CHAPTER 1

INTRODUCTION — A CONSOLIDATED APPROACH

In 2004 the Australian Government overhauled the administration of Indigenous affairs. It abolished the Aboriginal and Torres Strait Islander Commission (ATSIC), the national representative organisation and development grant agency, and allocated its programs to mainstream government departments. At the same time it introduced a policy aspiration of whole-of-government service delivery and a new regime of Shared Responsibility Agreements and Regional Partnership Agreements. These put the responsibility on Aboriginal people to change their behaviour to reflect mainstream norms in return for development grants (Gray and Sanders 2006; Sullivan 2007). Late in its period in government, the Liberal/National coalition suspended the *Racial Discrimination Act 1975* (Cth) in order to take control of daily life in Northern Territory Aboriginal communities (Altman and Hinkson 2007). The greatest changes in Aboriginal affairs administration in Australia in four decades had begun.

Following a change of government in 2007 Shared Responsibility Agreements have been dropped, Regional Partnership Agreements de-emphasised, the Northern Territory Intervention continued in its essentials and a National Indigenous Reform Agreement (COAG 2008a) introduced. The political debate surrounding these changes has been explicitly targeted to past policy 'failure' (Sanders 2008). For simplicity, Australian Aboriginal policy is normally characterised in several phases: conflict and appropriation; protection and segregation; assimilation and integration; and self-determination or self-management. The present policy could be called 'normalisation' — a term justified by the apparent failure of self-determination with a tendency to swerve towards a new kind of assimilation. This is the public policy dilemma that this book addresses. How can we move towards a public policy philosophy in which

Aboriginal and settler interests converge, without either perpetuating second-class separate development in the name of self-determination or effacing Aboriginal differences?

This question has particular relevance for the public administration of Aboriginal settlements and regions. There is considerable literature on the need for Aboriginal minorities to develop administrative organisations that match their cultures.[1] However, such organisations need sound governance and efficient management, and it is generally understood that the tools for this are not culturally specific. The theme of this book is that the discourse of assimilation versus self-determination, mainstream management versus culturally specific governance, is no longer productive. I propose that a consolidated approach is possible in which Aboriginal and Torres Strait Islander peoples are seen as inextricably part of wider national administrative regimes and concerns, but which neither seeks to erase nor enshrine cultural difference. On the contrary, in the Australian context it requires non-Aboriginal Australians to see themselves as intrinsically implicated in an Aboriginal social and physical environment.

Past policies and disenchantment

The schematic outline of policy periods given above cannot do justice to the history of Aboriginal policy across the continent, where white settlement began in 1788 but the sovereign states were not federated until 1901.[2] Nevertheless, it is useful as a simple representation of complex processes. On federation in 1901 the Commonwealth Government was expressly prohibited by the constitution from making laws to govern Aboriginal people, leaving this power with the states. In the international post-Second World War environment of decolonisation, universal franchise and civil rights, the treatment of Aborigines as wards of the state in each of the states was an embarrassment.

The constitutional impediment to Commonwealth Government involvement in Aboriginal affairs administration was removed by referendum in 1967. The period of public debate leading to the referendum was progressive, but also assimilationist. The referendum was not intended to recognise Aboriginal distinctiveness, but to embrace Aboriginal people within a single regime of civil rights, particularly educational and wage equality (Attwood and Marcus 2007:44–53 and *passim*). One prominent contradiction of the assimilation period to this point was that it relied on discriminatory legislation that was predicated

on the need for tutelage before Aborigines could be expected to assimilate. By the time of the referendum the vanguard of the Aboriginal movement had moved away from both of these approaches to embrace a minority rights-based approach of decolonised self-determination, while sympathetic whites tended to still be enmeshed in a colour-blind civil rights discourse (Read 1990).

The policy of self-determination came about in reaction to the unintended consequences of the policy of assimilation and integration, which was itself an attempt to move beyond a regime that had denied civil, political and economic franchise to Aboriginal people, and which had sequestered them on pastoral properties or remote and rural reserves. It is true that some older Aboriginal people today look back to those days in a positive light, remembering social stability in the settlements and a secure, though subordinate, place in local society in general (see Sutton 2009:108–10). However, they were neither free nor enjoying material wellbeing. They were impoverished, housing was rudimentary, education was basic or non-existent, health status was low, and employment was forced and unremunerated. It was not a golden age.

The assimilation policies that followed during the international era of post-war decolonisation and increased attention to the civil rights of non-whites were necessary, and appeared to work well for those who were able to adapt. Only much later, when an inquiry was established to investigate the impact of the forced removal of children for assimilation, did the material effects of social and emotional deprivation become apparent, including poor educational and employment outcomes and involvement in the criminal justice system (HREOC 1997:18–21; Majchrzak-Hamilton and Hamilton 1997). Assimilation also produced massive dislocation for many other people who found themselves under-educated, no longer able to remain on their traditional lands and struggling to overcome the legacy of generations of institutionalisation. Large numbers of Aboriginal people migrated to overcrowded squalor in camps on the edge of towns and were increasingly entrapped by the effects of alcoholism that came with their newly liberated status (see, for example, Willis 2003).

The self-determination policies of the 1970s, when the Commonwealth began to intervene in state Aboriginal regimes, were formulated in reaction to this situation. Aboriginal self-help organisation were established and directly funded by the Commonwealth to address Aboriginal disadvantage and develop Aboriginal settlements.

Throughout the late 1970s and early 1980s there was an explosion of community service and governance organisations (Coombs 1984:25–8). At the same time small, remote settlements were encouraged, existing reserve settlements revitalised and town housing enclaves developed. The assumption of Commonwealth responsibility for Aboriginal affairs in the decade following the 1967 referendum triggered 40 years of Aboriginal development in which, by local agreements with state and territory governments, the Commonwealth Government largely determined and almost entirely funded Aboriginal affairs policies. These policies, variously termed 'self-determination' or 'self-management', encouraged local Aboriginal control of settlements, whether these were historically mission reserves or newly formed on traditional lands. Various national Aboriginal representative organisations were also established by legislation (HREOC 2008). The last of these, ATSIC, was an amalgamation of the former functions of the Department of Aboriginal Affairs, the Aboriginal Development Commission and the peak representative body, the National Aboriginal Conference.

In parallel with this increasing Commonwealth involvement in the funding of Aboriginal development and in addition to community governance councils, a nationwide network of Aboriginal community-controlled service organisations evolved — Aboriginal medical services, Aboriginal legal services, land councils, multi-purpose 'resource agencies', cultural and media organisations, and language maintenance centres. The importance of this not-for-profit sector is discussed in Chapter Four. The majority of these organisations have been incorporated under Commonwealth statute and funded by the Commonwealth Government. By 2007 there were 2552 organisations registered under the Commonwealth's *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act) (ORIC 2008:27). Many more are incorporated under state associations acts and corporations statutes, including those governing cooperatives and trusts (Rowse 2005b:208).

Disenchantment and contemporary minority rights scepticism in Australia

In 1996 the Liberal/National coalition government took office at a time when its members had increasingly lost sympathy for what they termed 'the rights agenda' rooted in the 'failed policy' environment of self-determination. Their principle target was ATSIC. On assuming power the new government had many pressing preoccupations, but the Prime

Minister's first press conference was called solely to announce an audit of all corporations funded by ATSIC. At this inaugural press conference the dissolution of ATSIC itself was also canvassed (although ATSIC was not dissolved until the government's third term). The conduct of Aboriginal affairs rankled deeply with the Prime Minister and his colleagues and reflected a growing disaffection among conservative intellectuals and increasing ambivalence among the public in general. There was despair at the appalling conditions that continued to exist in Aboriginal areas and the seemingly intractable low level of social and economic indicators among all Aboriginal populations, whether remote, rural or urban (see Hunter 2006).

It was in this atmosphere of widespread disillusion that, beginning in 2004 and culminating in 2005, the government abolished ATSIC, reassigned all of its programs to mainstream government departments, and announced a policy of whole-of-government service delivery across these various departments and agencies. Since there are few policy areas where the Commonwealth Government has exclusive responsibility, mainstreaming has inevitably led to greater insistence that the states and territories pull their weight in providing services to Aboriginal people. This new policy environment, though not in existence long enough to be properly established, was inherited by the Labor Party government in November 2007.

Although it is impossible to characterise the views of each member of a political party, let alone all of white Australia, in a neat summary, this disaffection with Aboriginal and Torres Strait Islander people was possibly also underpinned by a sense of loss and associated grieving. Miriam Dixson's observations on resistance to multiculturalism in Australia are a persuasive summary of one underlying current informing politics in Australia in the 1990s. She says:

> [N]o word is uttered on grief about an attachment to the nation that senses its object is dying by the week…In a very deep sense old-identity Australians have been forbidden to mourn on this issue…Much has been said, and rightly, sometimes with the tenderness it warrants, about the anguish of migration. But the process of building our diverse new cultural synthesis demands recognition of a complementary anguish felt by many in the old-identity Australia. In its own way, the host culture is experiencing a counterpoising sense of uprootedness, a powerful if obviously less poignant grief (Dixson 1999:43).