CHAPTER 2

SOCIO-HISTORICAL AND POLITICAL PROFILE OF ABORIGINALS IN AUSTRALIA

The year 1788 marked the beginning of great suffering and loss for Australian Aboriginal people – the invasion of their land. The British claimed Sovereignty over the country in 1788 and declared the land desert and uninhabited later represented as terra nullius. The Aboriginal people have been subjected to grave injustices and have suffered the consequences of the “terra nullius” theory, or assumption, since then. It was just recently, in 1991, that the Mabo Land Rights decision overturned this fallacy or lie and gave Aborigines recognition as the legitimate owners of this land. In 1988 Australians celebrated two hundred years of Australian history – “celebration of a nation”. But the big question to be asked is what of Australia’s history before 1788 and what about the last two hundred years as seen through Aboriginal eyes? The Aboriginal people had held ownership for 40,000 to 60,000 years perhaps more, but what shocking or hair raising experience for them was that this ownership was deleted or erased by a more stroke of a pen by Captain James Cook, English navigator and explorer, who came to the eastern stocks in 1770, saw a few Aborigines along the coastline and sent reports back to England which stated, unequivocally, that this country was “terra nullius”- a land belonging to no one. In effect, the land was stolen from the onslaught of colonization by the British. So, for Aboriginal people Australia’s Bicentenary was a time of mourning – perhaps a celebration of the survival of Aboriginal people – but not “a celebration of a nation.”

Aboriginal people, in Australia, are hostage, in the main, to images created by non - Aboriginal Australians. The power of a people to say who they are, to define their own identity and to relate their history is fundamental to their

2 Ibid., P. 16.
existence.\textsuperscript{3} To deny a people their law, languages and the use of their land is a denial of basis human rights (Skutnabb Kangas and Phillipson, 1995).\textsuperscript{4} These fundamentals of civilization were systematically stripped away from most of the indigenous people of Australia by colonization. From 1788, most representations of Aboriginal people have been produced and controlled by others. This representation has been biased, culturally prescriptive and judged against non-Aboriginal values. The bias came about became those new arrivals to this continent did not see any positive attributes among the Aboriginal people and believed in their own superiority. There was little, if any, communication between the indigenous peoples and the newcomers about culture, language and beliefs. Very few people communicated directly with indigenous Australians using indigenous languages in the early years.

When the colonizers first came to Australia they held views about Aboriginal people largely informed by developing forms of what has been described as "scientific racism". Captain Cook brought with him images of "native" peoples as "noble savages" largely the antithesis of Europeans.\textsuperscript{5} Cook was influenced by the writings of Rousseau whose followers saw "native" peoples as uncontaminated by the evils of civilization, closure to nature and therefore god. These idealistic views were modified after 1788 and the nature of contact between invaders and Aborigines led to descriptions of Aboriginal people as "ignoble" savages and barbarous heathens (Mulvaney, 1990:10). As Social Darwinism became influential, later in the nineteenth century, the status of Aboriginal people was reduced to the level of sub-humans. Those in authority largely believed that Aboriginal people were a primitive race and designed to die out in the face of the superior Europeans.

\textsuperscript{3} Ibid., p. 1.
\textsuperscript{5} Bourke, Colin, op. cit., p. 24.
Once Aboriginal people came into contact with what was considered the European race, it was seen as inevitable that they became extinct. Genocide was largely justified by the application of the concept of the "survival of the fittest" to humans. The social Darwinists of the late nineteenth and twentieth centuries developed a rigid, racist view of Aboriginal people. Those Aboriginal people not living in an "untouched" state were regarded as remnants of a disintegrating culture living on the fringes of which society (Cowlishan, 1992: 23-24). By the mid twentieth century an "assimilationist" perspective dominated government policies and legislation (Broome, 1982: 171). It was expected that Aboriginal people would gradually assimilate into the wider society becoming light skinned as they intermarried with Europeans and adopted the "modern", dominant culture.

The Australian state began its control of Aboriginal people's lives in 1788. The police and the prison system have always been instrumental in this control. The recent Royal Commission into Black Deaths in Custody has clearly mapped out the role of non-Aboriginal institutions in the oppression of Aboriginal people. Policies of protection, segregation and assimilation have been applied to Aboriginal people by Australian governments and resulted in inhuman practices such as the removal of children from parents (Mathews, 1997; Howard 1982; Read, 1984; Mattingly and Hempton, 1988; Edward and Read, 1989). It was not until the 1960s that Aboriginal people began to gain some access to

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6 Ibid. p. 25.
10 Mathew, J. The two lives of femine Barker (Can be Australian Institute of Aboriginal Affairs, 1977).
'power' in Australian society. Only in 1967, through and Australia wide Referendum were Aboriginal people recognized as "equal" citizens and included in the Census. In 1972 a symbolically significant event for the Aboriginal cause took place with the setting up of a Tent Embassy on the lawns of Parliament House in Canberra. This embassy was set up in protest over statements made by the McMahon government over land rights. The earlier "walk off" by the Gurindji people at Wattie Creek\(^{15}\) over wages decisions by the Arbitration commission, were also crucial in the struggle for land rights (Broome, 1982;\(^{16}\) Coombs, 1994).\(^{17}\)

Since 1988 there has been ample opportunities for more reflection by non-Aboriginal Australian on Australian history from an Aboriginal perspective. In these few years Australians have witnessed the Royal Commission into Black Deaths in Custody, the establishments of the governments new attempt to provide Aboriginal people with more control over their lives – the Aboriginal and Torres Strait Islander Commission, the introduction of the concept of "reconciliation" rather than the immediate development of a "treaty" as proposed in 1988, the establishment of the "Provisional government"; the landmark case concerning Aboriginal land rights, the Mabo case and the stolen generations Report (Power, 1992;\(^{18}\) Watson, 1993;\(^{19}\) Attwood, 1996\(^{20}\)). Out of the Royal Commission into Aboriginal Deaths in custody and the High Court decision over the Mabo case has come a serious questioning of the past images of Australian history. What Australia has to do to develop as a nation, and as a new republic, is to move towards a shared understanding of Australian history. Aboriginal perspectives have to be respected and recognized for their value in developing a mature nation, willing to face its past.

\(^{15}\) Bourke, Colin, et al, op.cit., p. 31.
\(^{16}\) Broome, P, 171.
\(^{18}\) Rowse, T. Remote Possibilities; the Aboriginal Domain and the Administrative Imagination. (Darwin: Northern Australian Research Unit, 1992).
\(^{19}\) Watson, I, "Has Make turned the tide for justice?" In social Alternatives. 1993. vol 12, no. 1, PP5-9).
Historical Background

Until very recent years, the Aboriginal people of Australia were defined largely in negative terms by legislation and white perceptions. In recent decades, Australian have sought to recognize themselves as a multicultural society. This appears to have stimulated and allowed new efforts at self management of Aboriginal Affairs, and the self identification of Aboriginal people within Australian society as a whole. The images that Europeans have constructed of Australia's indigenous inhabitants have both shaped the nature of Aboriginal and non Aboriginal relations and provided the framework within which Australian history has been and is still being written. Western constructs of "race", Christian ideology and the development of social Darwinism, with its "child" anthropology, have all been critical in the construction of images of Aboriginal people (Dodson, 1994; Mc Gregor, 1997). When reading histories of Australia dealing with Aboriginal people, it is important to recognize the ways that the past is constructed by historians and others. The well known saying "history is written by the victor" should be kept in mind when understanding the representations of Aboriginal people in Australia's history; A recent and important collection of writings by Australian academics uses the theoretical framework developed by the French historian Michael Foucault to investigate the relationship between power and knowledge in the constructions of images of Aborigines (Attwood and Arnold, 1992). In the introduction to this collection Bain Attwood writes:

Thus, in Foucault's terms, knowledge or 'truth' is not 'outside of power' but closely affiliated with it. Indeed, any 'truth' depends upon power to make it true.

(Attwood, 1992: 11)

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23 Attwood, B, and Arnold, J. eds, Power Knowledge and Aborigines (Bundoora : La Trobe University Press in Association with the National Centre for Australian Studies, Monash University, 1992)
24 Attwood, p. 11.
The Aboriginal people's search for their identity, from 1788 onwards, grows out of a need and necessity, to come to grips not merely with the question of "identifying" as an Aboriginal person, but seeking to know, to understand, what can be the components of an Aboriginal identity, credible to individuals, which they can select out of the many, Aboriginal identities offered them, and which they can build upon in order to attain a personal identity. In the process of knowing or searching for an identity, the concerned person has got to pose a number of questions. As Watson writes:

The thing it issue is the ruin of a frame of references, a culture, and the consequent devaluation of individuals. Yet we can see the start of some slight search for 'Aboriginality'. But what is Aboriginality? Is it being tribal? Who is an Aboriginal? Is he or she someone who feels that other Aboriginals are somehow dirty, lazy, drunken, nudging? Is an Aboriginal blood in his or her veins and who has been demonstrably disadvantaged by that? Or is an Aboriginal someone who has had the reserve experience? Is Aboriginality institutionalized gutlessness, an acceptance of the label 'the most powerless people on earth'? Or is Aboriginality when all the definitions have been exhausted a yearning for a different way of being, a wholeness that was presumed to have existed before 1767.

(Walson, 1977:184)25

The Aboriginal identity is a problem which has not been addressed to any great extent in Australia by Researchers. However, it has been addressed by a few researchers from the White world. Research literature, still the work of the White world, by its very nature is generated and defined within a White framework of thought. It has focused, by large, on the assimilation of Aboriginal people into a

White world of culture, of motivation, of learning, a world where Aboriginal is absorbed. Where as the analysis by Aboriginal people themselves of the problem of loss of identity and anomie is taking a different point of departure, it is focusing on identity construction. Stewart (1976:26)\textsuperscript{26}, for example, spoke of "embarking upon a long, difficult and in some cases a traumatic journey to establish our identities". Anderson (1975:19)\textsuperscript{27}projected a time when "Aboriginal people and Aboriginal teenagers would start garbling hold of their identity themselves.

**Theoretical Perceptive:**

The Aboriginal people, in voicing the need to "grab" or "build" their identity, place themselves unconsciously within the theoretical framework provided by the sociology of knowledge. Within this framework, the society into which one is born is conceptualized as a social construct, and identity is the result of social processes within that construct. The Australian government's "working definition" if aboriginal identity may also be located within this context:

> An Aboriginal or Torres Strait Islands is an person of Aboriginal or Torres Strait Islands descent who identifies as an Aboriginal or Torres Strait Islander and is accepted as such by the community in which he lives (Australian Department of Aboriginal Affairs, 1981)\textsuperscript{28}

This basis for identification reflects the sociological dimension of the following definition, of identity developed as part of a larger study n Aboriginal identity and proposed as a reference point for the rest of the chapters.


Identity is defined as location of the self in a particular world of meaning both by the self and others. It is a product of interactions between individuals and social structures, and individuals and others. Through the location of the self, individuals recognize their self—sameness and continuity in time and perceive that others recognize their self sameness and continuity.

A detailed study reveals the fact that the problems associated with assimilation grew out of a lack of success on the part of the white world in locating Aboriginal people in that world. White people “theorized” about assimilation, but they also predicted that Aboriginal people would always be resistant to civilizing influences: “it was not so much a matter of the colour of the skin as the colour of the mind” (Bleichley, 1961) Aboriginal people who tried to locate themselves in the white world met with hostility and rejection:

On the street there are the eyes, staring at Black skin
(Gilbert, 1973: 41)

I’d walk into a town. You walk down the street and you are black and the white man doesn’t have to say a word to you. He steps around you, you are shit, you are nothing.
And they cut you down with this sort of concept and you get that way, you feel it, you feel inferior (Dixon, 1975:49)

Aboriginal people in the past have been thwarted and frustrated in their efforts to respond to the (white) policy of assimilation. If they now wish to follow different path and locate themselves in an Aboriginal world, then, in terms of the definition in a world if meaning that has characteristics that are specifically Aboriginal, a world which is legitimated, made credible to the self, at all levels of “theorizing”. It

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29 Gilbert, K., Because a white Man’ll Never Dolt, (Sydney : Angus and Robert Son, 1973), P. 41  
is not enough, for the construction of identity, for individuals to locate themselves unilaterally within a particular "world". Identity is a social construct; its maintenance depends not only upon the individual, but upon the readiness of others to confirm the chosen identity of the individual.

The construction of an Aboriginal identity may lead to a conflict situation as the theorizing of Aboriginal people about an "Aboriginal" would of meaning within which an Aboriginal identity may be found may will be at variance with that of mainstream theorizing. The maintenance of the "world" of meaning of the mainstream group may then be threatened by a version of a deviant world, held by a visible group that is not assimilated into the mainstream. The Aboriginal "world" as a site for the location of identity, must therefore be studied not in isolation, but in relation to mainstream Australian society.

An understanding of this "objective reality" for Aboriginal people; that people, that is, knowledge about an Aboriginal world which is objectivated and taken for granted, demands an understanding therefore, at the conceptual level, of the machinery by which the world of Aboriginal society has been managed in the past, and is being managed in contemporary society by the dominant group. A discussion of various forms of conceptual machinery used to exercise control over a minority group by a dominant group may be found in Berger and Luck Mann (1966 : 122-134)\(^{32}\) Two relevant forms of such "machinery" are those of therapy and nihilation. Therapy entails processes directed towards keeping deviants within the universe of meaning of the dominant group. Therapy is employed to return the deviant individual to the norms of the mainstream group. Nihilation, on the other hand, acts in the opposite way and is brought into play to protect a universe of meaning by liquidating conceptually all alternative systematizations of meaning. The history of the Aboriginal people in Australia shows evidence of the nihilation of the Aboriginal world (and therefore of

aboriginal identity) by mainstream society, a nihilation which tolerated – until the turn of the century the physical nihilation of the people.

SEGREGATION

The power to segregate Aborigines in South Australia was contained in the 1842 Act, the 1911 Act, and the 1933 Aborigines Act which remained in force until the more enlightened legislation of the 1962 Aborigines Act. Segregation involving the removal of those deviating from mainstream norms from the sight of the dominant group, was a form of denial and nilitation.

Under the 1911 Act, Aborigines could be subject to curfews and to restriction of movement in towns. These restrictions of movement in towns were confirmed in the 1939 Act in South Australia, which

....... Gave the Board power to remove Aborigines to reserves and keep them there, prevented entry by unauthorised persons and made it an offence to assist or entire them to escape. It enabled the Board to remove camps from the vicinity of towns and to remove individuals for loitering on being improperly clothed. Towns could it proclaimed prohibited areas.

Aborigines were separated spatially by the location of heir housing; they were separated socially from those with when they worked or played sport; Perkins (1975 : 55-56) relates:

I would go into a put with the cricket team and the barman would pay, "Listen darkie, you know you don’t belong in here. If you don’t get out, I will get the copper on to you!"

Perkins, C. A Bastard Like Me (sydney : Ure Smith, 1975), pp. 55-56.
Through policies of segregation, Aboriginal people were not only excluded from white society; they were located in a negative world by mainstream society. Hasluck (1970: 160-161)\textsuperscript{34} commented that the system confined, "the native within a legal status that has more in common with That of a born idiot than of any other class of British citizen".

The aborigine was stereotyped as "idiot" of low intelligence, as a child who must be protected, this movements restricted, his liberty curtailed, a person socially unacceptable. As Perkins (1975:188)\textsuperscript{35} put it poignantly, "It is a crime to be an Aborigine in Australia".

Having black skin was sufficient to draw down punishment for anything "defined" as a crime, without any recourse to the courts.

Therefore, there was no possibility of a positive identity for Aboriginal people, as those who, in white terms, successfully appropriated in identity offered by white society, were no longer Aborigines. They were exempted from the penalties attached to Aboriginal identity. Clearly legislation for Aborigines in general was intended to be seen as articulated for people who did not fulfil the requirements for exemption, that is, people of bad or indifferent character, of low standard of intelligence and development. By derivation, all Aborigines had these characteristics, as those who were considered not to possess these negative traits could be declared exempt from being Aborigines. The legislation thus located Aboriginal identity within a negative world of meaning. Those Aborigines who wished to be part of white society after the Act of 1959 were forced to carry a certificate of exemption. Perhaps the most destructive aspect of the legislation was the requirement that if, "in order to be treated like a human being" (Which was interchangeable with "being treated like a white") individuals applied for and were granted an "exemption", they had to cut themselves off from their family, their kin, their place of birth, their culture, and indeed, their Aboriginal identity.


\textsuperscript{35} Perkins, p. 188.
All of the forces discussed produced new conceptualization of the "Aboriginal problem" in the 1940s. The assumptions underlying the land acts legislation (namely that Aborigines did not exist), the active extermination of aborigines, their removal from sight by the enforcement of segregation, the high death rate due to disease and malnutrition all this led with ease to a promotion of theorizing that Aborigines were a dying race. This theorizing, in turn, was used as a basis for different forms of segregation: policies of isolation and dispersal were advocated, the former legitimated by prospects of economic advantage to the dominant group. Here I am learning these both policies without detailed description and moving on to another policy of assimilation which became predominant during that period.

ASSIMILATION

Assimilation as a policy was also a form of nihilation of the Aboriginal world of meaning: the Aboriginal people, as a group, were to disappear from sight, this would occur because Aborigines would either become extinct or completely absorbed into the population by compulsory, "maximum" dispersal. Such dispersal would lead to total assimilation.

By the 1950s, assimilation had become official policy for all of Australia. In 1951, Hasluck (1953:13) then Minister for Territories, reported to Parliament that the Native Welfare Conference held in Canberra.

\[\ldots\ldots\ldots\ldots\text{agreed that assimilation is the objective of native welfare measures. Assimilation means, in particular terms, that, in the course of time, it is expected that all persons of Aboriginal blood or mixed blood in Australia will live like white Australians do.}\]

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The policy of assimilation, spelled out by Hasluck in 1951, was confirmed in 1963 when a further conference of commonwealth and State Minister was held in Darwin and resulted in a more detailed state on the meaning of the policy of assimilation:

_The policy of assimilation means that all Aborigines and part Aborigines will attain the same manner for living as other Australians and live as member of a single Australian community enjoying the same rights and privileges, accepting the same responsibilities, observing the same customs and influenced by the same beliefs, hopes and loyalties as other Australians (Commonwealth of Australia Parliamentary Papers, 1963:651)_37

Assimilation now meant the assimilation of political, as well as cultural, activity. The Aboriginal people were to be "part of a family". Any activity which questioned the values of the dominant society was "alien". The notion of eth exercising of human rights by Aborigines as a group was nichilated. Therapy was proposed as the appropriate conceptual machinery to control Aborigines. The form of therapy was to assimilate the Aboriginal people "into the same customs", beliefs, hopes and loyalties". The beneficiaries were to be the majority group who would thus to be the majority group who would thus be freed of the criticism of an outgroup. It can be argued that physical assimilation and political assimilation were aimed at achieving the same ends.

Aborigines were no longer to be segregated, but were to be contained by becoming "part of a family". However, as a family has rights by ascription, not by achievement, the seeking of rights, by Aboriginal people in the political arena demonstrated clearly that over a period of two hundred years, such rights had

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been denied by mainstream society. It was an affront to white society for Aboriginal people to demonstrate this openly by claiming such rights.

As, by general consensus of policy makers in multicultural Australia in the 1970s, Aborigines were not part of the new multicultural "Australian" identity, the logical deduction was that they had to find a separate Aboriginal identity, the logical deduction was that they had to find a separate Aboriginal identity. The exclusion of Aboriginal people in the 1970s through a "boundary from without", nevertheless paradoxically worked to the advantage of Aboriginal people in the construction of Aboriginal identity, as the possibility of disparate groups of Aboriginal people becoming more cohesive and constructing a framework for building positive identity was facilitated by policies which acted to exclude Aborigines, while "theorizing" about them positively. Indeed, the very fact that mainstream theorizing about Aborigines since the 1970's has been positive, has further acted to separate Aboriginal people. This consequence in inherent in the conceptualization of policies of self management because, if the "uniqueness" of Aborigines is accepted, and the framework of a multicultural society excluding Aborigines in also accepted, then Aborigines are forced into exercising their autonomy outside this framework. As a consequence, the grounds for declaring Aboriginal

**Aboriginal Literature and Identity**

Aboriginal literature does not exist in an aesthetic vacuum, but within the context of aboriginal affairs. It must be seen holistically within a cultural, historical and social context. That means, that to try and approach means, that to try and approach Aboriginal writers and their literature as things existing apart from their communities would be falsity. Aboriginal writers may be labelled as committed writers. They all are deeply as committed writers. They all are deeply concerned with the problems of their communities even to the extent that community is stressed at the expense of the individual stressed at the expense of the individual. And in writing about these problems, they become aware of similar
problems, they become aware of similar problems facing minorities in Australia and other countries of the world and give their support to those communities fighting for a place under the sun, free from the domination of national majorities. Still they acknowledge that their primary goals are to understand their communities, the crisis of their literature, and from there to create a literature which will not only be of use to community, but will help to spread a knowledge about the Aborigines of Australia and their unique culture.

It would be right to say that Aboriginal literature begins as a cry from the heart directed at the white men. It is not an ordinary cry but a cry for justice and for a better deal, a cry for understanding and an asking to be understood. In some group it is different from other national readership and towards a national readership and only after that to other nations. Black writers such as Kevin Gilbert and Oodgeroo Noonuccal have a white Australian readership firmly in this mind when they write firmly in this mind when they write and it is thin aim to get across and it is thin aim to get across to as many people as possible the Aboriginal predicament in Australia. A predicament which has resulted in many Aborigines becoming strangers in their own land, becoming strangers in their own land, so alienated that sometimes they seem to have lost thin will to survive.

In Aboriginal writing today (1985, p. 53)38 Denis Walken states:

Aboriginal writers have a responsibility here, a very important responsibility, to take that message, not only to white people but to Aboriginal people as well, so that we can foster within our own communities a very important concept. That concept is that if we are going to survive, we are going to have to do it as a community, we are going to have to do it as a nation and not as individuals.

He clearly sees that Aboriginal literature is the expression of an indigenous minority not only living on the fringes of the majority community, but as a separate nation of people which until the last two decades was completely under the heel of the oppressor. This meant many things to Aboriginal people: for example they did not do things, but had things done to or for them, and any urge towards protest or expression by them was fiercely attacked as being the work of others, i.e. radical whites.

The Aboriginal writer is such a figure with one face turned to the past and the other to the future while existing in a post modern, multicultural Australia in which he or she must fight for cultural space. This creates a tension which on occasion may lead to an outright condemnation of all European writings on Aborigines as being gammon, and not worth the paper they are written on. It is this stress which creates the passion with which Aborigines view the world and their literature. They believe that a literature to be worthwhile must have social value not only to the individual, but to the community as well. It means that Aboriginal writers are not content with only writing about a past separate from their present being. The past is there only to explain the present and postulate ideals for the future. Still, the past is of the utmost importance in that it is there that true Aboriginality resides. This may lead to an idyllic picture of a past Aboriginal civilization. Aboriginal people must come to realize that many of their problems are based on a past which still lives within them. If this is not acknowledged, then the self destructive and community – destructive acts which continue to occur will be seen as only resulting from unemployment, bad housing, or ill health, and once they are removed everything will be fine.

It is a very common assumption that all the indigenous people of Australia constitute one group so called the Aborigines or placed under the white term – Aboriginal. However, it is very difficult for us to think of ourselves as “Aboriginal” but rather we identify ourselves within our own communities. The very first thing
you are asked indigenous community is, “where do you come from?” this allows indigenous people to associate you with a particular place. To explain it better to non-indigenous people, one could compare it to India. To the question, “who are Indians?”, the response is a number of different peoples who live in India. The same thing occurs within Aboriginal and Torres Strait Islander Society. Contemporary Aboriginal and Torres Strait Islander consist of different communities; Aboriginal people ruler to themselves differently in different places such as Murri (in Queensland), Koori (in New South Wales and Victoria), Nyungar (in Western Australia), Nyungar (in South Australia), or Palwa (in Tasmania). These are the names adopted in the fast decade by Aboriginal people from differing regional identity groups to replace the white man's collective naming of us as Aborigines. Within each of these groups are many more specific names, and even outside of them, for instance, the Yamajdis and Wongis in Western Australia. However, all Aboriginal and Torres Strait Islander people across Australia share islander people across Australia share many features that give unity and a common sense of identity in broader terms. Some of these features derive from a shared history of oppression and dispossession dating from 1770, with the landing of Captain Cook in Australia, shared experiences of racism and discrimination since were orphans or that their parents and families did not want them. The trauma is a continuing legacy, and Aboriginal people suffer daily from their experiences.

Such as examine the amazing vitality of Aboriginal literature as it has emerged to recently. Colin Johnson compared it with mainstream (white) literature as follows:

*Perhaps the most that can be said for modern Australian literature, on rather current literature, is its utter complacency, and the fact that it is becoming more and more irrelevant to the society with which it seeks to deal. Aboriginal literature is and can be more vital in that it is seeking to come to grips with and define a people, the*
roots of whose culture extend in an unbroken line for back into a past in which English as a recent intrusion.

And

*We are lucky in being Aborigines in that there is so much happening around us and in our community. And a lot of this calls for writers to document and put in order. Who shall tell the story of Noonkanbah, of the Brisbane protest of 1982, of the various Aboriginal struggles and people who are in the forefront of these struggles, but our writers? They are necessary to us.*

Here Johnson is pointing out to the real strengths that Aboriginal writers can draw on freely, which have provided the basis for this explosion of creativity. Aboriginal writers have a sense of purpose, an urgent task on behalf of their community, and a wealth of material and themes. They are also heirs to a tradition that goes back millennia before the English literary culture was born. For all Aboriginal writers, history is more important, more inseparable from literature, than would be the case for white writers as a whole. After all, for white writers, history is in safe hands, white hands, and they can take it or leave it alone. Aboriginal people have been excluded from the pages of white history, and denied access to the records of their own people. Aboriginal writers cannot rely on anyone else to do the work for them. Although achievements and documents are white inventions, Aboriginal writers have developed a stronger historical sense than their white counterparts, along with a more intense concern for social reality, the existence lived for social reality, the existence lived by Aboriginal people today and in the past.

Aboriginal writers know that they do not necessarily betray their Aboriginality by adopting to and taking over aspects of white cultural forms. They know, as white critics do not, the complex reality of their Aboriginal origins, and

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*Ibid., p.1*
they see continuities in what they do with those origins which whites do not see, are often not meant to see. In his paper Bruce Mc Guinness pointed out:

> It is important that people understand that Aboriginal life styles don't change a great degree when they are removed from a rural situation to an urban situation. Its just that they need to become less visible, because Aboriginal people are very visible within an urban situation.....so while being visible in terms of maintaining their rights to exist as an Aboriginal nation, they must also remain invisible so as to escape the stereotyping and stigmatizing, that goes on when Aboriginal people do things....

This is quite different to concern Colin Johnson shows for the authenticity of the Aboriginal voice and forms of language, when he complains about effects of editing (by white anthropologists and popularizes) of oral literature. Aboriginal literature cannot afford to be as fragile as that. But editing does need a deep understanding and respect for the traditional oral form, which most whites do not have. And above all, there is the issue of control: control by whites of the forms and meanings of Aboriginal people. Bruce Mc Guinness gives a strong formulation of this principle:

> We maintain that unless Aboriginal people control the funding, unless Aboriginal people control the content, the publishing, the ultimate presentation of the article, then it is not Aboriginal: that it ceases to be Aboriginal when it is interfered with, when it is tampered with by non-Aboriginal people......its no good for Aboriginal people to be writing what non – Aboriginal people, what white publishing companies, what governments, what government agencies decree that they ought to write. If it is going to be legitimate

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40 Ibid., p. 2
Aboriginal literature, then it must come, flow freely, from
the Aboriginal people, from the Aboriginal communities
without any restrictions placed upon them.41

We notice here that this defines Aboriginal literature not from some pre-given content. However, the strong claim on behalf of Aboriginal literature, of course, goes beyond what most white writers enjoy, though it is what those writers would want, on their own behalf, too. Nevertheless, the difference, the advantage for Aboriginal writers, in spite of so many external difficulties, comes from the different relationship that exist between Aboriginal people and their communities, and the different role and functions of writers in relation to those communities.

Bruce Mc Guiness has stressed the commitment of the Aboriginal writer in the following words:

Aboriginal people must at some time or another come to grips with the fact that they are Aboriginal people, that they belong to the Aboriginal race. Now if they are sincere about that Aboriginality, about their feelings for it, if they are serious about wanting to achieve land rights, if they are in fact sincere about wanting justice for Aboriginal people, then that commitment must be made.42

Aboriginal writers, gradually, started realizing that the job that was to be done involves struggle on many fronts, and you just can’t devote yourself to one area. You would have to work more than twenty four hours a day to get through because there is so much to be done and so few people to do it. In this way, Aboriginal literature makes connections that go beyond conceptual boundaries that are taken for granted by whites. As Brucce Mc Guiness said, the conditions Aborigines work under affect the very definition of the area:

41 Ibid., p. 3
42 Ibid., p. 4
Politics of Aboriginal literature is a very very broad term. To Aboriginal people it is a very broad term — to white people you might consider it specific topic. However, we because of our experience, find that all areas of Aboriginal affairs are so inter related, so closely meshed together, that its difficult to work on one particular area at the expense of others, to leave them to fall by the layside.43

Moreover, our emphasis must be given on what Aboriginal writing incorporates, the sheer range of its forms and resources. There is the wealth of traditional oral literature, for contemporary Aboriginal people to safeguard and draw on in their own work in creating their own identity. But equally important in Aboriginal writing is a concern with history, with precise knowledge of the history of Aboriginal existence, gleaned if necessary from white records. In Kevin Gilberts words:

the ones is on Aboriginal writers to present the evidence of our true situation. In attempting to present the evidence we are furiously attached by white Australians and white converts, whatever their colour, as 'going back 200 years...the past is finished........!' Yet, cut off a man's leg, kill his mother, rape his land, psychologically attack and keep him in a powerless position each day — does it not fire on in the mind of the victim? Does it not continue to scar and affect the thinking? Deny it, but it still exists44

A detailed study gives us the fact that Australian culture is a composite one comprising the dominant settler culture (with its own complex structure), with a colonized culture embedded within it. And in this way, both cultures together form a dynamic system, with each part affecting the others in several obvious and unobvious ways. The embedded culture of Australia is Aboriginal peoples can be

43 Ibid., p. 4
44 Ibid., p. 5
understood not as a self contained set of forms but as a complex product of the Australian colonial process acting an earlier forms of life and culture.

Aboriginal culture has been produced against the background of repressive policies, for the past 200 years, which attacked Aboriginal people on two points: firstly through overt racism and secondly, through the more devious methods of 'Aboriginalism'. But in understanding Aboriginal culture today it is equally important to recognize the facts of Aboriginal survival and cultural resilience. Aboriginal culture seems to be neglected texts rather than a set of simple and transparent. It is typically enigmatic and deceptive. The mystery of Aboriginal culture is the product of Aboriginal protectiveness as well as white indifference. Aboriginal people have always had their discursive regimes and systems of control which have been and still are bound with the maintenance of their political with the maintenance of their political and social identity. Traditional society was constituted as a series of groups within groups, with secret knowledge's carefully encoded and protected from other Aborigines outside the inner circles of those with the right to know.

Aborigines are still an oppressed minority group within Australia, but the issue of social justice is now firmly on the agenda, and the texts of Aboriginal literature and culture have an important role to play in the process of constructing policies that are sensitive to the needs and values of Aborigines. Aboriginal cultural forms have always had two crucial social functions: first, to interpret, reflect, report, and comment on social life, and second, to actively construct forms of social existence, ensuring social cohesion and flexibility in responding to the major problems facing Aboriginal people. These two functions were not rendered obsolete with the coming of the whites. On the contrary the demands made on these cultural forms intensified. The set of issues that conventionally make up the 'Aboriginal problem' all include both material and cultural dimensions. Dispossession, unemployment, imprisonment, poor health and infant mortality
eed into are aggravated by the so called ‘culture of poverty’, marked by alcoholism, suicide and social disintegration.

The very first obstacle, coming in the way of establishing a new practice for reading Aboriginal texts and Aboriginal culture, is the invisible power of the existing dominant way of reading, the reading regime that is organized through what we have called “Aboriginalism”. Aboriginalism insists that Aborigines as the other cannot (be allowed to) represent themselves, cannot even the supported to know themselves as subjects or objects of discourse. This tactic deprives Aborigines of the possibility of authority of being authors of their own meanings able to monitory and influence the meanings that circulate about and among Aborigines.

The discursive regime of Aboriginality has been built up around a series of false dischotomies, forced choices that have been imposed on Aborigines in a kind of strategy to divide and rule. And at the base of all these dichotomies is the fundamental political issue that has exercised Aboriginal people for 200 years: the issue of accommodation or separate existence. Aborigines have objected at different times to government policies of ‘integration’ and ‘assimilation’. They have also objected to policies that have separated Aboriginal people from white society, incarcerating them in camps in a form of apartheid. But what is crucially different between what Aborigines want and what they are offered is their right to be discursive agents, able to declare in their own forms and terms which option it is they want, and when and how they want it to be available.

There is no denying the fact that to a great extent many ‘Australians’ are unable to empathise with “Aborigines” as an oppressed, displaced people because even today the ‘native’ is still understood as sub human. Aborigines, be that of Australia, America or Africa, because they are considered to be variants of ‘primitive man’, are never the creators of history, only the subjects of anthropology.
The past two hundred years of Australian history has been dominated, and formulated by a network of 'white' discourses. Specifically, official representation of the relationships between 'Aboriginal' and 'non-Aboriginal' societies have been written by the 'colonisers' to construct an official Australian history. This 'history' has ensured the relegation of 'Aboriginal' history and heritage to a mythical time pre – 1788 and thus these official constructions of history are instrumental in the subjugation and marginalization of knowledge's from displaced peoples. These knowledge's from displaced peoples. These knowledge's would otherwise challenge or rupture the apparent linearity of official history. The Aboriginal written assert that history, specifically official Australian history, is a fiction that both creates and substantial a political reality that is itself fictitious. They argue that a more equitable account of Australian history post – 1788 is possible of official history is mediated by a reading of 'Aboriginal literature as history. Aboriginal writers further assert that counter histories that both disrupt the apparent linearity and homogeneity of 'white' historiography and foreground previously subjugated 'Aboriginal' knowledge are emerging in a growing today of writings by 'Aboriginal' authors (Aboriginal literature) that can be read as 'history'.

Official history has served to marginalize, 'aboriginal' knowledges, customs and beliefs and further ensures a privileged place for 'white' knowledges, customs and beliefs as the foundation of Australian society. 'White' Australian culture has come to be considered the 'natural', central or dominant culture of Australia which passed on through birthright. However, it can be argued that this general condition of 'white' culture as the condition of 'white' culture as the dominant and therefore the official, culture of Australian was clearly the result of British political and economic desire to deny the heteroglossia – social, historical, physiological, conditions – already functioning within 'Terra Nullius' when 'colonization' initially took place. What followed then was a 'narrativisation; of Australian history through the writings that represented 'white' settlement.
On the basis of above mentioned arguments it can be said that British imperialism and politics has facilitated the legitimating of ‘white’ Australian history. This newly invented history has subsequently been utilized to legitimate Australian politics – ‘white’ dominance, ‘white’ Australian Policy, paternal attitudes to the domination of ‘white’ social/political/economic relationships. Despite the injustice upon which these politics are based, such an account appears to justified when ‘Aborigines’, their technologies and cultures are viewed and evaluated by Western standards, as they most often are.

To facilitate an understanding of the relationships between ‘Aborigines and ‘white’ Australian society, it is necessary to develop some insights into the relationship of the colonizer and the colonized. Improvements in the social and economic status of the colonizers have been attained at the expense of the colonized. In Australia this involved the exploitation of ‘Aborigines’ through the taking of their land, and their exploitation as servants or unpaid laboru. This exploitation is always possible in the relationship between the colonizers and the colonized because the colonized." Are not protected by the laws of the colony." Sartre, in his introduction to Memmi’s *The Colonizer and the Colonized* has this to say about the colonized and the law:

*Political and social regulations reinforce one another. Since the native is sub human, the Declaration of Human Rights does not apply to him; inversely, since he has no rights, he is abandoned without protection to in human forces – brought in with colonial praxis, engendered every moment by the colonialist apparatus, and sustained by relations of production that defined two sorts of individuals – one for whom privilege and humanity are one, who becomes a human being by exercising his rights; and the other, for whom a denial of rights sanctions, misery, chronic, hunger, ignorance, or, in general, "sub-humanity.*
The Transformation of an 'Oral Literature' into a 'written literature':

It is important to note that one of the most existing things that has been taking place within the last two three decades in the field of Aboriginal Studies is the transformation of an oral literature into a written literature, without necessarily destroying the original form in the process. Before the European brought a system of writing to Australia, all literature was oral – that is, a spoken or memorized literature. Religious traditions and beliefs, legends and historical events which were considered important, were handed down from generation to generation, usually in the form of verse as it is easier to learn and keep straight lines of verse rather than unwidely prose. We must note that, although considerable changes have taken place, Aboriginal traditions and oral literature remain as part of a modern, living traditional culture.

In the beginning, Aboriginal people did not write down their knowledge, thoughts and experiences. These were passed on, in the normal course of social life, by word by mouth, supplemented by graphic representations with regionally and socially coded and variable meanings. The Aboriginal people have been recording their history for thousands of years and the medium has been stone, hair, wood, the walls of caves, and the flat surface of rock has been the canvas of their ancestors. Hair strong manipulated by fingers can till a myriad of stories and the land was their drawing board. Circumstances changed radically as European settlement and influence spread to the farthest corners of the continent. With the coming of the white man, the fabric which made up the delicate pattern of Aboriginal existence was soon destroyed. A great deal of oral traditional material has been rescued and recorded. However, it took a long time for this to be recognized as literature in the true meaning of that term. So much has been destroyed, far more than has survived on than it has been possible for anthropologists to set down in writings or more recently, on tape.
In urban and country areas, people of Aborigianl descent were usually too concerned with issues of every day living to have much opportunity for setting down their ideas and experiences in writing. But they also had oral traditions, although the social contexts were different from those of Aborigines in more 'remote' areas. Oral literature in fragile and vulnerable. It can so easily be destroyed. Nevertheless, it has qualities which are seemingly lacking in an Indian Philosopher (in India and the Americas, 1944), claimed that were of a disadvantage, that their memories and their imagination suffered. His contenting was that by having to write things down, people become increasingly dependent on books and other written material and lost their natural fluency in speech, their power of dramatic appeal. As far as Aboriginal people are concerned especially those who still have the support of a living culture, fluency of speech and ability to handle verbal imagery are still a feature of everyday life, to very large extent. There is vast store of knowledge, in the form of myth, historical stories, song poetry and so on, which is both traditionally and contemporarily relevant.

The main significant point here in that the 'new' Aboriginal writing does have very deep roots in the traditional present as it does in the traditional past. It is the continuity of ideas which is significant. The pioneers of Aboriginal writing are Kath Waker, Jack Davis, Kevin Gilbert and Colin Johnson, Sally Moran who have set their rights on the future. To understand what that future might be, they have all recognized the past as well as the present. In their writings and that of others, we have the emergence of a literature which will be the underpinning of a newly conceived Aboriginal heritage. This is a heritage which has always been there, but which has only partially been made available in a more durable form and set down for others to read, or to hear. It is a heritage which is now both traditional, and mixed with the traumatic circumstances of the struggle of people to find or to asset their own unique identity, and have that identity recognized by others.

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It is true that while some Aboriginal writers have turned their hand to reinterpreting a traditional Aboriginal present or past, others are more concerned about understanding themselves in a wider social context or about presenting a view of Aborigines deprived of equal opportunities themselves in a wider social context or about presenting a view of Aborigines deprived of equal opportunities and subject to negative discrimination, and have therefore, concentrated on their experiences with non-Aborigines. And it is important that they should write about these things, since they are in the best position to convey to others what it feels to be on the receiving end of what has been and in many respects still is essentially an unequal situation. The Aboriginal writers have to establish a sacred trust with their traditional culture while writing books or any of literature. While they may use the techniques of writing and of creating books, their task is to ensure that what they write about and how they write it, within whatever setting they may wish to choose, retains something of the flavour and atmosphere which may be distinguishable from all after writing as being essentially Aboriginal. And that it retains something of the power of imagination which was and still is a hallmark of traditional Aboriginal oral literature.

Australian Aboriginal literature is a literature of the Fourth World, that is, of the indigenous minorities submerged in a surrounding majority and governed by them. Perhaps the most that can be said for modern Australian literature, or rather current literature is its utter complacency and the fact that it is becoming more and more irrelevant to the society with which it seeks to deal. Aboriginal literature is and can be more vital in that it is seeking to come to grips with and define a people, the roots of whose culture extend in an unbroken line far back into a part in which English is a recent intrusion. In a sense, Aboriginal writing is a white form in that it is mostly written in English, and too often a polished English which is divorced from the community itself. Thus not only is there a contradiction in the use of alien forms, but also in the use of an alien language which too often has driven out the original language. It is imperative that wherever possible Aboriginal language must be allowed to live and grow so that they may form the
basis of the means of expression. Aboriginal children should be taught or rather
given the mean to learn a language, one that is of their area or their own so that
the continuity of past and present and future may be maintained.

The politics and Aboriginal Literature

Prior to European invasion and the colonization of Australia, Aboriginal people's
literature was limited to bark paintings, message sticks, cave paintings and body
markings. The majority of Aboriginal history and tradition was passed on by way
of oral history, by word of mouth and by enacting, by word of mouth and by
enacting, the experiences that occurred to Aboriginal people and to their
forefathers. Let us have exists today and try to find out why it has been so slow in
coming, why it has not been encouraged more, why Aboriginal writers have not
been sponsored. More than they have been and why are not money and
resources flowing freely into black communities, into black areas, for the purpose
of developing black writers, particularly black writers who are intent on the
creative area of writing, poetry, novels and other such things. The one area
where here does seem to be a deal of money for Aboriginal writers is in the field
of research, which involves non-Aboriginal people as well as Aboriginal people,
where tapes are used quite often, words are put to tape, and tapes have been
transcribed by non-Aboriginal people of what the Aboriginal people have spoken
about.

Let us now look at the various agencies that exist, that have been set up
by governments, that have been established by concerned people, either to
encourage those black writers or to stymie them and to stop them from going
ahead. As an example of the latter, one could refer to the DAA, the Department
of Aboriginal Affairs, which has enormous amounts of money, that has given it an
enviable position of power in Aboriginal affairs. Now that money is not made
available to Aboriginal people according what they describe their needs as being.
Its made available to Aboriginal organizations and communities in terms of what
the DAA and in terms of what previous non Aboriginal writers had determined as
to what the needs of Aboriginal people are. Some Aboriginal writers have made it of course, such as, Jack Davis, Kath Walkir, Colin Johnson, whose works ought to have been published but they weren't for a number of reasons. For one, its content. Secondly, its length and there were other unimportant objections by the publishers. This brings a very important fact to the surface and that is that Aboriginal people, writers who even write their own material, have no control over that material in terms of having it published. The have no control over the finances that make it possible for them to exist, make it possible for them to pursue writing as a career, and, most importantly, to act as historians in control of the way in which they write and what they write about in terms of what is happening within the Aboriginal population of Australia, within the various Aboriginal communities throughout Australia. In the words of Bruce McGuiness.

We maintain that unless Aboriginal people control the funding, unless Aboriginal people control the content, the publishing, the ultimate presentation of the article, then it is not Aboriginal; that it ceases to be Aboriginal when it is interfered with when it is tampered with by non-Aboriginal people who exist outside of the spectrum of Aboriginal life. of Aboriginal culture within Australia... Its no good for Aboriginal people to be writing what non - Aboriginal people, what white publishing companies, what governments, what government agencies decree that they ought to write. If its going, to be legitimate Aboriginal literature, then it must come, flow freely, from the Aboriginal people, from the Aboriginal Communities without any restrictions placed upon them.45

Community control is a very important aspect of Aboriginal life. Its not new aspect, in fact that is the way things were running prior to the coming of white people to Australia. White people themselves, if they belong to different class

45 Ibid., p. 3

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groups, and particularly to working class groups, find themselves in a similar situation to that of Aboriginal people, insofar as they have no control over what they are permitted to write and over the end product of what they do write when it is finally published to the stage where Aboriginal people were moving away from the reserves, moving away from the missions into the cities, going to the educational institutions etc., there was another type of writer that emerged, the type of writer that wrote creatively about this Aboriginality in the style of white writers, in the style of accepted literature writers of the day, of past eras and the present era. Those writers are well known: Kath Walker, Jack Davis, Kevin Gilbert, Colin Johnson, just to name a few.

Community control means that not only are the potential writers of the future able to have the support of their community, but they are also responsible to their community. They have a responsibility to their community. They have a responsibility in terms of what they write and how they write if and that responsibility is very important they have an accountability to their community, so the community in effect can support them which they do this writing. Aboriginal individuals can be selected by publishers, can be selected by government departments, and be sponsored to write the sort of things they want to hear, the type of things they want to hear, the type of things they want to hear about Aboriginal people and from Aboriginal people. Some of their work gets printed and a hell of a lot of it doesn't, and the reason why it does not get printed is because Aboriginal people don't control it. They don't have control at the local level, they don't have control at the funding level, they don't have control at the policy making level. So, everything needs to be controlled, and controlled at local community level.
## INDEX

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Source: Australia, Department of Territories
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<td>NORTHERN TERRITORY</td>
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</table>

| TOTAL                    | 251,000 | 59,920 | 15,465 | 40,081 | 39,172 |
Current socio-economic status of Aboriginal people in Australia

We can look at six particular topic areas so that we can closely examine these socio-economic indicators in regards to the achievement of social justice for Aboriginal people in Australia. These six topic areas are — Health, Education, Housing, Employment, Criminal Justice and Housing. The Human Rights and Equal Opportunity Commission states that:

... this collection of statistics and surveys is chosen for relevance in highlighting disparities between Indigenous and non-Indigenous Australians. Reducing people and their experiences to percentage is problematic, however, statistics are useful as indicators of disparities and inequalities, and of similarities, between Indigenous and non-Indigenous Australians. This should be viewed as a selection of statistics, representative (but by no means comprehensive) of recent research and findings by key indicators such as health, education, employment, housing and welfare.

Health

According to Human Rights and Equal Opportunity Commission, the life expectancy of Aboriginal people is 15-20 years less than the general population. At any age, Aboriginal and Torres strait Islander people are more than twice as likely to die as are non-Indigenous people. For those aged 25-44, the risk is five times greater than the national average. Diabetes affects 30% of people in some Aboriginal and Torres strait communities, which is four times the non-Indigenous rate. Deaths in Aboriginal males with diabetes rose from 36 per 100,000 in 1985-86 to 82 per 100,000 in 1991-92. Indigenous infant mortality is still more than three to five times higher than that for other Australian children. Infectious diseases are twelve times higher than the Australian average. Hospital

Admissions for Aboriginal men are 71% higher than for non-Aboriginal males. For Aboriginal females, the admission rate, which includes admissions for childbirth, is 57% higher than for non-Aboriginal females.

As per the *Report of the Royal Commission into Aboriginal Deaths in Custody (1991)*, Indigenous Australians are ten times more likely to suffer from diabetes mellitus than non-Indigenous Australians. Indigenous Australians are seven times more likely to die of a respiratory disease. The rate of Indigenous infant mortality is two to three times greater than for non-Indigenous Australians. The life expectancy for Indigenous Australians is between 10-18 years less than non-Indigenous Australians.

**Education**

Only 33% of Aboriginal and Torres Strait Islander children complete schoolings compared to a national average of 77%. 2.2% of Indigenous people have tertiary degrees compared with 12.8% of all Australians.

**Employment**

The report of the *Human Rights and Equal Opportunity Commission* states that the unemployment rate is 38% for Indigenous people, compared with 8.7% for the general population. 14% of Aboriginal men and 17% of Aboriginal women are in administrative, professional or para professional positions compared with 35% of Anglo-Australian men and 29% of Anglo-Australian women respectively. The mean individual income for indigenous people is 65% of that of the general population.

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The Report of the Royal Commission into Aboriginal Deaths in Custody (1991) figures show that in 1991, the unemployment rate for Indigenous Australians was nearly three times that of the national average.

<table>
<thead>
<tr>
<th>Employment Rate</th>
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</thead>
<tbody>
<tr>
<td>Indigenous Australians</td>
<td>30.8%</td>
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<tr>
<td>National</td>
<td>11.7%</td>
</tr>
</tbody>
</table>

Criminal Justice System

From the Human Rights and Equal Opportunity Commission data it can be seen that Indigenous people are 17.3 times more likely to be arrested; 14.7 times more likely to be imprisoned; and 16.5 times more likely to die in custody than non-Indigenous Australians. Indigenous juveniles aged 10-17 are 21 times more likely to be in juvenile detention institutions than the rest of the population of that age. In Western Australia, the rate is 48 times higher. The number of Aboriginal and Torres Strait people in prison has increased by 61% in the last seven years and is almost twice the growth rate of the non-Indigenous prison population. Aborigines are more likely to be held in custody or detained for less serious offences than non-Aboriginal people. The highest over-representation of Aboriginal people in custody is for public order offences. More than half of the Aboriginal people held in police custody are detained for public drunkenness and street offences.

Australian Bureau of Statistics, 1997 points out that in 1996, 19% of all prisoners in Australia were Indigenous people. The rate of Indigenous imprisonment is 18 times greater than non-Indigenous imprisonment.

Population


The Royal Commission into Aboriginal Deaths in Custody (1991) found that Aboriginal and Torres Strait Islander populations comprise just over 1.6% of the total Australian population. Two thirds of Aboriginal and Torres Strait Islanders live in rural or remote areas. However, more Indigenous people live in Western Sydney than anywhere else in Australia.

**Income**

The Royal Commission Report (1991) shows that Indigenous Australians earn less than two thirds the national average.

<table>
<thead>
<tr>
<th>Average income per year</th>
<th>1991</th>
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<tbody>
<tr>
<td>Indigenous Australian</td>
<td>$11491</td>
</tr>
<tr>
<td>National</td>
<td>$17614</td>
</tr>
</tbody>
</table>

**Other**

Only 28% of Aboriginal families own their own home compared to 67% of all Australian families. In 1992, 34% of discrete communities had a water supply which was below the standard set by the Commonwealth Governing as being safe for human consumption. 13% of discrete communities did not have a regular water supply.

| Completion of year 12 | Non-Indigenous People | 76% | 28% |
| Post-school qualifications | 31% | 11% |
| Unemployment rate | 9% | 23% |
| Median Weekly Income (males) | $415 | $189 |
| Home ownership | 71% | 31% |
40% of juveniles in corrective institutions are Indigenous.
19% of adult prison population is Indigenous.


A short overview of law and policy making since 1788

Law making processes were different in colonial Australia, from 26 January 1788 to 31 December 1900, from those of Australia post-federation, 1 January 1901 to the present.

Colonial Australia

In the Australian Constitution’s glossary, a colony is defined as:

a community that is subject to the final legal authority of another country.

Initially the governors, as representatives of the British Crown, made laws and policies. By the end of the colonial period there were elected parliaments, but essentially the final legal authority for Australia remained in England until the 1986, when the Australia Act was passed.

Federated Australia

In post Federation Australia, at either Federal or state level, legislation must pass through both houses of parliament to become law. Once passed by parliament it then has to be ratified by the Governor-General or state Governors (but this last phase is usually only ceremonial). The enacted legislation may then be interpreted by the courts.

Judicial power is, literally, the power to adjudicate. Typically, it involves the determination of rights and duties by applying and interpreting the law, usually in order to resolve a dispute. Judicial power is ‘final’ in the sense that
Although courts can be seen as a judicial arm of government, they are independent. The separation of government and judicial powers bolsters the independence of the judiciary.

The Australian Constitution

The Australian Constitution was written by delegates to a series of Constitutional conventions in the 1890s. These delegates did not include women or Aboriginal people. When all the colonies agreed to every part of it, it was sent to England and there enacted as an act of British Parliament, as the Commonwealth of Australia Constitution Act (1900). The Australian Constitution defined how governments can make laws and what laws each level of government, Commonwealth and state can make.

The Australian Constitution and Aboriginal people

Pre-1967, the two sections of the Australian Constitution which most affected Aboriginal people were:

Section 51: This section gave the responsibility for Aboriginal Affairs to state governments.

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

Section 127: This section excluded Aboriginal people from the census and thereby from all citizenship rights:

In reckoning the numbers of the people of the Commonwealth, or of a state or other part of the Commonwealth, aboriginal natives shall not be counted.

The White Australia Policy

For the White Australia Policy to exist, it must be underpinned by values, attitudes and beliefs. The White Australia Policy is often mistakenly regarded as a single government policy when it was, in fact, a mixture of various legislation, policies and practices. The beliefs, attitudes and values which underpinned the White Australia Policy were such things as social Darwinism and feelings of racial superiority. For example, the 1937 report quoted in survival, spoke of the

... inviolability of the national policy of a White Australia.
This is something the Australian people regard as sacrosanct.... all sections of the people are united in an ardent desire to maintain racial purity.\(^5\)

The Bulletin 1901

If this country is to be fit for our children and their children to live in, WE MUST KEEP THE BREAD PURE. The half-caste usually inherits the vices of both races and the virtues of neither. Do you want Australia to be a community of mongrel?

Assimilation Policy

At the discretion of the Principal or because of community objections, Aboriginal children could be excluded from schools because they were Aboriginal. This policy existed from 1883 to 1972. The forced removal of children from their families took place under the regulations and guidelines of the Assimilation Policy.

We have power under the act to take any child from its mother at any stage of its life.... Are we going to have a

---

population of one million blacks in the Commonwealth or are we going to merge them into our white community and eventually forget that there were ever any Aborigines in Australia?  

David Hollinsworth in his book Race and Racism in Australia, quotes:

Generally by the fifth and invariably by the sixth generation, all native characteristics of the Australian Aborigine are eradicated. The problem of our half-castes will quickly be eliminated by the complete disappearance of the black race, and the swift submergence of their progeny in the white.

1937

A Policy of assimilation (Commonwealth and all states) was promoted:

The destiny of the natives of Aboriginal origin but not of the full blood lies in their ultimate absorption by the people of the commonwealth, and ..... all effort should be directed to that end. Efforts by all state authorities should be directed towards the education of children of mixed blood at white standards, and their subsequent employment under the same conditions as whites with a view to taking their place in the white community.

The 1951 Commonwealth and state Ministers at the Native Welfare Conference defined the policy for the assimilation of Aboriginal people into Australian society:

All Aborigines and part Aborigines are expected to eventually attain the same manner of living as other Australians.... enjoying the same responsibility deserving

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Native Welfare Conference, 1937.
the same customs and influenced by the same beliefs, hopes and loyalties as other Australians.56

Major legislation that has affected Aboriginal people

NSW Colonial Legislation & Proclamations

1816
A proclamation gave some Aboriginal people the 'protection' of white law i.e. those that had 'passes'. At the same time this proclamation declared martial law against others who could be shot on sight if armed with spears, or even if they were unarmed within a certain distance of houses or settlements.

1835
Citizens could be sent to goal with hard labour for "lodging or wandering in company with any of the black natives of the colony". This clause appears in various legislation well into the following century including all Vagrancy Acts.

1838
The sale or gift of alcohol to Aboriginal people was prohibited. Various forms of the prohibition continued to appear until 1963.

1839
Squatters could lose their licence for "malicious injury or offence committed upon or against any Aboriginal native".

1840
Aboriginal people were forbidden to use firearms without the permission of a Justice of the Peace.

56 The policy of assimilation: decisions of Commonwealth state Ministers at the Native Welfare Conference Canberra, 1951.
1876
Evidence from Aboriginal people was accepted in the courts for the first time. This was first proposed by Governor Gipps in 1843 but rejected by the legislative council.

1909
NSW Aborigines Protection Act
The first Aborigines 'Protective' legislation was in Victoria in 1869, Aborigines Protection Acts (1869, 1886), which became a model for others.

1969
The Aborigines Act dissolved the Welfare Board and made a significant change in direction of government policy. The care of Aboriginal children now came under the Child Welfare Act as was the case with other children. An Aborigines Advisory Council was set up, made up of Aboriginal representatives. This Act was repealed in 1983. The Aborigines Act also vested reserve land in the control of the Minister responsible for Aboriginal Affairs who could then dispose of them to Aboriginal communities.

1977
The Anti Discrimination Act includes Aboriginal people as one group and relates particularly to discrimination in employment and housing.

1983
NSW Aboriginal Land Rights Act: This Act established a three-tiered system of Aboriginal Land Councils (state, regional and local).
Commonwealth Legislation or ‘Law of the Land’

1902
Franchise Act: “no Aboriginal native........ shall be entitled to have his name placed on an Electoral Roll” unless there was already an entitlement to vote under a state law.

1908
The Invalid and Old Age Pension Act exceeded Aboriginal people from receiving pensions. The same was done by the Maternity Act in 1912.

1909
The Commonwealth Defence Act excluded Aboriginal people from the armed forces. N.B. Aboriginal people had already been barred from employment by the Post Office.

1948
The first Nationality and Citizenship Act gave Australians separate citizenship status while remaining British subjects, and recognised citizenship rights for some Aboriginal people.

1959
The social service Act allowed Aboriginal allowances to be paid to a third party.

1962
Federal voting rights were extended to include all Aboriginal people.
1967
The Constitution Alteration (Aboriginals) Act amended the constitution, enabling the Federal government to include Aboriginal people in the census, and to legislate for them.

1973
Nationality and Citizenship Act: Australians were no longer British subjects.

1974
Aboriginal Land Fund Act enabled incorporated Aboriginal bodies to acquire interests in land.

1975
The National Parks and Wildlife Act stated: 'nothing prevents Aboriginals from continuing in accordance with Law, the traditional use of an area of Land or water for hunting or food-gathering and for ceremonial and religious purposes.'

1976
The Racial Discrimination Act outlawed discrimination on the basis of race.

1976
Aboriginal Land Rights (Northern Territory) Act: This Act established the Land Trusts, Land Councils, Aboriginal Land Commission in the Northern Territory and provided for the leasing of Aboriginal lands as national parks.

1992
The High Court of Australia recognised Native Title. (This case of Mabo and Others Vs. the State of Queensland is not legislation. It is the High Court's interpretation of the law).
1993
The Native Title Act established the principles and processes to be used for establishing Native Title.

1996
High Court of Australia: The Wik Judgement recognised that pastoral leases and native title can coexist. (This case is not legislation. It is the High Court’s interpretation of the law).

Turning points in the application of Aborigines Protection Act (1909) in NSW
The Aborigines Protection Act (1909) gave legal power over Aboriginal people to the Aborigines Protection Board, which had been established in 1883. The responsibility of the Protection Board was to:

exercise general supervision and care over all matters affecting the interest and welfare of Aborigines; and to protect them against injustice, imposition and fraud.

Specifically it was responsible for the custody, maintenance and education of children, the provision of apprenticeships and wages. It held the power to remove Aborigines from the vicinity of reserves and towns, to approve earnings and to maintain good order on reserves.

1915
The Act was amended to allow the removal legally of Aboriginal children, a practice which had started in the 19th century. An example of the grounds for removing children was children refusing apprenticeship. Under the changes of 1915 it could be carried out because the children were being neglected or in the interest of their moral and physical welfare.
1936

A new definition of 'Aborigine' was introduced. The Board was able to order Aboriginal people to return to their home state if they were living in unsanitary or undesirable conditions, to terminate employment, to refuse medical examinations and treatment, or if provided, to determine where it was to be provided; and to inspect the residence of any Aborigine.

1940

The NSW Aborigines Protection Board was abolished and replaced by the Aborigines Welfare Board, which became the principal agency for Aboriginal affairs in NSW. Its ultimate goal was the assimilation of Aboriginal people.

1943

The Welfare Board was given two important powers: (a) to acquire and dispose of land (b) to exempt selected Aborigines from provisions of the Act.

-Henry Hardy recalls:

We were under the Dog Act altogether. Just like a dog, they'd get hold of a chain and lead him over there. Tie him up over there. What they said, that was the end of it. They could send you anywhere; do what they like with you.57

1963

The Aborigines Protection Act was amended. The sections amended were those pertaining to the powers to remove Aboriginal people to reserves and from the vicinity of townships or to expel them from NSW; the payment of wages to the superintendent; and the prohibition of alcohol. The 1909 Aborigines Protection Act was repealed in 1969.

57 Henry Hardy quoted in Invasion to Embassy, 1997, p.206.
References


