

What Did the 'Yes' Vote Achieve? Forty Years after the 1967 Referendum*

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I'd like to begin by paying my respects to this country and acknowledging that we're meeting today on the land of the Ngunnawal people.

I'm going to talk about the 1967 referendum, and I'm going to move on to some more topical issues towards the end of the lecture, because in some ways the 1967 referendum is a part of why we see indigenous policy in the situation that it is in today. Obviously 40 years on is a good chance to reflect on all that's been achieved and hasn't been achieved since that time. When we look at the fact that indigenous Australians today still have 17 years less life expectancy than their non-indigenous counterparts, and we see the statistics about the disparity between opportunities in relation to education, employment, health and housing, it does give us cause to ask what these enormous moments like the 1967 referendum do that either helps or hinders us in terms of moving towards achieving social justice for Aboriginal people.

To understand the 1967 referendum we actually have to go back to when the Constitution was drafted and understand what it was that the 1967 referendum was trying to fix. It is well known that at the time the Constitution was drafted, the drafters were working with a few very key but widely held assumptions about Aboriginal people. One of these was that we were a dying race; another was the underlying assumption about the superiority of the white races at the time. And we see evidence

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of that not just in relation to the attitudes held about Aboriginal people at the time but also by the fact that the first piece of legislation that was passed by the Australian Parliament was the legislation that entrenched the White Australia Policy into law. If we look at the discussions around the framing of the Constitution and the deliberations about what kind of legal framework we were going to have to govern our country, and what decisions were made, we can come to understand quite a few key assumptions about what sort of society we were going to be creating.

One of the very interesting proposals that was put up for discussion by the framers of the Constitution, which came through from the Tasmanian Parliament as part of the process, was to consider a clause within the Constitution that would entrench certain rights that included rights like due process before the law, equality before the law and some rights around the dealing with property. I think it's very instructive that those ideas about having a rights clause were rejected by the framers of the Constitution because it reveals what they were trying to do in relation to the Constitution. First of all they rejected those clauses because they did want the capacity very strongly to be able to make laws that were racially discriminatory in relation to indigenous people and in relation to other groups within the community, particularly the Chinese. So there was a deliberate intention to ensure that this was a legal framework that would allow discriminatory legislation. Another decision that wasn't quite so racially based but does explain a lot about our system of governance, was that in rejecting putting entrenched rights into the Constitution, rather than having a Constitution like the American Constitution where rights are entrenched and the decision about how you protect those rights and what they mean is undertaken by judges, the decision was made to leave the Constitution silent about most rights and to leave the decision making about what rights we protect and how we protect them and how we value them against other rights to the parliament. That's the place where we as a country put our trust in how those rights are decided. That's been a fundamental hallmark of our Constitution.

That takes us to looking at what the 1967 referendum tried to achieve. From the 1930s we saw the emergence of Aboriginal leaders like Fred Maynard and William Cooper, whose advocacy around indigenous issues really focussed on the idea of citizenship rights. The language of equal rights for Aboriginal people had been a very strong part of the campaign for social justice for Aboriginal people. People like Cooper and Maynard were men who had grown up in circumstances where they had worked on pastoral properties but weren't able to own pastoral land, who had been self-educated, heavily involved in the trade union movement, so involved in politics as well, with quite astute political sensibilities and inherent belief in the idea that if indigenous people were able to take control of their own lives, were able to run their own pastoral properties, could have control of land etc, and make decisions about their own lives, that would be a key part of the agenda for achieving social justice for Aboriginal people. And at the time a lot of that campaign did focus on the idea of citizenship rights.

For that reason, it's not surprising that the culmination of a lot of that activism would end up in campaigns that talked about equality for Aboriginal people. At the time of the referendum, the posters and the information put out by the proponents of the 'yes' vote was very focussed on using the language about equal opportunity for all Australians and equal opportunity for Aboriginal people. The language of citizenship

rights and equal rights and the idea that this was about equality was very strong in that campaign and so it's not surprising that there is a lot of mythology about what the 1967 referendum actually did. Two of the biggest assumptions about it that are wrong are that it gave indigenous people the right to vote or that it was the moment at which indigenous people became citizens. In fact it didn't do either of those things: in fact what it did do was include indigenous people in the census, and give the federal government the power to make laws in relation to indigenous people.

It's very clear that the proponents of the 'yes' vote thought that those two changes would go much further than they actually did. In particular, the idea of including indigenous people in the census wasn't looked at as simply a body-counting exercise. It was believed that if indigenous people were included in the population in this way, it would start to break down this barrier that had occurred where indigenous people were treated differently to other members of the community. So there was a belief that inclusion in this way would be a kind of nation-building exercise where we would be incorporating, in an imagined community kind of way, indigenous people into the fabric of Australian society. In hindsight, when we look at how debates around something like native title can be so divisive, and the wedges created by painting indigenous people as threatening to the interests of land holders, and even un-Australian in relation to their attempts to exercise their own property interests, we see lots of instances where I think there's still a psychological terra nullius if you like, that excludes indigenous people from being seen as an equal part of the Australian community. But it's important to remember that that was the aspiration of the people who were advocating for the 'yes' vote in relation to including indigenous people in the census, and the assumptions made around giving power to the federal government were just as aspirational but also have been just as usurped as the first change was.

It's very clear that the proponents of the 'yes' vote had assumed that by giving the power to the federal government and taking it away from the states who had for so long abused that power in a way that people thought had breached the rights of indigenous people and hadn't actually been beneficial to them at all, that the federal government would actually move to act in a benevolent way towards indigenous people. It was the key assumption that they would use that power for the betterment of Aboriginal people. In hindsight we've seen lots of instances where that just hasn't been the case, and although we've seen the passing of native title legislation, it's just as easy for that to be repealed or for legislation that protects rights like the Racial Discrimination Act to be overridden or prevented from operating in relation to specific issues.

There have been a lot of instances we can point to where the federal parliament in using that legislative power in relation to Aboriginal people hasn't used it benevolently. The extent to which it's required to think of the interests of indigenous people was tested in the Hindmarsh Island Bridge case. You may remember that the circumstances of that case were that the heritage protection legislation that operates nationally was prevented through additional legislation from applying to the people of the Hindmarsh Island area, so that they couldn't oppose the building of the bridge. As part of the argument when this case was heard by the High Court, it was put to the Court that they should remember that it was the original intention when that change was made, that this was a power that should be used benevolently. Only Justice Kirby said that you could look at that intention to interpret how the Federal Government can

use that power today. Justice Gaudron said: ‘Although that’s a nice idea, in theory it just can’t hold water in relation to the law as we understand it.’ Other judges were much clearer about the fact that that intention couldn’t be used in the interpretation of how that power is used today and simply said that if the federal parliament has the power to make that legislation to provide that benefit, they also equally have the power to take it away and to deprive people of that benefit today. So you can see then how the promise of the 1967 referendum and this idea that the ‘yes’ vote was going to provide a new era of non-discrimination, failed to meet the expectations of the people who were the basic proponents of the ‘yes’ vote, for those reasons that it didn’t actually go to underpin some of the very key assumptions that were made about the sort of legal framework our Constitution should provide when it was first drafted.

There is a case that I refer to a lot in my work. For Australians, whether they are Aboriginal or not, it’s the case that remains the litmus test of the kind of legal system we have when it comes to how Australia protects basic human rights. It’s the case of *Kruger and the Commonwealth*, which is the stolen generations case—the first one that went to the High Court. In that case, unlike *Gunner and Cubillo*, which was a case that was argued around tort law and duty of care, the plaintiffs in the Kruger case, who were children who’d been removed in the Northern Territory under the child removal ordinance there, and a parent who had lost her child under that policy, made out their case on the basis that that policy had breached certain inherent rights that they had, including the right to due process before the law, equality before the law. You will remember that they were some of the rights that were proposed through the Tasmanian Parliament, freedom of movement and freedom of religion, which is actually protected in the Constitution under section 116. Their basic claim was a claim of the breach of basic human rights, and interestingly, in the way that they brought the claim together, they didn’t rely on any of the rights that we might think were specifically indigenous rights, but rights that we would think of as applying to all Australians. They were unsuccessful on every claim that they put forward, including interestingly the section 116 freedom of religion clause, which the Court interpreted so narrowly that it didn’t apply to their circumstances.

I think that result gives us a snap-shot of the fact that there are so many rights that many Australians might assume are protected somewhere in our legal system, but actually have no protection at all. We are still reliant on the government to make laws about protecting our rights. It’s a good snap-shot of where we stand in that way, but it also highlights the fact that where we do see in our legal system this failure to protect rights, it’s always going to fall the heaviest on the people who are the most vulnerable—the people who are culturally distinct and the people who have been historically marginalised. As the experience of the stolen generation shows, that is most likely to be Aboriginal people. So those silences have left a big legacy for Aboriginal people and they’ve left a legacy for all Australians and what we can see, analysing the 1967 referendum forty years later, is that it didn’t actually go to cure some of those fundamental problems that our legal system has in relation to how it protects rights. Whatever the intentions were, that hasn’t been the outcome.

There is another aspect of the 1967 referendum that has profoundly shaped the way in which we deal with indigenous issues today, and it was I think an unintended consequence. That was the fact that when that power was transferred to the federal government as part of the changes to the racist power, it effectively left the

responsibility for some of the key aspects of the indigenous portfolio shared between state and territory governments. In relation to issues like health, education, and housing, there has been a split in the responsibility between those two levels of government. And rather than that relationship since 1967 between those two levels of government being one of collaboration and co-operation, it had been one that has been much more characterised by what we understand as cost shifting, where one will try and push the responsibility onto the other level of government, which effectively leaves Aboriginal people under-funded on all of those key areas.

We saw a classic example of this last year in relation to the Northern Territory when the issue of violence against indigenous children was raised through the comments of the Public Prosecutor, Nanette Rogers. At that time the Federal Minister for Aboriginal Affairs, Mal Brough, came out and said what a terrible situation this was—that it was an absolute disgrace, and he pointed the finger firmly at Clare Martin and her government, saying that ‘This is what happens when you don’t have enough police and resources put into communities to control these law and order issues.’ By painting it as a law and order issue, he was putting that responsibility clearly into the territory and state pocket, but the response of Clare Martin was to come out and say ‘Well, this is a terrible situation, it’s absolutely horrible that this is happening and it’s the fault of the federal government who has consistently under-funded these communities in relation to housing, education, employment and health.’ She was absolutely right as well; in fact they were both right; both levels of government had been negligent in relation to those areas.

It has been a particularly marked feature of the indigenous affairs portfolio in the post-ATSIC era. When ATSIC was operating it was the body that both levels of government would blame when things went wrong, even though it never had responsibility for education and only briefly had responsibility for health, and those two key areas remained federal and state responsibilities through the whole lifetime of ATSIC. You’d be very aware of those simple phrases: ‘ATSIC failed; it’s ATSIC’s fault; ATSIC hasn’t done anything.’ And it became the scapegoat that masked a lot of government neglect, and in the post-ATSIC era it became more pronounced that the two levels of government now argue against each other in relation to these issues. You still occasionally hear people saying it’s ATSIC’s fault, but I think people need to really start taking responsibility for some of those things. So I think that what we’ve seen as a result of 1967 referendum, as one of its sad unintended legacies, is this issue of cost-shifting that means that governments have found a way to avoid their responsibility to Aboriginal children.

There is another aspect if we look at those debates around the issue of violence in the Northern Territory when they rose up in the media last year as a political football. It was evident that there is another key barrier to achieving social justice for Aboriginal people. Apart from saying that this was the fault of the Chief Minister that these issues were occurring at such a terrible rate in Aboriginal communities, the other response of the federal government was to very quickly say: ‘We are not going to throw anymore money at this issue. There are things that need to be done, but one thing we’re not going to do is waste any more money on indigenous affairs.’

The fact that that response, that political sound bite, was so quickly accepted by the general community and the media as being an appropriate first step, that the issue

wasn't more money and we don't need to think about the funding issue, I think shows how an underlying racism within the Australian community still becomes a really big barrier to achieving social justice for indigenous people. The social research continues to show us that Australians are increasingly resistant to the characterisation of being racist, especially in attitudes towards groups like indigenous people or Muslims. At the same time, the research that we do at UTS at the centre I work in often engages in the sort of research where we're asking indigenous people to clarify their views about the world. For example, we might do research that asks them about what they mean when they want a treaty, or what they mean when they say self-determination, and it never ceases to amaze me that almost always the first thing that people in that sort of research will state in terms of their priorities, is something about racism or access to services and not feeling racism in relation to that. I think that's an interesting observation when you compare that to the fact that many Australians think that racism isn't a problem, but it's still actually one of the things that indigenous people, whether they are in the cities, in the rural areas or in remote areas, feel quite defines their experiences within the Australian community and how their issues are dealt with.

The challenge in that environment of unravelling and unmasking assumptions such as that there is too much money thrown at indigenous people, or we don't need to spend more money on these issues, is that it becomes a big barrier because people don't ask the questions about those assumptions that they should. There is complacency about this issue which comes from the fact that that view of indigenous people getting too much money fits in with the stereotype that is still very prevalent about the extent of welfare dependency in indigenous communities and the idea that there is a lot of indolence and dole-bludging that goes on. If that wasn't masking people's perceptions, they could ask very clear, hard questions about how much money is being put into Aboriginal affairs.

The Howard government always says that it is the government that puts more money into indigenous affairs than any government previously, and they are absolutely right, but when they calculate those figures, they include a whole range of issues that don't actually only include the money that goes specifically to indigenous communities. They include things like all of the money spent operating the National Native Title Tribunal, and all of the money that goes into the processes whereby people are able, if they are not indigenous, to make claims to protect their own interests in native title claims, which is funded by the Federal Government. It has included in the past money spent on litigation like defending the Gunner and Cubillo cases, which runs into millions of dollars. You don't see the fact that in relation to what we are told is indigenous-specific spending, a lot of that money actually isn't about spending to develop capacity and improving indigenous services, it's about processes that relate to indigenous people, but often work against those very two things.

You don't have to scratch the surface very hard to see the evidence of the underspending on the key areas. The Australian Medical Association did a fantastic report in the lead-up to the last election that showed that basic indigenous health needs were under-funded by 460 million dollars, and work that's being done in the Northern Territory, particularly by the researchers at the Centre for Aboriginal Policy Research (CAPR), has highlighted enormous under-spending in the Northern Territory in relation to education and housing. Some studies have shown that in relation to education, in some areas in the Northern Territory there is only 40 cents

spent on the education of an indigenous child for every dollar spent on a non-indigenous child. In the same community where that research was done, when a shared responsibility agreement was signed with the community, who were told to send their children to school, the children turned up to find there weren't enough teachers and classrooms, highlighting the massive under-spending on basic infrastructure that we see in some of these communities. Those sorts of clear statistics that we have that show under-spending on the key areas of indigenous health, education and housing, get masked when we blanketly accept statements like 'there's too much money being spent on these issues.' We don't see that from the failed policy of shared responsibility agreements that is now being back-pedalled from by the federal government. The 100 million dollars first earmarked for it only saw 25 million dollars end up in indigenous communities, with 75 million dollars being spent on administration. I think many indigenous people were asking what sort of questions would have been asked if that had been the way that ATSIC had operated when it was doing a program.

So there is a whole range of issues that I think come out of the fact that the failure to scrutinise indigenous funding means that many Australians are left asking 'why is it that we are spending so much money on indigenous issues, but still we see no profound change in relation to these key socio-economic areas, where we consistently see in report after report the fact that communities are actually dysfunctional rather than getting better?' That's a really genuine and honest question that Australians ask and should be asking, but the answers that are so clearly there are never put forward because we're given lots of other reasons as to why these things occur.

We've seen some really good examples of that recently in the Northern Territory, again after decades and decades of reports where indigenous people have led the discussions about the need to tackle violence in indigenous communities. Where indigenous women in particular, but indigenous men as well, have consistently highlighted this as a pressing issue and pointed to a raft of reasons that give rise to these issues, not the least being the importance of dealing with those underlying issues of disadvantage like health, housing and education, we have never seen any interventions by government that address the blueprints that are clearly set out in report after report.

That's been the basic frustration of many Aboriginal people over the heavy-handed interventions that we've seen in the last few weeks. Not only is it a fact that these blueprints have been there and this national emergency has been there for decades, not just in the Northern Territory, but in other places around the country, with New South Wales having a report that shows similar levels of violence in some indigenous communities, there have been, in the light of all of that government failure that I've mentioned before in terms of allocating resources, indigenous people on the ground who despite that neglect have gone on and developed programs in their communities with no resources and no government funding. That's where the original initiative for having safe houses for women came from; it's where the initiative of having many of those communities become dry communities came from; it was from the communities themselves who have worked in this way.

All of that work, the capacity for indigenous people to try and deal with these issues from inside, gets overridden when we see a paternalistic approach, which basically

tries to place the blame for these sorts of issues on the indigenous community. The Anderson and Wild Report, like other reports on indigenous violence, highlighted the fact that many of the perpetrators of sexual abuse against indigenous people are non-indigenous people, because like many paedophiles they are attracted to places where there is dysfunction because they know where there is dysfunction in the community, there are vulnerable children and that's where paedophiles find their prey. So it's little wonder that they find themselves in communities where there is dysfunction, and whether it is in the Northern Territory or in rural New South Wales, we see that phenomena. There has been nothing in the raft of suggestions that have been put on the table by the Federal Government that deals with the fact that this is a problem that actually is as prevalent from non-indigenous perpetrators as indigenous perpetrators. Instead we are left with the impression that this is an indigenous community problem that the indigenous community has done nothing about, and often it is implied or explicitly said that it is a result of indigenous cultural values that this sort of behaviour takes place.

It has been my experience and observation that where we see dysfunctional communities, its not because indigenous cultural values are strong and not being moved away from, in fact it's the exact opposite. It's where indigenous cultural values, the strong values of reciprocity, kinship, respect for elders etc have actually been weathered away and replaced by dysfunction. I think there is some evidence to support that. If you look in New South Wales at the areas and the communities where there are low crime rates in indigenous communities (and there are lots of them) you'll find it is where there is the strongest sense of community, and often where the position of women that they have held traditionally in our communities is still strong and respected.

This misinformation about what the underlying issues are and where the cause of the problems are, doesn't assist us in dealing with the problem in a long term way. You'll notice that none of the solutions put forward by the federal government last week had anything to do with fixing health services, fixing levels of housing or fixing issues around education—they were all about intervention. And it is true that when there's a crisis we need forms of intervention, but what the research consistently tells us is that if you want programs to work, just as if you want policies to work, the key aspect is to include indigenous people in the processes of developing that policy and implementing those programs in their own communities. That is what the evidence here in Australia tells us works in relation to those programs and it is consistent in relation to research done on indigenous issues in North America, particularly in Canada, around issues of health. It is the stark deficiency of the approach of the federal government last week that it was without any consultation with the indigenous communities affected. These were punitive programs that were set down for them with the only consultation being with an indigenous leader in Cape York who was not connected with those communities. It is really easy to see why those communities in the Northern Territory felt frightened by the changes and felt as though this was something that had been imposed on them and they were being punished.

A further concern about the approach is that the interventions proposed are fairly punitive in what they do and a lot of them are being done without the resources behind them to make them effective; or they are clearly policy directions that don't

work. For example, we know for a fact that if you prescribe prohibition in a community it won't work and that's true whether it's a black community or a white community. It has only been effective where it's been trialled with the consent of the community agreeing to have those sorts of situations in place. We see one of the other interventionist measures that is being proposed is the tying of welfare payments to school attendance, when we've already had the experience in Wadeye that there aren't enough teachers and classrooms to accommodate children.

Further concerns are about mandatory testing. The original proposal was that children be tested on the first day to see if they had been abused. There was concern about issues of privacy and consent, but additionally there were concerns raised by the Australian Indigenous Doctors Association that there weren't enough doctors or resources to perform those sorts of tests. And questions were seriously being asked about why the government can have this sort of interventionist measure, when for decades we've been saying there is an enormous underspending on basic indigenous health needs, and have been highlighting the need to continue to put resources into indigenous community health services. The next day we were told that these were only health tests, which still didn't give any indication of how these things were going to be resourced, or explain how if you did find health issues or issues of abuse, what resources were being put in, in terms of counselling or further health treatment for that. The day after that, people were being told that these tests wouldn't be mandatory. I think that really highlights that this was policy on the run. It made it incredibly difficult for indigenous communities to respond to and obviously made them very angry and very confused.

I think the bottom line is that it is one of the key problems with this federal government's approach to indigenous issues (and they're not unlike other governments in relation to this), that their key strategies have never been led by what the research or reports say. There are numerous reports—we all know that—that say similar things and give similar blueprints about what people working on the ground in these issues say need to be done. They are consistently overlooked and even at a time when the government says that it is acting because it feels there is an emergency, all of those recommendations are overlooked. Instead of looking at the research and looking at what we know works and looking at programs that have been developed in communities that do work, that actually often end up being defunded or not funded, we see approaches that are led by ideologies and they are the ideologies of assimilation, they are the ideologies of mainstreaming, they are the ideologies of mutual obligation, and that's what the drivers in indigenous policy have been.

People are so concerned about it because the last time these were the drivers in indigenous policy we ended up with bad policies and bad results. There is nothing in the application of this new kind of paternalism that shows any reflection about why this was a policy initiative that failed the last time, or to give us any indication of why it might be different this time. There's no indication or any evidence that these approaches are going to work, and most frustratingly, the evidence shows what actually does work. This top-down push to assimilation, push to mainstreaming, works against that very important research that says to make a difference in the lives of indigenous people, we need to be working with indigenous people to build solutions from the ground up that are going to be effective. We need to be taking leadership on indigenous issues that means that we are actually bringing people along

with us, not dictating to them, which is why I think we see so much evidence of the continual failure of indigenous policy and so much scepticism from the indigenous community about why all of these supposedly new approaches are going to work.

All of that is fairly grim and I don't pretend it's not. In fact, I've been particularly disheartened by the fact that I think Labor is as unable to critically analyse what is inherently and obviously wrong with these approaches as many people on the ground could have told them. I think they have made it clear that it is much more important to be seen to be taking an approach that's about appeasing the concerns of the same sector of the electorate that John Howard is so concerned to impress, rather than using this as an opportunity of building trust and faith in a new vision within the indigenous community. I'm incredibly saddened by that and it doesn't give me much hope that if we simply have a change of government that things will be better. I would need to see a lot more evidence of some real thought about different approaches before I would be confident of that.

But to take us back to the 1967 referendum, I think that's where we do get a sense of hope. There is no doubt that a lot of these policy directions that have been so detrimental to Aboriginal communities have occurred as a result of an increasing conservatism within the Australian community that comes from a whole raft of pressures, whether it's the economic insecurity that now sees people value interest rates as an election issue over human rights or whether it's the fear about the war on terror and our fear of outsiders and our fear of people who are different to us. In that climate of extreme conservatism, it's easy to forget what the real magic of the 1967 referendum was, and that was that 90.77 per cent of Australians voted 'yes'. They voted 'yes' because they thought that by voting 'yes', they were going to give Aboriginal Australians a better chance at a life within Australia, that they were going to be given the capacity to be able to live in Australia at a standard that wouldn't make us ashamed. I think that that is a really important moment to hold on to because it's not often in our history that non-indigenous Australia has actually understood that its fate is tied to the fate of the indigenous community.

Gough Whitlam once said that how we treat indigenous people is the standard by which everyone else will judge us, and I think that is really true. I don't think it's just a matter of how other people would judge us; I think it's really a matter of how we judge ourselves as a society. If we think that laws are working and policies are working because middle class white Australia is doing alright, then that surely can't be the test. We need to be actually evaluating what kind of society we are by how well we do by the people who are less fortunate, who are historically marginalised, who are culturally distinct, and who are severely socio-economically disadvantaged. How they fare under our laws, our policies and our Constitution, is how we are going to be judged as a society. At the end of the day I think it's how John Howard and Mal Brough will be judged too.



Question — Much of what I think I heard you say was about media responsibility for holding governments accountable. When I listened to you it reminded me that since self government in the Northern Territory, the Commonwealth has retained responsibility in relation to outstations; communities of less than 100 people, of which there are more than 500 in the Northern Territory. It seems to me that the mainstream media hasn't picked up this issue at all. The Federal Government, in a very centralist way, is now going into 62 communities in the Northern Territory with a population of more than 200, which are Northern Territory government responsibility. Besides Amanda Vanstone's reference to outstations as 'cultural museums' at the end of 2005, the whole issue of outstations, (which Amanda Vanstone was also presenting as the remote outposts of paedophilia, which is why she was suggesting these cultural museums should be closed down) we haven't heard anything from the media about outstations. So I was going to invite you to comment on that. Why aren't we hearing from the mainstream media about those places that have been a Commonwealth responsibility since 1978, under the Memorandum of Understanding between the Commonwealth and the Northern Territory Government, and is this just again an example of media slackness in relation to indigenous people?

Larissa Behrendt — I can't begin to second guess the media because I'd hurt my head, but I think you raise a really interesting issue. Obviously, as you've said, Australians get their information from the media, and the media is lazy. It would be interesting to see how many actually know of the issues of outstations and those nuances around where responsibility lies. We can see when we look at budget figures and blanket statements, that they're not unpacked; let alone how people start to think about the more sophisticated issues. Often the indigenous affairs section in newspapers is the section given to the newer journalists, and I know that many people who work in the area like me often get journalists who are new, starting in the area, who want to know what the stories might be that they can cover. So there certainly is a sense that people are finding their feet in this portfolio.

Having said that, there are other newspapers that clearly run strong campaigns with a very firm editorial view about indigenous issues, and that's always going to cloud their perspective, and sometimes the general community isn't able to discern sophisticatedly what's an editorial line and what's fact because they don't have the facts in front of them themselves. The education system is probably as complicit in that as the media, because it makes the general community unable to ask the right questions, and it is what produces the journalists.

You reminded me of a very interesting thing when you were talking about the outstations, because they've had their own attack as you've said, the 'cultural museums' thing, and that's one of the ironies of the way that the government has run its campaign against indigenous communities. Not so long ago there was a campaign through the federal government and through right-wing think-tanks to close down those remote areas, basically saying that if people chose to live there they couldn't expect the same level of services that other Australians could, and that they were economically unviable. I was reminded of that when Clive Hamilton made comments about drought assistance being bad policy, saying it is bad public policy to be continually giving money to people who might actually be engaging in bad farming practices. The response from Canberra was to basically say: 'How dare somebody attack our farmers; this is part of the Australian ethos that we need to protect', and

Clive Hamilton had to confess that there's something more about farmers than just economic rationalist arguments; they are an important part of the Australian community. But when those debates about the outstations were going on we didn't hear any politicians in Canberra saying: 'Hang on a minute, it's a really important part of the Australian culture and history to have had this aspect of Aboriginal culture; it's important to protect and there are more than just economic arguments here.' In fact, rather than putting forward that sort of view, we were, as you pointed out, being told that these are dysfunctional communities where paedophilia is rife. Nobody made any public statements as to why they should be protected, whether it was on economic terms or otherwise.

I think you're right to highlight the fact that this latest assault is just one of many of assaults. It is similar to what I think is the other large assault on indigenous issues that has been in a way a clouded by this. At the same time that the government is putting this pressure on the Northern Territory on these specific communities, they are pulling out a large amount of resources from the south east. They have been removing resources from the south-eastern parts and the southern parts of Australia in key areas like housing and the work for the dole programs, which in some areas are the only form of employment where there is no workforce. That's being done rather silently and with stealth, and with complicity by the state governments. The largest indigenous community in Australia is in Mount Druitt, and it's in danger of losing all of its social housing money. I think the pity is that we're going to be looking at the social and economic outcomes of these bad policy decisions in 10 and 20 years from now.

Question — My question involves Noel Pearson. When I saw Howard on Lateline, I felt that his presentation and the announcement of his intervention smacked of Pearson, and I wonder whether you can talk about the paternalism of the Howard intervention, and what appears to me to be a strong paternalism in the Pearson approach, and what that means for Aboriginal leadership in Australia. I think many white people look at Pearson, and he's pretty impressive, but my preference is for Mick Dodson and Pat Dodson. How does that get communicated to the Australian people?

Larissa Behrendt — Well that's a pretty loaded question, isn't it? There's a very strong protocol within the indigenous community that we still respect, and I think Noel's been the beneficiary of this for a long time, that we don't think it's appropriate for us to attack each other publicly. That creates a wedge, and allows our opponents to make us weak if we are seen to be fighting amongst each other. Often the press are very keen to get sound bites from one indigenous leader attacking another; they seem to think that makes good sport.

There were 500 different indigenous languages in 1788, and I think especially in the post-ATSIC era, indigenous politics and leadership is very regionalised, and what works in the Murdi Paaki region in New South Wales is different to what will work in Alice Springs, and what will work in Cape York, and the leadership is also different. I don't think that that's a view that many Australians see, because they don't see that side of how indigenous communities work and operate.

Noel has had a very strong view about what direction we should be taking in indigenous affairs and he has put that very strongly. It is true that he has enjoyed unprecedented contact with the federal government, and the Opposition as well, in having opportunities to express his views about what should happen. They have engaged in a way that has frustrated many other Aboriginal people, who are just as experienced at working in their own communities about these issues and what works, but don't have the privilege of being able to have that access to influence, and I think that frustration on their part is understandable.

It's a protocol within the indigenous community that you should not tell other Aboriginal groups what they should be doing. You would have seen press releases from people within the Northern Territory expressing their concern that Noel is now quite vocally saying that his approach should be used there, and being very unapologetic about breaching that protocol. I think another source of criticism from within the indigenous community is that he has never gone to visit them. Another source of frustration from the people that I've spoken to in the Territory in the last week and a half is that it's well known and on the public record that Mal Brough phoned Noel Pearson before implementing these changes. I spoke to women in Alice Springs two hours after the government made the announcement and they didn't know anything about it, and that sort of process goes against all of our cultural protocols and people get very angry about it, especially when they feel that what is being imposed upon them against their will and without their consent, and is not what they think will actually work. There is a growing concern about that, but it's a concern that I think has been in the indigenous community and has been brewing amongst people working on indigenous areas for some time. I can't tell you how many people say to me: 'Gee, I like Noel Pearson; he's so impressive, and he's so articulate.' When I ask them what it is about what he says that they like so much, they are often really hard pressed to tell me, and I wonder how much racism there is when people think: 'An articulate Aborigine, what a role model!'

Question — I was wondering what you might see as a justification, for the sake of argument, for the remote Aboriginal places or settlements and some of the less remote ones. I can think for instance that they could be very valuable if travellers get lost and they might come across Aboriginal settlements, which would redirect them to safety. I wondered if you could summarise a conceptualisation that would in the eyes of non-Aboriginal Australians help to present a convincing argument for the maintenance of remote settlements.

Larissa Behrendt — I think that there is a whole raft of them. There's actually some research that shows that where people do have access to their own land in that way, they enjoy improved health and other well-being aspects, so less suicides and so on. There is a strong correlation between people having the capacity to live on traditional land and their health outcomes. If you are looking for cold hard research and economics there's a whole lot of stuff in that. But we have a really large country and people live in all parts of it, black and white, and in the past we've been really inventive about how non-indigenous people have lived in remote parts of this country—we had flying doctors, we had radio schools. When people talk about these remote outstations, they seem to somehow lose all of that creativity in terms of how you can actually in innovative ways support people's choices about where they want to live, without depriving of them of their basic human rights; without saying: if you

want to live in these areas, we don't have to provide you with education and health services. We see lots of examples where non-indigenous people in Australia choose to live in very remote places and we don't abandon them in the way that we do Aboriginal people. I think that sometimes comparing those situations can start to make us realise that there's something more in how we make that value judgement than simply somebody's choice. It has a lot to do with their cultural background and the colour of their skin.