just because someone writes a report and decides to criticise us.<sup>7</sup>

The third issue is the NT government demand for constitutional 'equality' with the six states which formed Australia in 1901. In August 1998 the Prime Minister promised NT statehood status for January 1, 2001, but the model proposed was rejected by NT voters in a referendum soon after. The premier who had proposed the failed plan was dumped by his party caucus, but the Prime Minister welcomed him as a Liberal and he became the new party President! This set alarm bells ringing for many Liberals who deplored the image of their party as tolerating or encouraging anti-Aboriginal policies. Earlier reports had claimed NT help was important in Howard's 1996 election victory and this seemed to confirm it. Presumably the Prime Minister wishes NT statehood to be his gift to Australia for the constitutional centenary year 2001. Recent comments hint as much – 'I don't think they are necessarily a long way' from statehood in response to one interviewer's scepticism.<sup>8</sup>

The proposed NT statehood models have no indigenous component or input. At the beginning of March 2000 the Prime Minister explicitly rejected indigenous autonomy, what he called 'separate development', legislated or negotiated reconciliation, and accommodation of indigenous customary law for Australia as a whole. He noted recent opinion polls, saying the 'average Australian' (whoever that may be!) supported his views. The media responded with a chorus of editorials and commentaries demanding moral and intellectual leadership on reconciliation. However, Howard has given himself more opportunity to avoid progress by dismissing both the much anticipated May 27, 2000 deadline for a Reconciliation document<sup>9</sup> and the January 1, 2001 deadline for successful conclusion to the Reconciliation process.

Unresolved constitutional issues are not confined to the NT. A landmark 1999 court case like those which launched Canada's modern indigenous policy reforms saw

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<sup>6</sup>Page 5, *Ngurra Walytia: Country of My Spirit*, by J Downing, Australian National University North Australia Research Unit, Darwin, 1988.

<sup>7</sup>'Burke says law and order...', ABC Online News, March 14, 2000.

<sup>8</sup>Transcript from ABC-TV's *Lateline*, Prime Minister's Media Centre, March 6, 2000.

<sup>9</sup>The controversy, of course, is between those willing to accept a meaningless statement of indigenous and non-indigenous goodwill, of which countless such already exist, and those who want something with substance and promising real change.

north-west Queensland Aboriginal leader Murrandoo Yanner supported by the High Court 5-2 in his traditional rights to hunt crocodiles despite Queensland law.<sup>10</sup> Many whites claimed to be outraged and see this as a threat to national unity.

### **International Echoes**

Before United Nations Secretary-General Kofi Annan visited Darwin and other cities to thank Australia for help in East Timor in February 2000, Howard warned him through the media not to comment on mandatory sentencing, NT treatment of Aborigines, or Australia's indigenous polices in general. Howard explicitly and publicly denied, with some annoyance, that UN or other international agreements signed by Australia had to be respected, or that outsiders like UN human rights head Mary Robinson had a right to comment on Australia. Australia was already being censured by the UN on indigenous rights grounds in several different areas including diminishing native title<sup>11</sup> and environmental protection. The mandatory sentencing issue, for instance, has attracted wide criticism within Australia from lawyers, judges, and human rights groups for breaching UN standards. One example of Howard's 'argument' gives the flavour of his views, taken from the national radio show which starts the day along with morning coffee for informed Australians:

And the suggestion that in some way we are accountable to the rest of the world for something like this given the human rights record of this country. I mean I'm not going to have a situation where people are denigrating the human rights reputation of Australia. Australia's human rights reputation compared with the rest of the world is quite magnificent. We've had our blemishes and we've made our errors and I'm not saying we're perfect. But I'm not going to cop ['accept'] this country's human rights name being tarnished in the context of a domestic political argument.<sup>12</sup>

With the Prime Minister so determined not to acknowledge, respect, accommodate, or be 'reconciled' with indigenous society, culture, or political aspirations in their surviving heartland, i.e., the traditional lands comprising the NT, there seems no hope of progress for Australia's Aborigines or Torres Strait Islanders under his leadership.

### **Constituting and Re-Constituting Australia**

In an a stunning new book of her work in film and still photo images, the Brisbane-born Aboriginal artist working and living in New York, Tracey Moffatt, says matter-of-factly, 'Australia is a very multi-cultural nation and this has certainly influenced my work.'<sup>13</sup> To her as she looks out the window at Brisbane, a provincial city which is now becoming something more, this is obvious. To John Howard who has spent

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<sup>10</sup>'High Court Upholds Bush Tucker Rights', by Sean Brennan, Research Note 11 1999-2000, Parliamentary Library, Canberra.

Online: <http://www.aph.gov.au/library/pubs/rn/1999-2000/2000rn11.htm>

<sup>11</sup>E.g., 'Howard's Wik bill is racist, United Nations group finds', by Margo Kingston, Sydney Morning Herald, main page 1 story, March 20, 1999

<sup>12</sup>Transcript from ABC's *AM Programme*, Prime Minister's Media Centre, February 18, 2000.

<sup>13</sup>With G Matt, p. 67, in *Tracey Moffatt*, ed. M Snelling, Colour & b/w images, Institute of Modern Art, Brisbane & Asialink, Melbourne, 1999. Online: [www.ima.org.au](http://www.ima.org.au)

his life in Australia's most dazzling cosmopolitan city, Sydney, none of this is apparent. When invited to join an all-party code of ethics or standards on racial issues in late 1996, a positive step after some of the remarkable Senate speeches in previous years on Aboriginal issues, Prime Minister Howard's office issued a statement dismissing the project, saying 'He [Howard] learnt all he needed to know about ethics from his deceased parents' (*Courier-Mail*, Brisbane, 10-12-96). Despite the undoubted worthiness of Howard's parents, they grew up and lived under the White Australia Policy, a time where dark skins at home or from abroad were deemed deplorable and avoidable. Ms Moffatt's work is now showing with other Aboriginal masterworks old and new in the Great Hall of the Hermitage in St Petersburg. When the US President toured Australia in 1996 the Clintons' interest in and awareness of Aboriginal art surprised Howard on home ground in Sydney, on the other hand.

Tracey Moffatt and many other Aboriginal and Islander graphic, performing, and literary artists are contributing effusively to the world at large. (Within Australia a fine large travelling exhibit of Torres Strait art now gives Islander people their highest visibility ever.<sup>14</sup>) Powerful and disturbing images of real life, 'Oz-style', sent out in work like Moffatt's or the documentary fact and fiction of an Alexis Wright are far removed from the safe kangaroo motifs or hearty white mateship images comfortably enjoyed by Australia's conservative business, sporting, and political élites.<sup>15</sup>

Aboriginal runner Cathy Freeman has stirred controversy with die-hards who resent her wrapping herself spontaneously and rapturously in an Aboriginal flag as well as an Australian flag after winning races abroad in years past. Yet she is far more popular nationally than, say, John Howard, and with other indigenous athletes she prepares for the Olympic Games in Sydney later in 2000 with much national goodwill. Of course, major league sports were racially integrated in America long before the hard issues of civil rights were faced.

The Aboriginal intellectual, Larissa Behrendt, at the Australian National University, newly returned with her doctorate from Harvard Law School after a detour through the Cree hinterlands of Western Canada, writes with a clarity, fluency, and accessibility in a range of formats and with breadth of view which promise a significant 'next generation' of Aboriginal politics and civic presence. She also writes movingly, firmly grounded in indigenous life on the margins, about the small mundane complexities and bruises of being Aboriginal in largely white contexts.<sup>16</sup> In a short piece on Australia and North America, Behrendt finds 'Australia a human-rights wasteland'.<sup>17</sup> Few knowledgeable Australians would disagree. The Howard policy of wishing away indigenous issues, meanwhile, only readies an abler and stronger indigenous age cohort not far ahead who will tear assimilationist illusions to tatters, leaving all to be negotiated once more. Howard has even begun to denounce political 'negotiation' in indigenous affairs, either a case of wishful thinking or else

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<sup>14</sup>The exhibit catalogue, *Ilan Pasin (this is our way): Torres Strait Art*, ed. T Mosby & B Robinson, Cairns Regional Gallery, Cairns, Queensland, 1998, may be seen and bought online: <http://www.cairnsregionalgallery.com.au/ilanpasin/>

<sup>15</sup>E.g., Alexis Wright's account of Tennant Creek, *Grog War*, Magabala, Broome, WA, 1997, and novel of north-west Queensland, *Plains of Promise*, University of Queensland Press, Brisbane, 1997.

<sup>16</sup>E.g., 'At the Back of the Class. At the Front of the Class: Experiences as Aboriginal Student and Aboriginal Teacher', *Feminist Review*, No. 52, Spring 1996, 27-35.

<sup>17</sup>'Righting Australia', *Arena Magazine*, No. 45, February-March 2000, 24-26.

unaware that the word is a metaphor for social processes well begun, not only for sitting across a table from an Aboriginal grand chief.

Distinguished Aboriginal and Islander leaders are readily available. When the Howard government appointed Gatjil Djerrkura to succeed Lowitja O'Donoghue as chairperson of ATSIC (Aboriginal and Torres Strait Islander Commission), the federal indigenous administration leavened by elected regional councils and by a national Commission of members elected by the regional councils, he was thought to be a politically 'safe' choice. Soon he was taking firm positions on rights issues alongside other indigenous leaders against the Howard government. Even this failed to show the government that indigenous ethno-politics was a field requiring more understanding than mere populist one-liners. In late 1999 the first elected chairperson of ATSIC, beating Gatjil Djerrkura whom many had expected to win, was Geoff Clark. Clark, a former boxer, comes from the settled heartland of Australia, the state of Victoria. He challenges facile assumptions about Aboriginality because he is fair-skinned. He has 'come up the hard way', and may be an ideal leader. Not only that, he is as quick of wit and tongue as ever he was in the boxing ring. No indigenous leader is better versed in rights politics and the international indigenous rights scene, and none has a better grasp of constitutional politics. In his early months of office he has shown flair and ease in bridging the great divides in Australian indigenous politics – between the south-east on the one hand and the rural and remote north, west and centre, between moderates and hardliners, between those who want a head-on sovereignty claim and those who see that 'negotiating' the indigenous agenda can take many forms and use many words without surrendering substance.

### **Lingiari lecture**

Perhaps the foremost figure in the Australian political landscape, and the one most trusted and respected by both indigenous and non-indigenous publics, is Patrick Dodson, striking with his big presence, big voice, big beard, hat, and clear drawling ironic Australian voice whose substance is always worth hearing. Pat Dodson has personally endured some of the more resounding slaps in the face by the Howard government to Aborigines but his commitment to Reconciliation is undimmed. In his travels and meetings around the country he finds many people moving in a more positive direction, as the national non-indigenous support movement for indigenous peoples, ANTaR, also finds.<sup>18</sup> (Dodson's younger brother, with hat but clean-shaven, Mick Dodson, is more familiar to international audiences from his articulate presence in recent years at Geneva and elsewhere.)

In late August 1999 in honour of Vincent Lingiari, a man who was an inspirational figure behind the indigenous modern rights movement, Pat Dodson summed up the current situation in a public lecture<sup>19</sup>. He noted that contrary to the fantasies of opponents, the Aboriginal movement has evolved responsibly and steadily for years, with a national consensus emerging on issues to be resolved. He called for a process

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<sup>18</sup> Australians for Native Title and Reconciliation

<sup>19</sup> *Until the Chains Are Broken*, 4<sup>th</sup> Annual Vincent Lingiari Memorial Lectures, Northern Territory University, Darwin, August 27, 1999.

Online: <http://www.acfoa.asn.au/Indigenous/Lingiari.PDF> or  
<http://www.austlii.edu.au/au/special/rsjproject/rsjlibrary/car/lingiari/4dodson.html>



of discussion and working-through to bring the renewal of white-black relations the country is seeking. (Recent opinion polls confirm this mood.) He provided an agenda with a sentence or two of explanation for each item. It was a defining moment in contemporary indigenous politics. Somebody had a plan – a workable plan, an understandable plan – and one built on what had been achieved already, while making room and time for information, reassurance, and acceptance which the non-indigenous community, or their more resistant politicians, need to face reality. The trouble with the sentimental Australia of populist politicians, after all, is that it is unrelated to the actual world, the daily Australia of pain, difference, and recrimination.<sup>20</sup>

Dodson offered a package of substance and process, direction and space for compromise. A special issue of Melbourne-based *Arena Magazine*, including persons who had been briefed by Dodson before his lecture and had discussed its import with him, provides further context for non-indigenous Australians.<sup>21</sup> There were international rights and Australia's recent wanderings in Limbo explicated by Sarah Pritchard, the Aboriginal movement's indispensable international expert;<sup>22</sup> the power and possibility of process in healing indigenous politics;<sup>23</sup> domestic rights régimes;<sup>24</sup> as well as a fresh piece by the editor focusing the big issues on the crisis of the Northern Territory and its 'talking' of English.<sup>25</sup>

The agenda was moderate by international standards, e.g., New Zealand, Alaska, Northern Canada, or Greenland where tougher rhetoric was negotiated into public administration functioning happily today. Beginning with No. 1, 'Equality', the official dogma of Australia, 2, 'Distinct... identities', and 3, 'Self-determination', it concluded with, e.g., 12, 'Lands and resources', 13, 'Self-government', 15, 'Constitutional recognition', 16, 'Treaties and agreements', and 17, 'Ongoing processes' including 'a discussion, research, information, and negotiation forum to promote public awareness and to draft national legislation enacting principles of recognition, guidelines for public policy, and the framework for negotiation of agreement referred to above.'<sup>26</sup>

### **Serious Problems, Un-serious Government**

A low point had been reached a month earlier when Senator Herron, as minister assisting the Prime Minister with indigenous affairs, delivered a policy statement to

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<sup>20</sup>While the 1940s may look good in our childhood memories, they were not much fun for our parents or grandparents in Arctic convoys, Guadalcanal, the bombed cities of Europe, enemy-occupied territory, or Auschwitz.

<sup>21</sup>*Living Indigenous Nations*, being *Arena Magazine*, No 45, February-March 2000.

<sup>22</sup>'From Welfare to Rights', *Arena Magazine*, No. 45, February-March 2000, 31-33.

<sup>23</sup>'According Respect', by H Kajlich, *Arena Magazine*, No. 45, February-March 2000, 26-28.

<sup>24</sup>'Righting Australia', by L Behrendt, *Arena Magazine*, No. 45, February-March 2000, 24-26.

<sup>25</sup>'The Languages of Reconciliation', by Leanne Reinke, *Arena Magazine*, No 45, February-March 2000, 2-3.

<sup>26</sup> Another promising initiative led by former Senator Margaret Reynolds who long championed indigenous rights in Australia's national Parliament, was a July 1999 meeting in London of British Commonwealth peoples and experts. See *A Dialogue on Indigenous Rights in the Commonwealth*, ed. R Bourne, M Reynolds & H Whall, Summary (London, July 23, 1999) and Appendices, Institute of Commonwealth Studies, University of London, 1999.



the United Nations in Geneva.<sup>27</sup> This remarkable document (which is highly recommended reading for its absurdity) wallows in the degradation of Aboriginal and Islander communities – a sort of pornography of deprivation – and then pretends that the social ills of Aboriginal Australia were caused by (a) ‘self-determination’ and (b) the former Labor governments of Australia. Although ‘self-determination’ was the ideal or hope or public relations term used for former policy, it would be wrong to imagine that it had glowed over the eastern horizon onto this continent in recent times. However, that hopeful word from past policy was now used by a government merely trifling with indigenous affairs.

A very serious project was underway on the same issues, however. A task force of indigenous women was touring Queensland to produce a unique report on the violence experienced by indigenous women and children.<sup>28</sup> As its executive summary begins,

Violence at its most blatant has become a part of everyday life. Horrifying crimes are occurring regularly and have instilled in the minds of the elderly, the young and others a level of fear previously unknown to the Australian population. Murder and other violent crimes are destroying what has traditionally been the Australian way of life.

However, for most people, their contact with violence is second-hand, through the daily newspaper or the nightly news or a movie. In many cases, people have a choice about whether they allow themselves to become exposed to the violence or whether they avoid it. However, Aboriginal and Torres Strait Islander Communities do not have the luxury of being able to disassociate themselves from violence. The high incidence of violent crime in some Indigenous Communities, particularly in remote and rural regions, is exacerbated by factors not present in the broader Australian Community.

The commitment and problem solving of the Queensland women, and of other Aboriginal women all around Australia, is the backbone of their people’s survival, of course, as in other poor and benighted regions whether Ireland and Norway in times past or Canada’s mid-north today. Sometimes now they get some recognition through memoirs of a younger generation, or in dramatic form as in the great plays of Jack Davis (who died the week this is written), *No Sugar* and *Barungin*. There is a great need for more international networking of indigenous Australian women along the lines of the Circumpolar movement, a new report reminds us.<sup>29</sup> Meanwhile it is heartening to see one of the most articulate community spokespersons and pioneer indigenous educators, Peg Havnen, followed by her daughter, Olga Havnen – one of the most able political operatives at home or abroad.

However, the serious problems of black Australia have been a political resource to an unserious national government. By pretending that (a) talk of rights and politics and

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<sup>27</sup>Speech to the United Nations, by Senator John Herron, Minister of Aboriginal and Torres Strait Islander Affairs, Geneva, July 29, 1999.

Online: [http://www.atsia.gov.au/fr\\_press.html](http://www.atsia.gov.au/fr_press.html)

<sup>28</sup>*Aboriginal and Torres Strait Islander Women’s Task Force on Violence*, by Boni Robertson et al., Office of Women’s Policy, Government of Queensland, Brisbane on-line: <http://www.qldwoman.qld.gov.au/>

<sup>29</sup>*Different Lives, Common Threads: A Report From the Circumpolar Women’s Conference*, by Kathryn Bennett, Dept of Government, University of Queensland, Brisbane, March 2000.

identity and culture is silly ‘self-determination’ which has allegedly brought (b) the genuinely awful social ills which ministers are eager to recite to the world – that is, by trying to play the two sides of indigenous activism against each other ... yes, it is very clever. A strong statement by North Queensland Aboriginal leader Noel Pearson about the ills of welfare-dependent communities has been much used as if a guilty or brave admission, despite being well known to anyone involved in indigenous issues for years. This has been the government’s real policy: a childish media game instead of morality and seriousness – but a game required by the incessant floundering of the Prime Minister and Senator Herron. The populism of the government has destroyed its credibility and moral authority with the informed public, of course.<sup>30</sup> Its desperate feints and new GST<sup>31</sup> tax on most items may bring it down like the similar Mulroney government in Canada in 1993. A moment of light relief recently saw Tanya Tampon, a woman dressed up as a tampon, chase the Prime Minister out of town on his ‘tour of the bush’ to win back conservative rural voters, her protest being his GST tax on women’s health products like tampons.

A dangerous new argument arising from well-meaning people is that Australians should not *need* to rely on overseas standards to do the right thing. Yes, ‘first world’ countries should normally lead and set standards by their actions, but in the present climate that seems impossible in Australia. The Howard government may seize on this argument to justify ignoring international standards even more! Meanwhile, it may make some symbolic gesture on mandatory sentencing in hopes of finessing public attention amid ‘compassion fatigue’ and, like Molotov negotiating for Stalin of old, pretend to do a great thing at last in order to do little but confuse the other side.

## **Finale**

The federal government is worried about protests ‘marring’ the Olympics when world television is watching, and many people mutter about the propriety, value, or effect of protest against Australia’s national religion, sport. For now, it has been a dead boy, jailed for stealing cheap colouring pens, who has shown governments’ ugly face. Howard humiliated Kofi Annan in front of a country well informed by media on the background machinations. The press has had as many damning and urgent editorials on indigenous affairs in February and March 2000 as during Howard’s attack on native title in past years. Then, on March 17, St Patrick’s Day, when Australians on the faintest excuse of Irish connection or affection will head for the pub for a Guinness, the *Sydney Morning Herald* began its big news story of the day:

Politically explosive findings that placed Australia in direct violation of international human rights conventions were dumped from a United Nations report on mandatory sentencing this week amid diplomatic pressure from the Howard Government.

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<sup>30</sup>*Quod Omnes Tangit – What Touches All Must Be Approved By All: John Howard’s Populist Democracy and the Misconstruction of Citizenship, Rights and Justice for Indigenous People*, by Jodhi Rutherford, Unpublished paper, Dept. of Government, University of Queensland, Brisbane, February 20, 2000.

<sup>31</sup>Goods and Services Tax

The discarded conclusions said the laws breached the UN Convention on the Rights of the Child and numerous human rights instruments on racial discrimination and independence of the judiciary.<sup>32</sup>

The newspaper also helpfully published the undiluted report as it was written before Australian interference. And then the next day it, and its fellow newspaper, *The Age*, Melbourne, published lengthy comments and exposés on how Australian diplomats had done their dirty work. The country had been through six weeks of angst and anger over the dead child – could any more be said? The head of the national Human Rights Commission said that only countries like Burma engaged in this sort of abuse of the UN, while the former Chief Justices of Australia who might agree on little else – Stephen, Gibbs, Mason, Brennan – condemned the ‘justice’ policies of federal, NT, and WA governments.

The clearest summing up came from four revered high judges from New South Wales, one of whom, Fitzgerald, had cleaned up the political and police corruption which had nearly destroyed Queensland in the late 1980s, and another, Wood, who had done the same at an earlier stage of rot in recent years in New South Wales. They wrote in a public letter published in the *Sydney Morning Herald* on March 17 and 18:

The inability of the national political process to achieve reconciliation with indigenous Australians and to terminate mandatory sentencing provides a disturbing insight into the practical operation of the simplistic notion that democracy is merely the majority will.

Racism and injustice are evil, particularly when they have popular support.

It is unjust to imprison offenders without regard to their personal circumstances, life experience, prospects of rehabilitation or other, more suitable, sentences.

It is racist (and cowardly) to enact and implement laws which apply most harshly to a disempowered minority. It may be thought to be clever politics but it is not leadership to pander to ignorance and prejudice.

Judge Wood, when asked if he should criticise policy, replied that if judges did not speak out but meekly resigned, they might be replaced today by persons with no principles whatever. Meanwhile, Aborigines and Torres Strait Islanders and many decent non-indigenous Australians need friendship and support from friends overseas and all moral resources available at home.

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<sup>32</sup>Revealed: human rights whitewash’ (!), by Mark Riley